APPENDIX.

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APPENDIX

TO THE

CONGRESSIONAL RECORD.

Kansas Pacific Lands Open to Settlement.

SPEECH

OF

HON. JOHN A. ANDERSON,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 3, 1882,

On the bill (H. R. No. 355) to open certain lands in the State of Kansas to settlement and pre-emption at $1.25 per acre.

Mr. ANDERSON said:

Mr. CHAIRMAN: This bill enacts as follows:

That the Secretary of the Interior shall forthwith open for settlement and pre-emption all unpatented lands conditionally granted to the said Kansas Pacific Railway Company, and situated in the State of Kansas, at a price not exceeding $1.25 an acre, to be paid to said company; and the said Secretary is further directed to open for settlement and pre-emption, at a price not exceeding $1.25 per acre, to be paid to said company, all lands situated in the State of Kansas and patented to the said company under the aforesaid grant which have not been sold or absolutely conveyed by the said company or its assigns under the laws of the State of Kansas.

A detailed statement of the grant made to the Kansas Pacific Company can be found in my remarks on the bill (H. R. No. 345) to compel the payment by it of the cost of surveying its lands. In this discussion I shall only restate such general facts as are necessary to a proper understanding of the points embraced by the present bill.

Of the 4,000,000 acres of land in Kansas the company has taken patent to but 883,772 acres, and, for the purpose of evading taxes, leaves 3,116,228 acres unpatented, by intentionally neglecting to pay the required costs of survey, for the payment of which Government holds the title as security. So that its lands may be divided into two classes: first, those for which patent has issued conveying the right and title to the company; and, second, those in which it has a partial interest, but which are legally the property of the United States, no patent having issued. The granting section of the act of 1862 closes with this expressed condition, (12 Statutes at Large, 489:)

SEC. 3. * * * And all such lands so granted by this section which shall not be sold or disposed of by said company within three years after the entire road shall have been completed shall be subject to settlement and pre-emption, like other lands, at a price not exceeding $1.25 per acre, to be paid to said company.

It is not pretended that this provision has been in the least modified by subsequent legislation. Hence it became operative October 22, 1875, the whole road having been officially accepted October 22, 1872. Of course this requirement has never been enforced. Had it been, the unpatented lands which the company offers to buyers as worth about fourteen million dollars would to-day be worth less than $4,000,000. Where such a corporation has at stake a present profit of $10,000,000, and a prospective profit of perhaps $100,000,000, it will somehow raise such obstacles as will insure very deliberate inaction by Government.

In this instance it professes to have mortgaged the lands as security for its bonds, and alleges that this mortgaging was such a disposal as is contemplated by the words "sold or disposed of;" and claims, therefore, that the lands are not open to settlement. The first of these mortgages is dated March 1, 1866, the second July 1, 1870, the third August 23, 1871, and a fourth May 1, 1879. The first has been virtually released, leaving the one of July 1, 1870, as the first, and that of August 23, 1871, as the second land-grant mortgage, the instrument so showing on its face. Both of these have been practically wiped out by that of May 1, 1879, to Jay Gould and Russell Sage, for $30,000,000, when the company issued its $30,000,000 consolidated first-mortgage bonds. (Report Secretary Interior 1880, volume 2, pages 221, 568.)

A SAMPLE OF THE ALLEGED MORTGAGES.

For the purpose of showing the nature of these alleged mortgages I extract from the one of July 1, 1870, "to Adolphus Meier and John A. Stewart, trustees," each of whom was a member of the company at the time. After describing the Kansas Pacific Railway Company as the party of the first part it says:

And whereas the said company, under and by virtue of the various acts of the former Territory and present State of Kansas, and also of a certain act of Congress entitled * * * approved July 2, 1862, and the several acts of Congress amendatory thereof and supplemental thereto, has become and is entitled to certain valuable lands in the State of Kansas and Territory of Colorado; and whereas in and by the aforesaid acts of Congress there was granted to the party of the first part, for the purpose of aiding in the construction of said railroad, upon the payment of the costs of surveying, selecting, and conveying the same, every alternate section of land of the United States designated by odd numbers, to the amount of ten sections per mile, on each side of said railroad, on the line thereof, within the limits of twenty miles on each side of said road, * * * and whereas the company has resolved to borrow $2,000,000 * * * and to that end to execute its bonds secured by a mortgage and conveyance in trust of and upon all the lands of the company unsold at this date, not less than 2,000,000 acres, granted by the several acts of Congress aforesaid.

* * * * * * *

Now, this indenture witnesseth, that the party of the first part, in consideration of the premises and of $1 in hand paid, * * * the receipt whereof is hereby acknowledged, and in order to secure the due and punctual payment of the principal and interest of the bonds aforesaid, * * * has granted, bargained, sold, &c., &c., conveyed and confirmed * * * unto the parties of the second part, as trustees as aforesaid, * * * all the right, title, interest, claim or demand whatsoever which the (company) now has, or is entitled to, or may hereafter acquire or become entitled to, of, in or to all those lands * * * granted, or to be granted under or by virtue of said acts, * * * subject, nevertheless, to the provisions of the acts of Congress aforesaid, * * * to have and to hold, all and singular, the lands and premises hereby granted, * * * and all incomes and moneys arising out of or accruing from the sale thereof unto the said parties of the second part * * * as joint tenants, and not as tenants in common, for the uses and purposes in this indenture set forth and declared, and subject to the provisions and requirements of the aforementioned acts of Congress.

* * * * * * *

Article 5. The (company) shall be at liberty to contract for the sale of any parcel or parcels of said lands * * * at such prices and on such terms * * * as shall be authorized by the trustees or one of them * * * and such sales may be for cash or on time * * * and any of the bonds hereby secured may be received as cash * * * and the balance of such price may be secured by a note of the purchaser * * * reserving the title to the land in said trustees until such notes shall be paid * * * and whenever full payment shall have been made to said trustees, or to the one residing in Saint Louis, of the full price of any parcel of said lands contracted to be sold as aforesaid * * * but in no case before the full payment of such price * * * said trustees, or the one at Saint Louis, shall release such land by indorsement on *the deed therefor to be executed by* the party of the first part, (*company,*) and in such case, and in case of any sale or sales of any of said lands made by or for account of said trustees, under or by virtue of the provisions of this indenture, the release aforesaid of said trustees, or of the one of them for the time being resident at Saint Louis, shall in all cases be necessary for the purpose of vesting in the grantee a perfect and complete title to the premises therein described, and for such purpose said release shall be, *with the deed of the first party herein,* full and ample.

Not a word about a patent from the United States. The company's deed, with the trustee's indorsement, is to be a "perfect and complete title."

EVIDENTLY A SHAM.

In other words this professed mortgage is simply a power of attorney, for the convenience of the company, to enable it to sell lands which at the same time it pretends to have "mortgaged" to an outside and innocent creditor. An instrument that expressly reserves in the company the right to sell the property and expressly empowers it to execute the deed thereto, making that deed, when indorsed by the trustee, a perfect and complete title to a *third* party, is certainly not such an instrument as the common law holds to be a mortgage, which is, a conveyance of title conditioned upon the non-fulfillment of a contract thereon depending.

A certain number of directors, say eleven, acting for an indefinite number of stockholders, and meeting as a board but three or four times a year, wish to go through such legal motions as will enable them to contend in court that they have disposed of certain property, and so exempt it from attachment; and, while accomplishing this, they at the same time wish not only to mortgage but to offer and sell the property. Accordingly they constitute two of their own number trustees, as "joint tenants, and not as tenants in common," and execute to them, what? an absolute mortgage? No; an alleged "mortgage and conveyance in trust."

So far from vesting the right and title of the lands in these trustees the instrument expressly retains the title in the company and prohibits the trustees from executing a deed, the company alone having the power to make deed to a *bona fide* buyer, and the only power of the trustees, "or of the one at Saint Louis," being to indorse his releasement of the professed mortgage on that specific tract of land. If ever in the world there has been a mere power of attorney to an agent for the convenience of the principal, this certainly is no more than that. In fact, the restrictions here are more numerous, stringent, and guarded than those of the usual power of attorney. These directors carefully fortified themselves against any possibility of trickery by the trustees, those "joint tenants, and not as tenants in common," who could "release," but could not "execute deed therefor!" When men are themselves practicing roguery they become exceedingly watchful and guarded in their dealings with accomplices. This professed mortgage is the thinnest of shams, the clearest of evasions, and among the oldest of legal dodges, chicaneries, and villainies, and there is not a jury in America that would not so declare.

THE THREE-YEAR PROVISION RECOGNIZED BY THE ALLEGED MORTGAGE.

But even in this alleged mortgage the stipulation is distinctly and repeatedly made that the proposed conveyance of lands is "subject nevertheless to the provisions of the acts of Congress of the United States aforesaid," namely those of 1862 and 1864, "to have and to hold the lands" "subject to the provisions *and requirements* of the aforementioned act of Congress of the United States." Now the provision that "all such lands so granted by this section which have not been sold or disposed of by said company within three years after the entire road shall have been completed shall be subject to settlement and pre-emption" was an integral and inherent provision of the section which made the grant. It is as absolutely a part of the condition and substance of the grant as are the words "to the amount of ten alternate sections per mile."

THE COMPANY KNEW AND PUBLISHED THE FACT.

The directors knew this fact as well as they did their own names. These two child-like "trustees" knew it far better than they did the rules governing base-ball or marbles. Congress knew it, every settler in Kansas knew it, and everybody everywhere was bound to take knowledge of it as a part of the national law. For many years Judge John P. Devereux, a most estimable gentleman, whose death I sincerely lament, was the official land commissioner of the company who handled and sold the lands. He was the company's agent as to these lands in precisely the same sense that the superintendent was its agent as to the operation of the road. In support of the statement that both the company and the trustees not only knew but for many years conceded the force of this provision, I extract as follows from an official circular issued by him five years after the greater part of the road in Kansas had been built:

LAWRENCE, KANSAS, *May* 12, 1873.

* * * The road was accepted by the Government as complete about six months ago. In three years from that date the unsold lands will be subject, we suppose, to the pre-emption laws, but we hope and expect to have all our lands sold before that time arrives. All railroad lands sold by this company are sold clear of taxes, with assurance of perfect title when paid for.

JOHN P. DEVEREUX,
Land Commissioner Kansas Pacific and Denver Pacific Railways.

Years after the execution of these professed mortgages the company, through its official agent, publishes broadcast the statement that in 1875, "the unsold lands will be subject, we suppose, to the pre-emption laws, but we hope and expect to have all our lands sold before that time arrives." Can there be any clearer proof that at that date the company itself regarded this trick of the mortgages as neither such a "sale" nor "disposition of" the lands as was contemplated by the act. Judge Devereux well knew that it was not the intention of the company in making its professed mortgages to part with either the ownership or title of its lands, and to vest both in these "trustees." He knew also that this was not the effect of the instrument.

UNDER KANSAS LAWS A MORTGAGE CONVEYS NEITHER TITLE NOR RIGHT OF POSSESSION.

That the effect of an instrument must be determined by the law of the State in which the lands are situated is a well established principle. And even had this sham mortgage been a real mortgage, of the old-fashioned sort, under the laws of Kansas it could not convey either title or right of possession.

In the case of Chick *vs.* Willetts the supreme court of Kansas held as follows, (2 Kas. 384:)

At common law, a mortgage was a conveyance with a defeasance, and gave the mortgagee a present right of possession. Upon it, even before the conditions were broken, he might enter peaceably or bring ejectment. If the condition was broken the conveyance became absolute. If the money was paid when due, the estate reverted to the mortgagor; if not so paid the estate was gone from him forever.

In this State the common-law attributes have been wholly set aside. The statute gives the mortgagor the right to the possession, even after the money is due, and confines the remedy of the mortgagee to an ordinary action and sale of the mortgaged premises; thus negativing any idea of title in the mortgagee. It is a mere security, although in the form of a conditional conveyance; creating a lien upon the property, but vesting no estate whatever, either before or after condition broken.

The most, therefore, which could fairly be claimed for the alleged mortgage, under the best circumstances, is that it created a lien, not a *jus ad rem;* simply a charge of no greater force than that of an ordinary judgment. But to what did this lien attach, to anything more than the company's interest in the lands? Did it seize upon the contingent interest of the United States, as well as upon that of the company? Certainly not.

A REMARKABLE DECISION OF THE SUPREME COURT.

Gentlemen desiring to examine the legal points of this subject, excepting the latter one just raised, will find an interesting citation of authorities in 9 Otto, 53-55, Platt *vs.* Union Pacific Railroad Company. This was a Nebraska case appealed to the United States Supreme Court, touching a tract of land which had been *patented* to that corporation.

Mr. Justice Strong delivered a very remarkable opinion, from which Justices Bradley, Clifford, and Miller dissented in a remarkable sledge-hammer way. Mr. Justice Strong, after a laborious effort that would seem to have been painful in its minute perception of the detailed advantages to the corporation, and in its careful exclusion of the broad rights of Government and of the settlers, rendered a decision of the majority that brought within the scope and intent of the words "sold or disposed of" precisely such a sham mortgage as the one above described, so far as I can see. Conveniently avoiding the last words in the title of the act of 1862, "and for *other* purposes," the majority held:

1. That these provisions should be so construed as to effect their primary object, which was to furnish aid in and during the construction of the road, and that it cannot be controlled or defeated by the secondary and subordinate purpose of opening to settlement and pre-emption such of the lands as should not be sold or disposed of within the designated period.
2. That the words "or disposed of" are not redundant, nor are they synonymous with "sold," but they contemplate a use of the lands granted different from the sale of them, and that a mortgage of them is such a use.
3. That the mortgage of them executed by the company April 16, 1867, for the purpose of raising money necessary to continue and complete the construction of the road, disposed of them within the meaning of the act, and was authorized thereby.

Now the fact is, so far as the Kansas Pacific Company was concerned, that the money raised with the bonds for which these lands were "mortgaged" was *not* "necessary to continue and complete the construction of the road." That road was built for less than $12,000 a mile, not counting its legislation fund, and for each mile the company received $16,000 in United States thirty-year 6 per cent. bonds. The proceeds of these bonds left a handsome profit after paying for the road; and the proceeds of the company's own bonds, of same amount per mile, were an additional profit, which was still further increased by many more millions of dollars in the shape of these very lands. The only ground on which that decision can stand in the minds of thinking men is that the "primary" object of the act was to enable the company to effect a colossal burglary of public funds and lands, and that in order to effect this primary object the words "disposed of" must be so construed as to make the steal as long, broad, high, and far-reaching as possible. But that is not what the majority proceeded to remark, which was:

4. That the mortgage was an hypothecation of the fee, (!) and not merely of an estate determinable at the expiration of three years from the completion of the road, and the debt it was given to secure not having matured, the lands are not subject to pre-emption. *Sed quære*, whether the remnants that may be unsold when the mortgage debt shall be paid will not then be subject to pre-emption?

Thank God for the *sed quære!* The majority of the court were profoundly non-committal as to whether the remnants that may be unsold after the mortgage debt has been paid will *then* be subject to pre-emption! That millenial contingency their venerable successors should be free to dispose of when it arose, say in the year 2000. It will not vex the present justices. The Kansas Pacific Company, on May 1, 1879, put up another brace of disinterested trustees, in the persons of Jay Gould and Russell Sage, and slapped another mortgage on the lands, this time for $30,000,000 I believe, to expire in twenty-nine years, or May 1, 1908. Before that date the trick can be played again, and so on forever.

SOLEMN PROFUNDITY.

But the weightiest chunk of supreme wisdom in this blessed *sed quære* is the "remnants" idea! Just think of designating 3,116,228 acres in Kansas and 1,976,106 acres in Colorado of unpatented land as "remnants!" What the size of the Union Pacific "remnants" may be I do not know; but here are over 5,000,000 of Kansas Pacific acres gravely pronounced by the Supreme Court as "remnants"—an area of land larger than the State of Massachusetts and nearly as large as Maryland. If such an imperial domain is only a "remnant," what *is* the supreme judicial notion as to the size of the original piece? I have always had a profound respect for law Latin, chiefly because I neither knew nor cared to know exactly what it meant. But from this day forth I shall do reverence to a "*sed quære!*" This one so fittingly concludes that remarkable utterance of a Supreme Court of the *people* of the United States!

THE RAILROADS HAPPY.

All of the attorneys of all the land-grant companies in America could not have concocted an "opinion" more gloriously munificent and beneficient to the oppressed and suffering stockholders of those corporations. Somehow it suggests the idea of a refreshing breeze on a sultry day caressing and fanning the perspiring brows of those exhausted toilers on—Wall street!—a breeze perfumed with the fragrance of loving violets, apple blossoms, or honey-suckles, thus sending greeting from the cool woods. It revived the fainting laborers in land-grant bonds; and after the hot sun sank into the West, and

they had entered their humble cottages, in the stillness and sacredness of home, gazing upon their dependent children, they surely must have thanked the Father of all Mercies for that surprising decision of the Supreme Court. I do hope they didn't forget the *sed quære.*

Sad toilers by the sea,
Benedicite!

SLEDGE-HAMMERING.

The dissenting opinion is as follows:

Mr. Justice Bradley, with whom concurred Mr. Justice Clifford and Mr. Justice Miller, dissenting.

I dissent from the judgment of the court in this case. In the third section of the original charter, after granting to the company five alternate sections of public land on each side of the line of railroad to aid in the construction thereof, it was provided that all lands so granted which should not be sold or disposed of by the company within three years after the entire road should have been completed should be subject to settlement and pre-emption like other lands, at a price not exceeding $1.25 per acre, to be paid to the company. The appellant, after three years had expired, settled upon the land in question and claimed pre-emption of the same, and offered to the company the price specified in the statute. The latter refused to receive the money or to recognize his right, alleging that it had disposed of the lands in 1867 by executing a mortgage for its entire land-grant to secure a loan of $7,000,000. The question is whether such mortgage is a sale or disposition of the lands within the meaning of the proviso of the third section. I think it is not. In my judgment, Congress had in view such a sale and disposition of the lands as would secure a settlement thereof. The object was to encourage a speedy settlement of the country along the line of road; and hence it was provided, if the company did not so dispose of them, they should be open to settlers at the usual prices, reserving to the company, however, the right to receive the purchase money for the same. If the company, by one sweeping deed of trust or mortgage, could cover the whole domain as with a blanket, and thus prevent a settlement thereon until the lands, by advance of prices, would be out of the reach of actual settlers desirous of occupying and improving them, it seems to me it would entirely defeat the objects of the act.

It is said, however, that if the company could not mortgage the lands they could not make use of them in aid of the construction of the road, the purpose for which they were expressly granted. I do not think this result would by any means follow. The fourth section provides for granting to the company patents for a proportionate part of the lands for every forty miles of railroad which should be completed. As fast, therefore, as the successive forty-mile sections should be completed, it was contemplated by the act that the company should have control of the lands to that extent. This would constantly subject to their use large tracts, which, if disposed of according to the intent of Congress, would have effected a rapid settlement of the adjacent country in all portions of the route which were adapted to cultivation.

The criticism that the words "sold or disposed of" mean something more than "sold," and can only mean a mortgage of the lands, I do not conceive to be just, but rather as sticking in the bark. Reading the whole act together, I think the only fair construction is that which is above suggested.

The objection that the right of pre-emption contended for would have prevented the company from giving a mortgage at all is not tenable. The mortgagees take the mortgage subject to the provisions of the act. It contains a proviso to this express effect. The lands were mortgaged *cum onere*, and the mortgagees, if so stipulated, would be entitled to the purchase-money receivable from settlers. This view of the subject would effectuate justice between all the parties, preserve the true construction of the act, and carry out the policy of Congress.

In view of these considerations I think that the decree should be reversed, and that the appellant, the complainant below, should be declared to be equitably entitled to the land in question.

There is no "sticking in the bark" about that, and likewise no *sed quære.*

DECISION ONLY APPLICABLE TO PATENTED LANDS.

Doubtless this very remarkable decision settles the question as to the force of the mortgage given by the Union Pacific and as touching Nebraska lands. The inference does not necessarily follow, however, that a similar decision would be made upon the mortgages of the Kansas Pacific and respecting Kansas lands. The bill under consideration provides for the opening to settlement "all lands situated in the State of Kansas and patented to the said company which have not been sold or absolutely conveyed by the said company or its assigns under the laws of Kansas." The enactment of this provision would be an amendment of the original section to the extent of explaining more fully the intent of Congress in using the words "disposed of," and whether of effect or not with the Supreme Court would, at least, lay the foundation for a more vigorous judicial contest of a question that is rapidly assuming in the public mind proportions of a magnitude and significance which may presently overthrow the railroad chicaneries. After all, there are several millions of people in America outside of the land-grant corporations; and in due time their power may be so exercised as to secure fair play and common justice.

In the mortgage of May 1, 1879, to Jay Gould and Russell Sage the clause "subject to the provisions of the act of Congress" is omitted, but it professes to convey, as I am advised, "all lands granted to the company, about five million acres, and which will be more fully described from time to time as the same *may be selected, surveyed, and patented by the United States to said company.*" That statement is a square admission that such lands are legally the property of the United States and not of the company; therefore the alleged mortgage cannot attach to the contingent interest of the Government. And I hope that the Legislature of Kansas will appropriate all the money necessary to secure a review of this question by the United States Supreme Court. So much for that class of the granted lands for which patent has been issued.

WHO OWNS THE UNPATENTED LANDS?

And now for the 3,000,000 acres in Kansas alone, to which the company, though offering for sale, contracting to sell, and selling, has no legal title, the right and title thereto never having been vested by issuance of patent.

The legal ownership of such lands must either be in the company or out of it. It cannot hang midway between the Government and the company, and there is no third party in the case. If such ownership be vested in the company, then it must be able to produce the legal evidence thereof, either by exhibiting a patent or by showing that it has so fulfilled each and all of the conditions of the grant, whether subsequent or precedent, as to be equitably invested thereby with such ownership.

It does not claim to have a patent. It has designedly avoided paying certain required costs for the exact purpose of preventing the issuance of patent, with the preconceived object of evading taxation by showing that the right and title to such lands remained in the Government.

THE COMPANY HAS NOT FULFILLED THE CONDITIONS OF GRANT.

The following decisions of the United States Supreme Court are conclusive on the point that the company has not fulfilled the conditions of the grant and that there yet remains something to be done by it going to the foundation of its right:

KANSAS PACIFIC RAILWAY COMPANY VS. PRESCOTT.

In this case (December, 1872, 16 Wallace, 608) Mr. Justice Miller held:

While we recognize the doctrine heretofore laid down by this court that lands sold by the United States may be taxed before they have parted with the legal title by issuing a patent, it is to be be understood as applicable to cases where the *right* to the patent is complete, and the equitable title is fully vested in the party without anything more to be paid or any act to be done going to the foundation of his right.

The present case does not fall within that principle.

Two important acts remain to be done, the failure to do which may wholly defeat the right of the company to a patent for these lands.

The first is the payment of the costs of surveying. It is admitted that this has never been done in the present case. If the company have such an interest in these lands that they can be sold by the State under her power of taxation, then the title is diverted out of the Government without its consent, and the right to recover the money expended in the surveys is defeated. As the Government retains the legal title until the company or some one interested in the same grant or title shall pay these expenses, the State cannot levy taxes on the land, and under such levy sell and make a title which might in any event defeat this right of the Federal Government reserved in the act by which this inchoate grant was made.

Another important and declared purpose of Congress would be equally defeated by the title thus acquired under the tax sale, if it were valid.

It is wisely provided that these lands shall not be used by the company as a monopoly of indefinite duration. The policy of the Government has been for years to encourage settlement on the public land by the pioneers of emigration, and to this end it has passed many laws for their benefit. This policy not only favors the actual settler, but it is to the interest of those who by purchase own adjacent lands, that *all of it* should be open to settlement and cultivation. Looking to this policy, and to the very large quantity of lands granted by this statute to a single corporation, Congress declared that if the company did not sell these lands within a time limited by the act they should then, without further action of the company, or of Congress, be open to the actual settlers under the same laws which govern the right of pre-emption on Government lands, and at the same price. Any one who has ever lived in a community where large bodies of land are withheld from use, or occupation, or from sale except at exorbitant prices, will recognize the value of this provision. It is made for the public good, as well as for that of the actual settler. To permit these lands to pass under a title derived from the State for taxes would certainly defeat this intent of Congress. It makes no difference in the force of the principle, that the money paid by the settler goes to the company. The lands which the act of Congress declares shall be open to pre-emption and sale are withdrawn from pre-emption and sale by a tax title and possession under it, and it is no answer to say that the company which might have paid the taxes gets the price paid by the settler.

For these reasons we think that though the line of the road had been built and approved by the President, so far as to authorize the company to obtain a patent for this land, if they had paid the cost of survey and the expenses of making the conveyance, yet the neglect to do this, and the contingent right of offering the land to actual settlers at the minimum price asked for its lands by the Government, forbid the State to embarrass these rights by a sale for taxes.

RAILWAY COMPANY VS. M'SHANE.

In Union Pacific Railroad Company *vs.* McShane *et al.* (October, 1874, Wallace 22, 451) occurs the following pertinent distinction in the statement of the case:

The court below, after observing that it would not say whether a mortgage of the land was such a "disposition" as would prevent the right of settlement or pre-emption, remarked that in *Railway Company vs. Prescott* the taxes were assessed before any patent was issued, and, in addition, that the cost of surveying had not been paid. The learned judge, in this connection, said:

"I am inclined to consider the true meaning and effect of the provision in question to be this: While the road is being constructed and for a period of three years after the completion of the entire line, the company may sell or dispose of the lands at their own price, and they are subject during this period to no right of settlement or pre-emption. After three years have elapsed the company may still sell or dispose of their lands in good faith, but as to any lands not thus sold or disposed of there is a right on the part of the public to settle upon and pre-empt them in the same manner as if they were a part of the public domain; the price, not exceeding $1.25 per acre, being payable to the company instead of the Government.

"If this be a correct view of section 3 of the act of 1862, it results that the lands of the company, so far as they are patented, are subject to taxation by the authority of the State, and this privilege reserved in favor of the actual settler, and of which he may never wish to avail himself, which is contingent in its nature and subject to be defeated by a sale of the lands by the company, is not inconsistent with, and will not defeat, the rightful authority of the State to tax the lands."

Mr. Justice Miller, after referring to the Prescott case, held:

No patent had been issued to the company when the taxes were assessed, and the costs of surveying the land had not been paid to the Government by any one. This court reaffirmed the doctrine that lands which had constituted a part of the public domain might be taxed by the States before the Government had parted with the legal title by issuing a patent, but that this could only be done when the right to the patent was complete and the equitable title fully vested in the party, without any thing more to be paid or any act to be done going to the foundation of his right; and it said that in that case the United States had a right to retain the patent until the costs of surveying the land had been paid, which had not been done, and that the right of pre-emption in lands unsold by the company within three years after completion of the road would be defeated if a sale for State taxes could be made which would be valid.

This latter ground was not necessary to the judgment of the court, as it rested

as well on the failure to pay the costs of surveying the land. And we are now of opinion, on a fuller argument and more mature consideration, that the proposition is not tenable.

The road was completed and accepted by the President in May, 1869 and these lands have been subject to such pre-emption since three years from that date if this right can be exercised by the settler without further legislation by Congress or action by the Interior Department. We do not now propose to decide whether any such legislation or other action is necessary, or whether any one having the proper qualification has the right to settle on these lands, and, tendering to the company the $1.25 per acre, enforce his demand for title. It is not known that any such attempt has been made, or ever will be, or that Congress or the Department has taken, or intends to take, any steps to invite or aid in the exercise of this right. It would seem that if it exists it would not be defeated by the issue of the patent to the company, and it may, therefore, remain the undefined and uncertain right, vested in no particular person or persons, which it now is, for an indefinite period of time. The company, meantime, obtains the title, sells the lands when a good offer is made, and exercises all the other acts of full ownership over them, without the liability to pay taxes.

We are of opinion, therefore, that this right confers no exemption from taxation, whether the land be patented or not; and so far as the opinion in the case of *Railway Company vs. Prescott* asserts a different doctrine, it is overruled.

But the proposition that the State cannot tax these lands while the cost of surveying them is unpaid, and the United States retains the legal title, stands upon a different ground.

The act of 1864, section 21, declares that before any of the lands granted by this act shall be conveyed to the company, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same.

That the payment of these costs of surveying the land is a condition-precedent to the right to receive the title from the Government can admit of no doubt. Until this is done the equitable title of the company is incomplete. There remains a payment to be made to perfect it. There is something to be done without which the company is not entitled to a patent. The case clearly is not within the rule which authorizes State taxation of lands the title of which is in the United States.

The reason of this rule is also fully applicable to this case. The United States retains the legal title by withholding the patent, for the purpose of securing the payment of these expenses, and it cannot be permitted to the States to defeat or embarrass this right by a sale of the lands for taxes. If such a sale could be made, it must be valid if the land is subject to taxation, and the title would pass to the purchaser. If no such title could pass, then it is because the land is not liable to the tax; and the treasurers of the counties have no right to assess it for that purpose.

But when the United States parts with her title she has parted with the only means which that section of the statute gives for securing the payment of these costs.

It is by retaining the title that the payment of costs of survey is to be enforced. And so far as the right of the State to tax the land is concerned we are of opinion that when the original grant has been perfected by the issue of the patent, the right of the State to tax, like the right of the company to sell the lands, has become perfect.

These decisions settle the fact beyond all dispute that the company has not fulfilled all the conditions of the grant. It has not paid the costs of surveying as required. "Until this is done the *equitable* title of the company is incomplete. There remains a payment to be made to perfect it. There is something to be done without which the company is not entitled to a patent." Hence, not only the title but the ownership of these unpatented lands remain vested in the United States; that is, these lands are the property of the United States and subject to such laws as the United States may see fit to make.

THE COMPANY CANNOT MORTGAGE GOVERNMENT PROPERTY.

I contend, therefore, that the company can neither sell nor dispose of lands which it does not own, but which are owned by the United States. Mr. Justice Miller says: "We are of opinion that *when* the original grant has been *perfected* by the issue of the patent, the right of the State to tax, *like the right of the company to sell the lands*, has become perfect." Until patent issues the right of the company to sell is inchoate and null. Hence in no possible way can the provision of section 3, declaring lands not sold or disposed of before 1875 open to settlement, be affected by the sham mortgage of the company, because such mortgage, even if absolute, could only attach to the company's interest in the lands, and not a whit to the Government's interest. If the company cannot legally sell such lands, it certainly cannot dispose of them; it has no legal title to be conveyed.

But the United States has enacted that these unsold and undisposed of lands shall be opened to settlement. Whatever may be the case with the company's interest, the Government's interest is subject to this provision; and since the Government is the true owner of unpatented lands it is bound to protect its own citizens, or children rather, in the rights which it assures them as to its interest in these lands. If the company wants to perfect its interest and to exclude that of Government, it can do so by paying costs of survey; but until it does this, every acre of these lands is clearly the property of the United States, and as clearly subject to settlement under section 3. There can be no question, therefore, that the Secretary of the Interior should be directed to open these lands forthwith.

FISH OR CUT BAIT.

This company should be made either to fish or cut bait. For years it has kept its vast domain exempt from its share of taxes, leaving the actual settler to bear the whole public burden. It has in that way saved more than a quarter of a million a year, and it has received many millions in the enhanced value of its land by virtue of this exemption. It has had three decisions of the Supreme Court of its right to this immunity because of the fact that the ownership of its lands was vested in the Government.

By these same decisions, therefore, and because of this very fact, these lands are subject and should at once be opened to settlement and pre-emption at $1.25, to be paid to the company. That which is good law for the company in enabling it to evade taxation, is equally good law for the Government in opening lands not sold or disposed of to settlement. The company can take just which horn of that dilemma it likes best. If it be the perfect owner of these unpatented lands let it take patent and pay taxes; if it be not, then the lands are open to pre-emption, and settlers should be at once permitted to go upon them.

American Citizens in British Prisons.

SPEECH

OF

HON. WILLIAM E. ROBINSON,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

January 23 and 26, 1882.

The House having under consideration the resolution reported from the Committee on Foreign Affairs in regard to American citizens in British prisons—

Mr. ROBINSON, of New York, said:

Mr. SPEAKER: A short time since, before the assembling of this Congress, I had the pleasure of visiting this capital and accidentally met the accomplished and polite gentleman who formerly represented Her Majesty the Queen of England here. In our conversation he informed me that he had been very busy. He had been so busy that he hardly got any sleep, and, with a smile on his benevolent face, he said, "I have been dreadfully bothered with your hogs." It will be remembered that at that time some American hogs that had got a bad character for health, and were suspected of trichinosis, had been taken over to England, and the whole British Empire was filled with discussions and protestations on that subject. The wires beneath the Atlantic thrilled and throbbed with British protests against their importation and with American protests against any prohibition of the traffic. At one time I knew that American citizens who had fought for the preservation of your Union, whose blood, spilled upon your battle-fields, had given additional redness to your stripes and a brighter glory to your stars, were thrown into English prisons, with no crime alleged against them, and were treated like felons, and that we could not by any effort get their cases either before the Government or before the people of these United States. And I was led to exclaim, as I parted with Sir Edward Thornton, "Oh, that we only had as much attention and as much protection given to a live American citizen as there are given to a dead Cincinnati hog!" But so it was, sir, that while American diplomacy vindicated the rights of dead animals, our living citizens were languishing in prisons, and we could not get the State Department or any other Department to bring up their cases and have them examined, so that proper protection might be given them.

I have before me a correspondence with the Secretary of State in regard to Mr. D. H. O'Connor, a citizen of our neighboring city of Baltimore. Nothing, so far as I know, has been done in regard to him. I can give you the names of four or five other American citizens who are now, or were recently, confined in these bastiles of British oppression, for whose liberation no proper steps have been taken. One of them, Mr. M. P. Boyton, was arrested and brought before a British jury, tried, and not found guilty, no crime being proved against him, but immediately upon his escape from a British jury the suspension of the *habeas corpus* was brought to bear against him and he was rearrested and held in prison on suspicion.

Now, I have been trying to get the floor here for several weeks in order to bring to the attention of the House the cases of these mourning, sickening, and dying American citizens, imprisoned without crime being alleged against them, and I have been unable to do it until the present time. My worthy friend from New Jersey, [Mr. ROBESON,] whom I do not now see, though he is generally conspicuous enough——

Mr. HAZELTON, (pointing to Mr. ROBESON in his seat.) There he is.

Mr. ROBINSON, of New York. When I asked the floor from you, sir, on one occasion, for only half a minute, in order to pass a resolution commanding the State Department peremptorily to tell us what had become of these American citizens, that gentleman objected. You may remember, Mr. Speaker, that I asked who objected, and I was informed that it was the gentleman from New Jersey.

Two or three minutes after that, as the RECORD will show, the gentleman from New Jersey rose in his place and moved that the House take a recess for ten minutes, for we had nothing to do. I urged that what I proposed was something worth doing, but he insisted on the recess for ten minutes, and it was ordered by the House. When that ten minutes expired, another recess for ten minutes more was moved and carried, I standing here all the while vainly trying to have a hearing for American citizens who had fought for our institutions, and I could not get one minute. That recess expired and another recess for half an hour was moved and carried, the Speaker sitting in his chair, I in my seat, and the gentleman from New Jersey in his. There was an hour thus spent in doing nothing, when I

wanted but one minute, and I could not get it because of the objection of that Representative of New Jersey.

Now, we want bolder action than that which is taken by the Committee on Foreign Affairs, and I am resolved to go further and move an amendment to their report. I believe that will be in order.

Mr. ORTH. I do not yield for that.

Mr. ROBINSON, of New York. I am going to take higher ground than the Committee on Foreign Affairs takes, and I hope I will be sustained by the Chair and by this House. I desire to say that not only have we a right now to interfere in behalf of our American citizens in British prisons, but it is our right and our duty to protest against the cruelties inflicted upon British subjects and members of the British Parliament, elected by the people of Great Britian, whom the British Government has imprisoned.

A gentleman near me shakes his head; I will shake his heart, and I will show him that it is so. I think upon that subject he will take as pretty good authority Lord John Russell, or, if you please, the British Government itself. I do not know whether you, Mr. Speaker, remember the case of the Madiai who were arrested in Tuscany for having committed some alleged crime against the laws of Tuscany. The Tuscan Government imprisoned these Madiai, its own citizens, for alleged crimes committed on its own territory. That I think is as strong as anything I can give you with regard to the members of the British Parliament and others now suffering imprisonment in British jails.

These Madiai were kept some time in prison, and the American people and the English people protested against it. I will read a sentence or two from a very valuable English book, to be found in our Library, called The Annals of Our Time, by Mr. Irving. I will read from page 374 of that book.

On the 18th, of January, 1853, Lord John Russell urged upon Sir Henry Bulwer, the English minister, the necessity of remonstrating with the Tuscan Government on the subject of the Madiai. Lord John Russell, speaking for the British Government, says:

As this is a matter affecting a Tuscan subject, it may be said that Her Majesty's Government have no right to interfere. If this means that interference by force of arms would not be justifiable, I confess at once that nothing but the most extreme case would justify such an interference.

Here we have Lord John Russell acknowledging that an extreme case would justify a civilized government interfering not only by expression of opinion but by force of arms to compel another government to liberate its own subjects in prison in its own jails for alleged crimes committed upon its own soil. He says:

I confess at once that nothing but the most extreme case would justify such an interference. But if it be meant that Her Majesty has not the right to point out to a friendly sovereign the arguments which have prevailed in the most civilized nations against the use of the civilized sword to punish religious opinions, I entirely deny the truth of such an allegation.

Here, sir, is the authority of the English Government to the effect that inasmuch as there never has been such tyranny perpetrated upon the face of the earth, tyranny at which the despotism of Russia or Turkey or any other country that we have been accustomed to look upon as despotic, pales into comparative liberty and grows pigmy in comparison with these giant wrongs inflicted by Great Britain upon her own people, to say nothing of our own citizens, we have a right to demand from the British Government the release of those glorious patriots, far more distinguished in honor and in family than Gladstone or Forster. According to Lord John Russell, we have the right to interfere, under the practice of civilized nations, and protest against these men being longer held in prison, and to interfere with arms in this the most extreme case of despotism ever known among civilized nations.

Having thus referred to what I regard as a pretty strong precedent in favor of our interfering in favor of England's own subjects suffering unjust imprisonment I shall next refer to the case of Theodore of Abyssinia as a precedent for our guidance in case of the unjust imprisonment of our citizens by the English Government. King Theodore had taken it into his head to arrest some Englishmen traveling in Abyssinia, and to throw them into prison, for some alleged crime or misconduct. The English Government protested, insisting on her right to interfere for the release of her subjects. It is recorded in the book I have before me, from which I have already quoted, Irving's Annals of our Time, that Sir Robert Napier was sent out to Abyssinia with an armed force to liberate those prisoners. In consequence of the difficulties of transportation his cannon were mounted on elephants' backs; and amid the roar of English artillery and by the force of English arms those English prisoners were rescued from the grasp of a foreign power; the capital of Abyssinia was laid in ashes; and the king of the empire killed. I do not ask any more in our case now than that we do the same thing. [Laughter.] That is a good precedent set by England. And if there is any respect in this House for American citizenship—if there are any ears that can hear the groans of our imprisoned citizens above the clinking of crystal goblets and foaming beakers by which the hearing of the representatives of Government is deadened—if we have ears to hear the groans of our own citizens above the din of fashionable frivolity here, I ask no more than that we follow the example of England—that we send over force enough to take our citizens out of British bastiles in which they are unjustly detained.

Admiral Porter is idle here at the head of our Navy; General Grant, although now out of the Army, can be called into the service again. Sherman is a pretty good general, and so is Sheridan. Let us send these men over supported by the whole power of our Navy and the thunder of American cannon, and take our citizens from the bastiles in which they are suffering. If in getting them out the city of London goes to ashes and the monarch or the ministry are slain, we shall be doing only what England has done in a less provoking and flagrant case.

Mr. HAZELTON. May I ask the gentleman the names of those American citizens, or some of them?

Mr. ROBINSON, of New York. It would take me a little out of the order of my remarks if I should answer now. If the gentleman from Wisconsin will allow me, I will answer in a few minutes.

Mr. HAZELTON. Is Parnell one of them?

Mr. ROBINSON, of New York. One of *our* citizens?

Mr. HAZELTON. Yes.

Mr. ROBINSON, of New York. No, sir; Mr. Parnell is not one of our citizens; but he has many claims to be so recognized and so honored. He is the son of one of the noblest women in this country. He is the grandson of our noblest American commodore, who, in a midnight fight with two British men-of-war, brought down that blood-stained flag which was so shamefully hoisted and saluted a few weeks since at Yorktown. That is the answer I give to the gentleman's question. Charles Stewart Parnell, the son of a noble American mother, the grandson of Charles Stewart, "Old Ironsides," is lying in jail; and we ought to adopt him as George Washington at one time was adopted or naturalized by an Irish society in Philadelphia as an Irishman. Certainly it ought not to take much time to adopt and naturalize the grandson of "Old Ironsides," of Pennsylvania, and then make instant demand for his release. Indeed, I think he is an American citizen. This House made him a quasi or inchoate member of this House, and listened to his speech upon this floor; and all persons acknowledged as members of this House must be American citizens.

But, Mr. Speaker, if I allow myself to get scattered in this way, I shall never be able to get through with what I have to say. [Laughter.] But I hope I have fully enough answered the gentleman's question.

Let me continue with the case of Theodore of Abyssinia. Here is the authority in my hand on that case. The city of Magdala was reduced to ashes, and King Theodore was killed. Some say he killed himself, but I will not go into that. He was killed, however, and I suppose it should satisfy the American people if the tyrant who insults their citizenship ceases to exist.

I leave that now, as I have not time to dwell upon it further, and recall the memory of Daniel Webster. I knew him well here, and often had the honor of his company. It is now nearly forty years since I took my seat in this House of Representatives when it sat in another Hall, and I think I am therefore the oldest member of the House. To be sure I took my seat as a correspondent and not as a member, and unfortunately I got expelled from that seat in that other House on an Ohio subject connected with sausages. [Laughter.] This Ohio pork, dead or alive, is never quiet. It is always making trouble and creating a noise, though the market reports sometimes say "pork is quiet." It divided the House upon me, and gave me the outside, but I was soon afterward restored to my seat on motion of Mr. Winthrop, of Massachusetts.

Well, the mention of Mr. Webster recalls his ideas on the right of the American people to sympathize with the subjects of other governments struggling for freedom. Hungary, in 1848, revolted against Austria. Kossuth and his companions tried to get up a fight far beyond anything in which Charles Stewart Parnell and his fellow-prisoners are engaged. What did our Government do then for Hungary, and what should we do now for people similarly situated? Hungary resisted the Austrian rule, but our Government, at the head of which was the old hero of Buena Vista, sent out Dudley Mann to Hungary, right inside the dominions of Austria, to take cognizance of what was going on and see how soon the American Republic could recognize the independence of Hungary and take sides with her against her oppressor. Mr. Hulsemann, the Austrian minister at Washington, protested that it was against the law of nations and declared this Dudley Mann had been sent over for the purpose of "egging on" this rebellion against the Austrian power. He wrote a very serious letter of protest to the Secretary of State, who then was Mr. Webster, Mr. Clayton having gone out on the death of General Taylor and the new administration of Mr. Fillmore having come in. Mr. Webster replied to this protest of Mr. Hulsemann, and I have only time to show what the American doctrine as laid down by that illustrious statesman of Massachusetts was. I want Massachusetts men now on this floor to draw their inspiration from him. He lays down the American doctrine in this way:

They—

Referring to the United States—

cannot, however, fail to cherish always a lively interest in the fortunes of nations struggling for institutions like their own.

In another paragraph he says:

But when the people of the United States behold the people of foreign countries without any such interference spontaneously moving toward the adoption of institutions like their own, it surely cannot be expected of them to remain wholly indifferent spectators.

Mr. Hulsemann had complained that—

The object of the President is to obtain information in regard to Hungary and her resources and prospects, with a view to an early recognition of her independence and the formation of commercial relations with her.

Mr. Webster replies fully to Mr. Hulsemann's complaint, and in conclusion says:

Those questions will be discussed when they arise, and Mr. Hulsemann and the cabinet at Vienna may rest assured that in the mean time, while performing with strict and exact fidelity all their neutral duties, nothing will deter either the Government or the people of the United States from exercising at their own discretion the rights belonging to them as an independent nation and of forming and expressing their own opinions freely and at all times upon the great political events which may transpire among the civilized nations of the earth.

That is all we ask here, that we take notice of what is transpiring among the civilized nations of the earth, and in that nation which has proved itself the most uncivilized to do what Mr. Webster declared we should always do. It was in this correspondence that Mr. Webster remarked that Austria was but a "small patch."

But I pass from Webster to Marcy. Oh, for one hour of Daniel Webster or William L. Marcy in these degenerate days at Washington!

Following from this Hungarian emeute came Kossuth and others to the United States. They were encouraged by the United States and by England. They came over here, and Kossuth was received by Congress. Some of his followers remained and others returned home. One, Martin Koszta, declared his intention to become a citizen of the United States, and then returned, as many of our naturalized American citizens have done and are still doing.

There was at that time a glorious hero of that glorious State of South Carolina lying with his little United States sloop of war, the Saint Louis, in the bay of Smyrna; and this Martin Koszta was arrested by the Austrian authorities at Smyrna and taken on board an Austrian man-of-war, the Huzzar. Captain D. N. Ingraham—forever honored be his name—wrote a brief note to the commander of that Austrian brig, demanding the immediate release of Koszta, and wrote a letter afterward to the Secretary of the Navy, stating what he had done. His action was approved by the Secretary of the Navy, then Hon. John C. Dobbin, of North Carolina, and by our Government.

Immediately upon the fact of this arrest coming to the knowledge of Captain Ingraham in the Saint Louis he drew his sloop of war up within a half cable's length of the Austrian man-of-war, loaded his guns, and got ready for action, and demanded the release of this American incomplete citizen. The result was that Martin Koszta was delivered from imprisonment and from death. The effect of this action was to teach foreign nations that we intended to demand that they should respect our adopted citizens. He was not a citizen of the United States; he had simply declared his intention of becoming one.

Now, Mr. Speaker, compare that, if you please, with the conduct of our Government at the present time. I hold in my hand the correspondence sent some time ago to the Senate with regard to the imprisonment of one of our citizens, to wit, Michael P. Boyton, a brother, I believe, of the great American swimmer of that name. What are the facts in that case? He had a passport from William H. Seward, setting forth the fact that he was an American citizen. He showed that he had been engaged in fighting for the Union in the recent war, which secured for him the right of citizenship; and yet, sir, would you believe it, our Government here and our representatives there at the court of Great Britain went to work and managed to proclaim the face of our great seal of State to be a lie! They said that he was not a citizen, although he had his passport certifying under the seal of the State Department that he was a citizen, and then like cowards they permitted Michael P. Boyton to be, on mere suspicion, cast into prison, where he lingered for about twelve months, and finally fell sick and lost his eyesight; and I do not know where he is now, still in prison or wandering around, an American citizen without any protection, to find some place where he can shield himself from the indignity which was heaped upon him, until he is buried in some strange land in an unknown grave.

In this case the Secretary of State took the ground that inasmuch as he had not completed his citizenship he could not look for any aid from the United States.

If Boyton could not point to the fact that he was born of American parentage, he could and did claim that he had fought in the late war. He fought through that war, Mr. Speaker, and the House of Representatives and the Congress of the United States have declared that any man doing so for one year should be a citizen and have all the securities and rights that belong to a citizen, and it was upon the strength of that declaration and of that fact that he was entitled to the protection of the Government. But although he had fought for the country, simply because he did not go into court and complete his application he was denied protection. The whole correspondence is here, but I shall not stop now to read it. It is rather sickening to read how our State Department and our minister and consul managed to prove the United States seal a fraud and the promise of Congress to recognize her soldiers as citizens "a mockery, a delusion, and a snare," for which they should all have been impeached. Oh, that we had some modern Marcy and a second Ingraham to vindicate the rights of American citizens!

I now wish to call attention to the law of July 27, 1868, which was passed in order to secure the rights of American citizens. In 1867 I came here as a member of this House and managed to bring this subject before Congress and the country. That movement resulted in the passage of a bill through both Houses of Congress, which was signed by the President, securing the rights of American citizens traveling abroad. It finally passed both houses of the British Parliament and was signed by the Queen. It passed the legislative department of the German Empire and was signed by the Emperor. This law of 1868 provided for the first time in the history of the American Government that American naturalized citizens should stand on the ground of equal protection with native-born citizens. That law provided that if an American citizen was arrested abroad the President of the United States should demand his release and would proceed to have the citizen rescued in all possible ways short of an absolute declaration of war, that being exclusively the prerogative of Congress. In this House, Mr. Speaker, that bill passed with only five dissenting votes out of the whole body, providing that if any American citizens were unlawfully detained by any foreign government we would make reclamation by seizing and imprisoning the first subject of that power we could lay our hands on. It provided that we would take subjects of that government as hostages, citizen for citizen, and I think it is mentioned somewhere in the correspondence of Charles Dickens, then in this country, that he was afraid to come to Washington to deliver a lecture for fear that he would be the first one arrested.

Afterward the bill went to the Senate where, by the conservatism of that illustrious statesman Mr. Sumner, and others, it was modified in some particulars, so that a demand for the release of the citizen so arrested could be made, and all steps taken short of a declaration of war to secure his release. That law is still living on our statute-books, and yet our Government seems to have forgotten or ignored it. Let us request the President to see that it is applied in behalf of our citizens now neglected and abandoned to the cruelty of British bastiles.

I claim the credit of the passage of that act which has changed the international law of the world. Mr. Conness, then Senator from California, deserves the credit of its passage through the Senate.

Now, sir, if my friends around me do not believe in the authorities I have quoted, and still, notwithstanding the revision of the old version, believe in the Holy Scriptures, there is such a personage mentioned as the good Samaritan. There was a stranger who fell among thieves. He was robbed and beaten. One man came along and passed him by; another came and passed him by; but nobody did anything to relieve him till finally the good Samaritan came along and went to his relief and comforted him. If gentlemen will not take the authority of Lord John Russell and others I have quoted, might they not take the example of the good Samaritan? Ireland is robbed and beaten and fallen into the hands of thieves and robbers.

But if we, as good Samaritans, should interfere for a man fallen among thieves, what should we do for a lovely woman in similar circumstances?

In painting and poetry England is represented as a gross and stalwart man, Ireland as a beautiful woman.

Here we have in the nineteenth century a big bully of a man standing over a defenseless woman and trampling upon her. You and I, going home to our residences, and seeing a man doing that, even if we thought we would get licked in the encounter, would not hesitate to take the ruffian by the throat. That is what is going on now. John Bull has this lovely woman down trampling her in the mud, and we look on and have not heart and manhood enough to assist her. I look around and see many here that have vindicated their bravery on the battle-field, who have shown they have courage in their hearts and warm blood in their veins, who would fight to the shedding of the last drop of their blood for a woman in that position. And yet we have not the manhood to interfere in this case!

There should be an international law to prevent cruelty to men and animals. We see a man abusing his horse or his dog, and Mr. Bergh interferes, and why should not nations interfere when others outrage humanity by cruelty to their subjects? In the latter case we all seem to lose our manhood and to become indifferent—in fact, ice-Berghs.

Here is an extract from the Boston Pilot, of the 14th of this month, giving an account of an interview with Benjamin F. Butler, the distinguished lawyer and statesman of Massachusetts. It will inform the gentleman from Wisconsin and others who some of the prisoners are and on what false pretenses they are held:

In the Pilot of November 19 last appeared a letter from Mr. James Redpath, headed "American citizens in Irish jails." It treated of the arrest and imprisonment in Ireland, under the coercion act, of four American citizens, namely: Messrs. Michael Boyton, Henry O'Mahony, J. H. Walsh, and D. McSweeney. Messrs. O'Mahony and Sweeney presented their cases to Mr. James Russell Lowell, United States minister at London, asking his official intervention to procure them a speedy trial or liberation from imprisonment, as they had not committed a breach of any constitutional law which could justify their arrest and detention. To this request Minister Lowell, while acknowledging the legality of their title to citizenship, replied in effect that England had a right to arrest all persons domiciled in the proclaimed districts, and that it was "manifestly entirely futile to claim that naturalized citizens of the United States should be exempt from its operations."

This decision of our minister to England has caused great surprise and indignation to naturalized citizens and others throughout the United States. It is apparent, from the following clear exposition of international law by one of America's most eminent lawyers—General B. F. Butler, of Massachusetts—that Mr. Lowell has taken an utterly erroneous view both of the rights of American citizens and of international law.

In order to place this matter thoroughly before our readers, a member of the

Pilot staff interviewed General Butler last week, when the following opinions were expressed by him on the subject:

Reporter.—"General, have you read the letters of Minister Lowell upon the rights of American citizens in Ireland and the duty of the American Government toward those citizens?"

General Butler.—"I have read Mr. Lowell's letters with some care, as the grounds taken by him are of the utmost importance to every American citizen who finds himself outside of the territorial limits of his own country. I understand Mr. Lowell's proposition to be this:

"First. That in law the action of a government toward its own citizens, however unjust, arbitrary, or oppressive it may be, must apply in the same degree to any American citizen who happens to be within the territorial limits of such government, either domiciled or upon business or pleasure.

'Second. That if such citizen is deprived of his liberty or property by such arbitrary law or action of the government, it is not the duty of the United States Government to interfere in any way, diplomatically or otherwise, for his protection or for redress for the wrongs done to him, and that in such case the appeal only is to be made to the "courtesy" of the government for redress upon the ground of mistake or misapprehension.

"Such, in my opinion, are not the principles of international law applicable to the case supposed. Mr. Lowell says in his letter that the coercion law in Ireland, so called, is an exceptional and arbitrary measure. Of course he means to say by 'exceptional' that it applies to all Irish subjects of Great Britain only. Now, I claim it to be public law that an American citizen in a foreign country is entitled to the highest rights of any citizen in that country at least, and if he is not afforded all the rights and protection of the laws and redress given by law to any class of citizens of that country, his being made an exception by which he is exposed to arbitrary arrest, the despoilment of his property, and deprivation of his liberty is not only a cause of interference of his own government, but a cause of complaint against the government so maltreating one of the citizens of another government, and that the whole power of that government should be brought to bear to restore the rights and redress the wrongs of its citizens."

There is another American prisoner in British jails from our neighboring city of Baltimore, to whom the resolution offered by my friend Mr. Cox this morning, which should have embraced all, applies. His name is D. H. O'Connor, and his brother applied to the Secretary of State for his protection. I find a letter from Secretary Blaine in the Sunday Morning, a paper published in Baltimore, on the 4th of last month, in which he states that the papers before him showed that Mr. O'Connor had been naturalized in September, 1875, and had been recently arrested on suspicion under the British act of Parliament known as the peace preservation act, and says in effect:

That England had a right to arrest all persons domiciled in a proclaimed district, and that it was manifestly entirely futile to claim that American citizens should be exempt from its operations.

Did any man ever hear such nonsense? Why, sir, suppose you go over to England to-morrow and England does not like you because you were once in that chair and therefore represented America, and she proclaims the district in which you land—for they can do that at a moment's warning—and put you into prison with other American citizens whose claims for protection are as good as yours or mine; would you be satisfied if this House let you be there a year without doing anything? I tell you that is what they have done. They proclaim the district, take hold of an American citizen, making no charge of crime against him, put him in prison, and keep him there as long as they please, and after keeping him for three, or six, or twelve months, they send him a polite letter and say, "You are detained for three months longer." I should like to see this treatment given to our Secretary of State, should he visit Great Britain, and perhaps the State Department would modify or change its views.

There is still another American citizen, Mr. Hart, of Lawrence, in Massachusetts, who was arrested after midnight on the 3d of this month and sent to prison on suspicion. He had committed no crime. The poor fellow despairs of any protection of his American citizenship, and in a letter dated January 6, 1882, says:

The American people boast very much about their Republic and great men, but when that Government allows her citizens to be thrown into British prisons without getting any kind of a trial, I think your great men and fine Republic cannot say a great deal for themselves.

Mr. Butler, in the review from which I have quoted, refers to the case of Martin Koszta, already noticed, and adds:

Not only that, other nations, notably Great Britain and France, have asserted these principles even in time of war. Great Britain called upon this Government to provide by treaty stipulations for a commission to redress all the wrongs done British subjects during the late rebellion domiciled in our territory, and commissions did adjudicate many thousands of dollars in favor of British subjects who made claim that they were injured in their persons and property by the action of the United States officers in carrying on the war, and that too when they were domiciled in garrisoned cities where martial law prevailed. A commission for a similar purpose is now sitting at Washington, giving redress to French citizens who claim that they were so injured. These claims are made as a matter of right by their respective governments, and are held to by this Government as a matter of right. In my opinion it is not only the right of the citizen but the duty of the Government, if he is by an exceptional arbitrary law or act of a foreign government despoiled of his property or his liberty, to use the most effective means possible to have its citizen liberated at once or tried for any supposed offense by the ordinary tribunals of that country, and that the case against him must be heard, at least to be satisfactory to this Government, by the highest tribunal to which any citizen of that country can appeal.

The English Government may pass a law, because Parliament is omnipotent, to arrest and imprison its own subjects without cause and keep them imprisoned without being brought to trial, and the only redress to the British subject may be in revolution. But applying that law to an American citizen ought to leave him in no such predicament. Our Government ought to interfere for his protection and for the redress for the wrongs done to its citizens.

Now, sir, can you tell me how many millions of dollars we have recently given to keep up our diplomatic intercourse with European nations? Can you tell me anything our ministers to Great Britain have done over there that was not disgraceful for the money they have spent? Can you give me the name of one American citizen who has been vindicated there? Can you tell me of one honest five minutes' work done by the representatives of American principles in all our legations to Europe? On the contrary, our representatives there have been taking lessons in the school of monarchy. They have been learning the ways and tricks of despots and aristocrats, and have been bringing them over here, inoculating our system and poisoning our blood with political pyæmia, which will kill us beyond the power of any of the doctors here even with their $100,000 bills to save us. The wounds are ghastly and the pus is not laudable. We are going to the devil unless we stop this, [great laughter,] if we are not already well on in our journey.

I read from the papers a short time ago of an American minister drawing $12,000 a year, or more, and I never heard of him doing anything but this.

Mr. McCOOK. I ask unanimous consent that my colleague's time be extended.

The SPEAKER *pro tempore*, (Mr. DUNNELL in the chair.) The gentleman's time has not expired.

Mr. ROBINSON, of New York. I am very much obliged to my distinguished and gallant friend from New York [Mr. McCOOK] and to the House, and I shall not abuse the kindness. If I see the least impatience I will stop; but I understand I shall not have to confine myself to the limited time.

I was saying that I read of the grand achievement of this our minister, and it is the only thing I really have read for the last five years that an American minister did for his pay. He appeared in the crowded streets of a great European city from time to time. I will not mention any name, because personally I really like him, and I do not want to say a word against him. He appeared on horseback, and about twenty or thirty paces behind him, "be the same more or less," he had a mounted "tiger," or lackey, gorgeously dressed, I presume, in yellow plush breeches, top boots and a scarlet jacket, and he was riding through the streets of that crowded city, and the people must have cried out, "Look at the queer republicanism of this representative of the great American Republic; look at his breeches, and his jacket; they are utterly too, too." [Laughter.]

Now, if we have nothing else for our ministers abroad to do, I am in favor of calling them home and applying the millions they cost us to some better purpose, and if we can give exit to the foreign representatives here, let them go home too. I do not believe that when a Secretary of State, however good and democratic Republican he may have been—and by the way the present Secretary of State and the late Secretary of State were both members of the Congress in either House that passed the bill which in its incipient stages provided that we should seize an Englishman, whether Charles Dickens or any one else, for every American citizen imprisoned abroad—becomes involved in the mazes of European aristocracy here, amid the music of clinking crystal, foaming with untaxed champagne from France, and smoking untaxed cigars from Cuba, moving in the mazes of the dance, and in the blaze of the beauty of Washington society, which has always been superb, and where eyes sparkle brighter than diamonds, and smiles are sweeter than the haggard looks of American prisoners praying for relief from unjust imprisonment, he is in a fit state of mind to defend our citizens. What chance for justice has some poor fellow who fought at Antietam, or was wounded at Gettysburgh, to have his prayer for justice and protection heard or answered when our officials get mixed with the representatives of the foreign government who hold him in prison, in such social happiness?

But if the folly and uselessness of our diplomats abroad were all that our citizens have to complain of we might blush and bear it, but it has been hinted that some of our representatives abroad have acted as volunteer spies and constables of the despotisms to which they are accredited. I shall make no charge myself, but I fear some of our citizens have got arrested through information from our representatives. I protest against making heavy appropriations for any such purpose. I take the following extract from the Boston Pilot of the 21st instant. Can it be possible that some of the contingent funds or secret-service money which we are called upon to vote here goes to any such base uses?

THE BRITISH SECRET SERVICE.

The composition of the British secret service is cosmopolitan. These agents form a part of the diplomatic organization of every British embassy, and are surrounded by a certain freemasonry recognized only by themselves. The minister at Washington is the official head of the corps in this country and Canada, and not less than two hundred persons are retained in its service in the United States and the Dominion. It employs whomsoever it finds necessary for its purposes, although the persons whose services are temporarily used are often in utter ignorance of the true aim and motives of those who pay them.

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By means of its secret servants the English Government is informed of the names of the leading officers of every land league in the United States and of every secret organization antagonistic to British interests. Considering the great personal risk involved in the pursuit of this unenviable calling the salaries are not only large, but liberal pensions are awarded for long service, which, if life be lost or injury sustained, are extended to the widows of the members. Should events in Ireland develope into civil war—which contingency, however, is certainly not probable at present—it would open up a keen controversy if some member of Congress of Irish proclivities were to make a point of ascertaining the nature and extent of the assistance which the secret service employés of Great Britain received from the Federal authorities.

Now, in order that we may have some authority for interfering in this business, to show that it is our duty, whether as good Samaritans or followers of the example of Lord John Russell and Daniel Webster or Captain Ingraham, I call attention to the terrible tyranny against

which I am protesting. Here is an extract from a letter of Henry George, of California. My gallant friend from California [Mr. ROSECRANS] probably knows him. Mr. George is an American citizen; there is no Irish about him. Here is what this American author says in The Irish World, after visiting Ireland to satisfy himself of the real state of affairs in that country:

Our fathers had a very vivid recollection of British tyranny and a very thorough contempt and hatred for it, but for some time past the common belief of Americans has been that personal liberty is really as secure under British institutions as under our own; that the English monarchy had, in fact, become a republic in all save the name. As to England this may be measurably true, but as to Ireland nothing could be more erroneous. There is to-day no country in the world making the slightest pretense to civilization where the fundamental principles of popular right are so flagrantly outraged, or rather so utterly ignored; where the government is such a reckless, conscienceless, irritating tyranny.

Imagine a government such as I have described wielded in the interests of a privileged class infuriated with the fear of losing the power of drawing immense incomes from the toil of others. Imagine all constitutional rights suspended, and the whole country at the mercy of an absolute dictatorship, backed by 50,000 bayonets in the hands of foreign troops—a dictatorship for which nothing is too arbitrary and nothing too mean. Imagine elected members of the highest legislative body, the trusted leaders of a political party that embraces nine-tenths of the people, lying in jail, and treated with indignities to which convicted felons in civilized countries are not subjected. Imagine the most respected and public-spirited men in their respective localities dragged off daily to prison without charge or inquiry, upon *lettres de cachet* issued by a governmental underling at the suggestion of some landlord or police inspector. Imagine a country where public meetings to discuss public questions cannot be held, where even the meetings of ladies are burst in upon and dispersed by policemen; where the newspaper editor must scan his proofs closely lest he may find himself the next day under lock and key; where men of the highest standing fear to talk of public affairs save with bated breath and in secure places; when they tell you that their every movement is watched by detectives, and their letters opened and read in the post-office, and warn you that you are watched as closely. Imagine a country where you hear of constables cutting to pieces with thrusts of their sword-bayonets young girls who are flying from them in terror; where the proprietor of such a hotel as the Astor or Metropolitan of New York or the Lick House of San Francisco will show you the bruises on his face inflicted in his own house by policemen who rushed in and beat him because, with an impulse of common humanity, he had exclaimed when he saw them kicking a poor boy about the streets! Let any American, if he can, imagine a country such as this, and he will get some idea of the condition of Ireland to-day. It is a reign of terror.

Yet men, calling themselves Americans, saluted the flag which represented these acts of oppression, and the world looked on with astonishment that a free republic should pay such homage to a shameless despotism.

I am going to ask this House to say that they did not join in that disgrace. I am going to ask this House to say whether it was done in a moment of gush or folly or æstheticism, [laughter,] or whatever it was, that led our people to salute that flag at that time—that it was not done with the sanction of the people's chosen Representatives.

And if there is here to-day a Representative from any district in this country who will rise and tell me that in the next campaign he will march through his district holding up the English flag, and give me the opportunity to follow him with the American flag, I will canvass the district and see who will be returned.

Here is what the New York Herald says of government under the English flag. It is from an editorial of the 30th of October, a few days after we saluted it at Yorktown:

The methods by which Ireland is governed are methods which are familiar in Russia. They are the methods of Louis Napoleon, and they jar upon every lover of liberty and order. Ireland is held by England as Russia held Poland—that is to say, by a large body of armed men. The principle of liberty is so deeply grounded in the English nature that when this temporary alarm or panic as to the purposes of the Irish tenantry is over there will be a sober second thought. Mr. Gladstone, so long as he appeals to the Jingo element of the hour, will have a noisy support in England, and the large centers of population, where any policy which is vulgar or meretricious will excite public applause.

It will be difficult to explain to the great body of the English people outside of London why it should be necessary, in the nineteenth century, for a liberal government to adopt the policy of a Bonaparte in dealing with a proud, intelligent, and independent people.

And these are the methods which the United States approve by saluting the flag under which they are perpetrated.

In another editorial, the following day, October 31, 1881, the Herald says:

What the world sees is that in free England—the England of Magna Charta—liberty, free press, free speech, and the right of petition—it is possible to employ the forms of government made familiar by Russian Czars and Louis Napoleon. The world sees a liberal government violate every right consecrated to freemen. Members of Parliament are imprisoned, women are arrested, priests are taken from the altar, meetings are suppressed, the press is silenced, the right to bear arms is denied, the *habeas corpus* is suspended, martial law is proclaimed, trial by jury is denied to men charged with violations of law.

And free America at the centennial celebration of her own freedom salutes the flag which waves over a despotism where every right consecrated to freemen is violated; where members of Parliament, ministers of the Gospel, and women are rudely arrested without charge of crime; meetings suppressed, the press silenced, *habeas corpus* suspended, martial law proclaimed, and trial by jury denied. But shut your eyes and ears and salute the flag which at this very time is perpetrating these outrages on its own subjects and on our citizens.

I call attention next to an extract from Mr. Cowan, an English editor, and a member of the English Parliament, in which he describes the tyranny and tergiversation of Mr. Gladstone. I copy from a London telegram in the New York Herald of October 22, 1881, the second day after our salute of the English flag:

Mr. Cowan, in an editorial in the Newcastle Chronicle, says: "Not so many years ago Mr. Gladstone wrote as follows: 'The prisoners in the Kingdom of Naples were arrested and imprisoned without due legal process; were, in vast proportion, not tried at all, and when they were tried were so largely by exceptional and not regular tribunals. When they were condemned they were condemned not by the free verdict of a popular body, but by the sentences of judges dependent on the government for their bread—a government, moreover, whose power rested on a flagrant breach of the written legal constitution of the country.' The Prime Minister, in his time, has played many parts, but even those familiar with his gyrations were not, perhaps, aware of the rapid transformation of his opinion on the treatment of political prisoners. The reproduction of these extracts from one of his letters to the late Mr. Butt demonstrates, it is true, that the men for whom he pleaded years ago were strangers at a distance, whereas those he now imprisons are fellow-countrymen and near. The distinction may reconcile the difference with which the cases are treated to the subtle and versatile intellect of Mr. Gladstone, but to plain men it is not so apparent."

Mr. Labouchère is also an English member of Parliament and an English editor. I copy from the Herald of November 14, 1881:

Mr. Labouchère's comments on the Irish question are attracting much attention in England. "Let us suppose," he says, "that the imperial Parliament sat in Dublin and that we English were always outvoted in it by an Irish majority; that Mr. Parnell resided in London as English secretary, and Mr. Biggar as English viceroy, both driving up and down the streets with an armed escort; that almost all our land was held by Irish landlords; that the magistrates were appointed by Mr. Parnell and Mr. Biggar; that an armed constabulary were at their command in each English county and that an army of 50,000 Irishmen were distributed in our great towns; that Mr. Gladstone, Mr. Bright, and Mr. Chamberlain were in prison on 'reasonable suspicion' of being opposed to this state of things, and that all meetings to protest against it and to claim the right of deciding some purely English question according to our own views were broken up by the police and military. Most assuredly we should be ungrateful for these manifold blessings, and although we might believe that Mr. Biggar, Mr. Parnell, and the Irish majority in the Dublin Parliament were actuated by the best of intentions toward us, we should not fall down on our knees and thank them. Yet, *mutatis mutandis*, we are surprised at the Irish not doing this."

Good for that Englishman. I love an Englishman as well as I do an Irishman, and almost as well as I do an American, if he is the right kind of a man; if he loves republicanism and faithfully forswears all allegiance to England and its Queen and flag.

There are four born Englishmen upon this floor. They are here as representatives of their respective districts, and every man of them I believe (though I have not conferred with them) will stand by me and take as ultra ground as I do. We have twenty naturalized citizens on this floor—four Irishmen, four Englishmen, four Germans, I believe, some Scotchmen, and so on—all having solemnly forsworn allegiance to their sovereigns; all blended together in the amalgam of American citizenship; all willing to die for the "Stars and Stripes," and equally willing, I doubt not, to march to the bastiles where our citizens are imprisoned and pull them down. But I think the parties saluting the English flag at Yorktown are the only persons in the world who would fall down on their knees and thank the English Government for the perpetration of such offenses against the enlightened sentiments of mankind as Mr. Labouchère describes.

Why should not Americans sympathize with the Irish people? I need not speak to men on this floor of the feeling of affection in Ireland toward America. I need not recall the glorious example of American sympathy with Charles Stewart Parnell when on this floor and he was made a member of this House. [Laughter.] He addressed this House when it was in session as a House, and he could not have done so unless he was a member of it somehow. You gentlemen who were here remember the circumstance. I was not here.

Let me read the language in which an American of Americans, a young lady from Hartford, traveling in Europe, describes the state of Ireland and the enthusiastic love of the Irish people for America. It is an extract from a private letter, printed in the Hartford Times, to her mother, and was not intended for publication:

Ireland is a far more beautiful country than I supposed; but you at home have no idea, though hearing much about it, of the oppressions and poor condition of the Irish peasants, and I may say of the Irish people generally. I noticed it the moment I placed my foot on Irish soil, and all through Ireland I was indignant and excited over the scenes of want and misery we saw. It is terrible. But, oh! how the Irish people love America. It is touching to see these peasants and hear them talk. All—guides, men and women, waiters, farmers, and people traveling on the cars—all look to America as we look to Heaven.

This honest American young lady feels indignant, but the party at Yorktown are quite the contrary. They were jubilant and salutatory.

These are the people whom we see suffering without extending to them a single word of sympathy such as Daniel Webster was willing to extend to other peoples when they were struggling to establish institutions similar to our own. I need not dwell upon the hospitality of the Irish people toward Americans. Why, sir, I was one of a party traveling through that country who were caught in a terrible storm; and the peasant women went into their bed-rooms, took their blankets from their beds, and gave them to the American ladies to shelter them on their way home; and they never asked whether those blankets would ever be returned.

Coming still nearer home, I quote from the Brooklyn Eagle of March 9, 1881, the following note from the Rev. Dr. Talmage. His Tabernacle is in my district, where he thunders forth his eloquence. I quote from him because he is good authority for me. I admire him as the man of the age; I represent his church. Mr. Beecher also lives in my district. [Laughter.]

BROOKLYN, *March* 8, 1881.

GENTLEMEN: Engagement to be at another meeting will hinder my accepting your invitation to speak at the Academy at your assembly in honor of Robert Emmet.

Just as bad a fellow as Parnell is.

The pronunciation of his name makes my heart beat like a war-drum.

He would make a first rate chaplain for a regiment in the Army that this House will authorize to go over and bring home our American citizens. [Laughter.]

His dying speech will not cease its reverberation till the last oppression in all the earth has ceased. Let others cipher out the particulars. I give as my opinion that Ireland will yet be as independent of all other governments as is the United States. How? When? I leave that to Omnipotence. I am neither monarchist nor communist, but if it be communism to hate the theory that a comparative few have a right to gather up the resources of the world, and crowd others off into squalor and wretchedness, giving them no chance for this world or the next, then I am a communist. Every industrious and virtuous citizen has a right to a livelihood in Ireland and everywhere else. By the throne of the eternal God I assert it, that truth and liberty and justice shall yet be triumphant over all their foes! Give my salutation to the meeting, and tell them to pitch their tents toward the sunrising.

Yours, &c.,

T. DEWITT TALMAGE.

That is the American doctrine talked in my district; but no sunrise of freedom will ever shine in circles controlled by those who salute and worship the English flag, which this day and hour of the nineteenth century represents the most flagrant despotism on earth.

Sir, I see before me the benevolent countenance of my friend from the Aroostook district of Maine, [Mr. LADD.] I read with great pleasure a few evenings since a speech which he delivered in Portland, Maine, on a recent visit home, in which he urged his people to stand out against the illegal power domineering over these prisoners, and to cherish and protect these United States as the grand camping-ground of freedom's army. I see also before me the gentleman from Texas, coming from the Nueces, [Mr. UPSON.] In all the generous sympathy of American citizenship between the Aroostook and the Nueces, every true American heart is burning and throbbing and longing for the time when we can help Ireland to achieve her independence, as we achieved ours by her help and French assistance. I also see before me my colleague from Brooklyn, [Mr. J. HYATT SMITH.] I know I shall have his support.

I was going to say that as a general thing the organs of the two old parties do not seem to sympathize heartily with republicanism in Europe. They are rather "offish." But one class of newspapers is always true to it, and I love them for it. You cannot find an anti-monopoly paper throughout the country that is not heartily in accord with the position I am taking to-day. The others are wary; they hold back; there are monopolies behind them, and wealth and "too-too"-ism. Down from the utterly cometh "the too-too." These mingled influences operate on the old parties; and the poor democrat or republican of American or of European countries has no kind of chance for justice or protection from them.

This measure now before the House comes from petitions presented by constituents of these two gentlemen from Maine and Texas, the two extremes of our Union. And it gives an additional zest to the speech of the gentleman from Maine when I recognize just above him in the gallery one who is the light and glory of his happy home, and a living relative of the illustrious Ingraham, who so nobly vindicated American citizenship, even when imperfect, by his conduct in the Koszta case in the harbor of Smyrna. Captain Duncan N. Ingraham, born in South Carolina just eighty years ago, entering the Navy seventy years ago, made captain in 1855, and still living near Charleston, is a relative of the Ingrahams of Portland, Maine.

I refer to the independent press to introduce an extract from a paper published in this city, the National View of October 22, 1881, published two days after, but written before the disgraceful salute of the tyrant flag at Yorktown, which says:

We can think of nothing more selfish, nothing more intensely cowardly, than the attitude of the United States to-day toward each and every struggling people, each incipient revolution. At Yorktown this week the notables are celebrating a victory and offering plaudits to the descendants of men who aided us in our extremity. What soul beyond herself have the Americans ever aided one step toward victory?

Not one; nay, her press, her Cabinet officers, her President hasten to assure every despot whose people rise against him that America is neutral and has no sympathy with sedition or revolutionists. It is as cowardly a position as any self-seeking government could hold, that of saying, "We have obtained a freedom for ourselves which we deify; get it you, if you can, but we will never help you to it." It is not enough to say, "Come to America and be free!" They have a right to be free at home. It is good neither for America nor for them that they should be forced to tear themselves from home and native soil to obtain freedom. They have a right to freedom on the soil to which they were born, and Charles Stewart Parnell is right when he demands it for Ireland; he is right to fight the oppressors to their teeth; he has a right to the active sympathy of every man in America, and were we not a nation of snobs and pretenders he would have something else from America; he would have such assistance as Lafayette and France gave to us; he would through his prison bars hear the "good cheer, brother!" across the Atlantic, and Ireland in her desolation would know that her sons who vote in America could fight on the soil which gave them birth.

All honor to Parnell so long as he fights in the interests of his people, a people whose blood and bruises are never for a moment eased of their aching. The slim young Irishman in his prison cell should be mightier than a giant free, and every land-leaguer of Ireland should be made to feel that, in the United States, the home of their brothers and their children, ten times ten thousand hearts are beating in sympathy for them and Ireland.

What would the editor have said if he had known that while he was writing this extract they were saluting the English flag?

These extracts upon the present state of Ireland and our duty toward her are only repetitions of the old story. If we go back for five or seven hundred years of her history we shall always find the unfeeling oppressor and the helpless sufferer. Sir John Davis, who, I think, was the attorney-general under James the First, says that if Satan had adopted the same system of government for his dominion that the English gave to Ireland he would long since have depopulated his empire! If you wish to read the saddest story of suffering and wrong ever written, read Daniel O'Connell's brief history of Ireland; if you want to study the diabolism of statesmanship, read the doings of Castlereagh and Cornwallis in Ireland. The latter, after his surrender at Yorktown, was appointed lord-lieutenant of Ireland, and he seemed to take pleasure in oppressing a nation that had given to America Generals Knox and Wayne and Morgan who had fought and foiled him on many a battle-field. Richard Cobden, the illustrious commoner of the English Parliament, in his political writings, (volume 1, page 734,) after quoting Henry D. Inglis as asserting that the state of Ireland under British rule "was a reproach to any civilized and Christian country," says:

We shall search the volumes of the most accredited travelers in Russia, Turkey, or India and find no description of a people that is not enviable in comparison with the state of millions of our fellow-subjects in Ireland.

One more authority I shall quote on the state of Ireland and the duty of all lovers of liberty to aid her. It is that of Lady Wilde, of Ireland. It is a curious fact that whenever England wants anything well done, whether it be to illustrate her statesmanship, her bravery, or her oratory, she has to send to Ireland for a Burke, a Sheridan, or a Wellington. And here we have the representative and head of English æstheticism, an Irish boy. Oscar Wilde is a native of Ireland and the son of the most enthusiastic of Irish revolutionists. When in 1848 an Irish patriot of that period was on trial which resulted in conviction for writing seditious articles in the press of young Ireland, and when a powerful revolutionary article headed "*Jacta est alea*" was quoted to secure his conviction, Lady Wilde rose in the gallery of the court-house and proclaimed herself its author. I hold in my hand a book which I have brought from the Congressional Library, published by Duffy in Dublin, in 1864, entitled Poems by Speranza, for such was the *nomme de plume* of the wife of Sir William Wilde, a noted occulist of Dublin. It is dedicated, "To my sons Willie and Oscar Wilde." On the dedication page she has printed this quotation:

I made them, indeed,
Speak plain the word *country*. I taught them, no doubt,
That a country 's a thing men should die for at need.

Where Willie is and whether he speaks plain for his country and is ready to die for her, I know not; but Oscar is here, the representative of English æsthetics. It must have been perfectly stunning to see this young Irishman, whose leg, the newspapers tell us, is a poem, led into the midst of Washington society in knee-breeches, and pumps by my æsthetic friend from New Jersey, [Mr. ROBESON]—how dressed we are not told. Had my friend from New Jersey known that he was any way Irish I rather think he would have objected to his immediate consideration by the house.

Now, this fashionable craze is nothing new under the sun. We are informed by Holy Writ that Balaam had an æsthete. If he failed in a supply of long hair he made up for it in length of ears, for we are told that he was made to utter! and what he uttered I have no doubt was as sensible as anything said in the fashionable circles of England and her admirers all over the world, whose representative this long-legged and long-haired Wilde young Irishman is.

Now, let us see what this noble mother of this young Irishman has to say of Ireland. In one of her poems she exclaims:

Call from the hills our own Irish eagle;
Spread its broad plumes on "the Green" of old
With a sunrise blaze, as a mantle regal,
Turning the dusk-brown wings to gold—
Symbol and flag be it there unrolled.

Irish daring by land and river,
Irish wealth from mountain and mine,
Irish courage—strong to deliver,
Irish love as strong to combine
Separate cords in one strain sublime.

But it was in her poem entitled "The Year of Revolutions" that she seemed to breathe her burning soul into the lines of encouragement and hope which she dedicates to the Irish patriots struggling to throw off the English yoke:

Lift up your pale faces, ye children of sorrow;
The night passes on to a glorious morrow.
Hark! hear you not, sounding glad liberty's pæan
From the Alps to the isles of the tideless Ægean,
And the rhythmical march of the gathering nations,
And the crashing of thrones 'neath their fierce exultations,
And the cry of humanity cleaving the ether,
With hymns of the conquering rising together!
God, Liberty, Truth! How they burn heart and brain!
These words, shall they burn, shall they waken in vain?

No! Soul answers soul, steel flashes on steel,
And land wakens land with a grand thunder-peal.
Shall we, oh my brothers! but weep, pray, and groan,
When France reads her rights by the flames of a throne?
Shall we fear and falter to join the grand chorus,
When Europe has trod the dark pathway before us?
Oh, courage! and we, too, will trample them down,
The minions of power, the serfs of a crown.
Oh, courage! but courage, if once to the winds
Ye fling freedom's banner, no tyranny binds!

We'll conquer! we'll conquer! no tears for the dying;
The portals to heaven be the field where they're lying.
We'll conquer! we'll conquer! no tears for the slain;
God's angels will smile on their death-hour of pain.

On! on in your masses, dense, resolute, strong,
To war against treason, oppression, and wrong!
On! on with your chieftains, and him we adore most
Who strikes with the bravest and leads with the foremost,
Who brings the proud light of a name great in story
To guide us through danger, unconquered, to glory!

With faith like the Hebrew's we'll cross the Red Sea,
God, smite down the Pharaohs—our trust is in Thee!
Be it blood of the tyrant, or blood of the slave,
We'll cross it to freedom or find there a grave.
Lo! a throne for each worker, a crown for each brow,
The palm for each martyr that dies for us now.
Spite the flash of their muskets, the roar of their cannon,
The assassins of freedom shall lower their pennon.
For the will of a nation what foe dare withstand?
Then patriots, heroes, strike! God for our land!

Our fathers lowered the assassins' pennon at Yorktown, but it was raised again.

I might make many extracts from able articles in the New York Sun and other American papers. I might quote from the speeches of many American statesmen, governors of States, and among them Governor Long, of Massachusetts, who have spoken and presided at American meetings held to sympathize with and sustain Mr. Parnell and his Irish disciples of George Washington. I might quote from that illustrious and eloquent and venerable American statesman of Massachusetts, Wendell Phillips, who says that in this struggle of Gladstone and the flag we saluted at Yorktown over Ireland "England's success would be the eclipse of civilization."

If the success of England is the eclipse of civilization, by what crime shall we call the saluting of her flag?

I might quote the opinions of William E. Gladstone in denouncing the treatment of Neapolitan prisoners, but since he himself has out-Bombaed Bomba and inflicted upon the subjects of his own government tyrannies and cruelties which outshine in crimson guilt the cruelties of all time, it is of little importance what opinions on civilized statesmanship he ever did or ever may entertain.

But there is one grand American character whose example I must not fail to mention. I refer to Horace Greeley, the founder of the New York Tribune. In 1848 he was a member of the Irish directory, with Charles O'Conor, Robert Emmet, and John McKeon, the present district attorney of New York. Mr. Greeley helped to raise hundreds of thousands of dollars ($500 from Archbishop Hughes) to buy arms and send aid to the Irish revolutionists of that day; and if the present editor of that paper is not in favor of Ireland now in her less revolutionary struggle against England, it only shows the degeneracy of the times and the decadence of American sympathy for universal freedom.

Sir, when I read about the preparations for the celebration of the centenary of Cornwallis's surrender and the pulling down of the English flag at Yorktown I thought of the gladness with which all peoples in other lands struggling for freedom would look to that occasion for hope and encouragement. But when I read the letter of the Secretary of State dated July 30, 1881, and published in the New York Herald of August 14, 1881, I saw that it was to be a farce, and that monarchy, not republicanism, was there to receive its apotheosis. This letter was dated four weeks and published six weeks after the fatal attack upon the President. Here it is:

DEPARTMENT OF STATE,
Washington, D. C., July 30, 1881.

SIR: During the darkest period of the Revolutionary War a German soldier of character and distinction tendered his sword in aid of American independence—Frederic William Augustus, Baron Steuben, joined Washington at Valley Forge in the memorable and disastrous winter of 1778. He attested the sincerity of his attachment to the patriot cause by espousing it when its fortunes were adverse, its prospects gloomy, and its hopes, but for the intense zeal of the people, well-nigh crushed. The Baron Steuben was received by Washington with the most cordial welcome, and immediately placed on duty as inspector-general of the army. A detailed history of his military career in America would form an epitome of the Revolutionary struggle. He had served in the Seven Years' War on the staff of the Great Frederic, and had acquired in the campaigns of that master of military science the skill and the experience so much needed by the untrained soldiers of the Continental army. The drill and discipline and effective organization which under the commanding patronage of Washington were at once imparted to the American army by the zeal and diligence of Steuben transformed the volunteers and raw levies into veterans, who successfully met the British regulars in all the campaigns of the prolonged contest. The final surrender of the British army under Lord Cornwallis occurred at Yorktown, Virginia, on the 19th day of October, 1781. Baron Steuben bore a most conspicuous part in the arduous campaign which ended so auspiciously for the Continental army, and it fell to his lot to receive the first official notification of the proposed capitulation and to bear it to the illustrious commander-in-chief. The centennial of that great event in American history is to be celebrated with appropriate observances and ceremonies on the approaching anniversary. I am directed by the President to tender through you an invitation to the representatives of Baron Steuben's family in Germany to attend the celebration as guests of the Government of the United States. You will communicate the invitation through the imperial minister of foreign affairs, and will express to him the very earnest desire of this Government that it shall be accepted.

Those who come as representatives of Baron Steuben will be assured in our day of peace and prosperity of as warm a welcome as was given to their illustrious kinsman in the dark days of adversity and war. They will be the honored guests of fifty millions of Americans, a vast number of whom have German blood in their veins and constitute one of the most worthy and valuable elements that make up the strength of the Republic. Intensely devoted with patriotic fidelity to America, they yet retain and cherish and transmit the most affectionate memories of fatherland. To these the visit of Baron Steuben's relatives will have something of the revival of family ties, while to all Americans, of whatever origin, the presence of German guests will afford fitting opportunity of testifying their respect for that great country within whose limits are included so much of human grandeur and human progress.

I am, sir, your obedient servant,

JAMES G. BLAINE.

ANDREW D. WHITE, Esq., &c., *Berlin.*

On reading this letter this proposition to run the country in debt without the consent of Congress, to bring over descendents representing the Hessians of our Revolution, whom our Baron Steuben had disowned in his will because of their bad treatment of himself for espousing the cause of Washington, who had no right to represent our German fellow-citizens here who had forsworn all allegiance to the kaisers and Bismarcks to whose tyranny their swords are dedicated, and thinking that there were others more worthy of being invited, I wrote and published in the Brooklyn Eagle of August 21, 1881, the following letter, which should have been written by James G. Blaine, and which I think is worthy of being quoted here for general information:

A LETTER WITH A POSTSCRIPT.

DEPARTMENT OF STATE,
Washington, D. C., July 30, 1881.

SIR: During the darkest hours of our early struggle for independence, before it was known whether an undisciplined body of patriots could make a successful stand against the veteran troops of England, an Irish soldier of character and distinction tendered his sword in aid of American independence—Richard Montgomery joined the army of Washington in the memorable and disastrous winter of 1775. He attested the sincerity of his attachment to the patriot cause by espousing it when its fortunes were doubtful, its prospects gloomy, and its hopes, but for the intense zeal of the people, well-nigh desperate. Montgomery was received by Washington with the most cordial welcome and immediately placed on duty by that illustrious chief as commander of the northern division of the Continental army. A detailed history of his military career would form an epitome of our early Revolutionary struggle, and with that of his illustrious countryman, John Stark, worthily occupies the most conspicuous pages of the first volume of Spark's American Biography." He had served in the war against France under Amherst and his famous countryman, Wolfe, and had acquired in the campaign against Louisburg, Ticonderoga, Quebec, and Havana the skill and experience so much needed by the untrained soldiers of the Continental army. The drill and discipline and effective organization which were at once imparted to the American army by the zeal and diligence of Montgomery transformed the volunteers and raw levies into veterans who successfully met the British regulars in all the subsequent campaigns of the long contest. The final surrender of the British army under Lord Cornwallis occurred at Yorktown, Virginia, on the 19th day of October, 1781. Though Montgomery had fallen at Quebec, the brave officers and men whom he had educated and disciplined bore a most conspicuous part in the arduous campaign which ended so auspiciously for the Continental army. It was Anthony Wayne, the son of an Irishman, who served so gallantly in Montgomery's retreating army, that opened on the 6th of October, 1781, the first parallel at the investment of Yorktown. It was he who commanded when, on the 11th, the second parallel was opened, and it was he who, on the 14th, after dark, most gallantly sustained Lafayette in the attack on the two detached redoubts. The centennial of that great event in American history is to be celebrated with appropriate observances and ceremonies on the approaching anniversary. I am directed by the President to tender, through you, an invitation to the representatives of Richard Montgomery's family in Ireland to attend the celebration as guests of the Government of the United States. You will communicate the invitation through the English secretary of state for foreign affairs, and will express to him the very earnest desire of this Government that it shall be accepted. Those who come as representatives of Richard Montgomery will be assured, in our day of peace and prosperity, of as warm a welcome as was given to their illustrious kinsman in the dark days of adversity and war. They will be the honored guests of fifty millions of Americans, a vast majority of whom have, as I have, Irish blood in their veins, and constitute the most worthy and valuable elements that make up the strength of the Republic, eight of our Congressmen, four in the House and four in the Senate, being native Irishmen, and a majority of both Houses, with the Vice-President, of Irish descent. Intensely devoted with patriotic fidelity to America, they yet retain and cherish and transmit the most affectionate memories of the dear old Emerald Isle. To these the visit of Montgomery's relatives, or of his brothers, Alexander and John; or of his sister, who married Lord Ranelagh, (and had two sons, Charles and Thomas,) will have something of the revival of family ties, while to all Americans, of whatever origin, the presence of Irish guests will afford fitting opportunity of testifying their respect for that noble island within whose limits are included so much of American sympathies for the island of saints and sages, of orators, poets, and patriots, and of devoted friends of the United States.

I am, sir, your obedient servant,

JAMES B. GLAINE.

JAMES RUSSELL LOWELL, Esq., &c., *London.*

POSTSCRIPT.—I am likewise directed to suggest that you also inquire for the representatives now living in Ireland of the following Irishmen, who dedicated their hearts and swords to the independence which was won at Yorktown:

John Barry, a native of Ireland, the first commodore of the American Navy, appointed by Washington.

Ephraim Blaine, a native of Ireland, a quartermaster in Washington's army, from whom I am proud to trace my pedigree.

Richard Butler, a native of Ireland, one of the five brothers who rendered distinguished services to Washington's army.

John Dunlap, a native of Ireland, a brave officer under Washington, and publisher of the first daily paper in the United States; also the first printer and publisher of the Declaration of Independence. In 1780 he subscribed $20,000 to supply Washington's army with provisions.

George Ewing, a brave soldier in Washington's army, of a distinguished Irish family, resident in Cumberland County, New Jersey. He was an officer in the New Jersey line, and fought at Germantown and Brandywine, and spent the terrible winter of 1777 with Washington, at Valley Forge. His son was Thomas Ewing, of Ohio, Senator of the United States and member of President Harrison's and President Taylor's Cabinets. His grand-daughter is the wife of General Sherman, the head of our Army, and my own cousin.

John Gibson, a native of Ireland, a renowned Indian fighter and major-general in our Army. His brother George penetrated the forests from Pittsburgh to New Orleans to supply Washington with powder from the latter city, then under Spanish rule. He fought in all our battles with England from Trenton to Yorktown. His men were rifle sharpshooters and were known as "Gibson's Lambs." This George's son George was Commissary-General of the United States Army for forty years, and his son, John B. Gibson, was chief-justice of Pennsylvania for twenty-five years, whom Jeremiah S. Black, another son of Ireland, describes as "The most illustrious judge of his time."

James Graham, who commanded in fifteen battles in our war with England before he was twenty-three years of age. The youngest of his twelve children, whose mother was the daughter of John Davidson, another Irishman, who signed the Mecklenburgh declaration of independence, was William A. Graham, a member of President Taylor's Cabinet and a candidate for Vice-President on the ticket with Winfield Scott.

Edward Hand, Washington's favorite adjutant-general, a native of Ireland.

John Hezlett, a native of Ireland, who fell with Mercer at Princeton, and whose son was governor of Delaware.

William Irvine, a native of Ireland, who fought with Wayne under General Thompson (both Irish) in Canada, commanded the advance troops at Monmouth,

stormed Stony Point with "Mad Anthony," and was trusted and praised by Washington everywhere.

Henry Knox, major-general, and Washington's chief of artillery, and also Secretary of War and of the Navy in Washington's Cabinet.

Andrew Lewis, who was born in Ireland, but had to fly with his father, John, who shot an Irish landlord for evicting himself and family from their home. This John who slew his Irish landlord had five sons, all of whom distinguished themselves in our war with England. When Washington assumed command of our army he requested that Andrew Lewis should be made one of his major-generals.

Andrew McClary, the giant patriot, a major commanding at Bunker Hill, where he fell.

David Porter, a naval officer of merit in the war of the Revolution, father of David Porter, whose career was "a blaze of heroism," and grandfather of Admiral David D. Porter, the head of our Navy, who will have charge of the naval display at Yorktown.

Stephen Moylan, brother of the Catholic bishop of Cork, one of Washington's favorite generals, and one of five brothers who fought in our Revolutionary army.

Daniel Morgan, a native of Ireland, who won the victory of the Cowpens over Tarleton, helped to defeat Burgoyne, and fought under Montgomery at Quebec.

Andrew Pickens, who fought at the Cowpens and elsewhere, and whose son and grandson were governors of South Carolina.

Jerry O'Brien, who fought and won our first sea fight with the British.

John Rodgers, whose father came from Ireland and served in the Revolutionary War and gave to this country one of its most illustrious families of naval heroes.

John Stark who fought and won the battle of Bennington.

John Sullivan, one of Washington's favorite generals.

There are also some of the most illustrious heroes of our second war with England who were born in Ireland or of Irish parents, whose descendants or relatives, if living, should be welcome guests at our Centennial. Andrew Jackson and Alexander Macomb, in our Army; Stephen Decatur, David Porter, John Rodgers, Johnston Blakeley, Thomas McDonough, Oliver H. Perry, and Charles Stewart, in our Navy. If there are any of the families of these heroic Irishmen and sons of Irishmen, who served this country so well, now resident in Ireland, a warm welcome is tendered them, and particularly to the grandson of our gallant commodore, "Old Ironsides," Charles Stewart Parnell.

I need not tell you in what part of Ireland to look for the families of these illustrious friends of America, for every American should be familiar with the subject, but I may say that Convoy Castle, near Raphoe, in the county of Donegal, is the birthplace of Montgomery, and is still in possession of his family. John Barry was born at a place called Tacumshane, in the county of Wexford. The Butlers were from Drogheda, John Dunlap was born in Strabane. Edward Hand was born at Clyduff, in Kings County. Hezlett was from Coleraine, and a gentleman of his name and family is now a magistrate there. General Irvine was born near Enniskillen. About nine miles north of Enniskillen is the village of Irvinestown, and the family seat of the Irvines is called Rockfield. General Irvine's grandson, William A. Irvine, who is proud of his Irish ancestry, is living in Warren County, Pennsylvania, at a place called Irvine. The Moylans were born in Cork. General Morgan was born at the Cross of Ballinascreen, which the English barbarously call Draperstown, after a London company who possessed themselves of a large portion of land in Derry, which the English also barbarously call Londonderry. John Stark was from Derry, John Sullivan from Limerick. Stephen Decatur's Irish mother's name was Pine. Captain Johnston Blakeley was born at Seaford, in the County of Down. Charles Stewart's father was from Belfast, his mother from Dublin. His grandson, Charles Stewart Parnell, lives in Wicklow, and another has property in Armagh. General Jackson was from Carrickfergus.

It is probable that our minister and consuls in Great Britain might be more profitably employed in collecting information of the homes and families of these illustrious friends of America than they are at present in trying to find excuse for our ancient enemy in keeping our citizens in prison without any charges specified against them.

It has not escaped the notice of the Department that recently a young clergyman, named Thomson, was ordered at Maghera, in the county of Derry, Ireland, and that probably he is a relative of Charles Thomson, our illustrious and venerable Secretary of the Continental Congress, who was a native of that village, and who was the most determined foe of England in our Revolutionary struggle. If any of his family are still living in Ireland, it is no more than what our people owe to this, perhaps, the purest patriot of our Revolutionary days, that a national vessel should be put at their service to make us a visit. This would be more worthy employment for our Navy than that to which it has of late been dedicated or desecrated.

That was a grand spectacle for America and Ireland at Yorktown, the 19th day of October, 1781, when Cornwallis surrendered to Washington. The American Army was drawn up on the right side of the road leading from Yorktown to Hampton, and the French army on the left. Their lines extended more than a mile in length—Washington, on his white charger, at the head of the American column, and the princely Rochambeau, on his splendid bay, was at the head of our faithful allies, the French. A vast concourse of people assembled to witness the ceremony. The vanquished British troops marched slowly between the columns of the allied armies. All were anxious to look upon Cornwallis, whose march through the Southern States had been one of cruelty and plunder, almost as cruel as his subsequent career in Ireland as lord-lieutenant. But he pleaded illness, and sent General O'Hara to deliver his sword. Twenty-eight British regiments were to deliver their colors. Twenty-eight British captains, each with a flag in a case, were drawn up in line. Opposite to them twenty-eight American sergeants were stationed to receive the colors. Colonel Alexander Hamilton, a foreign-born citizen of the young Republic, was the officer of the day. And amid these magnificent surroundings, and in this august presence, these twenty-eight flags of the grand British army were surrendered to America, and the young ensign who received them was an Irish-American boy of eighteen years of age, Robert Wilson, a nephew of Captain Gregg, of the Irish Londonderry colony of New Hampshire, partially transplanted in New York. It was meet and proper that one kindred in blood to Stark and Wayne and Knox should be selected to receive the spoils of the vanquished enemy whom these Irish-American generals had so bravely fought and conquered on many a hotly contested field.

That was a grand midnight scene for America and Ireland when young Lieutenant-Colonel Tilghman, of Maryland, Washington's aid, rode from Yorktown to Philadelphia with Washington's announcement to Congress of Cornwallis's surrender. Riding express and galloping into the city at midnight he reached High street, near Second, where Thomas McKean resided, the Irish-American president of the Continental Congress, whom with violent knocking he roused from sleep to receive the glad tidings. The Irish-American watchman announced the flying hours: "Half-past twelve o'clock and Cornwallis is taken!" That Irish-American city started from its slumbers, and lights flitted through the houses like a crescent illumination. The old State-house bell of liberty flung out its treble notes to the crisp October morning air, and the hoarse cannon thundered forth their double bass in reply. The Irish-American Congress came early together, and Charles Thomson, the venerable Irish-American secretary of Congress, read with clear and inspired voice the letter from Washington announcing the surrender of Cornwallis and his army to the Irish-American and French troops.

That, in fine, was a grand day for America and Ireland, Sunday, the 25th of November, 1783, when General Washington and Irish-American George Clinton, general and governor of the State of New York, with their suites, rode four abreast into the city which the conquered British had just evacuated, followed by Irish-American General Henry Knox and other officers of the army eight abreast. The governor gave a public dinner to the distinguished company, and the next day entertained at dinner the French ambassador, the Chevalier de la Luzerne, followed next evening at Bowling Green by the most brilliant display of fireworks ever before seen on this continent. On Tuesday, December 4, the principal officers of the army assembled at Francis's tavern to take a final leave of their beloved chief. Filling his glass, he turned to them and said: "With a heart full of love and gratitude, I now take leave of you. I most devoutly wish that your latter days may be as prosperous and happy as your former ones have been glorious and honorable." Having drunk, he added: "I cannot come to each of you to take my leave, but should be obliged to you if each of you will come and take me by the hand." General Knox, his Irish chief of artillery, sat next him. Washington, in tears, grasped his hand, embraced, and kissed him. With similar emotions and signs of love he took leave of each succeeding officer. He passed through the corps of light infantry to White Hall, followed by the whole company, and entering the waiting barge, waved his hat and passed to Paulus Hook, and thence to Annapolis, to surrender his commission to Congress.

The statue of George III in Bowling Green had been overthrown. The British flag which had been nailed to the staff was torn down, and the American flag, worked by the fair hands of an Irish-American lady, was run up in its place, and so the volume of the Revolutionary war was closed, on which was written many a brilliant page by the brightest swords that Ireland ever unsheathed in the cause of freedom. Her sons will be ever welcome while we enjoy the liberties which their blood and bravery gave us.

J. B. G., (RICHELIEU.)

Little did I think, sir, when I wrote that half-serious letter that anybody would dare to suggest the saluting of the English flag at Yorktown, where a hundred years ago George Washington caused twenty-eight of them to be struck to the American flag. I regret this salute in every way. It was needless, it was unnecessary. It was insulting to other friendly nations whose flag we did not salute. It encouraged England to rivet the chains tighter on the country that gave us Knox and Wayne. We lent England the power to drive her dagger to the heart of Irish freedom, and as she drew the reeking and gory blade from her quivering heart, Gladstone, holding it up in the sun of the nineteenth century, nodded to Columbia and the blood-stained flag was saluted by the young Republic of the West. "Surely an enemy hath done this." Why was it done? Half a million or more of the crushed victims of English oppression are coming here every year. You admit them to citizenship, but before you permit them to enter the temple of liberty you swear them twice on the Holy Evangelists to renounce all allegiance to their sovereign. To each of them coming from British dominions you put the binding oath, "you do solemnly forswear *all* allegiances to all princes and potentates whatsoever, particularly the Queen of Great Britain and Ireland, so help you God." There are more than two-thirds of the American people who, or whose fathers since 1790, you compelled to take that oath. Do you expect those who took it to perjure themselves by showing such allegiance to the Queen as the saluting of her flag implies? Would you trust the sincerity of a man who had pledged himself against drink if you found him every morning smelling the cork or kissing the neck of the forsworn bottle? The author of the Star-Spangled Banner strained his eyes through the smoke and darkness that brooded over the Chesapeake to see if that Star-Spangled Banner had gone down and the English flag had gone up amid such a roar of cannon. Many of us more recently strained our eyes a little lower down on that Chesapeake and anxiously heard the salute and saw the smoke that for a moment enwrapped everything within its folds, and inquired if that band who so ruthlessly swore that we should have neither home nor country, but whose blood had "washed out their foul footsteps' pollution," had regained possession of the Chesapeake. The smoke of the salute lifted itself lazily from the water, and there were the old tyrant flag and the foul footsteps of its worshipers.

But the present from the Queen! Well, I have no ill-will to the Queen, though you compelled me twice to forswear her. I doubt not she has still a woman's heart, but she would have paid us a higher compliment if she had somewhat abated the severity of her despotism over her own subjects and had released our American prisoners. Our Constitution says that no person holding office under our Constitution shall receive without the consent of Congress any present of any kind whatever from any monarch. Who did receive this present? Whoever it was he violated our Constitution and deserved impeachment. But should this wreath of flowers quench our love of freedom and blind us to the hideousness of tyranny? A family is watching its dead, and next door a burglary is to be committed. Must a wreath of flowers silence all objections to the burglary? Shall the faithful watch-dog silence his barkings for a bone? The blackest burglary ever perpetrated on a people was committed by England on the liberties of Ireland at the very time, I believe the very day, when this flower or bone was flung to us to silence our protest. "Is thy servant a dog, that he should do this thing?" Let us hereafter, when we have a dead President, give notice to all monarchs and despots "Please omit sending flowers."

A poor widow, who had given her husband and sons to save the Union in the recent war, on the day appointed for President Garfield's funeral, hung upon the only window of her desolate room a piece of faded crape which she had worn on her bonnet since her loved ones fell. That weed of the widow's woe was more worthy of the first place in that funeral pageant than any wreath flung from the hand of any oppressor of a people.

And yet one would think from the action of some English snobs that this wreath had bought us over to monarchy. One of them, named Cheyne, I think, came over to New York to induce Americans to subscribe some hundred and eighty thousand dollars to enable him to reach the north pole by balloons. He lectured at Chickering Hall

and gave stereoscopic views of his balloons and the regions over which he proposed to float them. At the close he gave a view of Brittania putting a royal crown upon our dead President. Now, I understand that a Mr. Symmes, some fifty years ago, tried to prove that the earth was a hollow sphere, and that at the north pole there was a great opening, into which an entrance might be made, and I remember it being called "Symmes's Hole." Now, if Mr. Cheyne can construct balloons large enough to carry all the worshipers of English despotism and of her flag in this country, and all who would crown our Presidents, and float them into Symmes's Hole I shall vote for an appropriation of the $180,000 for that purpose. I believe there is a kind of trade-wind into that cavity which will prevent his return.

I do not mean to say anything against our President or our then Secretary of State for this foolish salute of England's flag. I think it was done in a moment of "gush." I do not think that either of them thought of the objection in our Constitution, or of the sanction their actions would give to the despotism then so flagrant in Ireland. I do not think Mr. Blaine had any more sincere friend than myself when he was announced as Secretary of State. I was glad to believe that his diplomacy would be aggressively American.

As for the President, I should be sorry to say a word against him. I have been intimately acquainted with every President since Monroe, save Jackson, who was not much in Washington in my time. My respect for the present President is stronger than for any of all the fourteen whom I knew. When President Garfield was shot and there were half-hidden attacks upon the Vice-President, I published a letter in the Brooklyn Eagle defending him, and when President Garfield died I spoke at the great meeting in Dr. Talmage's tabernacle and took the ground that much as the country esteemed Garfield they would find President Arthur as good as he. My language, as reported in the Brooklyn Eagle, was:

> General Arthur is in no way inferior to General Garfield either in education or patriotism. He is the worthy son of a distinguished American clergyman, a worthy graduate of an American college.

His Irish origin did not lessen him in my estimation. I felt proud that the son of an Irishman from my own immediate neighborhood would make one of the best, as he was the finest looking President that ever sat in the chair of Washington. I sincerely wish that he had not participated in the salute of the English flag, and I think he will regret it and I can forgive him. We have 50,000,000 people, and I do not think 1,000,000 would have approved of it at the moment when England was tyrannically and without excuse depriving her own subjects and our citizens of their liberty. This I know, that no man can be elected to any office in this country who approves of that salute unless Americans forget their history. If you run up again the flag which in 1776 your fathers pulled down, and in 1782 buried at Yorktown, you must revolutionize long-settled American sentiments. The gush of a few snobs is but the floating bubbles on the great current—a puff of wind inflates or bursts them, but the vast volume of our river is democratic, republican, and anti-monarchical, and is resistless in its flow. The American people may tolerate a folly for awhile, but when roused it will make short work of it in its wrath.

Now, then, what I want done is to demand the speedy release of any American citizen held in British prisons without crime alleged against them. Let no lying scribbler say that I advocate the idea that an American citizen can commit crime in any foreign country with impunity; but I do say that if crime is alleged against him he shall have a speedy trial, and if no crime is alleged he must instantly go free; that we extend our sympathy to the prisoners who are not our citizens, but suffering imprisonment on mere suspicion—this has been frequently done by this House, and never more deservedly than now; that we disapprove of the salute of the English flag while the English Government was depriving its own subjects and our citizens of their liberty. Are not these three propositions reasonable?

And now, sir, let me say a few words in conclusion which may not meet the approval of many of my best friends, but which do command the approval of my own conscience.

In the better days of this Republic the name of Ireland was held in the highest honor by our distinguished statesmen. Washington, as I have already said, sought admission to an Irish society in Philadelphia, the constitution of which confined its membership to Irishmen and their sons, and its members naturalized him into their fraternity and he joined in their festivities on Saint Patrick's day. He had boasted that he chose Saint Patrick's day in 1776 as the proper time to drive the English out of Boston into the sea, and Congress consecrated that date by putting it on the medal struck to commemorate the achievement. He was an enthusiastic hater of England and lover of Ireland and her gallant sons who stood so close and thick around him, and he expressed the hope, which now seems somewhat doubtful, that America would never forget her debt of gratitude to Ireland.

In later days I had the pleasure of knowing intimately Calhoun, Clay, Webster, Benton, Douglas, Seward, and Greeley, and I know they were all proud to be known as friends of Ireland. Mr. Clay, in presenting a petition to the Senate for me, forty years ago, when I was in college, on the subject of American citizenship, advocated the use of American cannon to rescue any naturalized American citizen that might be imprisoned in Great Britain. Horace Greeley collected money, purchased arms, and organized American forces to invade Ireland in supporting Smith O'Brien and John Mitchell in their efforts to establish an Irish republic. John Quincy Adams, of Massachusetts, with whom I have walked a hundred times, leaning on my arm, down the hill from this Capitol, was practically an Irish Fenian, and in a letter from him, now in my possession, he quoted a couplet from a poem which he had written on Ireland as long as "Byron's Childe Harold," which reads thus:

> Soon, soon, may come the day, as come it must,
> When Erin's falchion shall be Erin's trust.

At that time everything Irish was honored, and everything English, whether it was British gold or British opinions, was held in contempt. There seems to be a change in this respect here and now. Some of my most disinterested friends begged of me to avoid mentioning Ireland. I would be a coward if I complied with their request now. I do not forget their kindly advice, nor do I fail to appreciate their prudent warnings. I have no doubt that I might be more kindly received in Washington society and secure more political attention if I ignored Ireland and joined in the English craze which seems mysteriously to have infected the more aristocratic and wealthy circles of society here.

Now, when I am on the subject, I might as well finish what I have to say on Ireland. It may not be necessary for me to refer to her again; I have other matters which I wish to attend to; I have many poor soldiers and widows and children of soldiers suffering from delay in getting pensions which they so dearly earned, and I intend to devote most of my time to them, to do what I can for them, though I shall not be able to accomplish for them all I desire. There are also questions of finance, cheap postage, internal improvements, and other public measures, not perchance so important as the prompt vindication of American citizenship, to which it is my duty, as it shall be my pleasure, to devote what time and service I may have at my command.

But what has Ireland done that it should be considered "treason to love her and death to defend?" Let us see what she is and what she has done. More than two-thirds of the people of the United States have Irish blood in their veins, inherited either by maternal or paternal ancestors. There is perhaps no man living who has known more of the public men of this country and has devoted more time to the study of their origin than myself, and I remember no prominent man in this country who did not, after fully recalling his ancestry, acknowledge that he had inherited more or less of Irish blood. I think more than one-half of the people of New England at the time of the revolution had more or less of Irish blood. The Plymouth colony from England came to Massachusetts in one ship, and most of them died in a few months, leaving no children. An Irish colony came to Massachusetts in five ships. I could enumerate dozens of them who lived to be eighty and ninety years of age, and left each from fifteen to twenty-one children, now increased to one or two thousand descendants from each.

I call the attention of the House to one Irishman and his descendants in this country, from which we may judge of the composition of the American people.

John Preston, of Derry, and Elizabeth Patton, his wife, from Donegal, with their five children, one son and four daughters, all born in Ireland, came to this country in 1740 and settled in Virginia, and from him were descended four or five governors of old Virginia; four or five Cabinet ministers of different Administrations, from Jefferson's to Lincoln's, two United States ministers to France and Spain, one Vice-President of the United States, two candidates for Vice-President on the regular Democratic ticket with Horatio Seymour and Horace Greeley, several eminent doctors of divinity, presidents and professors of colleges, distinguished editors, fifteen or twenty members of this House, fifteen Senators of the United States, and over one hundred of the most gallant officers, several of them major-generals, that fought and fell on both sides in the recent war. Among these descendants were Major-General Francis P. Blair, Postmaster-General Montgomery Blair, Attorney-General John Breckenridge, Vice-President John C. Breckinridge, Senator B. Gratz Brown, Senator and United States Minister James Brown, Governor Floyd, Congressman Thomas F. Marshall, Governor James McDowell, Governor James Patton Preston, Major-General William Preston, Senator William C. Preston, of South Carolina, Secretary of the Navy William B. Preston, Mrs. General Frémont, Colonel Peter A. Porter, General Edward C. Carrington, United States attorney for the District of Columbia, Mrs. Senator Wade Hampton, Mrs. Albert Sidney Johnston, Mrs. Senator John W. Johnston, Mrs. Senator Thomas Hart Benton, Mrs. Robert Wickliffe, of Kentucky, and my distinguished and gallant friend, the Representative in this House of the First District of Louisiana, and already elected by a unanimous vote as Senator from that State on the expiration of his present term here. All these and hundreds more of distinguished Americans, intermarrying with the families of Washington, Patrick Henry, and Henry Clay, and all descended from one of thousands of Irish emigrants landing here half a century before the Revolution, gave bravery and beauty, manhood and wisdom to the American people.

An Irishman from Limerick settled in Maine, called his new home in America by the name of his native place, married an Irish girl that came on the same ship with him. He gave two sons to the service of his country, one John Sullivan, a favorite general of Washington,

and another James Sullivan, governor of Massachusetts, and from them a number of Massachusetts' most distinguished scholars and citizens are descended.

Another Irishman, Ephraim Brevard, settled in North Carolina, married an Irish girl named McNitt, who came over with him, and their son, Dr. Ephraim Brevard, was the author of the Mecklenberg declaration of independence, that preceded Jefferson's by over a year, in pledging their lives, fortunes, and sacred honor for the independence of the colonies.

Can the descendants of these men stand by now unmoved while Ireland is struggling for what they achieved for America?

Sir, that little society of Philadelphia, called "The Friendly Sons of Saint Patrick," gave Washington more generals than all the descendants of the Plymouth colony. The great generals that New England gave to Washington—John Sullivan, John Stark, and Henry Knox—were all Irish; and am I, an American Congressman, standing in the Capitol of a country whose independence was won by such conspicuous services of Irishmen, afraid to say a kind word for Ireland through fear of the toadies of England, who thirsted for the blood of Washington and gloried in the smoke of this Capitol's burning?

Look at the records of our revolution. Were it not for the Irish soldiers under Washington we should have had no Yorktown and no Congress. Read the names of the Irish signers of the Declaration of Independence; of the generals in our war of independence: John Armstrong, father and son, the latter the grandfather of the present John Jacob Astor; Richard Butler, one of the five brothers serving in our Revolution; John Gibson and his brother, George, giving us three generations of gallant George Gibsons; Joseph Graham, Edward Hand, William Irvine, Henry Knox, Andrew Lewis, whose father before he left Ireland killed a landlord; Richard Montgomery, Stephen Moylan, of Moylan's Dragoons, one of the five brothers of the Catholic Bishop of Cork; Andrew Porter, Joseph Reed, the most trusted and intimate of Washington's generals; John Sullivan, William Thompson, and Anthony Wayne. You wanted a victory at Bennington, and Ireland sent you General Stark to win it; you wanted a Southern Bennington, and Ireland sent you Daniel Morgan to fight it at Cowpens; you wanted to conquer at King's Mountain, and Ireland sent you General William Campbell; you wanted to take Stony Point, and Ireland sent you Mad Anthony Wayne. Washington wanted a man to stay the tide of disaster which Lee's misconduct had caused at Monmouth, and appealed to Colonel Ramsey with his regiment of Pennsylvania Irish, and asked him if he could check the English onset for ten minutes till he could reform his disordered line. The reply of that gallant Irishman was, "I will try." He gained the time required, fighting in view of both armies, where he fell covered with wounds, but Monmouth was saved—Monmouth, whose salvation hung on devoted Ramsey, and afterward on the unerring rifles of Hand, the charge of Moylan's Dragoons, the roar of Knox's artillery, and the flashing foam of Wayne's bayonets. Is there a recreant American here to-day who would dare to say that we should not sympathize with and succor Ireland, the land that gave us Ramsey, Knox, and Wayne, if her Monmouth were approaching? If there is a man or woman in this capital who blames an American Congressman for saying a kind word for the country that gave us this succor when England was trying to arrest and hang the Parnell of that period, I do not ask their friendship. If there be a man in my district who fears or is ashamed to speak for the country that gave us all these generals in our need, I do not want to secure his friendship or his vote.

The same story I could tell of the second as of the first war. It was Ireland that gave us Macomb and Porter and Coffey and Jackson. It was she who gave us in the war with Mexico Shields and Bennet Riley and the Butlers of Kentucky and South Carolina. It was she who furnished in the late war Stonewall Jackson and Patrick Cleburne and Albert Sidney Johnston, and Reynolds who fell at Gettysburgh, and Patterson, Corcoran, Meagher, Mulligan, and Fitz-John Porter, and countless others, including the hundred heroes descended from John Preston of Ireland.

What is our Army to-day? The great majority of it of Irish blood, officers and men, from its Lieutenant-General to its rank and file.

Look to the Navy. The O'Briens fighting our first naval engagement, which Cooper designates the Lexington of the seas; Commodores Barry, Rodgers, Porter, Decatur, Perry, Bleakly, McDonough, and Stewart, (Charles Stewart Parnell's grandfather,) all Irish. Its present head, the third distinguished David Porter, all Irish, whose bravery has given it eclat, and its Vice-Admiral a native of Ireland.

Our pulpit, Irish by a vast majority of its illustrious ministers. The half dozen distinguished clergymen upon whom Washington relied for advice and help, Rodgers, of New York; McWhorter, of Newark; Caldwell of Elizabethton, who was hunted by England from his burning church, his refuge in the Jersey hills burned over his children's head, and his wife butchered in its blazing ruins, (another reason for saluting its flag;) Duffield, of Philadelphia, who was arrested for sedition in preaching to his Irish congregation; and Patrick Alison, of Baltimore, all Irish Presbyterians; and the eminent and saintly Carroll, Catholic bishop of Baltimore, trusted and beloved by Washington.

The press to-day is Irish, as it was in Revolutionary times. Dunlap, of the Friendly Sons of Saint Patrick, the editor of the first daily paper published in the country; and of the present day the Tribune, founded by Horace Greeley, who was Irish, and the Herald, owned by James Gordon Bennett, who is half Irish and half Scotch, the better half Irish.

The stage adorned by the genius of Barney Williams, William R. Blake, Brougham, Boucicault, Wallack, Florence, Barrett, and McCullough. Congress, four native Irishmen in each House, one of them rich enough to buy an acre of English squires and lords; three-quarters of the members of each house of Irish descent—BAYARD, BUTLER, GORMAN, HAMPTON, HAWLEY, JOHNSTON, LOGAN, and others in the Senate; CROWLEY, CURTIN, GIBSON, KELLEY, MCCOOK, REAGAN, ROSECRANS, STEPHENS, and others in the House; both chaplains, I think, Irish; one of the candidates for Speaker a native of Ireland; the chiefs of official reporters of both Houses—the most accomplished in the world—of Irish descent, and, unless the New York Sun is mistaken, the Speaker himself the grandson of an Irishman. And, to crown all, the present President of the United States the son of an Irishman just long enough from Ireland to render his son eligible to the Presidency. Surely, sir, it does not require much courage in these surroundings to declare one's self an Irishman.

I might as well confess that I love Ireland, more, I think, for her brilliant service to this country than for her wonderful history at home. My devotion extends through many years. I was early imbued with the idea of Moore's poetry that Ireland was a young lady worthy of a most devoted lover's love. I have loved her in my younger and maturer years, and now, on the downhill of life, I still love her with the devotion of youth, and I cannot change.

> In a corner of my heart, which nobody can see,
> Two eyes of Irish blue are ever looking down on me.

In darkness they lighten my sorrows, in trouble they console me. If they look bright my heart is gay; if they are sad my soul is in sorrow.

Without further remarks I submit the following as an amendment or substitute to the resolution reported from the committee:

Resolved, That the President of the United States is hereby respectfully requested, if any American citizen be now detained in any British prison without any crime alleged in due legal form against him, forthwith to make the demand for his release under the law of July 27, 1868, which passed both Houses of Congress by a nearly unanimous vote, including the late and present Secretary of State.

Resolved, That this House extends its sympathy to Charles Stewart Parnell, John Dillon, Michael Davitt, and other illustrious patriots now suffering unheard-of wrongs and illegal imprisonment in British bastiles, for no other crime than imitating the example of Hancock, Jefferson, and Washington.

Resolved, That while the Government of England was depriving its subjects and our citizens of their rights, and liberties, the saluting of its flag at Yorktown was not pleasing to the friends of democratic republicanism, and does not meet the approval of this House.

American Citizens in British Prisons.

SPEECH

OF

HON. A. A. HARDENBERGH,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 26, 1882,

On the resolution reported from the Committee on Foreign Affairs in regard to American citizens in British prisons.

Mr. HARDENBERGH said:

Mr. SPEAKER: For more than seven long weeks, since the first Monday of December, the Congress of the United States has been in session. Beyond the struggles for position and the utterances of those who had been disappointed in the allotments which were made, but little has practically been done except in clothing with authority the resolution of my friend from New York [Mr. HEWITT] reciting the obligations due from the youngest of republics to the eldest of the nations for its magnificent gift illustrative of the earliest civilization, and which now stands in the Central Park of our metropolitan city, arresting with wonder and with awe the attention of visitors from every State and every clime. To-day for the first time the duties of legislation give voice to the sentiments which well up in the heart in response to the resolutions of my friend from the Brooklyn district, in ascertainment of the reasons why those who claimed to be citizens of the United States were still confined in England's dungeons, without remonstrance from our Government and without a trial to ascertain the causes of their detention.

The story so oft repeated is again before us, and the woes of a race again commanding our attention, which for more than seven long centuries have been pressed upon the world's attention and commanded a world's respect. So intimately have the interests of this race been associated with our own; so wonderful have been their achievements in every struggle for liberty in other lands; so large a proportion do they bear to those who, fleeing from the despotisms of other lands, have found protection in our own; so often have they

exhibited their heroic daring on the land and on the sea in the contests which have written for us our title to a world's respect, that we may well give pause for an hour here in this audience chamber of the nation, and listen to words of sympathy expressed for that people which, contributing to the wealth and genius of all others, rests to-day beneath the yoke of a despotic bondage more galling than civilization has ever witnessed, and more oppressive than civilization has ever permitted since, on the fields where liberty found its earliest triumphs, the final disinthrallment of every race was forever assured. No matter to what climate they may by their fate have been condemned, no matter by what institutions they may have been nurtured or brought up, no matter what adverse or propitious influences may have attended their lives, the song of the harp is an eternal poem and the light of the green isle brings perpetual day. Upon the pavements of the sea, engraven in characters of living light, may yet be recorded the ultimate triumph of those principles which released two nations from the domination of a conquering race. One is the elder-born, whose sons have fought their way to freedom, and one that people who so often have received our sympathy with the resolve and in the hope that ere another lustrum shall be added to the nations she will triumphantly have been redeemed from bondage to liberty. Yet it is not for this, Mr. Speaker, we are legislating to-day. The resolutions of my friend from New York but gave expression to sentiments that found a lodgment in every breast, and now that they come to us sanctioned by the Committee on Foreign Affairs, we may at least give earnest expression to our thoughts ere, clothed with the authority and indorsement of American Representatives, it passes to the executive department to find its answer and its action.

Sir, it is a significant fact that the agitation in Ireland derives much of its force from the efforts of those who have been educated in our own country, and who have lent their aid in building up a free government at home. Let what will be said of the dangers, the excesses, the leveling tendencies of our democratic governments, there is enough in the last census to show that sovereignty submitted to the people means wealth, power, prosperity, the rapid development of natural resources, the progress in science and the arts, educational advantages, the unobstructed opportunity for each man to grasp his own fate, subject always to an overruling Providence; and, above all, it means the growth of a nation with the will and the ability to maintain itself in undivided integrity, not a single star obscured, not a single stripe erased, and a nation that can assert its own dignity and command the respect of the powers and potentates who rule the world. Mr. Speaker, when my friend from the Brooklyn district sought to gain the ear of the House, and urged his arguments with a zeal intensified by the recollections of the sufferings of the land which gave him birth, as he pleaded for the majesty of the voice of the land which gave him adoption, I did not wonder that Representatives gathered around him, charmed with his earnestness and the force of his expressions, and re-enforced by the siren tones of the great traveler, the member from New York, whose well-worn compass has so often pointed in their own lands moslems to their shrine, and democracy here to their high trusts in these halls of legislation, and assured us of our duty.

The question of the hour is simply this, and it is one which belongs to no party, sect, or creed, but addresses itself simply to our duty. The contest which has been waging in Ireland will ever be waged until her centuried wrongs shall find redress, and it is because of this we will have ever present with us this overshadowing question. We invite to the cultivation of our vast domain and promise the protection of our laws to the oppressed of every clime. It is at once our glory and our pride. What wonder then if at times we lend a listening ear to the utterances of sorrow expressed for the loved ones at home who are not permitted to venture upon the ocean's billows to find that rest their children have found. Virtue should be a controlling principle in all republics. Without its modifying, restraining influence to counteract the turbulence and excitement of licentiousness, no hope could be indulged of the perpetuity of institutions conducted as those under which we live. It often exhibits itself under phases of astonishing variety—sometimes in a wide field of excessive benevolence, and again in a sympathy with other nations whose misfortunes have touched upon a kindred feeling in the history of their wrongs.

We have not turned loathingly away from scenes of wretchedness and misery in the midst of smiling fields, rich meadows, and a genial climate, but in the full and complete enjoyment of all these we have sent assistance to another land around whose memory hangs a cluster of illustrious names; and in the day of her deep distress, when her cries of agony have reached our ears, have given of our pittance to assuage the sorrows a relentless fate had cast upon her soil. The winds of heaven had borne upon their wings their supplicating voice, entreating an intelligent people by the remembrance of her poet bards, her orators, and her statesmen, who have shed imperishable renown not only on her own escutcheon but on the lists of the world's great heroes, to lend their aid to stop the ravages and the fearful desolations of grim-visaged and merciless poverty. Surely, it was at such a moment when the sea was freighted with her merchandise of mercy to bind up the broken heart, and when from every city in the land came forth contributions for a distant country as the universal expression of a nation's sympathies with a nation's woes. Here our duty has been performed at least, and we have been blessed with their benedictions.

The resolutions of my friend from New York seek to illustrate the fact that Michael P. Boyton was arrested and brought before a British jury, tried and found "not guilty," no crime being proved against him. But immediately upon his escape from a British jury the suspension of the *habeas corpus* was brought to bear against him, and he was rearrested and held in prison on suspicion.

An American seeking to be naturalized dies. His son enters the armies of the Republic, and on many a hotly contested field bares his bosom to the iron hail of war. He has been a soldier in the army of liberty. In the records of its history his name will be written. The diadems of earth cannot erase it; the aspirations of freedom will never permit it. Yet this man is in a British bastile, asking the protection of his country and of her flag for which he fought. Is he right in thus doing? How far has he offended? The safety of his own country secured, he revisits his ancestral home, bound to it by the ties of kindred and of sympathy. The crusader for liberty in his inquiries for the welfare of the home of his progenitors, without, as I understand it, an overt act against England's law, becomes the inmate of an English prison, and is thus at once a freeman and a felon, his nationality despised, his country's flag dishonored, and his citizenship rendered a by-word and a reproach. Is this the augury of the institutions of freedom? Are these the principles derived from Magna Charta? Has our nation no moral power at least to require an explanation? Do we despair of its exertion, as all sections of our vast domain now blend in common sympathy, and we give decoration to the graves of our soldier dead who fought that this nation might live forever united, and we press forward to the consummation of a still more glorious future? For all that has been won we must find respect, not only at home but abroad; wherever the citizen of our Union may travel the banner of that Union should yield him its protection.

Mr. Speaker, when the Roman chieftain had returned from the field of Cunnæ, where the flower of his army had been swept away by the Carthagenian host, he had reason to fear his country's vengeance because the battle-field was lost; yet that he despaired not of the republic enkindled the fires anew upon the altars of Roman patriotism and prompted for him a conqueror's ovation. If in the heroic ages of the world such sentiments found vindication, how much greater vindication should they find in this acknowledged heroic age of freedom?

Sir, if this man under our laws was a citizen, as I think of right he was, by reason of his declaration of intention and the part taken by him in the struggles for freedom, then, in the name of that freedom we worship, let our voice be expressed for his protection, and require that England's bastiles shall not be the recipients of American citizens. If any error has been committed, let our people know in what that error consists.

We seek no appeal to popular prejudice; but we do seek to know why American subjects are subject to English law. We are ever ready by the voices of our States, as expressed through their Legislatures, to give words of succor to the oppressed of earth. It was my first duty as a member of this Congress to present with my colleagues resolutions passed by the Legislature of New Jersey expressing their sympathy for that gallant race in Africa, descendants of the Hollanders, who were struggling to assert their rights of freedom.

In my boyhood's days I well remember the greetings yielded to the gallant Ingraham, who snatched from an Austrian man-of-war the citizen who had declared his intention, and had gone forth upon a visit to a foreign land, and when seized by despots sought protection beneath his country's flag. I have seen the streets of New York crowded with its hundreds of thousands of people to receive with ovations, greater than ever granted to the heroes of antiquity, the Hungarian exile to whom even the Turk gave his protection and offered his country as an asylum, refusing to surrender him to despotic power, and gracefully yielded him to the protection of the banner with its stripes and stars.

I have seen England in the days of her power and our weakness demand from us the surrender of our citizens, an act that never should be effaced from our national recollection. Her flag protects her people, and it is her boast that her morning drum beats around the world. Dare not a republic founded upon the principles of liberty find succor for one who on its fields of valor won an honorable distinction by a long and faithful service?

Mr. Speaker, I am aware our utterances here should be dignified and calm. We are to speak not as partisans, not as politicians, but as representatives of the living, active thoughts, wishes, and purposes of the constituencies by whom we have been commissioned here. For my own people I may avow there are many among them who feel an engrossing interest in the story of Ireland's wrongs, and as incidental to that, the release from imprisonment upon its soil of an American citizen whose only crime has been that he gave expression to his sympathies for the land of his progenitors. If in this he has committed a crime then am I a criminal, though beyond the reach of her law. That land is the home of my race, my lineage, my family. It cannot be that these gross wrongs shall remain unrequited. Shall England's Queen, in mournful sympathy, which drew a world's applause, entwine a garland to decorate the tomb of the great Repub-

lic's President, a victim to cruel assassination, and yet permit her ministers of state to bolt and bar in dungeons grim a soldier who fought to give that Republic life? It is a strange and melancholy enigma in this era of our civilization. May we not find its solution in the mild yet earnest expression of executive power and our hope in the firm maintenance of authority which gives strength to our belief in the sure and steady growth of such principles as without the bayonet and the sword shall conduct the world at last to freedom and to virtue?

"Shall we pay the debt, or perpetuate it as the basis of a moneyed aristocracy and banking oligarchy?"

A review of the President's policy and of the recommendations of the Secretary of the Treasury and the Comptroller of the Currency.

SPEECH

OF

HON. THOMPSON H. MURCH,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 26, 1882.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 976) to provide for the payment of the interest-bearing debt of the United States—

Mr. MURCH said:

Mr. Chairman: The extraordinary position assumed by the gentleman who at present occupies the position of Comptroller of the Currency in the Treasury, in his report or plea for the rechartering of the national banks, imposes on me the duty, as the Representative of an intelligent and patriotic constituency, of presenting to the House and to the country some of the more cogent reasons why this Congress should repudiate and condemn the unauthorized, untimely, and ill-considered special pleading of one of the subordinate executive officers connected with the Treasury Department, in which that official advocates and urges with the zeal of an attorney certain legislation in the interest of a small, rich, and highly privileged class, and, as I believe, against the interests of the people of this country at large.

It was deplorable enough, Mr. Chairman, for those who have given to these financial questions that close, constant, and extensive consideration which has marked the acts and utterances of some of the gentlemen upon this floor to learn from the report of the Secretary of the Treasury and from the President, in his annual message, the extent of the influence of the national banking monopoly upon the judgments of men of the general clearness of judgment and integrity of purpose of the President and Secretary of the Treasury, in inducing them to recommend what I, with others on this floor, clearly discern to be errors in our financial policy of a grave and even disastrous character, if carried out.

But, sir, it was still worse when the Comptroller of the Currency came into the arena as the special advocate of the Bankers' Association, or of its interests, and assumed to shape the policy that should carry out the errors of the President's message.

It is therefore to point out some of these evils that I thus earnestly deprecate such action as well as protest against the impolicy which inspires and the monopoly which sustains the financial views thus presented by the President and the Treasury Department, that I shall ask the attention of the House for a few minutes on this occasion.

For the purpose of these remarks it will be necessary to review together, in some respects, the utterances of the three officials to whom I have alluded. The President has recommended in his message a number of measures involving the most careful consideration of Congress from a financial point of view; and these recommendations taken together involve a most contradictory and impossible policy of financial legislation, so far as the conflicting measures thus recommended are concerned, and so far as the same relate to the welfare and prosperity of the people at large. Among these recommendations the following are those which recommend an increased expenditure of unusual proportions, namely:

1. An increase of the Army to the extent of 5,000 enlisted men.
2. An increase of appropriations on account of Indians.
3. An increase in the Engineer Battalion of the Army.
4. The improvement of the South Pass of the Mississippi River.
5. A free bridge across the Potomac at Georgetown.
6. The early completion of the north wing of the War Department building.
7. The appropriation of $235,000,000 of the $250,000,000 recommended by the Commissioner of Pensions to meet pension claims.
8. "Every consideration of national safety, economy, and honor imperatively demands a thorough rehabilitation of our Navy. With a full appreciation of the fact that compliance with the suggestions of the head of that Department and of the advisory board must involve a large expenditure of public moneys, I earnestly recommend such appropriations as will accomplish an end which seems to me so desirable."
9. That 250 clerks be added to the 675 clerks of the Pension Office—mostly of a high grade—for adjudicating the claims.
10. That Congress provide for the improvement of navigation of the Mississippi River by removing obstructions from its channel.
11. That $25,000 a year be appropriated to execute section 1753 of the Revised Statutes.
12. That the Library of Congress have a new and separate building.
13. The reclamation and improvement of river front and flats of the Potomac at Washington and the improvement of the park about the Washington Monument.
14. The President also calls attention to a deficit of $16,305,873.47 in the sinking fund of last year, and recommends that an estimated amount of $130,000,000 be appropriated or devoted to the sinking fund next year.

These items, at a computation based upon previous official reports and recommendations, would amount to over $500,000,000; but upon a careful computation which I have revised so as to place the demands of these extraordinary items of expense within the limits of their real requirements, they will amount to not less than $410,105,873, which vast sum will be exclusive of the ordinary expenditures, of interest, and of payment of the debt.

As to the necessity and entire propriety of this remarkably extraordinary expenditure thus recommended, it is not my purpose to make any inquiries or criticisms at this time. But it is proper that I should say that very much of this vast sum is of unquestionable necessity, and that our people should be warned that notwithstanding the President has given us the rosy prospect and estimate of a payment of our national debt in ten years if we apply our surplus revenues at the present rates to its extinguishment, still he has opened the door but partially upon the enormous extent of a new era of public expenditures which shows us how futile so flattering a hope must be to statesmen who seriously contemplate the future schemes that grow out of our national development, and the need of securing and protecting our national interests at home and abroad.

We should see to it, therefore, as a matter of prudence, that we finish so far as we can the work in hand before commencing other vast jobs that will involve us in further debt. But the President, in this same message, instead of recommending to the consideration of Congress measures for meeting these enormous extra outlays, recommends measures which will seriously impair our ability to either continue our present financial policy and reduction of the debt or to conduct the business of the country as readily, conveniently, and economically as at present.

The President thus recommends the abolition of the tax on banks in strong terms, which amounted last year to a revenue of $8,493,552; the abolition of the tax of stamps on proprietary medicines, cards, checks, watches, &c., which yielded $7,375,255.72; the abolition of the law requiring a coinage of $2,000,000 a month of silver dollars, which yielded a great share of the item of $3,468,485.61 of last year's profits on our coinage, besides wiping out of our currency a regular annual increase in silver coin of $24,000,000. He also recommends the abolition of the law authorizing the issue of silver certificates, and the retirement from our currency of the $36,000,000 of these certificates now so conveniently and constantly used in public and private transactions; besides his recommendation or official recognition of the fact that the theoretical $15,000,000 of fractional currency, so long carried in the Treasurer's reports, should be dropped from future consideration, as lost from the volume of our currency.

These recommendations would decrease our revenues $16,000,000 to $18,000,000 a year and decrease our coin and currency $105,000,000.

Certainly such remarkably divergent recommendations are difficult, if not impossible, to reconcile with each other, or with the sentiments and interests of the people as those sentiments and interests are understood and represented by those on this floor who represent the masses rather than special and privileged classes.

But the Comptroller of the Currency and the Secretary of the Treasury seem to afford the explanation of this remarkable policy of increasing our expenses while decreasing our resources and revenues; and so clearly are the peculiar errors of this policy shown and its dangerous results portrayed by the able, patriotic, unselfish, and eminent Peter Cooper, esq., of New York, in his recent "Review of Comptroller Knox's Report," that I adopt the following portion of that lucid and forcible paper as a part of my argument in favor of the bill introduced by the gentleman from Missouri, [Mr. HASELTINE,] (H. R. No. 976) "to provide for the payment of the interest-bearing debt of the United States," and to advocate which bill I have deemed it proper to criticise the President's policy, it being that of the Secretary of the Treasury, the Comptroller of the Currency, and the national banks, as contrasted with the people's policy as embodied in the bill under consideration. Mr. Cooper says:

Comptroller Knox informs us that there were on the 1st day of October, 1881, 2,132 national banks in the country.

That these banks have in—

Capital stock	$463, 821, 985
Surplus funds	128, 140, 618
Undivided profits	56, 372, 191
Individual deposits	1, 970, 997, 531

They have also—

National bank notes amounting to	$362,000,000
United States deposits	8,476,690
Deposits of United States disbursing officers	3,631,803
Dividends unpaid	3,835,927

The question arises: How is this amount of money being used, and of what advantage is it to the banks? The Comptroller informs us that they have $419,847,950 of this money invested in United States bonds, which, of course, are not taxable. They have $61,896,703 invested in other stocks and bonds, making a total of $481,744,653 invested in bonds and stocks, which is $16,992,668 more than their entire capital stock.

They have out in loans and discounts $1,169,022,303, on which they are allowed to charge from 6 to 24 per cent. per annum interest, payable quarterly, according to the State in which they are located. This is more than two and a half times the amount of their capital stock.

Their bonds and stocks and their loans and discounts may be considered as so much active capital, from which they are realizing a constant profit. They hold in specie $114,334,736; in legal tenders, $53,158,441 of literally dead capital.

The total resources of these banks amount to $2,358,387,391.

There were eighty-six new banks organized during the year ending November 1, 1881, with an aggregate capital of $9,651,050. These banks received circulating notes amounting to $5,233,580. The Comptroller tells us that this is the largest number of banks organized in any year since 1872. From the establishment of the system to November 1 last, three hundred and forty banks went into voluntary liquidation, and eighty-six have been placed in the hands of receivers. The estimated losses to creditors from the failure of national banks during the eighteen years since they were established, amounts to $6,240,000, which is doubtless far less than the losses sustained in any other kind of business, using anywhere near that amount of capital. The failures that have occurred have not been through any fault of the system on which the banks are founded, but from bad management on the part of the officers of the banks. The comparative few failures among national banks as compared to the same amount of capital employed in other pursuits is an evidence of the great profitableness of the system to those engaged in it.

The great losses, however, which the people sustain through the agency of banks does not come so much through the banks that fail, as through those that do not fail. The business interest of the country suffers far more from the inflation and contraction of currency than it does from the failure of banks and loss of notes.

These losses occur through bank currency that is not a legal tender for debts, but is redeemable in coin or other legal tender, which currency, after being made the basis of contracts is withdrawn from circulation, thus forcing debtors to pay their obligations in other money than that in which the debt was contracted.

On the other hand, the profits arising to those engaged in banking business does not depend entirely upon the dividends semi-annually declared upon their capital stock. Enormous profits are secured by taking advantage of the increase and decrease of prices of property, which is brought about by inflating and contracting the volume of currency.

The Comptroller informs us that between January 1, 1882, and February, 25, 1883, the charters of three hundred and ninety-three banks will expire. These banks have a capital of ninety-two millions, and a circulation of about sixty-eight millions of dollars. From June 1884 to 1891, the charters of one thousand and eighty banks, having $280,871,965 of capital, and $192,581,085 of circulation, will expire. About two hundred and forty-three million dollars of the bonds held by the Treasury as security for the circulating notes of the national banks are the 3½ percents. It is very apparent that a desperate effort is being made by the present Congress not only to extend the charters of these banks, but to refund the 3½ percents into 3 per cent. bonds, that will have a definite time to run. The legislation sought in this direction will be entirely in the interest of the bankers. Already a large portion of the time of the session has been taken up in discussing ex-Secretary Sherman's 3 per cent. refunding bill.

The question now arises, should these banks have their charters extended, and should the 3½ percents be refunded and the taxes on bank circulation be reduced for the especial benefit of bankers.

Comptroller Knox, in his report, discusses the question of renewing the charters at considerable length. He says:

"The principal reason urged by those who favor a discontinuance of the national banking system is that money can be saved by authorizing the Government to furnish circulation to the country. In other words, that the profits to the banks upon circulation is excessive."

The Comptroller then furnishes figures and attempts to show—

"That the profit on bank circulation cannot now at least be said to be excessive."

He is very careful, however, not to mention the source from which bankers can derive their largest profit and wherein lies their greatest power for good or evil; that of increasing and diminishing the volume of money, and by that means inflating and contracting prices. This dangerous power is inherent in all systems of bank currency not regulated by law. The old State banking system, in operation before the present national banks were organized, afforded a perpetual scheme for inflating the currency, and thus increasing the prices of all kinds of property and making business prosperous, and then contracting the currency, decreasing prices and bankrupting our merchants and business men, bringing on panics and widespread business disaster. So common and so regular had this condition of things become that a panic once in ten years was considered unavoidable.

Since the war the business men of the country have been forced through the panic of 1873, and the few years of disastrous consequences following the legislation obtained through the agency of bankers, which forced a contraction and destruction of the Government currency that was put in circulation during the war.

The finance reports show that about one billion two hundred million dollars of Government obligations in circulation when the war closed, for all of which the people had given their labor and property as a full equivalent in value, was in two or three years' time thereafter taken out of circulation and converted into 5-20 6 per cent. gold bonds, thus increasing the demand for gold upon the Government to the extent of over $60,000,000 annually to pay the interest. Among the currency obligations that had become the people's money, and on which their business was largely based, was $830,000,000 of 7.3 notes and $218,000,000 of compound-interest notes, and one and two year notes, certificates of indebtedness, &c., sufficient to make up the amount here mentioned.

Following the withdrawal of these currency notes a systematic war was made by banks upon legal-tender notes; and from one to four millions a month was taken from circulation and destroyed, until their volume was reduced from $450,000,000 to $356,000,000 when the panic came on. The panic became so disastrous as to threaten the entire prostration of business, and in order to prevent this, President Grant's administration was compelled to reissue $26,000,000 of the legal-tenders to relieve the pressure. No sooner was a temporary relief brought about by the reissue of the currency destroyed, than Mr. Sherman secured the passage by Congress of his resumption bill, the object of which was to force all the debtors of the country who had contracted debts in paper currency to pay those debts in gold coin. A bill was passed demonetizing silver, and to resume specie payments, and by this means legal-tender notes were gradually to be destroyed, and bank notes issued to be put in their places, and all debts made legally payable in gold.

These legislative enactments by which the debtors of the country were bankrupted and stripped of their money and property for the benefit of money-lenders were engineered by banks for the purpose of getting rid of Government notes and to give them the entire control of the volume of currency, thus enabling them to carry on their schemes of inflation and contraction as a perpetual heir-loom to their institutions.

The President, the United States Treasurer, the Comptroller, and other executive officers, and the majority of both Houses of Congress aided these schemes, and the banks are now attempting through these parties to secure a recharter of their corporations, and to perpetuate the public debt in their interests.

The Comptroller goes into an elaborate defense of the national banks in his last report. He becomes a sort of an attorney for an extension of their charters and to relieve them from taxation.

After attempting to show that the profit on their circulation is very small, he says:

"The proportion of taxation, national and State, imposed upon the banks has been shown to be greater than that upon any other moneyed capital, being in the aggregate equal to an average of 4 per cent. upon the amount of their issues."

On page 56 of the Comptroller's report, after giving a table containing a statement of the amount of taxes, national and State, paid by the national banks from 1866 to 1880, the Comptroller says:

"These statistics show that during the fifteen years covered by this table the average amount annually paid by the national banks to the States and to the United States was $16,589,199, or more than 3½ per cent. upon their capital stock; during the last year given the total paid was $15,994,925, or more than 4 per cent. upon the amount of the average circulation of the banks then in operation."

These statements are calculated to mislead the public in regard to bank taxation. It leaves the impression on the minds of the readers that the banks are excessively taxed, because they pay 3½ per cent. on their capital, or 4 on the average amount of their circulation. As their circulating notes are used as currency, they are just as much actual capital as the original capital invested in bonds. Instead of saying the banks pay 4 per cent. on their circulation, we should estimate what the rate would be on both circulation and capital, which is less than 2 per cent.

Instead of calling their tax 3½ per cent. on $463,821,985 of capital, or 4 per cent. on $362,000,000 of note circulation, we should see what it would be on $825,821,985 of their combined capital and circulation. Nor is this all, for in reality we should add to their capital and circulation the amount of their deposits also, which would make an aggregate of $1,908,928,619. They have the use of these deposits about the same as they do of their capital, and it is practically so much capital for their use.

The Comptroller informs us that the banks have invested in bonds and stocks $480,714,553, and they have loans and discounts amounting to $1,169,032,303. If we add these two items, we find they have invested $1,649,736,856, on which they pay an annual tax of a little over $15,000,000, which is less than two-thirds of 1 per cent.

He should go still further than this, for the Comptroller tells us that—

"Under the law requiring the national banks to carry to surplus before declaring dividends a certain proportion of their earnings, the national banks of the country have accumulated a fund, in addition to their capital, which now amounts to $128,140,618. This surplus is not infringed upon, except in case of extraordinary losses, such as cannot be paid from the current earnings of the bank, and consequently forms with the capital the working fund of the bank."

If this surplus is a part of the working fund of the banks, as the Comptroller says, why should it not also be taxed as much as any property in the nation? If we add the surplus to the capital, the circulating notes, and the deposits, it makes a fund of $2,037,068,727 in the hands of these bankers, on which they pay an annual tax of a little over $15,000,000, which is less than the half of 1 per cent. on the funds in their hands.

And yet the Comptroller, the Secretary of the Treasury, the President, and Congress are attempting to relieve them from a part of the tax they are now paying. A part of the Comptroller's report is devoted to a defense of the national banking system, to an extension of their charters, and to relieving them from taxation. What other class of the community pay so small a tax in proportion to their means or make so large profits as the bankers? We know of none, except it be some of the leading railroad corporations.

Between the railroad and the bank corporations the property produced by the masses of the people is being absorbed at a rapid rate. They levy contributions upon the currency and transportation of the products of the country that absorbs the largest share of the wealth produced, and yet they are taxed the least. But the efforts being made to remove the tax from bank circulation and deposits are not because the banks feel the tax oppressive, but because they want all restrictions to the increase of their currency removed. If the tax was removed from their circulation they could double the volume of their notes and suffer no loss, even if the money lay idle in their safes. But with a tax of 3½ or 4 per cent., as stated by the Comptroller, it is not profitable to increase their circulation, unless they can find active use for their money. It is the power to inflate and contract the volume of currency free from taxes they care the most for. The bankers, many of them, make more money outside of their banks than they do inside. This is done by controlling the volume of currency, and thus regulating the prices of property, of which they take due advantage. But the profits inside are far greater than the officers of the banks or Comptroller Knox would have the people think they were.

The Comptroller informs us that the surplus now accumulated under the law requiring "a certain portion of their earnings" to be laid aside as a surplus is $128,140,618. And what is that "certain portion," as defined by the law, that is to be thus used? Let the act itself state.

Section 33 of the act organizing the national banks reads as follows:

"*And be it further enacted*, That the directors of any association may, semi-annually, each year declare a dividend of so much of the net profits of the association as they shall judge expedient; but each association shall, before the declaration of a dividend, carry one-tenth part of its net profits of the preceding half year to the surplus fund until the same shall amount to 20 per cent. of its capital stock."

Now if $128,140,618 is 10 per cent. of their net profits, the entire profits would be ten times that, or $1,281,406,180. If we allow an annual average of $450,000,000 for eighteen years for their capital, we find they have made about 16 per cent. on their entire capital according to their own showing. But they have laid aside a surplus of more than 20 per cent. of their capital stock from one-tenth of their earnings, which is an evidence that $128,140,618 is far less than one-tenth of their net earnings.

The annual reports prepared for the public by the banks, giving a statement of their dividends, &c., are many of them cooked up for the occasion. The facts cannot be denied that the bankers are, as a class, the richest men in the nation, and are only exceeded in their enormous wealth by a few railroad managers. That the banks would flood the country with their notes and resort to extensive inflation and contraction is clearly indicated by statements made both by Comptroller Knox and by United States Treasurer Gilfillan. Mr. Knox, on page 64 of his last report, says:

"The amount of circulation issued to national banks for the year ending November 1, 1881, was $30,979,630, including $5,233,580 issued to banks organized during the year. The amount retired during the year was $14,075,054, and the actual increase for the same period was, therefore, $16,904,576, making the total on November 1 $359,422,738, which is the largest amount outstanding at any one time."

Since November 1, 1881, about three million dollars more have been added to the circulation of the banks. Now, if the banks will inflate their currency $16,904,576 in one year, when they pay a tax, as the Comptroller states, of 4 per cent. on their circulation, what would they not do in the way of inflation, provided the tax was taken off? We are not left in doubt as to what they would do, for United States Treasurer Gilfillan, in the financial reports for 1880, tells us just how the banks now manage in this regard. He says:

"In January and February, 1875, a certain bank retired its circulation from $308,490 to $45,000 by deposits of legal-tender notes. Between September 26, 1876, and May 26, 1877, and before that deposit was exhausted it increased its circulation to $450,000. Between August 14 and September 10, 1877, it again reduced its circulation to $45,000. On September 19, 1877, nine days after completing the deposits for this reduction,

it again began to take out additional circulation, although $42,550 of prior deposits remained in the Treasury, and by the 26th of that month its circulation had again been increased to $450,000. July 22, 1872, its circulation had again been increased to $450,000. July 22, 1878, it for the third time reduced its circulation to $45,000, and in August and September, 1879, again increased it to $450,000, at which it now remains, the balance of its former legal-tender deposit then in the Treasury being $112,615. From January 13, 1875, to the date of this report, $778,275 of its notes have been redeemed, of which only $40,700 were redeemed at the expense of the bank, although, during more than one-third of that period it had outstanding and was deriving the benefit from the full amount of circulation which its capital authorized. The only assessments which have been made on the bank for the expense of redeeming its notes were $24.14 in 1875, and $4.39 in 1878. At one time there were in actual circulation $852,550 of its notes, although the highest amount ever borne on its books was $450,000."

The Treasurer informs us that other banks have been increasing and decreasing their circulation in a similar manner. Now, in what situation does such a condition of currency place the business of the country, we ask? A stable currency is one of the essential elements of stability and prosperity to business enterprises. A fluctuating volume of currency is one of the worst devices ever discovered to enable the manipulators of that currency to bankrupt business men and defraud the producing classes of the country.

In strong contrast to this fluctuating bank currency stands the legal-tender notes, the volume of which has only changed under the grinding force of laws enacted by bankers especially for the purpose. Since May 31, 1878, the volume of Government currency has been invariable, and it will so remain until some law is passed either to increase or decrease that volume.

The banks, on the contrary, inserted a clause in the resumption act, giving them the power to increase their circulation to more than five times its present volume, or to within 10 per cent. of the entire bonded debt, and under existing laws, also, they can retire the entire amount of their circulation at their pleasure. In February, 1881, in order to defeat a bill passed by Congress depriving them of the power to thus suddenly contract and expand their circulation, they retired about eighteen million dollars of their notes in a few days' time. We all know the disastrous effects caused by that act. Had not the Secretary of the Treasury come to the rescue and put legal tenders in circulation by the millions in exchange for bonds, wide-spread business disaster would have followed. The business interest of this country must not be left at the mercy of men who would thus abuse the power placed in their hands. These banks should be deprived of the power they now hold over the volume of currency.

The facts and figures here given are mainly taken from the reports of the officers of the Government, and therefore they cannot be ignored nor set aside by the members of Congress. It will not do, either, for the present legislators to reject them. The men now in Congress have it in their power to strangle this monopoly that is sucking the life-blood out of the people. Many of these banks have now about outlived their legal chartered existence given to them by ignorant and corrupt legislators, and the verdict of the people is—let them die. This Congress should pass an act forever prohibiting the organizing or rechartering of banks of issue. A general law authorizing banks of deposit and discount, by which the money of the people shall be made secure, is desirable. But no bank should be allowed to issue currency or to control its volume. Why should the Government create money and give it to the rich bankers for nothing? The legal-tender notes were issued in exchange for labor and property given to the Government by the people who received them. The bankers have given nothing of value to the Government for the $362,000,000 of currency they have received.

The amendment to Senator SHERMAN'S bill, offered by Senator PLUMB, of Kansas, contains some of the best features in reference to the currency and public debt of any bill yet presented that we have seen. It could be improved by making the coin certificates and notes it provides for issuing a legal tender for all debts, public and private. Senator PLUMB'S bill, or one similar, should certainly be passed by this Congress.

As suggested in my letter to Senator BECK, if Congress was to pass a bill to issue $362,000,000 of legal-tender Treasury notes, to take the place of the present bank currency, it could provide the labor and material to build and equip two lines of railroads from the Atlantic to the Pacific Ocean, and place fifty first-class iron steamers on the ocean, thus providing cheap transportation both for our national and international commerce; and it would leave the currency in a far better condition than it is now in.

Is the present Congress wise enough to see, appreciate, and inaugurate these great reforms in our currency? We ardently hope and trust that it is and will.

This bill, Mr. Chairman, proposes to keep open the option and control of the United States Government over the payment of its national debt, in the interest of the whole people, and appropriates the worse than idle money in the Treasury for this purpose, besides providing for the conversion of the remainder of the debt into non-interest-bearing notes of the Treasury to be a legal tender in the extinguishment of this debt and the establishment of a safe and popular currency.

Even with such an addition to the volume of our currency we would not have an amount, either per capita or in gross, equal to that in use in this country in 1865–'66; and the people, thus freed from burdens and provided with the means of promoting enterprise, would take new and mighty strides in material progress and power under so wise and benign a policy.

In this connection I beg leave to quote again from the philanthropic sage and financier whose name I have just used, in his trenchant and able letter to Secretary Folger, as illustrating my position on this question. Mr. Cooper says, among other things:

Your report informs us that all but $250,000 of the silver coin in the Treasury is already covered by these silver certificates, and that the currency in circulation has been increased to the extent of $66,000,000 by the issue of these certificates. Can you now withdraw these certificates without contracting the currency that amount? Do you think it would be a safe experiment to contract the circulating medium $66,000,000? You say the "circulation of $66,000,000 of silver certificates seemed an *inexpedient addition* to the paper currency." Do you think that after having put them in circulation, and business operations had been based upon them, prices increased as a result of such inflation, and debts contracted on them, that it would be a just and safe experiment now to take this currency away and leave that much less money in circulation? Would the business men be satisfied to use silver coin in place of certificates that they prefer to gold coin?

You intimate that the national banks under existing laws might, if they were disposed, "cause a serious contraction of the currency and grave embarrassments to business" by retiring their circulating notes, and refer to the results of such transactions at the time of the passage of the refunding bill by the last Congress.

If such serious consequences and grave embarrassments to business followed the contraction of only $18,000,000 of bank notes last spring, what would be the result of the withdrawal of $66,000,000 of silver certificates?

You say that "there need be no apprehension of a too limited paper circulation, for the national banks are ready to issue their notes in such quantities as the laws of trade demand, and as security therefor the Government holds its own bonds."

It is very evident that the banks would gladly issue their notes in any quantities to be required as money, and therein lies the danger. The silver certificates are based on their full value in coin in the Treasury, but what assurances have you that the banks would be able to redeem the increased volume of their notes in coin. Basing a bank currency that is not a legal tender on Government bonds does not protect the business community from the effects of a dangerous inflation or from bank suspension and panics afterward. The bill holder might be secured, but business men would not be protected against a sudden contraction of the currency which might make the depositors unsafe.

Again, you question the constitutional right to issue legal-tender notes in times of peace, and suggest that these notes be deprived of their legal-tender quality.

It seems to me that in making such a suggestion you could not have a just appreciation of the value of these notes to the people, or realize to what extent that value is enhanced by their legal-tender quality.

You admit, however, that legal-tender notes "are without doubt a convenient and safe currency for the people, and that it is for the profit of the Government to continue their circulation," and yet you advise taking from them one of their most valuable qualities. Do you not know that by depriving these notes of their legal-tender function you would diminish the volume of legal debt-paying money to the extent of $346,862,000 at once? Have you considered what would be the effect of such a course upon the debtors? If your policy was carried out, it would practically force every debtor in the country to meet his obligations in gold coin; and, although those debts have been contracted in legal notes, in silver certificates and in silver coin, you now advise Congress to withdraw the silver certificates, to remove the legal-tender quality of the Treasury notes, and to stop the coinage of silver dollars. I trust Congress will be too wise and too just to heed such advice as this, for if they legislate to carry out your suggestions they would inevitably bring upon the country one of the most widespread and long-continued panics ever known in the history of this country; a panic that would involve the business men in bankruptcy and inaugurate a revolution among the laboring classes.

Has not the Supreme Court repeatedly decided that the issue of legal-tender notes by the Government was a constitutional measure, and as these notes are now, as you say, "a convenient and safe currency" and "a profit to the Government," and are preferred to either gold or silver coin by the business men of the nation, and for twenty years have thus been used, would it not be financial suicide to attempt either to remove their legal-tender quality or to withdraw them from circulation? Are they not in fact the only stable currency we have? For the last three and a half years their volume has been fixed and uniform. That volume can only be changed by act of Congress, and after the most mature deliberation, while the currency of the banks is fluctuating enormously at the pleasure of bank officers. Your report even admits that the banks by retiring their circulation "might cause a serious contraction of the currency and grave embarrassments in business," and you advise as a remedy that they simply be required to give previous notice of their intention to retire their circulation; but will your suggestions in that regard remedy the evils of contraction or of inflation?

The banks now hold the power of almost unlimited inflation and contraction, which power they are using to their own advantage, and there will be no stability or safety in business until that power is taken from them.

The constitutional right to coin money, to make legal tenders, and to issue currency rests in Congress alone, and the people will never secure justice between debtors and creditors, until, as Thomas Jefferson said, "bank paper is suppressed, and the function of issuing currency is restored to the Government to whom it belongs," and all currency, whether coin or paper, is made a legal tender for debt.

Again, I cannot but regard your suggestion to stop the coinage of silver as exceedingly unwise. From your own statements it appears that nearly all the silver dollars now in the Treasury are covered by silver certificates, and these certificates have been issued on a deposit of an equivalent in gold coin, showing conclusively that certificates which you intimate are "redeemable in silver dollars worth but eighty-eight cents in gold" are preferred by the people for business uses to gold coin.

Mr. John Thompson, of the Chase National Bank, has declared that:

"The sooner silver and silver certificates constitute the major part of our money the farther off will be a panic and a revolution."

Instead of withdrawing silver certificates, the Government should issue certificates covering all of the gold and silver coin and bullion that the people choose to deposit with the Government. If this was done, and bank notes withdrawn, and legal-tender notes were made interchangeable with gold and silver coin and certificates, we should for once get a sound currency; one that could not be inflated and contracted at the option of bank presidents, and one that would be impartial in adjusting claims between debtors and creditors.

Your suggestion, too, that the bonds be all paid in gold coin values, might well be regarded as not only unwise but unjust to the American people, who have the bonds to pay. You must not forget that most of the original bonds were issued when both gold and silver coin, and Treasury notes were the lawful money of the country, and that the original purchaser only paid thirty-eight cents on the dollar in coin for some of them, and that a large majority of those bonds were sold at less than sixty-two cents on the dollar, in coin. Those bonds, many of them, were paid for in Treasury notes, and were redeemable in those notes as well as coin. Where is the justice, I ask, in compelling the people now to pay all these bonds in gold? Have the people no rights that are to be respected in this matter? Must the Treasury Department of the Government be run in the interests of a few thousand bondholders and bankers, and in a way that would bankrupt the business men of the nation, and throw the working classes into idleness? Have the 50,000,000 of people no rights to be looked after and protected by the Government? Justice to all parties demands that both the principal and interest of the public debt should be paid in the same kind and volume of money as was in circulation when these bonds were placed on the market.

If England and Germany are disposed to pass laws permitting bankers, bondholders and money-lenders to extort money unjustly from the business men and working classes, by making all debts payable in gold coin, does it follow that the United States should do the same? When you talk about a standard of value, you should remember that since 1862 gold, silver, and legal-tender notes have all been standards of value in this country, except for the period between 1873 and 1878, when silver was demonetized in the interest of the bondholders and money-lenders, and the Government was making every effort possible to destroy the legal-tender notes.

During these years the nation was in a deluge of panics and bankruptcies, and relief did not come until silver was remonetized and the destruction of greenbacks was stopped.

Do you wish to see a return of such times? If so, let your suggestions in regard to the currency be carried out, and you soon will see a return.

The removal of the tax on bank deposits is also a question of doubtful value. According to the late report of the Comptroller of the Currency, the aggregate deposits are about $1,083,000,000 in the national banks. This money belongs to the people, and the banks get the use of most of it for nothing, and they have the interest derived from loaning it back to the people. Their loans and discounts amount to $1,469,022,303. Their capital stock is only about $463,821,000 and nearly $400,000,000 of this is invested in United States bonds that are exempt from taxation.

They have given to them by the Government, without cost, $362,000,000 of bank-notes, which they loan as money. They pay no tax on their bonds, they get their deposits and notes for nothing, and pay only the half of 1 per cent. tax on the notes, and as much more on their deposits. Although among the richest corporations in the nation and taxed the least, and they get money for nothing, the bankers are about the only parties who complain of excessive taxation.

There is another suggestion or two in your report that it seems to me would be very inexpedient to have adopted, and that is to modify the tariff, reduce the revenues, and defer the payment of the public debt.

As you very correctly say, "the business of the country so thrives as to endure the onerous taxation and yet grow in volume and in profits, and still yield the Government a surplus over its needs." If the country is thus prosperous, and nobody complains of taxation but the bankers, and there is so large a surplus as to "embarrass the Government to dispose of it," why ask the next generation to pay the public debt? Why not apply every dollar of these surplus funds to pay the 3½ per cent. bonds, and in three years have them all canceled, and have the money now invested in them put into business to employ labor, where it will bear its portion of taxation and contribute further to the increased and permanent prosperity of the country?

I am aware that $242,000,000 of these 3½ per cent. bonds are held as security for bank circulation, and there is where the principle source of trouble arises; but if you had simply suggested to Congress to pass an act to provide for issuing legal-tender notes to take the place of any retired bank-notes, you would not only have prevented any contraction of the paper currency, but greatly facilitated the rapid cancellation of the remainder of the public debt, and settled all difficulties about the currency.

When the 3½ per cent. bonds are all paid, would it not have been a wise suggestion to have made to have Congress provide for investing the surplus revenue sufficient to offset the balance of the bonded debt, so that to all intents and purposes it would be all paid within the next few years?

The present revenues of the Government with judicious management are sufficient to practically cancel the entire public debt in seven or eight years. It seems to me, from reading your report, that these financial questions have not received as careful consideration at your hands as they should have received, and that you have looked at them from the stand-point of the banker, the bondholder, and the money-lender, and not from that of the masses of the laboring people, who create the wealth of the nation and have its debts to pay.

I think it would be a sounder financial policy to reverse the legislation you have advised.

Instead of withdrawing the coin certificates, issue others on all the gold and silver coin and bullion that is presented to be exchanged for them, and have those certificates redeemable in either gold or silver coin or legal-tender notes.

Instead of stopping the coinage of silver dollars make its coinage unlimited.

Instead of withdrawing the legal-tender quality of the greenbacks and issuing the paper currency for the banks only, retire all bank currency and issue an equal volume of legal-tender notes to take its place.

Instead of taking the tax off the bank deposits put more on their circulating notes and tax them out of existence.

Instead of reducing the revenues so as to get rid of paying the bonds, let the revenues increase, and pay the bonds off as soon as possible.

Instead of forcing the next generation to pay a part of the public debt, let it be all paid by this generation, and as soon as the revenues of the Government will permit. Debts are a bad legacy to leave posterity.

Instead of contracting the currency and ruining business men and forcing laborers into idleness, let the volume gradually increase per capita as the population and business increases, and thus secure to our country a currency as uniform in its measuring power as the yard-stick or pound-weight, and by this means keep up the tide of prosperity that is now spreading so beneficially over the country.

Let the legislation be for the benefit of the people who create the wealth of the nation, and not solely for those who absorb that wealth by monopolizing the currency.

I see that Senator SHERMAN, who for four years was in control of the Treasury Department, has submitted a bill to Congress to refund the 3½ percents into 3 per cent. bonds, payable after five years. The sole object of this bill is to help the banks out of their present difficulty and aid them to fasten the debt on the people. They must now purchase 4 or 4½ per cent. bonds at a premium or retire their circulation, or new bonds must be provided for investment to secure circulation. All through Mr. SHERMAN's administration of the Treasury Department he managed the finances of the Government as much as possible in the interests of the bankers, and, now he has become a Senator, he is at work for them again.

From statements made both in your report and in previous reports of Mr. SHERMAN, of the probable amount of surplus revenue, it is evident the 3½ per cent. bonds can be paid in less than four years. Why put them where they cannot be paid then? Why not manage the Treasury for once in the interest of the people and not for bankers solely?

My attention was called to the dangerous power banks hold and the widespread ruin they can bring upon the country by inflation and contraction fifty years ago, through a knowledge of the maladministration of the Second United States Bank. That bank, we are told, paid $1,500,000 for its charter. It had a capital of $38,000,000, with the privilege of issuing four dollars of currency to one dollar of capital. It was so recklessly managed that, with $40,000,000 loaned on its promises to pay coin, it only had $300,000 in coin to its $40,000,000 of debt. When this fact was discovered the president of the bank had to leave the country to save his life.

Benton, in his Thirty Years' History of Congress, declared that the managers of that bank expended $3,000,000 in bribing Senators and Members of Congress and editors to obtain a recharter. I trust that no such charges will ever be brought against the present Congress for efforts to secure an extension of the charter and franchises of the present national banks, institutions fully as dangerous as the old United States Bank. The national banks have a dangerous power placed in their hands under the best of managers. By increasing the volume of their notes, loans, and discounts, they can inflate prices, encourage speculation and extravagant living, and by contracting their notes and curtailing discounts they can lower prices and bankrupt business men. Taking advantage of this power, they can sell while prices are high and buy when they are low, and by these means they can make fortunes for themselves and friends.

By having this power the prosperity and adversity of the country is practically placed in their hands. The power to issue currency should be taken away from the banks and placed in the hands of Congress. When this is done, and we have a uniform volume of paper currency issued by the Government for the benefit of the people, we shall have continued and uniform prosperity in all parts of our common country that will prepare the way for securing justice among all classes of citizens.

Hoping that you will give careful consideration to these subjects, I am, respectfully yours,

PETER COOPER.

Nor can I, Mr. Chairman, quit this important subject without referring to the language of the President, in his recommendation of the retirement of the silver certificates and the stoppage of the compulsory coinage of silver dollars.

The President says:

I approve of the recommendation of the Secretary of the Treasury, that provision be made for the early retirement of silver certificates, and that the act requiring their issue be repealed. They were issued in pursuance of the policy of the Government to maintain silver at or near the gold standard, and were accordingly made receivable for all customs, taxes, and public dues.

I ask the President, I ask Congress, if there is any recorded, recognized, or authoritative change of the policy of this Government in regard to silver and the bimetallic standard? The President's words imply either an abandonment of that policy, still young, or the fact that some newer one has been adopted. Clearly Congress will have to be consulted and the people informed of any change from our present policy in this regard, for I take it, sir, that never again will be repeated in this Congress or by executive dictum the dark-closet and star-chamber edicts or legislation by which the people were unwittingly robbed for years of their silver coinage. Such a change of policy as the President indicates can never be brought about by inference or implication.

The President also adds that the silver certificates "are an unnecessary addition to the paper currency, a sufficient amount of which may be readily supplied by the national banks." No more readily than as now, nor so easily and cheaply; besides, to those who prefer a coin basis the silver certificate has the advantage of this circumstance, while the national-bank note has no coin basis whatever.

No, Mr. Chairman, the public are aroused on these matters; they are not asking for any reduction of taxation; they do not cry for the perpetuation of our debt; they do not ask a decrease in our currency; they want the debt paid; they want the national banking incubus taken off our prosperity, and demand that in no case shall our Government seek to continue a paternal scheme for the continuation of a national interest-bearing debt, represented by untaxed bonds, as a refuge for the idle or worse than idle capital of the privileged classes to hide their surplus wealth in when it has accumulated beyond their industry or ability to manage in legitimate and ordinary business enterprises and channels.

The question, therefore, before us is, shall we pay the debt or perpetuate it as the basis of a moneyed aristocracy and banking oligarchy?

Chinese Immigration.

SPEECH

OF

HON. JOSEPH H. BURROWS,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. BURROWS, of Missouri, said:

Mr. SPEAKER: For the first time in the history of this nation we are called upon to enact laws looking to the suppression or prevention of immigration from a particular section or country. A hundred years ago such a proposition or idea would have looked like, and have been so regarded, the very height of foolishness. Have we then, indeed, in so incredible a short space of time (in the life of a nation) become so great, our population so dense, our ability to provide for, govern, and subsist so limited or nearly exhausted that, like the castaways upon some lonely island in mid-ocean, we are casting about us to discover upon what we are to subsist, or the more direful extremity, preparing to cast lots to decide who shall die first to satisfy the cravings of hunger? No, no; nothing of this kind is dreamed of, or even anticipated, by the most fertile imagination.

God, in His goodness, has been bounteous to America and Americans, locking up in her fertile hills and rich valleys and enriching the alluvial soil of her broad and almost boundless prairies, filling the very bowels of the earth with coal, iron, and the precious metals, uplifting her forests and laying her rivers from zone to zone, giving us as a nation a far greater variety of soil, products, and climate than that enjoyed by any other nation under the sun. All this we feel and fully enjoy, and this day we are entitled to the proud distinction of being the granary of the world. No other nation, old or young, has a greater surplus for exportation of the substantials or necessaries of life than the United States of America, and still, with all this, our capabilities and possibilities are scarcely conceived of and nowhere realized. We have but just rounded to, after our first centennial voyage, while England, France, Spain, and I believe others of our European rivals are more than a thousand years old; the magnitude of our own greatness but just begins to dawn upon us. The application of steam and electricity are working wonders when supported by our wonderful and unsurpassed natural advantages. We are amazed at the rapidity with which we move and with which we pass and have passed nations of the Old World that had grown to manhood ere we were born. In the midst of this grand career we ask ourselves the question, Shall any be prohibited from leaving the land of bondage and oppression to find a home in the land of freedom and liberty? Shall we put up barriers and restrictions so that those who can and would come shall not be permitted?

Once it was said "America, proud, happy, thrice happy America,

the home of the oppressed and the asylum of the emigrant, where the citizen of every clime and the child of every creed may roam free and untrammeled as the wild winds of heaven—cold must be the heart that thrills not at the name of America." So say we all; and this day and forever we stretch out our arms to the nations of earth and we invite them to come and find a home and become citizens among us. But here the curtain falls, the scene changes, and we are compelled to present the opposite side of the picture. This unbounded generosity and cosmopolitan liberality upon our part toward the world is rejected by a certain nation and people. Old, it is very true, as a nation but great only in the magnitude of her domain and the number of her subjects. I refer of course to China and to the vast millions of her inhabitants. She furnishes less of our foreign population in proportion to her numbers than any other nation on the globe with whom we trade and do business, and of the one hundred and odd thousand who are here now none, comparatively speaking, become citizens. They do not come here for that purpose. They have no sympathy with our civilization or Government.

The Government of China is imperial in form and practice, corrupt and despotic; the chasm between the rulers and the common people is deep, dark, and wide; the rich are very rich, the poor are in the most debased, dejected, and pinching poverty; and this condition of things has been unchanged for centuries. To the majority life is an unchanged agony, and men and women are sold as chattels and become slaves for life, and no escape except by death. And the price paid is so small as to give no appreciation of human life, and these poor, miserable creatures are often beaten to death for trivial offenses. Infants are left exposed and die from starvation, and no punishment follows. The history of China is sickening and revolting, and it would be but reasonable to suppose that of all people upon the face of the earth, these would be the ones most likely to appreciate the blessings of freedom and liberty, and that when these cruel manacles of slavery were broken they would bound into a new life and at once begin a new career of rapid and progressive development. But what are the facts? History attests that wherever the Chinese have gone they have taken their habits, methods, and civilization with them, and history does not record an exception to this rule. They seem to be as changeless and unalterably fixed as the laws of the Medes and Persians. What a striking contrast to the millions that come to our shores from all other parts of the civilized world, who soon adopt our modes and manners of life, keep step to our new civilization, and are soon absorbed in the mass of humanity with which they are surrounded.

The Chinese alone are an exception. American life and influences are powerless to move or change this peculiar race, who seem to be cast in the form, feature, habit, manners, and costume of their ancestral fathers before them. Thus materially fixed they come here not as freemen, but as serfs or slaves, live and die, and their bones are sent back to their native country. That they are a disturbing element in society all parties, sects, and creeds on the Pacific slope attest. There is no politics in this question. The high-toned Republican and Democrat occupy a common platform beside the "sandlotter" and labor reformer. As a proof of this, let us take the election returns for 1879 upon this separate proposition of Chinese immigration for California and Nevada, and we find 161,897 voting to restrict, or against, and 1,066 in favor. These 163,000 voters represent nearly 900,000 inhabitants who, for more than a fourth of a century, have beheld the workings and effect of cooly importation; and what question that is to add to or take from their wealth, prosperity, and progressive development is possible or probable to receive so unanimous a verdict? I confess my mind is unable to frame or even conjecture such an issue.

The States east of the Rocky Mountains are in no condition to enter into and fully approximate the evil resulting from the importation of these Mongolian slaves, but the people of California, Nevada, and a few special localities, who have been brought face to face with the workings of this system, are surely more competent to sit in judgment and give us their verdict as to the result, both present and prospective, for it is only by the past and present that we may forecast the future. If, therefore, the experience of California, Nevada, and other communities where these heterogeneous people have lived and now live, has proven very unsatisfactory and with no prospect of improvement, had we not best be guided by their experience, and, taking "time by the forelock," pluck up this evil before it becomes more formidable and difficult to control.

Mr. Speaker, the gentleman from Kentucky, in his able and comprehensive speech yesterday, in alluding to the platforms of the political parties of this country, was kind enough to mention and place in the proper attitude the declaration of the Greenback Labor party upon the Chinese labor problem; and not only upon this particular phase of the labor question has the National party published its faith to the world, but upon this vital issue in its broadest and most general sense, and I will take the liberty to incorporate in my remarks the preamble to the platform of the National Greenback Labor party, adopted at Chicago in 1880, and the third and fourth resolutions of the same:

Platform adopted by the National Greenback Labor convention at Chicago.

Civil government should guarantee the divine right of every laborer to the results of his toil, thus enabling the producers of wealth to provide themselves with the means for physical comfort and the facilities for mental, social, and moral culture; and we condemn as unworthy of our civilization the barbarism which imposes upon the wealth-producers a state of perpetual drudgery as the price of bare animal existence. Notwithstanding the enormous increase of productive power, the universal introduction of labor-saving machinery, and the discovery of new agents for the increase of wealth, the task of the laborer is scarcely lightened, the hours of toil are but little shortened, and few producers are lifted from poverty into comfort and pecuniary independence. The associated monopolies, the international syndicates, and other income classes demand dear money and cheap labor; a "strong government," and hence a weak people.

* * * * * * *

3. That labor should be so protected by national and State authority as to equalize its burdens and to insure a just distribution of its results. The eight-hour law of Congress should be enforced, the sanitary condition of industrial establishments placed under rigid control, the competition of convict contract labor abolished, a bureau of labor statistics established, factories, mines, and workshops inspected, the employment of children under fourteen years of age forbidden, and wages paid in cash.

4. Slavery being simply cheap labor, and cheap labor being simply slavery, the importation and presence of Chinese serfs necessarily tends to brutalize and degrade American labor; therefore immediate steps should be taken to abrogate the Burlingame treaty.

Mr. Speaker, there is no ambiguity in these resolutions, no uncertain sound; each resolution is a full, clear-cut declaration. As a party, one of the cardinal principles and pillars of support is the protection of labor. We believe with the great and good Lincoln, "that labor being prior to is superior to capital, as capital could not have existed without it." Labor should be encouraged, ennobled, protected, and justly rewarded. The individual who by the sweat of his face earns his bread should be regarded as one of nature's noblemen, and but obeying the divine command. We, as a nation, cannot be said to promote and encourage this labor when we permit Chinese labor-slaves to be imported and introduced into this Republic and sold by their masters as they now are. We should not permit the exportation of felons, professional beggars, stolen children, vagrants—the very dregs and wrecks of despotism from Asiatic or European countries—and thus bring their debased humanity and cast them upon us, and thereby relieving their decaying society from a terrible influence and at the same time infest ours with the same.

This has gone on too long already, and we are beginning to reap the results—disorder, strikes, riot, and bloodshed—requiring a large increase in the police force, caused by an unhealthy, feverish excitement keeping the large cities and towns on the Pacific slope ripe for riot at all times, and especially when business enterprise and improvement are restricted and crippled by stringency in financial depression, shortage in crops, or any of the many causes that are liable to sweep over a country from time to time.

Mr. Speaker, I would not prohibit the immigration of Chinese solely on the ground of their failure to adopt our manners and customs and of entering into our new civilization, nor yet for the simplicity and frugality of their manner of living. If chop-sticks, with a little rice and tea and a pipe of opium, will satisfy the demands of his being, I should not object. But, Mr. Speaker, after he enjoys, or could enjoy, all that we enjoy, he refuses to renounce his allegiance to the mother country, and when war or invasion comes upon us they slink behind their foreign allegiance and would see our country dismembered and destroyed ere they would strike a blow. They come to enjoy the fruit and benefits of good government, but not to help make it, improve it, or preserve it. I shall therefore vote for the bill.

Public Building at Louisville, Kentucky.

SPEECH
OF
HON. ALBERT S. WILLIS,
OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 24, 1882,

On the bill (H. R. No. 521) for the construction of a public building at Louisville, Kentucky.

Mr. WILLIS said:

Mr. SPEAKER: During the present Congress I introduced a bill (H. R. No. 521) calling for the construction of a building at Louisville, Kentucky, commensurate with the needs of its public business. The Committee on Public Buildings and Grounds have unanimously reported back and recommended the passage of a substitute for the bill, (H. R. No. 3846,) which is now upon the Calendar, to be voted upon when reached. A similar bill for a larger amount received the approbation of the committee in the last Congress, but under our system of rules, which seem to have been framed to prevent rather than to secure legislation, it never came to a vote. In support of that bill I presented certain statements with accompanying data. Some few of the facts then stated I now, but in a revised form,

again lay before the House, so that any gentleman desiring it may have ample time and opportunity for investigating their truth and applicability.

WHAT FACTS SHALL CONTROL THE CONSTRUCTION OF PUBLIC BUILDINGS.

To determine the location, the value, and the character of the public buildings in the United States involves a most delicate and difficult duty. Appreciating this, the Committee on Public Buildings and Grounds of the last Congress required a statement in writing "showing the amount of revenue received from all sources whatever, the post-office statistics, business of the United States courts, internal-revenue receipts, &c., at the city or town where the public building was proposed to be erected."

The committee evidently thought that by ascertaining the amount of internal revenue, the amount of postal receipts, and the amount of receipts from customs, the total amount of public business transacted at any point would be approximately known, and a rule thus established which would be just and uniform in its application and results. That this conclusion of the committee is correct can be demonstrated by reference to the official reports of the Government.

SOURCES OF GOVERNMENT REVENUE.

From the last annual report of the Secretary of the Treasury it appears that the ordinary revenues of the United States from all sources for the fiscal year ended June 30, 1881, were $360,782,292. The whole of this, except $27,358,231, is made up of two items, to wit, customs, from which the receipts during the last year were $198,159,676, and internal revenue, from which the receipts were $135,264,385. In other words, from these two sources of customs and internal revenue there was collected last year the sum of $333,424,061, which is eleven-twelfths of all the receipts that are paid to the Government at the various cities where buildings are owned or rented for public use. Therefore, by ascertaining the amount paid into the Treasury from these two sources we have a criterion, so far as receipts of money are concerned, for the establishment of public buildings.

Another and very important branch of the public service which involves much business and whose gross receipts are quite large is the Post-Office Department. As its expenses are greater than its receipts, it yields no revenue and is not included in the report of the Secretary of the Treasury. These three sources—internal revenue, postal receipts, and customs dues—when aggregated show the amount of public business at any given point, and furnish the principal if not the only rule for determining the necessity and character of its public buildings. Of course there are exceptional features in the claims of some cities, such as the existence of a United States court, pension agency, &c. But after careful review of the subject, I submit that the rule just stated is a fair and just one when applied to the whole country. Desiring, therefore, to obtain this information, I sent letters to the heads of Departments having control of these subjects, and obtained answers, of which the following will serve as an illustration:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, January 25, 1882.

SIR: In compliance with your request of the 19th instant, referred to this office by the honorable First Assistant Postmaster-General, I have the honor to transmit a statement of the gross receipts at certain post-offices named by you for the fiscal year ended June 30, 1881.

Very respectfully,

J. H. ELA, *Auditor.*

Hon. ALBERT S. WILLIS, *House of Representatives.*

Similar answers from the Secretary of the Treasury and from the Commissioner of Internal Revenue were received.

The official data thus furnished show the amount of internal revenue, the postal receipts, and customs dues paid at the city of Louisville, to which the bill I have introduced refers. In addition to this I have prepared a tabular statement of all the cities in the United States where public buildings are located. This table, which I append, gives first the population of these cities, as shown by the census of 1880. The second column of the table gives the amount of public business. The "amount" is made up of three items, internal revenue, postal, and customs receipts, thus:

New York:	
Internal revenue	$9,135,201
Postal	3,791,446
Customs	138,908,562
Total	151,835,209

In the same way the total amount of public business at each city, as given in this column, has been ascertained. The third column of the table is taken from the Supervising Architect's report for 1881, and shows the total value of public buildings now at those points. The amounts given exhibit the total cost of work, including alterations and repairs and cost of site, together with appropriations, to June 30, 1881. The value of only those buildings are given which are common to all cities; any other estimate would be unfair. The fourth column of the table shows what the city of Louisville would be entitled to if Congress gave to it public buildings in the same ratio to the amount of its public business as has been allowed to other cities in the Union.

Comparative table.

Cities.	Population.	Amount of the yearly public business.	Value public buildings, &c., to date.	Ratio expended.
New York	1,206,590	$151,835,210	$10,846,311	$268,301
Boston	362,535	23,928,848	6,499,550	1,020,247
Philadelphia	846,984	15,096,675	5,512,816	1,371,532
Chicago	503,304	13,950,077	6,223,431	1,682,756
Cincinnati	255,708	13,691,039	4,789,860	1,078,977
San Francisco	233,956	10,040,284	1,688,978	631,818
Saint Louis	350,522	7,407,671	5,514,853	2,793,187
Baltimore	332,190	5,791,287	1,707,591	1,107,464
Newark, N. J	135,400	4,376,438	185,216	158,954
Louisville, Ky	123,645	3,755,900	375,061	
New Orleans, La	216,140	3,677,626	4,279,822	4,368,248
Covington, Ky	29,720	3,203,745	287,890	337,506
Milwaukee, Wis	115,578	2,758,043	247,569	337,138
Buffalo, N. Y	155,137	2,380,121	331,188	522,624
Richmond, Va	63,803	2,187,280	307,572	528,195
Pittsburgh, Pa	156,381	2,031,579	467,784	864,819
Detroit, Mich	116,342	1,765,074	235,580	501,295
Galveston, Tex	19,329	1,589,347	156,977	370,963
Springfield, Ill	3,481	1,439,140	325,916	850,583
Indianapolis, Ind	75,074	1,242,857	404,318	1,060,926
Toledo, Ohio	50,143	1,201,435	277,961	868,955
Danville, Va	7,526	1,065,021	70,000	246,880
Cleveland, Ohio	160,142	1,050,289	232,484	831,377
Omaha, Nebr	30,518	1,032,456	336,002	1,295,067
Nashville, Tenn	43,461	1,005,237	418,000	1,561,787
Cairo, Ill	9,011	977,869	282,025	1,083,240
Petersburgh, Va	21,656	961,271	119,531	467,304
Oswego, N. Y	21,117	893,552	139,575	586,893
Albany, N. Y	90,903	878,286	506,265	2,164,990
Newburyport, Mass	13,537	873,706	60,899	261,793
Raleigh, N. C	9,265	872,547	349,779	1,505,632
Portland, Me	33,810	620,183	953,085	5,771,993
Providence, R. I	104,850	564,476	315,991	2,102,535
Savannah, Ga	30,681	526,456	201,363	1,436,586
Saint Paul, Minn	41,498	437,507	446,661	3,834,485
Kansas City, Mo	55,813	427,415	200,000	1,757,495
Dubuque, Iowa	22,254	418,511	201,528	1,808,600
Utica, N. Y	33,913	381,935	406,000	3,992,552
Wheeling, W. Va	31,266	381,059	143,930	1,418,643
Wilmington, Del	42,499	367,795	66,570	679,808
Portsmouth, N. H	9,690	360,586	205,006	2,135,363
Atlanta, Ga	37,421	344,364	272,310	2,970,023
Mobile, Ala	31,205	299,088	448,640	5,633,954
Evansville, Ind	29,288	296,470	333,340	4,222,996
Des Moines, Iowa	22,408	274,239	240,079	3,288,054
New Haven, Conn	62,882	224,872	235,571	3,934,608
Memphis, Tenn	33,593	205,866	366,000	667,744
Grand Rapids, Mich	32,015	196,786	210,242	4,012,825
Madison, Wis	10,325	196,419	353,638	6,762,222
Erie, Pa	27,730	189,028	69,718	1,385,264
Key West, Fla	9,890	172,134	24,415	532,669
Little Rock, Ark	13,185	164,814	248,000	5,651,603
Pensacola, Fla	6,845	157,507	111,296	26,543,370
Charleston, S. C	49,999	152,334	2,965,550	73,117,684
Columbia, S. C	10,040	151,131	413,753	10,282,568
Knoxville, Tenn	9,693	135,166	399,021	1,108,772
Portland, Oreg	17,578	131,207	385,627	11,038,865
Gloucester, Mass	22,253	122,762	56,658	1,733,449
Hartford, Conn	42,553	117,231	735,121	29,959,830
Austin, Tex	10,960	110,753	163,320	5,598,573
Bath, Me	7,874	95,502	128,694	5,060,959
Wilmington, N. C	17,361	89,522	62,462	2,620,596
Middletown, Conn	6,826	81,312	34,228	1,581,035
New London, Conn	10,537	79,591	29,433	1,388,943
Norfolk, Va	21,966	74,714	267,544	13,449,534
Harrisburgh, Pa	30,762	64,452	303,847	17,706,489
Jersey City, N. J	120,728	59,888	112,136	7,034,340
New Bedford, Mass	26,875	55,968	45,418	3,047,910
Bangor, Me	16,857	46,607	211,844	170,717,891
Perth Amboy, N. J	4,808	44,670	300,374	25,255,750
Trenton, N. J	29,910	43,806	410,000	35,153,152
Topeka, Kans	15,451	41,307	230,000	2,091,389
Salem, Mass	27,598	39,009	40,887	3,936,719
Fall River, Mass	49,006	32,555	472,556	54,519,216
Lincoln, Neb	13,004	32,170	199,684	23,313,122
Montgomery, Ala	16,713	29,313	125,000	16,016,357
Newport, R. I	15,693	24,982	40,149	6,036,171
Burlington, Vt	11,364	21,180	81,252	14,409,083
Sandusky, Ohio	15,838	17,768	91,175	19,272,973
Alexandria, Va	13,658	13,924	90,603	17,904,036
Rutland, Vt	12,149	12,873	83,629	24,400,075
Galena, Ill	6,451	11,894	83,256	26,290,668
Port Huron, Mich	8,883	11,850	246,541	78,142,054
Ogdensburgh, N. Y	10,340	10,730	237,429	83,109,038
Parkersburgh, W. Va	6,582	10,708	241,237	84,615,411
Paducah, Ky	8,036	10,295	100,000	36,482,758
Rockland, Me	7,599	8,673	146,141	63,287,326
Plattsburgh, N. Y	5,245	8,611	79,363	34,616,129
Belfast, Me	5,308	6,531	43,036	24,749,489
Bristol, R. I	6,028	5,948	35,469	22,397,111
Charleston, W. Va	4,192	5,927	75,000	47,526,995
Suspension Bridge, N. Y	2,476	5,527	31,461	213,421,695
Dover, Del	2,811	5,245	63,783	45,674,465
Astoria, Oreg	2,803	4,824	77,910	60,659,965
Waldoborough, Me	3,758	4,040	24,860	23,114,275
Eastport, Me	4,006	3,563	48,532	51,159,511
Ellsworth, Me	5,052	3,402	27,136	29,958,877
Saint Augustine, Fla	2,293	3,334	29,528	3,325,543
Windsor, Vt	2,175	3,321	95,061	77,398,557
Wiscasset, Me	1,847	2,782	33,092	8,731,216
Machias, Me	2,203	2,608	29,402	42,343,164
Castine, Me	1,215	1,822	16,911	34,835,998
Barnstable, Mass	4,242	1,548	39,489	95,811,844
Kennebunk, Me	2,852	1,490	200,555	505,546,660

ANALYSIS OF THE ABOVE TABLE.

The tabular statement just given, comprising one hundred and four cities, includes all the places reported by the Supervising Architect where the Government owns custom-houses or post-offices. An analysis of the facts presented by it discloses some unique and interesting results. The names of the cities are ranged in order according to amount of public business annually transacted. New York stands first, and Louisville is ninth in the list. Nineteen of the one hundred and four cities, it will be seen, do a public business which, as compared with Louisville, would give that city buildings valued at between one and two millions of dollars, or averaging the amount it would be $1,388,805. Seven, Saint Louis, Albany, Providence, Portsmouth, Atlanta, Wilmington, North Carolina, and Topeka have a public business which would give Louisville between two and three millions of dollars, or an average of $2,411,553. Seven cities, Saint Paul, Utica, Des Moines, New Haven, New Bedford, Salem, and Saint Augustine, give Louisville between three and four millions, or an average of $3,618,553. Three cities, New Orleans, Evansville, and Grand Rapids, would give Louisville between four and five millions, or an average of $4,201,356. Five cities, Portland, (Maine,) Mobile, Little Rock, Austin, and Bath, would give it between five and six millions, or an average of $5,531,416. Three cities, Madison, Jersey City, and Newport, would give Louisville between six and eight millions, or an average of $6,610,911. Only eight cities of the whole list—New York, Milwaukee, Newark, Covington, Galveston, Danville, (Virginia,) Petersburgh, and Newburyport—would give Louisville for public buildings, an amount less than half a million. None of these eight cities, except New York and Milwaukee, have a pension agency; the average population of five of them is less than one-seventh of that of Louisville, and in other respects, as I shall presently show, they are distinguishable.

I have thus given the status of Louisville as compared with fifty-two cities, which is one-half of the whole number where public buildings are now located. As to the remaining one-half of the list, if the public buildings of Louisville, as elsewhere, were proportioned to the amount of business done, their value would range from eight to five hundred millions of dollars! In other words, if the same ratio had been observed at Louisville as at six-sevenths of the cities in the United States, it would now have public buildings costing from one to five hundred millions of dollars, or averaging the whole list, Louisville would upon the same basis be entitled to an appropriation of *over sixty-three millions of dollars!*

It must be borne in mind that at a large number of the cities contained in the table the buildings are yet in process of erection, and their ultimate cost is not stated. This is the case in seven of the eight cities which precede Louisville in the list.

Can any city in the United States, Mr. Speaker, make out a stronger case than this? The mere statement of the figures is, I submit, a conclusive argument in favor of the bill which I have introduced. This statement is based upon the official data contained in the reports of the last fiscal year. Highly favorable as it is to the city whose interests I advocate I will now proceed to show that it is an

UNDERESTIMATE OF THE FACTS,

and that the total public business of Louisville, instead of being $3,755,900, as given in the table, should be between ten and eleven millions of dollars. To this proposition I challenge attention and contradiction. The above amount of $3,755,900 is composed of three items, namely, internal revenue, for which the receipts last year were $3,489,672; postal receipts, $197,196, and customs receipts, $69,031.

The receipts from internal revenue of the Louisville district four years ago were $4,033,377. Under the provisions of a joint resolution of Congress, approved March 28, 1878, the time during which distilled spirits entered into distillery warehouses was extended to three years. Since the passage of that law withdrawals have only been made to meet the wants of trade, and consequently a large per cent. of whisky has been left in bond, thus creating a temporary reduction of the internal revenue. The whisky which was placed in bond three years ago must now be continuously withdrawn. From this time forth, therefore, the amount of internal revenue in this district will be largely increased.

The records of the office of the Commissioner of Internal Revenue show an increase in the Louisville district during the present year of over 150 per cent. as compared with the corresponding months of last year. During the year ended June 30, 1880, the number of taxable gallons of spirits produced in the fifth Kentucky district (Louisville) was 4,651,090. During the year ended June 30, 1881, the number of gallons produced was 14,233,860; thus showing an increase in one year of 9,582,770 gallons. This enormous increase is owing to the increased number of new distilleries and the increased capacity of the old ones; and as this increase is permanent the internal revenue alone of the Louisville district will hereafter *exceed* $10,000,000 *per annum.*

But, Mr. Speaker, it may be asked, does not the law affect all districts alike, and has not this increase been general? Most certainly not; and the explanation is at hand. The distilleries of the Louisville district manufacture fine whiskies, which need age to make them valuable. Outside of Kentucky the products of the distilleries are generally ready for the market at once. An examination of the last report of the Commissioner of Internal Revenue will illustrate and confirm this statement. On page 90 of the report is a table showing by districts "the quantity in taxable gallons of spirits in warehouse June 30, 1881." From this it appears that outside of the State of Kentucky the aggregate number of gallons in bond at that time was 22,734,894. The total number of gallons, including Kentucky, was 64,648,111, which were distributed among the different districts in very unequal quantities.

In forty-three districts, being over one-third of the whole number, there were no spirits in warehouse at the end of the fiscal year, and consequently they are not represented in the Commissioner's statement. Of the remaining eighty-one districts, two—the twenty-second Pennsylvania (Pittsburgh) and the third Maryland (Baltimore)—had in bond between three and four million gallons. In only five was the number of gallons between one and two millions. In sixty-one of the eighty-one districts enumerated by the Commissioner—*i. e.*, in more than *three-fourths of all*—the number of gallons was under a quarter of a million. The State of Kentucky had in bond $41,913,217, or about two-thirds of the whole. The number of gallons in the Louisville district is stated at 19,909,031, which, deducting the Pittsburgh district, is *more than all the other districts in the United States outside of Kentucky combined.* The Louisville district is, therefore, exceptional. At ninety cents per gallon the amount of tax thus ready to be paid from that district on the 30th of June last was $17,918,127. The estimate, therefore, of $10,000,000 per annum from receipts of internal revenue is within the official statements.

A comparative idea of the amount which was actually collected last year from the Louisville district from this source may be formed when it is known that the States of Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Minnesota, Maine, New Hampshire, Vermont, Rhode Island, Mississippi, Nevada, Oregon, South Carolina, and Texas, and the Territories of Arizona, Dakota, Idaho, Montana, New Mexico, Utah, Washington, and Wyoming paid last year the aggregate amount of $3,374,151, which is $115,521 less than that district paid; in other words, this single district at Louisville had more public business in this direction than sixteen States and all the Territories of the Union combined. The aggregate receipts from the State of Kentucky for the same time were $8,717,162.

The receipts from Kentucky for the last nineteen years from internal revenue amount to $126,287,949. Of this immense sum, the Louisville district, formed by the consolidation of the fourth and fifth districts, paid $49,893,086. Of the one hundred and twenty-six collectors' offices in the United States, the Louisville office, even upon present receipts, ranks seventh in importance, paying one-thirty-sixth of the total amount of internal revenue collected.

THE LARGEST MARKET FOR TOBACCO AND FINE WHISKIES IN THE WORLD.

An examination of the report of the Commissioner of Internal Revenue will show that the proportion of the enormous revenue business of Kentucky which is transacted at Louisville, always great, and now nearly one-half of the whole amount, has been steadily on the increase. Nor is this surprising to any one familiar with the facts. On the 8th of January, 1876, the fourth internal revenue district, composed of fourteen counties, was consolidated with the fifth district. Louisville thus became the commercial center of the largest whisky-producing district in the State. The counties of Nelson, Owen, Bullitt, La Rue, Marion, Washington, and Anderson, which are included in this district, have for half a century been noted for the manufacture of fine whiskies. The product of more than one-half of the State of Kentucky comes to Louisville, thus making it the first market in the United States, if not in the world, for this class of goods. This concentration of trade has given increased activity to the business. The statement is equally true as to the manufacture of beer, both common and lager. The storage capacity of nearly all the lager-beer breweries has been increased, some 50 per cent., some 75 per cent., and two of the largest more than double that of 1878.

As to another chief source of internal revenue, tobacco, it is well known that Louisville holds precedence over all other markets. It is, indeed, the largest and best leaf-tobacco market in the world, and is a center where the whole buying interest both of Europe and America is represented. A comparison with Cincinnati, Saint Louis, Clarksville, and Nashville—the four great tobacco markets of the world—will show the advantage which Louisville has. The total number of hogsheads received at these cities during the six years from 1873 to 1879, inclusive, are given in the first column, which I read, and the sales in the second:

Cities.	Receipts.	Sales.
Louisville ..... hogsheads..	311,943	345,585
Cincinnati ..... hogsheads..	197,817	194,565
Saint Louis ..... hogsheads..	97,377	76,059
Clarksville ..... hogsheads..	83,531	81,065
Nashville ..... hogsheads..	33,449	29,209

It will thus be seen that the business of Louisville during these six years was ten times greater than Nashville, five times greater than Clarksville, four times that of Saint Louis, and one and one-half times that of Cincinnati. A brief glance at the statistical history of the Louisville tobacco market presents a remarkable example of rapid expansion. In the ten years ending with 1861, the sales amounted to 161,289 hogsheads, an average of 16,128 per annum; in

the ten years ending with 1871, the sales amounted to 399,407 hogsheads, an average of 39,940 per annum; and in the ten years ending with 1881, the sales amounted to 571,949 hogsheads, averaging 57,195 per annum. The average of the last ten years shows a gain of 255 per cent. as compared with the decade ending with 1861. The sales in 1881 amount to 67,408 hogsheads—more than 10,000 hogsheads greater than the average of the ten years ending with 1881—a gain of more than 20 per cent. The sales in 1881 exceed the average of the decade ending with 1871 by 72 per cent., and the average of the decade ending with 1861 by 320 per cent. What city in the Union can present a parallel to this rapid progress in any staple department of trade?

This immense and yearly increasing trade in leaf-tobacco has had its influence in stimulating the manufacturing interests. New factories have been established every year, and old firms have enlarged their capital and capacity, so that the revenue from this source has been, and will continue, steadily on the increase.

CUSTOMS AND POSTAL RECEIPTS.

The rapid increase of customs duties may be seen from the following statement, covering a period of four years:

Amount of duties collected during year 1878	$36,651
Amount of duties collected during year 1879	44,034
Amount of duties collected during year 1880	58,788
Amount of duties collected during year 1881	75,053

It will be observed that the increase of business has been more than 100 per cent., and the detailed statement of the surveyor of the port, which I have before me, shows that this increase has not been spasmodic, but gradual, extending to almost every month throughout the entire four years. The transportation of foreign goods to inland ports without appraisement is destined, as that officer in a letter setting forth the insufficiency of his accommodations pertinently suggests, to revolutionize the methods of collecting revenue in the United States, and the extension of the system renders it necessary for the Government to materially enlarge her interior custom-houses, as the examination and appraisement of imported goods are now performed at the interior ports instead of at the seaboard.

Next in importance to customs and internal revenue is the postal business. The total receipts for the whole country from this source during the fiscal year ended June 30, 1881, were $36,785,397. Of this amount the Louisville office paid $197,196. Of the fifty thousand post-offices in the United States, New York ranks the first both in point of receipts and in amount of business, while Louisville is the thirteenth city in the amount of business and the sixteenth in receipts.

Of the one hundred and nine free-delivery offices in the United States as enumerated in the last report of the Auditor of the Treasury for the Post-Office Department, eighty-two of them do not return one-half as much, and sixty-seven of them do not return one-third as much receipts as the Louisville office, and yet in all of them, as shown by the preceding table, the buildings in which their business is transacted are, upon an average, fifty times larger and more expensive than the one in Louisville. The amount and character of business in this branch of the service at Louisville may be further realized from the following statement showing the amount of business during the year ended December 31, 1881:

General account.

	1880.	1881.	Increase.
Receipts	$188,040 15	$209,903 81	$21,863 66
Expenses	60,916 94	62,092 68	
Net income	127,123 26	147,811 13	

MONEY-ORDER DIVISION—1881.

To 7,306 deposits received from postmasters	$896,273 28
70 drafts drawn on postmaster, New York	137,000 00
17,661 domestic money-orders issued	235,234 61
Fees received on same	20,131 95
1,664 international orders issued	20,004 09
Fees on same	429 55
Total receipts	1,291,073 48
Money-orders paid:	
By 83,232 domestic orders paid	1,198,324 79
383 international orders paid	10,092 48
139 domestic orders repaid	1,870 41
Deposits sent to postmaster, Cincinnati, Ohio	70,390 00
Total	1,280,687 68

Thirty-five employés in office proper, besides letter-carriers.

LETTER-CARRIER BUSINESS FOR YEAR ENDED DECEMBER 31, 1881.

Delivered:	
Mail letters	4,111,865
Local letters	444,417
Registered letters	45,807
Mail postal cards	998,470
Local postal cards	579,047
Papers, &c.	2,048,079
Total deliveries	8,227,685
Collected:	
Letters	2,736,969
Postal cards	1,050,947
Papers, &c.	566,773
Total pieces collected	4,354,689

Thirty-two carriers and four substitute carriers employed.

PENSION BUSINESS AT LOUISVILLE.

Another and very important branch of the public service at Louisville, which has not been considered in the tabular estimate of the public business, and which is daily increasing, is that of pensions. The pension list of the United States on the 30th of June last amounted to 268,830 persons. The aggregate amount paid last year for pensions was $49,723,147, and for arrears of pensions $678,685, making a grand total of $50,626,538. This enormous business was formerly transacted by fifty-eight officers, but on the 7th of May, 1877, an order was issued by the President reducing the number of agencies to eighteen, the consolidation to take effect July 1, 1877. Subsequent to this the number of agencies was reduced to seventeen. One of these seventeen offices is at Louisville. Of the nine cities which exceed Louisville in the aggregate amount of their public business, Cincinnati, Baltimore, and Newark have no offices. The cities in the table which have pension agencies are New York, Boston, Philadelphia, Chicago, San Francisco, Saint Louis, Des Moines, Detroit, Indianapolis, Knoxville, Milwaukee, Pittsburgh, and Syracuse. The remaining four offices, Washington, Canandaigua, Columbus, and Concord, are not in the tabular list, as their business is transacted in rented offices. The amount of business at Louisville from this source for the year ending December 31, 1881, may be seen from the following statement:

	No. of payments.	Amount.
Army pensions	23,468	$1,031,230 56
Examining surgeons—Army	161	3,661 00
Navy pensions	80	5,013 93
Examining surgeons—Navy	5	11 00
Army arrears	17	7,822 36
Total	23,731	1,047,738 85

Deducting the payment for "arrears" the regular business of that office last year was $1,039,916, an amount which for many years will be increasing. In making the tabular estimate of the amount of public business, this important element was omitted, because it entered into only a small portion of the whole number, there being, as we have just seen, only twelve other cities on the list which have such public business.

SUMMARY.

The aggregate amount of public business attended to in Louisville during the past year, ending December 31, 1881, is therefore as follows:

Internal revenue	$4,165,309
Customs	75,053
Post office	209,903
Annual pension business	1,039,916
Total	5,490,181

But, as we have seen, the amount of internal revenue from this time forth in that district will, at the lowest estimate, be 250 per cent. greater than it has been for two years past. In other words, the amount of whisky now annually produced will yield a tax of $10,000,000. Adding this to the above, we find the ordinary annual public business of that city to be over *eleven million dollars*. All the estimates in the table which I have given exclude the pension business, and also exclude this per cent. of internal revenue which has been, under the law, retained in the warehouses. If these are included—and that they should be no one can justly deny—the public business of Louisville will be, as just stated, $11,490,181, instead of $3,755,900, or over three times as great; the "ratio expended" in the fourth column of the "comparative table" should be multiplied by three and the average value of her public buildings, as compared with all the other cities in the United States would be *over one hundred and fifty million dollars*.

UTTER INADEQUACY OF ACCOMMODATIONS.

To accommodate her immense business there is only one public building at Louisville, which was built in the year 1851, at a cost of $246,640. This one structure is made to serve the purposes of all the various governmental offices of the district. Constructed originally according to a plan which prevented the utilization of more than one-half of the space, the building at this time, aside from its dilapidated and insecure condition, does not and cannot be made to afford half the proper facilities for the transaction of public business. The lower floor, which is used for post-office and appraiser's office, is, as the report of the committee shows, badly arranged and entirely too contracted for the proper dispatch of a large and steadily increasing business. The first floor is also used as a storehouse for imported goods, and bales and boxes constantly blockade the entrance hall leading to the other two floors. The second floor is crowded with the surveyor's office, the collector of internal revenue, the pension agency, steamboat inspectors, and railway mail service. The third floor is occupied by the United States court-room, grand and petit jury rooms, United States marshal's office, library, assistant United States district attorney's office, judges' private chambers, and United States district and circuit clerks' offices. The United States court-room, thus located on the third floor, is difficult of access, inconveniently arranged, noisy, contracted, devoid of suitable accommodations, and utterly unfit for the large and growing business of the

courts. For years these court-rooms have been thronged with crowds of officials, attorneys, prisoners, witnesses, and other attendants at trials of Kuklux, "moonshine" distillers, and other violators of the law.

The officials in the building justly complain of the great annoyance of these attendants on the courts, as they lounge and swarm through the corridors; and the confusion of these crowds ascending and descending four long flights of iron stairs is not only a serious interruption to court proceedings, but to all other public business. Ladies must come daily and hourly for mail matter, to look after pension claims, &c., and grievously complain of the rude annoyances of these crowds, who are usually very rough, noisy, and intrusive. Not a single officer of the Government has sufficient room or facilities for the discharge of his duties. The district attorney has been compelled to rent an office in another building. The clerks of the district and circuit courts are so crowded that they find it utterly impossible to make a systematic arrangement of their books and documents. Under the bankrupt act the titles to millions of dollars have passed, and the records and proceedings establishing them are in such confusion that it is the work of days for an attorney to find and examine them.

Only a short while ago a prominent member of the Louisville bar informed me that he was thus engaged ten days when half an hour should have sufficed. Two thousand records of these courts have been, from want of space, removed to another place. For the same reason the records of both courts are kept in one room. When both district and circuit courts are in session one of the judges is compelled to use the library, which is entirely unsuited to such a purpose. The marshal and his deputies, who are also on the third floor, have equally cramped and insufficient offices. On the second floor the surveyor of customs has a small room, about fifteen by eighteen feet, in which to make his examination of goods. The basement and cellar, which he uses for store-rooms, are inadequate and unsuited for the purpose. The collector of internal revenue, who is located on this floor, has no rooms which answer the necessities of his office. From a letter of Colonel James F. Buckner, for twelve years collector of that district, I read the following extract:

On the 8th of January, 1876, the fourth district internal revenue, composed of fourteen counties, was consolidated with this fifth, and all the records and papers of both districts are now crowded into this office, except about fifty large boxes stored in the cellar for want of other room for them. You will see from the above that the space occupied by the collector and ten clerks, crowded into two rooms, (separated from each other,) with the necessary desks, presses for papers, &c., is entirely too small. The space allotted to the cashier, who receives daily large sums of money, is in the midst of all. The space occupied by the taxpayers, who assemble in crowds on certain occasions, is cramped and uncomfortable, and does not afford the proper convenience for the prompt transaction of business, and is the cause of much delay and confusion.

Furthermore, for want of room and other conveniences, the records, books, and other public property connected with this office are necessarily exposed and unsafe. The whole building is now crowded, too small, and unsuited to the purpose for which it is principally used. Its interior structure is made of very combustible material; it is filled with combustible matter, and liable to take fire at any moment, in which case heavy loss will fall on the Government. I cannot too strongly urge the propriety of erecting a new and large building entirely fire-proof.

The importance of having a building not only large enough but *fire-proof* for the protection of public property will be readily seen from this statement and the facts which it suggests. The average value of spirits, tobacco, beer, and proprietary stamps that the collector of such an office is required to keep on hand is over $250,000. To this is to be added the special-tax stamps, received annually in April and held for several months, which amount to a still larger sum. In this one branch of the public service over half a million dollars of property could be destroyed in a single hour. The court and other official records connected with the post-office, &c., cannot be estimated in money.

The want of suitable accommodations for the postal service I have already incidentally alluded to, but an extract from a letter written by Mr. E. S. Tuley, assistant postmaster, will more fully and clearly present the facts:

Great need exists for increased accommodations for the business of this office. While it is possible for our present condition to be improved by alteration of the present building, it never can be properly arranged for permanent occupancy as a post-office. The large entrance-hall running through the center of the building causes the business of the office to be divided into three different apartments, by reason of which great delay occurs in transacting business.

A post-office should, as far as possible, occupy one room; then the mails can be handled with much greater facility, and, what is essential in this business, the employés can be kept under the immediate supervision of the postmaster and assistants. Such was the original purpose on the part of the Government concerning this office, which was originally intended to occupy that portion of the building lying east of the hall. But before the building was completed it was found necessary that the post-office should occupy the whole ground floor, except that portion used as an entrance hall. That was in 1857, at which time but eighteen persons were employed in the office, and, but one railroad being then completed, but three mail-route agents reported at the office. There was then no money-order business and no letter-carrier service.

I shall ask to print with these remarks the letter of Colonel Buckner, from which I have read an extract, a second letter from Mr. Tuley, and also letters from Colonel T. O. Shackelford, surveyor of the port; Colonel R. H. Crittenden, United States marshal; Colonel B. O. Carr, supervising inspector of steam-vessels; Colonel R. M. Kelly, pension agent; and Captain H. B. Jenks, head clerk of the railway mail service, together with resolutions of the Legislature of Kentucky, the Board of Trade, and the common council of the city of Louisville, which relate to the same subject.

"OLD THINGS HAVE PASSED AWAY."

But, Mr. Speaker, it is not necessary to present these minute details. The time when the building at Louisville was constructed should convince any mind of its entire inadequacy to the present pressing needs of the service. It answered the purpose for which it was built in 1857, but since then the character of our public business has changed and its amount enormously increased. The briefest reference to some of the points will suffice. Then the population of Louisville was 43,194. Now it is 123,645; nearly three times as large. At that time the laws of the General Government came in contact with the citizen once where now they touch and concern him in a hundred ways. From this fact—this increase of the subject-matters as well as of the jurisdiction of the Federal courts—has come an immense increase in the number of suits and a consequent necessity for enlarged accommodations. This increase of Federal business all over the country has been at least tenfold.

Then the sales of postage-stamps and stamped envelopes amounted to $27,000. Now the receipts from the same source are $219,236, an increase of over 800 per cent. The sales of stamps are a fair indication of the amount of business done in a community. This is so fully recognized that the compensation of postmasters is fixed under law by a commission on the stamps sold. There was then no money-order system, no railway mail service, and no letter-carriers. Now, as per last report, there are annually 110,455 money-order transactions, amounting in value to $2,571,760; thirty-three postal clerks, route agents, and mail-route messengers report at the Louisville office; thirty-two carriers and four substitute carriers are employed in the free delivery, who collected and delivered last year 12,582,374 pieces of mail matter. There are now 104 employés, as against 18 in the year 1857, an increase of almost sixfold in twenty-four years. How utterly insufficient the present building is for these new branches of the postal service may be realized when it is known that the only accommodations provided for these clerks, &c., with their mails and registered matter, is a space equal to about ten by twelve feet. In addition to these striking changes, which so loudly demand an increase of facilities, two of the largest and most important branches of the public business then had no existence. The amount of business transacted by these, the pension agency and internal-revenue office, last year, as we have seen, exceeded $4,500,000, and in future years will exceed $12,000,000.

The simple statement of these facts, supported as they are by the unanimous report of the committee, should secure for Louisville the same prompt and favorable action which the other cities of the Union have received.

RECAPITULATION.

With this view, Mr. Speaker, I have submitted to the House such considerations as seemed to me relevant to the subject. I have presented the statements of the officials representing the Government, whose position affords them the best opportunity for information, which declare that the building at Louisville, defective in its original construction, is now old, insecure, and dilapidated, the roof leaking in over twenty places, combustible and filled with combustible material, and that it is wholly unsuited for the purposes to which it is devoted. I have shown further that since that building was erected, over a quarter of a century ago, there has been an enormous increase in customs receipts, postal transactions, and Federal court business, while the free-delivery and money-order systems, railway mail services, pension disbursements, and internal-revenue collections have come into existence, and that the demand for office-room has thus been increased more than one hundred fold. I have also, by a tabular statement carefully prepared from official sources, called attention to the fact that upon last year's business as a basis, Louisville would be entitled to public buildings whose average value as compared with all other cities, would exceed $65,000,000; or by adding the annual pension business and the revenue on whisky in bond the average would be increased to $150,000,000.

At all other cities in the United States, Mr. Speaker, facts such as these have been given their proper weight, and the Government has constructed suitable edifices for the transaction of its business. Why should their force and legitimate result be denied in this single instance? Why should not Louisville be placed upon an equal footing with her sister cities of the Union? At Chicago, Cleveland, Saint Louis, Cincinnati, Boston, New York, Pittsburgh, Philadelphia, and numerous other points large and commodious edifices have been erected or are in course of erection. I voted for the bills in their behalf, and rejoice at their success, for I knew it was deserved.

ARCHITECTURE A SOURCE OF PATRIOTISM AND AN INDEX OF CIVILIZATION.

Such edifices, aside from their practical utility and necessity, serve wise and patriotic purposes. They are impressive and attractive evidences of the majesty of our country, speaking to the eye and hearts of our people, inspiring at once respect for its power and grateful appreciation of its beneficence. Not only do such buildings make the Government familiar to the senses and affections of the people, thus promoting their love of country, but they furnish the complement and completion of its political history. Civilization has no exponent more sensitive than architecture. It is at once its index and type. All structures, whether religious or civic, whether of pomp or necessity, are deliberate and unconscious expressions of the prevailing sentiments, the social and political condition of the people who erect

them. They are enduring monuments of the national taste, skill, and power. The buildings constructed by the ancient Romans in their provinces contributed largely to spread the area of civilization, and to diffuse ideas of order, wealth, and comfort, and to-day their ruins are the best record we have of the power and affluence, the skill, intrepidity, and fertility of genius which characterized that ancient commonwealth.

Not only does architecture inspire patriotism, cultivate taste, and advance civilization, but it may and often does exercise a conservative influence upon society. In the shifting impetuous life of this new and rapidly expanding country, our architecture should be a conservative element, possessing a permanency of structure that should provide for posterity—which should furnish resting-places in the march of American life—unmoved columns around which the tides of innovation will sweep in vain. The spirit which likes only the new should be educated by our stable architecture into loving reverently that which is old. When our feverish national life under this and kindred influences shall become more calm, when we shall have in our midst temples of justice or religion at whose shrines the affections and memories of centuries shall gather, we will have taken a grand step toward securing the perpetuity and integrity of our free institutions.

Giving due weight to these general considerations, and recognizing the fact that the buildings in the cities to which I have alluded were called for, not by a mere desire for pompous display, but to fulfill certain serious and actual requirements of the public service, I cheerfully gave them my vote, and I consider their proposed construction a tribute at once to the judicious liberality and enlightened statesmanship of this House. I have referred to them, therefore, not to condemn their claims but only by the comparison to secure justice to the city which I have the honor to represent. I appeal to the members upon this floor to investigate the facts to which I have called attention and govern themselves accordingly.

PROSPECTIVE GROWTH OF LOUISVILLE.

This appeal I make with more confidence, because the urgent necessity for prompt action which now exists will increase with every coming year. The steady growth of population and business which has marked the past career of Louisville will hereafter not only continue but be even more rapid.

Certainly, very few cities on the continent can compare with it in natural advantages and geographical position or can point with surer hope to greater possibilities in the future. With rich and exhaustless treasures of mineral wealth at her very door; with immense beds of ore producing the best qualities of iron; with boundless supplies of the finest building stone, and the two greatest coal fields of the world within her easy reach; with a climate whose salubrity and healthfulness are almost without a parallel in the world; with the necessaries of life abundant in quantity and superior in quality; with a vast water-power which, if utilized, could turn the spindles and drive the machinery of the world, upon what more solid foundation than these could any city rest its hopes of prospective growth and greatness? Superadded to these advantages, however, Louisville occupies a geographical position whose commanding importance in the political and commercial future of our country can hardly be exaggerated. It is the key, the gateway to the South and Southwest. It is the center of the Ohio Valley, and also of that great Mississippi Valley of which the Ohio forms a part. The fertility, the boundless resources, the agricultural and mineral wealth, the rapidly increasing population of this part of our continent, needs only to be suggested. That it is destined to be the seat of political supremacy and commercial greatness requires no prophet's ken to foresee.

Thus centrally located with reference to these great valleys, with every part of which, as well as the whole Union, she has direct communication by her comprehensive railway system of over six thousand miles and her river navigation of over twelve thousand miles, Louisville can confidently look forward to an annual decided increase of her public business, whose demand for sufficient accommodation is already so urgent and so well founded.

Resting, then, upon these facts, I now, Mr. Speaker, submit this bill to the decision of the House, with the full reliance that it will do whatever is just and right in the premises.

The proceedings of the Board of Trade of Louisville, Kentucky, the statements of the Government officials, the resolutions of the board of common council, and petition of members of the bar are as follows:

LOUISVILLE BOARD OF TRADE, *Louisville, January* 9, 1882.

At the annual meeting of the Board of Trade, held January 9, 1882, the following preamble and resolutions were recommended by the committee and adopted:

RESOLUTIONS ADOPTED.

Whereas the present United States Government building, now occupied as a post-office, as the offices of the collector of internal revenue, the surveyor of customs, and the pension agent, and by the United States court and its various officers, was completed in 1858, twenty-three years since, and is at this time entirely inadequate and unsuited to the largely increased and rapidly growing business of the various departments of the general Government represented in this city, as is shown by the accompanying statements of the officers of the Government and by the comparative table of statistics herewith presented: Therefore, it is

Resolved, That the Board of Trade of the city of Louisville respectfully ask of the Senators and Representatives from Kentucky their active and united efforts to secure this, the leading commercial center of our State, such a new building as the necessities of the Government itself require for the prompt and efficient transaction of business, ample in all its appointments and creditable to the Government and to the city.

Respectfully,

W. A. ROBINSON,
W. H. DILLINGHAM,
J. B. CASTLEMAN,
Committee.

The committee of the Board of Trade, in connection with Hon. J. M. Wright, the superintendent, addressed letters, to which the following answers were received:

[From the collector.]

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT, KENTUCKY,
Louisville, March 12, 1880.

SIR: In compliance with the request of the Louisville Board of Trade, communicated through you, I make the following statements, giving my opinion of the necessity for the erection of a *new* Government building in this city to meet the wants of the present large and rapidly expanding trade concentrated here.

I will confine myself to matters of internal revenue, with which I have been connected for ten years past, the collector's office being in the present custom-house building. We occupy two rooms separated from each other.

The present building is old, very much out of repair, and leaks badly, so much so that the roof must be taken off and changed, and many other changes and repairs made in order to make it fit to be occupied even temporarily. The expense of this must certainly be great. Even then the greatest evil will not be remedied. The heating arrangements and ventilation, drainage, water-closets, and sewers are contracted and imperfect, making it dangerous to the health of persons employed in the building.

The building was constructed long before the internal revenue system was inaugurated; of course no provision was made for a collector's office. The business to be conducted in it was very small then compared to what it is now.

The post-office occupies the entire first floor, and I understand is cramped and crowded for room. I see it is likewise the case with all the other offices in the building.

In the internal-revenue department, which sprang up within the last seventeen years, while the *subjects* of taxation have diminished in number and the *rate* of taxation reduced, yet the aggregate amount collected has greatly increased. Internal-revenue taxes are now confined almost exclusively to three leading articles, whisky, tobacco, and fermented liquors. The first two peculiarly the production of our section of the United States.

The manufacture of whisky in this district is now 50 per cent. greater than in any preceding year. The product of more than one-half the State of Kentucky is concentrated here. Much comes from other States paying taxes in some shape.

We have the largest leaf-tobacco market *in the world*, twelve warehouses making daily sales of leaf-tobacco; as a consequence the *manufacture* of tobacco in all its branches—plug, smoking, cigars—is now very large and rapidly growing.

The manufacture of malt liquors is at least ten times larger than what it was ten years ago. The same is true of other industries subject to the internal-revenue tax payable at this office.

On the 8th of January, 1876, the fourth district internal revenue, composed of fourteen counties, was consolidated with this, (fifth,) and all the records and papers of both districts are now crowded into this office, except about fifty large boxes, stored in the cellar for want of other room for them.

You will see from the above that the space occupied by the collector and ten clerks crowded into two rooms, (separated from each other,) with the necessary desks, presses for papers, &c., is too small. The space allotted to the cashier, who receives daily large sums of money, is in the midst of all. The space occupied by the taxpayers, who assemble in crowds on certain occasions, is cramped and uncomfortable, and does not afford the proper convenience for the prompt transaction of business, and is the cause of much delay and confusion.

Furthermore, for want of room and other conveniences the records, books, and public property connected with this office are necessarily exposed and unsafe. The whole building is now crowded, too small, and unsuited for the purposes for which it is principally used. Its interior structure is made of very combustible material; it is filled with combustible matter, and liable to take fire at any moment, in which event heavy loss will fall on the Government. I cannot too strongly urge the propriety of erecting a *new* and large building, entirely fire-proof. I trust that the Board of Trade will sustain our able and worthy Representative, Mr. WILLIS, in procuring the appropriation for such a building.

Respectfully,

J. F. BUCKNER, *Collector.*

Major I. M. WRIGHT,
Superintendent Board of Trade, Louisville.

[From the surveyor of the port.]

CUSTOM-HOUSE, LOUISVILLE, KENTUCKY,
Surveyor's Office, March 13, 1880.

SIR: In reply to your letter of the 11th instant in relation to the present condition of the custom-house and the additional facilities needed for the transaction of the public business, as custodian of the building I would state that the accommodations afforded the various offices are by no means adequate to meet the growing importance of Louisville, which is really the gateway for the commerce of the South. The increase of business activity throughout this region calls for a corresponding increase in all the appliances of the National Government.

This building was built about twenty-five years ago, and is illy adapted to meet the present necessities of the public service. The internal arrangements are such as to preclude any economical use of the space assigned to the several officers. For example, in consequence of an entire change in the method of distributing the mails in the post-office a large force of letter-carriers and route agents (officers unknown to the service at the time the building was constructed) have now to be provided with accommodations in the building. This is due to modern methods of doing business, and is additional to the immense increase of the service incident to the growth of the country. Again, since that time, the Internal Revenue Department has been organized, with its multitude of subordinate officers, requiring additional room for the transaction of the business of the collector's office, and for the safe-keeping of innumerable official papers. So, also, the business connected with the United States courts has quite outgrown the dimensions it had twenty-five years ago. The entire third story, which has been assigned to these courts and their officers, has been found to be unfitted for this service both as to convenience and amount of space. Formerly, all foreign goods were appraised at the original port of entry, but now the surveyor of customs is charged with the duty of weighing, gauging, examining, and appraising all goods consigned to this port. All this requires additional working space and better facilities for transacting the business.

To meet the exigencies of the public service the custodian has had to resort to many expedients to accommodate the several officers. The appraiser's store has had to be put in a room properly belonging to the post-office; the railway mail service has had to be assigned to a room belonging to the steamboat inspectors;

the special agent of the Post-Office has been quartered in the surveyor's office, and the special agent of the Internal Revenue in the grand-jury room, while the United States district attorney has had to find quarters outside of the building.

For these reasons I think that an appropriation for a new building might well be made.

T. O. SHACKELFORD,
Surveyor and Custodian.

I. M. WRIGHT, *Secretary Board of Trade.*

[From the postmaster.]

LOUISVILLE, KENTUCKY, *January* 4.

DEAR SIR: I am in receipt of your inquiry as to whether or not, in my opinion, a new custom-house and post-office is needed at this place.

In reply, I have to inform you that a new building should be erected as soon as practicable. The present building was first occupied in the autumn of the year 1858, at which time it was found necessary for the whole ground-floor (except the hall entrance to upstairs rooms) to be devoted to the business of the post-office, instead of one-half the ground floor, as was originally intended by the Treasury Department, to which the building properly belongs. As evidence of the increase of postal business since our first occupancy of the building, (twenty-three years ago,) it is only necessary for me to refer to the records ten years back. During the year 1871 the stamp sales of this office were $115,121.65, whereas in the year 1881 they were $219,236.22, showing an increase of $104,114.46, amounting to almost double the sales of ten years ago. The net proceeds of the office in favor of the Government for the year 1871 were $65,668, whereas the net proceeds for 1881 were $152 486—an increase of $86,738. The clerical force is now more than three times as great as it was when the building was first occupied. Moreover, thirty-three postal clerks and route agents now report at this office, whereas but six route agents alone reported twenty-three years ago. I might cite other evidence toward sustaining my opinion as to the need existing for the erection of a new building, but think it unnecessary to say more, save to mention the fact that we are now so cramped for room that the Supervising Architect is now maturing plans for making such alterations in our present quarters as will meet our present needs.

Very respectfully,

E. S. TULEY,
Assistant Postmaster.

WILLIAM A. ROBINSON, Esq.,
Chairman Board of Trade Committee, Louisville, Kentucky.

[From the pension agent.]

LOUISVILLE, KENTUCKY, *January* 12, 1882.

DEAR SIR: Having been asked for my opinion as to the necessity for a new Government building in Louisville, and as to the adequacy of the present custom-house for the needs of the public business and the convenience of the public, I have no hesitation in saying that the present building is not only too small for the convenient transaction of the business to be done in it, but is so designed that no amount of change or repair can make it sufficient or convenient. The public business, as well as the convenience of the citizens, is constantly suffering in a greater or less degree from the crowded condition and bad arrangement of the present custom-house.

Very respectfully,

R. M. KELLY.

W. A. ROBINSON, Esq.,
Vice-President Louisville Board of Trade.

[From the supervising inspector.]

OFFICE OF UNITED STATES SUPERVISING INSPECTOR OF STEAM-VESSELS,
Louisville, March 12, 1880.

MY DEAR SIR: Replying to yours of the 11th instant, asking my opinion as to the necessity for a new Government building in this city, would say: The present custom-house is not near large enough to accommodate the requirements of the public business, and belongs to a style of architecture (long out of use) which will not allow the utilization, for business purposes, of half the space it occupies. In fact, the Post-Office Department needs at this time the whole of the first and second floors. The public buildings at Memphis and Nashville, Tennessee, at Evansville, Indiana, and Cairo, Illinois, all ports in my district, either completed or now in process of construction, although intended for cities less than one-fourth the size of Louisville, have now available room, are much superior to our building, and are planned and constructed with a wise forethought for the future needs of the public business incident to increasing population and importance.

This building was erected before the war, when the population of Louisville was scarcely one-third what it now is, and when the most far-seeing legislator had not comprehended the great growth of public as well as private business already realized.

It is a matter of surprise to strangers visiting us that the people of Kentucky have been so long satisfied with the present building, while in cities of less importance all over the country the Government has erected, or is erecting, commodious and elegant buildings for the transaction of the public business.

I am, sir, very truly, &c., your obedient servant,

B. O. CARR,
Supervising Inspector Steam-Vessels.

Major I. M. WRIGHT,
Board of Trade Rooms, Louisville, Kentucky.

RAILWAY MAIL SERVICE,
Louisville, Kentucky, March 16, 1880.

The following was received at the Board of Trade this morning:

No branch of the public service is so badly off for suitable quarters as the railway mail service. The importance of this arm of the postal service has scarcely been recognized anywhere until within a few years, and in this respect Louisville has been no exception to the rule. In 1874 an office of this service was established here, but owing to the crowded condition of the Government building suitable quarters have never been obtained. Thirty-five postal clerks, route agents, and mail-route messengers report at this office, and for the purpose of transacting the business for which they are employed, as well as to provide suitable quarters for those men who arrive from and depart on their trips at all hours of the day and night, much more room is required than can be furnished without a radical change in the interior plan of the present building.

Very respectfully,

H. B. JENKS,
C. H. C., Railway Mail Service.

[From the marshal.]

LOUISVILLE, *March* 12, 1880.

SIR: In reply to your inquiry as to the suitableness and sufficiency of the accommodations of the United States district and circuit courts in the United States building now occupied by them, I will state that they are insufficient, unsuitable, and in every way unworthy of the court and the Government.

With respect,

R. H. CRITTENDEN,
United States Marshal.

Hon. I. M. WRIGHT,
Superintendent Board of Trade, Louisville, Kentucky,

In addition to this action on the part of the Board of Trade, the citizens of Louisville have spoken, through the municipal government, by petition of the members of the bar, and by joint resolution of the General Assembly of the State.

RESOLUTION OF BOARD OF COMMON COUNCIL.

Whereas it is a patent and well-known fact that the Government buildings in the city of Louisville are totally inadequate in size and appointments for the purposes for which they are used: Therefore,

Be it resolved by the general council of the city of Louisville, That we are pleased to see the efforts being made by Hon. ALBERT S. WILLIS, our Representative in Congress, looking to an appropriation for larger and better buildings for Government purposes.

That we respectfully call the attention of Congress and the Government authorities to these facts, and request that such steps be immediately taken as will insure the purchase of a site and the erection of such buildings in this city as the increasing business transacted by the Government in this State demands.

Resolved, That the mayor be requested to send a copy of these resolutions to Hon. ALBERT S. WILLIS for presentation to Congress.

L. R. McCLEERY, *C. B. C.*
OLIVER LUCAS, *C. B. A.*
LAF. JOSEPH, *P. B. C.*
JAS. C. GILBERT, *P. B. A.*

Approved March 20, 1880.

JNO. G. BAXTER, *Mayor.*

A copy. Attest:

L. R. McCLEERY, *C. B. C.*

PETITIONS OF MEMBERS OF THE BAR.

To the Committee on Appropriations of the House of Representatives:

The undersigned, members of the bar at Louisville, Kentucky, beg to respectfully urge upon your honorable body the importance and necessity of larger and better quarters for the officers and courts of the United States at this place, and join in the request of other departments of business in this city that suitable appropriations be made for a new Government building adapted to the increased and increasing wants of the Government service and courts at Louisville.

ISAAC CALDWELL,
HENRY J. STITES,
And two hundred others.

Polygamy.

SPEECH

OF

HON. NEWTON C. BLANCHARD,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 14, 1882,

On the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

Mr. BLANCHARD said:

Mr. SPEAKER: What I shall say in reference to this bill will be in vindication of the vote which I will be shortly called to give thereon. I do not propose to occupy the time of the House in any elaborate discussion of the question presented, but merely to give the reasons why I cannot sanction by my vote the passage of the bill in its present shape.

That I am utterly opposed to polygamy in all its forms none will dare deny; that I would vote with alacrity, ay, with pleasure, to strike it down whenever that question is presented in a manner not subject to constitutional objection is equally true.

But, Mr. Speaker, I agree with the gentlemen who have preceded me in opposition to this particular bill that it not only disposes of polygamy, but a good part of the Federal Constitution as well. As stated, I am ready at any and all times to dispose summarily of polygamy, but even in these degenerate times (politically speaking) I find I have still left sufficient reverence and veneration for that grand old instrument bequeathed to us by the fathers of the Republic to prevent me from violating its letter or spirit. Those gentlemen who, seeing no constitutional objections to the bill, can conscientiously vote for it I envy, for I would like to be free from doubt so as to vote the same way.

I regard this bill as disqualifying men for opinion's sake. I regard it as presenting, in some of its features, an *ex post facto* law. I regard it, as to some of its provisions, a bill of attainder.

Its ninth clause virtually creates a "returning board," giving it extraordinary and dangerous powers in matters of election. We in Louisiana, Mr. Speaker, have had some experience with "returning boards." The monster originated there, having been the unholy offspring of political corruption and greed of usurped power. Our experience with him was a painful and bitter one before he was finally throttled. We would therefore spare the people of Utah, whether they be Gentiles or Mormons, the infliction. A returning board is too great a punishment even for a Mormon.

Lastly, Mr. Speaker, this bill creates certain offenses and denounces certain penalties as a punishment therefor, one of which is ineligibility to office. But it provides no process of law for the ascertainment of the question of the innocence or guilt of the party accused. For these and other reasons which might be mentioned, I cannot vote for the bill.

Polygamy.

SPEECH

OF

HON. SAMUEL H. MILLER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 14, 1882,

On the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

Mr. MILLER said:

Mr. SPEAKER: History is repeating itself. Twenty years ago the predecessors of the gentlemen on the other side of this House regretted their inability to vote for measures then before Congress to suppress the then existing rebellion, for the reason that the provisions of the Constitution would be violated if such bills should be enacted. When armed rebellion was defying the laws of this country the predecessors of the opposition in this House announced that they regretted their inability to discover any power in the Constitution to coerce a rebellious State.

When treason was triumphant on many southern battle-fields and defiant in its victories, when the funds in our Treasury were exhausted and means with which to prosecute the war to restore the Union must be created by Congress, the predecessors of the gentlemen on the other side deeply regretted the situation, but refused to vote for measures calculated to raise the necessary funds to carry on the war to suppress treason and rebellion, because the Constitution prevented such action on their part. Later on, when it became necessary to enact a law by Congress to fill up our depleted ranks by means of the act known as the "draft act," these same gentlemen of "twenty years ago" voted in the negative because such a provision trampled down the constitutional provisions protecting the liberty of the citizen. And so it was with every Congressional enactment from 1861 to 1865 devised by a loyal Congress to restore the Union and procure an honorable peace. The Democracy of that day loved the Constitution so much better than they loved the Union, although they always expressed great distaste of treason, that they refused their assent to every provision calculated to preserve the two former and overthrow the latter.

So it is to-day. The gentlemen on the other side are the lineal descendants of the opposition of "twenty years ago." They assert that they desire to see polygamy overthrown and uprooted, but they deeply regret that the Constitution of the country bars their progress in such a direction; and because they love the Constitution so dearly, as did their predecessors, the then representatives of the Democracy of this country, they have opposed this bill at every step, thrown every obstacle in the way of its passage, compelled a recess last evening, voted almost solidly, as the record will show, to strike out section 9 of the bill, without which it would be a dead letter and polygamy would be unshorn of its power.

Now, sir, what is this institution of polygamy which this bill proposes to eradicate? What is this system of Mormonism which section 8 of the bill provides shall disqualify—

> Every person who practices it from voting at any election held in the Territory of Utah, or other place, or be eligible for election or appointment to, or be entitled to hold any office, or place, or public trust, honor or emolument, in, under, or for any such Territory or place, or under the United States?

This bill is the same in every particular which passed the Senate of the United States on the 16th day of February last. While this bill was under discussion in the Senate the ablest lawyers of that body took part in discussing it. Such able statesmen as EDMUNDS and BAYARD, and HOAR and GARLAND defended its constitutionality, as well as the pressing necessity of some immediate action by Congress. For years the institution has been openly defying the laws of the country. Every Congress during all those years has attempted to legislate it out of existence, but the gentlemen of the other side, then as now, opposed and obstructed such legislation, on the ground of its unconstitutionality. This same question was raised in the Senate, but the supporters of the law not only defended its constitutionality but asserted the supreme necessity of such an enactment for the reason that "the government of the Territory of Utah was not republican in form, was theocratic in practice, and fatal to Republican government, and to the constitutional, civil, and religious liberties that the Government was designed to protect."

The question then presents itself to the House, Shall the power of Congress be invoked to overthrow this institution? Is it possible, as asserted by the gentlemen on the other side, that the Constitution bars our progress in the passage of this bill, which has already received the sanction of the Senate? Is it possible that the majority of the citizens of Utah can live in open defiance of the statutes of the United States; can preach, teach, and practice tenets and uphold and obey the edicts of an institution that sets the laws of the Government at defiance, and is so baneful in its results that unless overthrown will sap the very foundation of our national structure? I contend, sir, that there is authority lodged in the Constitution to protect its existence from all assaults, domestic as well as foreign. For twenty years this institution of polygamy has been a festering sore on the body-politic. For the last fifteen years Representatives in this Hall have been rising on this side of the Chamber and asserting that the Territory was not properly governed, and a committee of the Fortieth Congress reported to that body "that by reason of polygamy in Utah great crimes had been committed and been let go unwhipped of justice; organized assassination had been frequently perpetrated; the sanctity of the ermine had been profaned, and the cause of justice obstructed." That same committee further reported:

> Is it not time that the representative of this corrupt, licentious, tyrannical, traitorous, and blood-thirsty priesthood should be sent back to his constituents with instructions to abandon their unwarranted assumption of temporal power, obey the laws, and remodel their government, so that it should conform to the spirit of our free institutions?

At every session since then reports have been submitted in the two Houses of Congress of similar import, asserting that there was something wrong there, that there was something there that defied the laws of this country; that there was something there that set at naught the mandates and edicts of the two Houses of Congress, approved and sanctioned by the President and declared constitutional by the Supreme Court of the United States.

In view of all this, and in view of the defiant attitude of this so-called Church of the Latter-day Saints, which controls every step in the Territorial operation of that community; in view of the fact that a Delegate elected by that community openly boasts of his adulterous practices, presents himself at the bar of this House and demands that he be sworn, and when halted impudently asks you, "what are you going to do about it;" it is high time that this House should assert its prerogative and do its part to crush out this monster of injustice, iniquity, and anti-republicanism, which threatens the peace of this nation. I confess, sir, that I am astonished at the position of the Representatives of the Democracy in this matter. They profess by their lips to be opposed to polygamy, but they have resorted to every means known to parliamentary tactics to defeat this measure. They profess by their lips to be anxious to suppress polygamy, but they have voted almost solidly to strike from this bill the very provisions which will make it possible to eradicate the evil. They profess to be hostile to Mormonism, but if this side of the House would unite with them in what they propose, this measure would rest in the same grave wherein is buried all bills introduced in past Congresses on this subject. They profess to be hostile to polygamy, but if they had their way a polygamous Mormon would continue to represent that people in this and all future Congresses.

The people of this country are aroused on this subject. They demand as much as this bill grants; they will take nothing less. And, sir, I shall be surprised if the men who for two days have stood up solidly for the defeat of this measure, who have recorded their votes in favor of striking out sections 8 and 9 of this bill, and who shall vote against it on final passage, are not rebuked by their constituents, and this Hall know them no more.

It is not too late to retrace, and I hope that on the final passage of this bill few if any will refuse to support so wise, so important, so necessary a measure.

Polygamy.

SPEECH

OF

HON. STANTON J. PEELLE,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 14, 1882,

On the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

Mr. PEELLE said:

Mr. SPEAKER: Polygamy has ceased to be a question susceptible of debate in this country. The time has come for action, and I am glad to have the opportunity of expressing my opposition to polygamy by voting for this bill. All the teachings of civilization, all the teachings of morality, all the teachings of Christianity, all the teachings of man's better nature, demand that the crime of polygamy should be wiped out. Every loving pulsation of the heart for mankind and society, every regard for truth and duty, every mother in the civilized world, and duty to generations unborn, demand that we should now act in this matter, and act promptly. Without discussing this bill in detail, both for want of time and inclination, I am now willing that my vote shall be taken for my speech. "Actions speak louder than words."

Hawaiian Treaty—The Sugar Tariff.

REMARKS

OF

HON. RANDALL L. GIBSON,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 10, 1882,

On the bill (H. R. No. 4466) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes.

Mr. GIBSON said:

Mr. CHAIRMAN: I had the honor in the last Congress to introduce a bill giving formal notice for the termination of the Hawaiian treaty, in accordance with the terms of the treaty. I introduced a similar bill in this Congress. My colleague [Mr. DARRELL] also introduced a similar bill, and several bills for the same purpose have been introduced in the Senate. I received this morning a petition from the Board of Trade and Transportation of New York, signed by a great body of business men of New York. I understand, also, that there is before you a petition from the business men of New Orleans in favor of the termination of the treaty.

I was opposed to the treaty in its inception, at the time that it was pending before the House, and I have had my views confirmed by the history of the treaty itself. There are two aspects in which the subject may be considered; one its commercial bearings, and the other its political bearings.

COMMERCIAL CONSIDERATIONS.

I propose first briefly to invite your attention to its commercial bearings, because it was in that light that it was brought to the House of Representatives. I first call the attention of the committee to the area of the islands. I refer the committee to the volume of Commercial Relations for 1875, page 1038:

The group of islands constituting this consular district is situated in North Pacific Ocean between latitude 18° 50′ and 22° 21′ north, and longitude 154° 50′ and 160° 15′ west of Greenwich, and comprises twelve islands, eight of which are inhabited. The other four are mostly barren and uninhabited. The inhabited islands contain in the aggregate 6,000 square miles, or 3,840,000 acres. Much diversity of opinion exists as to the proportion of the lands that are available for agricultural and grazing purposes.

Dr. Wood, in 1856, made an estimate as follows, which has been received generally till recently as correct:

Grazing lands, good	acres..	1,920,000
Arable lands, good	acres..	292,000
Sugar-cane lands	acres..	100,000
Land adapted to raising hemp, manilla, bananas, &c.	acres..	500,000
Population, December, 1872		56,897
Total natives, 1866		58,765
Total natives, 1872		51,531
Decrease		7,234
In 1874 there was produced of sugar	pounds..	25,066,611
In 1874 there was exported of sugar	pounds..	24,666,611
In 1874 there was produced of rice	pounds..	1,750,000
In 1874 there was exported of rice	pounds..	1,187,996
In 1874 real property was		$5,600,891
In 1874 personal property was		4,264,276
Total		9,865,167

There was about $2,750,000 of active capital, two-thirds of which was in sugar, and three-fifths of this capital belonging to American citizens.

There were employed on the sugar plantations last year 3,786 laborers, consisting principally of natives, Chinese, Japanese, and Portuguese. There is a system of indenture authorized by law, by which laborers are employed in these islands called "shipping" laborers, indentured for one, two, or three years. They get $8 per month. (Report of majority, CONGRESSIONAL RECORD, volume 4, part 2, Forty-fourth Congress, first session, pages 1419, 1420.)

It was held at the time that the treaty was made, and was so reported by the Secretary of the Treasury in his letter on the subject, that if the Hawaiian Islands made 25,000,000 pounds of sugar they would be doing very well. I refer you to the majority report from the Committee on Ways and Means submitted to the House. The Secretary of the Treasury says, (and the Committee on Ways and Means adopt his language:)

The proposed release of this duty would undoubtedly increase this trade, and its increase would go far toward compensating for the loss resulting from the release of sugar from duty. Should the sugar product so released increase to 25,000,000 pounds yearly, the export trade would probably equal it in value. In addition to the particular articles of commerce affected by the treaty, there are general commercial advantages likely to follow which can only be alluded to here. The rendezvous so long afforded at these islands for the sailing fleets of the Pacific is still needed; and with the increasing commerce of all the seas bordering the Pacific, the demand increases for such aids and facilities as would be afforded through the establishment of American interests in the Hawaiian Islands proposed by the treaty.

It will thus be seen that the Secretary of the Treasury did not attach importance to the loss of revenue growing out of the ratification of this treaty.

But what says the Secretary of the Treasury in his report, December 2, 1878, two years after the treaty was ratified?

In this connection the attention of Congress is called to the operations of the reciprocity treaty between Hawaii and the United States, concluded January 30, 1875. The value of goods shipped from the United States to Hawaii for the year ended December 31, 1875, the year before the treaty went into operation, was $947,260

And for the year ended December 31, 1877 1,762,805

Excess in 1877 over 1875 815,545

The duties surrendered by virtue of the treaty on goods imported into the United States for the year ended December 31, 1877, were $831,206.

Difference between duties remitted by the United States in 1877 and value of excess of exports in 1877 over that of 1875 was $15,661; so that we have surrendered duties in an amount greater than the entire excess of exports in 1877 over those of 1875. Of the duties surrendered in 1877, $716,732 was on sugar alone. The advantages thus far have not been reciprocal, but, as has been shown, have been largely in favor of Hawaii, and it is probable that the benefits in favor of Hawaii will increase largely.

The following table shows the condition of the trade between this country and the Hawaiian Islands from 1866 to 1880:

Year ended June 30—	Exports.		Total exports.	Imports.	Total imports and exports.
	Domestic.	Foreign.			
1866	$965,204	$160,866	$1,126,070	$1,586,221	$2,712,291
1867	777,342	87,150	864,492	1,070,252	1,934,744
1868	751,941	89,951	841,892	1,189,400	2,031,292
1869	687,352	86,665	774,017	1,288,784	2,062,801
1870	744,371	64,045	808,416	1,134,723	1,943,139
1871	814,885	43,730	858,615	1,143,244	2,001,859
1872	590,295	43,469	633,764	1,280,833	1,914,597
1873	631,103	43,088	674,191	1,275,061	1,949,252
1874	588,280	26,348	614,628	1,016,952	1,631,580
1875	621,974	40,190	662,164	1,227,191	1,889,355
1876	724,267	45,395	769,662	1,376,681	2,146,343
1877	1,109,429	163,520	1,272,949	2,550,335	3,823,284
1878	1,683,446	52,653	1,736,099	2,678,830	4,414,929
1879	2,288,178	86,740	2,374,918	3,257,938	5,632,856
1880	1,985,506	106,664	2,086,170	4,606,444	6,692,614

Now, what has been the history of the treaty up to the present time? You have the report of the Secretary of the Treasury, showing that we were really giving one dollar to the Hawaiians for every dollar's worth of goods which they purchased from us.

The total value of our domestic exports for the year ended June 30, 1875, (the year before the treaty went into operation,) was $621,974, and for the year ended June 30, 1881, $2,694,583, showing an excess in 1881 over 1875 of $2,072,609. The duties surrendered by virtue of the treaty on goods imported into the United States for the year ended June 30, 1881, amounted to $2,400,000. The difference between the duties remitted by the United States in 1881 and the value of excess of exports in 1881 over 1875 was $328,000; so that we have surrendered duties in an amount greater than the entire amount of excess of exports in 1881 over those of 1875. Of the duties surrendered in 1881, $2,100,000 was on sugar, and the remainder (amounting to $300) on rice, an undisputed donation of that amount as a subsidy out of the Treasury of the United States to the sugar and rice planters of Hawaii. We are paying to the Hawaiians one dollar as a bonus on every dollar's worth of goods they buy from us.

I would be glad if the committee would glance over these commercial reports from our consuls. I will now give you a statement of the population of the islands when this treaty went into operation. You will find it on pages 646 and 647 of the volume of Commercial Relations for 1876. It is the report of our consul, Mr. J. Scott. He says:

The commercial reciprocity treaty with the United States has given greater activity to the growth of sugar and rice. Lands are being freely purchased or leased. * * * The sugar and rice crops in the last year were good and above the average. On one plantation, on the Island of Mani, there were produced from nineteen acres of land, actual measurement, ninety-nine tons of sugar, or five and a half tons to the acre. There were produced on the Koliola plantation, on the Island of Hawaii, five hundred and nine tons of sugar on ninety-nine and one-half acres of land, actual measurement. The nineteen acres of the plantation on which ninety-nine tons were raised were irrigated. The ninety-nine and one-half acres in the Koliola plantation were not. These figures will appear almost incredible to persons who are not acquainted with the productiveness of these islands. I received my information from the agent of these plantations in this city, and other credible persons who were cognizant of the facts stated.

Mr. Scott then gives the population of the Hawaiian Islands in 1866 and 1872. He shows that the total number of natives, including half castes, was, in 1866, 58,765, and in 1872 51,531, showing a decrease in six years of 7,234.

Now, I want to call the attention of the committee to the system of contract labor in the Hawaiian Islands. Laborers indenture themselves for a given number of years—three or four years—and the law provides for the imprisonment of the laborer if he fails to fulfill his contract. There were about five thousand laborers so engaged, being principally Chinese. There are agents now in foreign countries seeking these laborers. The United States consul says:

On the ratification of the treaty sugar advanced in the islands 2.81 cents per pound; molasses, per gallon, 6¼ cents; rice, per pound, 2½ cents, and paddy 2 cents per pound; the advance being equal to the duties remitted by the United States under the treaty. That was the effect of the treaty—the advance of the price of sugar in the islands.

I wish now to call the attention of the committee to a very par-

ticular feature in this case. The Hawaiian Government, I should think, has been run by others than Hawaiians; because, just after the treaty went into operation their tariff duties were raised from 10 per cent. ad valorem to 25 per cent. ad valorem on everything that they could tax of the commodities of the United States brought to the islands, thereby reimbursing themselves for the losses on the articles admitted free from the United States. That is a very interesting feature in this transaction. I will read what our intelligent consul at Honolulu says on the subject:

NEW HAWAIIAN TARIFF.

On the 27th day of ——, 1876, the Hawaiian Legislature, then in session, passed a law providing that there shall be levied and collected from and after October 11, 1877, on the following goods coming into the country, a duty of 25 per cent. ad valorem, to wit:

Silks, satins, and silk velvets, and all manufactures of which silk shall form the principal material.

Clothing ready-made, and wearing apparel of every description, made up in whole or in part.

Carriages of all descriptions.

Hats and caps of all kinds.

Linen and all manufactures of which flax, grass cloth, or a similar material shall form the principal part, except bags and bagging, and canvas for ships' use.

Crockery and glassware of every description.

Drugs and medicines, patent and other.

Furniture of all kinds, if upholstered or carved, manufactured in whole or in part.

Millinery goods, beads, braids, bonnets, nets, buttons, corsets, collars, sleeves and cuffs, edgings, flowers, (artificial,) feathers, (fancy,) fringes for clothing and for upholstery.

Gloves and mits, not otherwise provided for.

Gimps for clothing.

Hoopskirts.

Hooks and eyes.

Insertions, laces, and lace goods of all descriptions.

Ribbons, not otherwise provided for.

Silver-plate, plated ware or gilt ware.

Britannia ware and fancy metal ware.

Tea.

Watches and clocks, in whole or in part.

Cigarettes, and all descriptions of paper cigars.

Jewelry, and all descriptions of metal, glass or stone beads.

Paintings, pictures, engravings, statuary, bronzes, ornamental work of metal, stone, marble, plaster of Paris, or alabaster and all imitation thereof.

Perfumery, other than that which pays a spirit duty, scented soaps, powders, hair, tooth, nail, and other toilet brushes.

Pipes, (smoking.) pipe-stems, bowls and fixtures, cigar-holders.

Candles.

Candies.

Peanut oil.

Toys.

Fire-arms and ammunition.

Fire-works and fire-crackers.

Before the taking effect of this act the foregoing goods paid an ad valorem duty of 10 per cent.

The law further provides that from and after October 11, 1877, there shall be levied and collected on the following articles specific duties, namely:*

On playing cards, $1 per dozen packs, [10 per cent. ad volorem.]

On kid and all other leather and skin gloves, $3 per dozen pairs, [10 per cent. ad valorem.]

On cigars and cheroots, $10 per thousand, [15 per cent. ad valorem.]

On China tobacco, 50 cents per pound, [15 per cent. ad valorem.]

On camphor trunks, in nests of four, $2 per chest, [10 per cent. ad valorem;] and in nests of two, $1 per chest, [10 per cent. ad valorem.]

On matches of all kinds, 25 cents per gross, [10 per cent. ad valorem.]

On China matting, $1 per roll, [10 per cent. ad valorem.]

On port, sherry, madeira, and other wines of like nature, above 18 per cent. of alcoholic strength, also on all cordials, bitters, and other articles of any name or description containing alcohol, or preserved in alcohol, or spirits above that rate of strength and below that of 30 per cent., unless otherwise provided for, $2 per gallon. [$1.50 per gallon.]

On champagne, sparkling moselle, and sparkling hock, $3 per dozen reputed quarts, and $1.50 per dozen reputed pints, [15 per cent. ad valorem.]

On claret, Rhine wines, and other light wines under 18 per cent. of alcholic strength, not otherwise provided for, $1 per dozen reputed quarts, 50 cents per dozen reputed pints, and 40 cents per gallon if in bulk, [15 per cent. ad valorem.]

On ale, porter, cider, and all fermented drinks, not otherwise provided for, 50 cents per dozen reputed quarts, 25 cents per dozen reputed pints, and 15 cents per gallon if in bulk, [10 per cent. ad valorem.]

The clothing, carriages, hats, caps, patent medicines, furniture, silverware, and plated-ware, watches, clocks, jewelry, stationery, fire-arms, ammunition, fire-works, playing-cards, matches, and a number of the other articles named in the foregoing schedules are mostly imported from the United States.

BUSINESS DURING THE FIRST TREATY YEAR.

The following table, published in the papers of this kingdom a few weeks ago by the collector-general, shows the value of the imports from the United States during the year ending September 9, 1877, the first year of the operations of the treaty, compared with the two preceding years:

Imports.	Free by treaty.	Duty paid.	Bonded.	Total.
1877	$962,125 93	$516,559 38	$66,451 56	$1,545,136 87
1876	.....	688,733 11	82,673 91	771,407 02
1875	.....	837,215 42	110,045 02	947,260 45

This table shows an increase in the value of importations in the first treaty year over the preceding year of $773,729.85 and $597,876.43 over the year 1875. The falling off of importations in 1876 from those of 1875 was the result of importers importing goods contained in the schedule of article 2 of the treaty sparingly in 1876 till after the ratification of the treaty, when they could be brought into the kingdom free of duty.

It will be seen, also, by the table that the duty-paying and bonded goods imported from the United States in the treaty year fall short only $188,396.08 of the importations of the preceding year.

* The amount of duty paid before the taking effect of the law is inserted in brackets.

DUTIES REMITTED BY THE UNITED STATES.

The declared exports of sugar, molasses, rice, and paddy to the United States, and the duties remitted thereon, for the year ending September 9, 1877, the first year of the treaty, were as follows:

Sugar, 36,494,553 pounds, average duty on the same 2.81 cents per pound, remitted by the United States	$1,025,459 51
Molasses, 224,430 gallons, duty 6¼ cents per gallon, remitted on the same by the United States	14,026 87
Rice, 2,299,790 pounds, duty 2½ cents per pound, remitted on the same by the United States	57,494 75
Paddy, 1,418.943 pounds, duty 2 cents per pound, remitted on the same by the United States	28,378 86
Total amount of duties remitted by the United States	1,125,359 99
Total value of goods imported free from the United States for the year ending September 9, 1877, the first year of the treaty	962,125 93
Total duties, 10 per cent. ad valorem, remitted on the same by the Hawaiian Government	96,212 59
Excess of duties remitted by the United States	1,029,147 40

It will be seen by the above statement that the duties remitted by the United States during the first year of the treaty on sugar, molasses, rice, and paddy exported from this country to the United States amounted to $163.234.06 more than the entire invoice value of all the free goods imported from the United States to this country; and the excess of duties remitted by the United States over the duties remitted by this country amounted to $67,021.47 more than the entire invoice value of free goods imported from the United States to this country in the period named.

It will be observed that the foregoing statement does not include the exportation from this country to the United States of bananas, tallow, vegetables, dried and undried, and other articles included in the schedule of Article I of the treaty, nor the duties remitted thereon by the United States.

DECLINE OF THE WHALING FLEET.

There will be four or five American whaling vessels at this port this fall to recruit and land their oil, bone, and ivory. Fifteen years ago 150 or 200 American whalers came into this port every fall. The whole American fleet of whalers now in the North Pacific does not number over a dozen.

J. SCOTT.

Mr. DUNNELL. Do you mean to say that after the confirmation of the treaty there was an increase of tariff rates on these articles?

Mr. GIBSON. Yes; there was an increase from 10 per cent. ad valorem to 25 per cent. ad valorem.

Mr. DUNNELL. How soon after the making of the treaty?

Mr. GIBSON. The treaty went into operation in September, 1876, and the new tariff in the Hawaiian Islands went into operation on the 11th of October, 1877.

Mr. LORD. You have remarked that the duty was added in the Hawaiian Islands to the price of the sugar and rice. Now, has it not been alleged heretofore as a strong point that instead of that being the fact the California refiners and sugar-dealers got that benefit?

Mr. GIBSON. I will come to that in a moment. The effect of this treaty, gentlemen, as you will see by reference to the statistics, was to increase largely the exports of sugar and rice from the Hawaiian Islands to the United States. During the last year the amount of duties remitted to the sugar-planters of the Hawaiian Islands was between two and a half and three million dollars.

I now want to call the attention of the committee to the advance made in real estate in the islands. In 1875 the assessed value of property there was $6,490,600; in 1876, in anticipation of the ratification of the treaty, it went up to $7,642,061; it was assessed in 1879 at $10,699,607. You will find these figures in the volume of Commercial Relations for 1879, page 671. Mr. Morton, United States consul at Honolulu, says:

The total value of real and personal property in the kingdom the present year, 1879, upon which a tax is levied by the government of three-quarters of 1 per cent. is as follows:

Real property	$10,699,607
Personal property	12,022,449
Total	22,722,056

These figures show an increase of values since 1875 of $12,856,889. The term "personal property" includes the growing crops, machinery, all moneys on hand and moneys loaned on mortgages, public stocks, and stocks in corporations.

The last report that we have (the report of imports and exports for the twelve months ended December 31, 1881,) hereto annexed and marked "C" shows that instead of the 25,000,000 pounds of sugar which the promoters of the treaty thought would come from the Hawaiian Islands into the United States the actual amount has been over 90,000,000 pounds of sugar and 7,483,446 pounds of rice.

Mr. BLOUNT. What period does that cover?

Mr. GIBSON. It covers the calendar year 1881. On that amount there was a remission of duties to the islands to the amount of $2,919,000. The effect has been not only to more than double the entire assessed property of the islands, but to overwhelm the islands with Chinese laborers. When the treaty was made there were about five thousand laborers in the islands under the contract system. But now what does the United States minister (Mr. Comly) report? I refer the committee to the volume of Commercial Relations for August, 1881, published by the Department of State. Mr. Comly says:

Chinese immigration has increased rapidly, perhaps to an amount equal to the whole of the year 1880, since January 1. That for 1880 foots up as follows: Chinese arrived, males, 2,442; females, 63; total, 2,505. Departed, males, 622; females, 6; total, 628. Net gain, 1,877. I think it safe to say that there are now nearly 14,000 adult male Chinese in the kingdom.

The whole population of the islands is, in round numbers, about fifty thousand. There are in the islands from eight hundred to one thousand Americans. I have here a copy of the latest "Hawaiian Almanac, an annual for 1882—hand-book of information on matters

relating to the Hawaiian Islands." I call the attention of the committee to a statement concerning the sugar plantations. There is a total of eighty-two plantations given in the almanac, with the names of their owners, &c. Eighteen firms only own all the sugar plantations of all the islands. I beg gentlemen to look over this almanac themselves. Here are some of their names: C. Brewer & Co., Castle & Cooke, T. H. Davies, Hackfeld & Co., Hoffschlaeger & Co., W. C. Irwin & Co., G. W. Macfarlane & Co., F. A. Schaefer & Co. (See table "D," annexed.)

Mr. RICE, of Massachusetts. Are all these Americans?

Mr. GIBSON. I should take them to be Americans from their names. The only two who are not Americans are C. Afong and Wong Leong & Co. I presume these are Chinamen or Germans, or at all events foreigners. You will see from this rude sketch of mine what the condition of the Hawaiian Islands was in 1875 and what it is now with reference to the cultivation of sugar. You see how the product of sugar has increased beyond anything that was conceived of in 1875. You see how we are paying as a bonus to the sugar planters in the Hawaiian Islands some $3,000,000 a year. You see how we are giving them in point of fact $1 for every dollar's worth of goods that they buy from us. It cannot be urged that this is not a loss to us, because, if the treaty did not give this bonus to the sugar planters of the Hawaiian Islands we would not import so much sugar from them, because they would produce less. That is, the free sugar from the Hawaiian Islands crowds out the taxed sugar from the Philippine Islands and from Asia, which is taxed at the rate of 2.81 cents per pound, and diminishes our exports to those countries.

Now, what is the effect of this treaty on the sugar industry of this country? I have shown very clearly that it has no beneficial effect on the general commerce of the country. Certainly no gentleman can defend a commerce which we buy, in plain language. What will be the effect of a continuance of the treaty on the sugar interest of this country? First take the refining interests. I have not been in consultation with anybody on this subject. I have not heard the subject mentioned hardly outside of this committee. But I ask what will be the effect on the sugar-producing and sugar-refining interests of this country if this treaty be continued? The population on the Pacific coast numbers probably about 1,200,000 persons.

Mr. DUNNELL. Do you not underrate the population on the Pacific coast?

Mr. GIBSON. I mean, of course, the population of California and Oregon. I asked a gentleman yesterday from the Pacific coast, and he told me that the population was about one million two hundred thousand. But I will assume that the population is a million and a half. Now, if they consume 50 pounds of sugar per capita, which is above the average consumption, there would be only 75,000,000 pounds of sugar consumed on the Pacific coast. From the statistics supplied by our consul in Honolulu, they have already sent to this country 100,000,000 pounds of sugar, 25,000,000 in excess of the supply of the Pacific coast. These sugars were sold in Saint Louis and Chicago. There are 100,000 acres of sugar-cane lands there. One of our consuls states that there is one tract of land there of nearly 10,000 acres in extent, which nobody did consider as being worth one dollar, but which has been irrigated and brought into a high state of cultivation. Assuming that there are 100,000 acres of cane lands in the Hawaiian Islands, and that they produce from 6 to 7 tons an acre, or from 4 to 5 tons an acre, then they will produce within a small fraction of the entire consumption of the United States. But, suppose that the area and the average are one-half that. Still you have got 250,000 or 300,000 tons of sugar from the Hawaiian Islands, enough to supply the whole valley of the Mississippi. Look at it, gentlemen. I have here a report of the prices of sugar in New York, New Orleans, and San Francisco, in the daily newspapers of those cities.

Mr. RICE, of Massachusetts. What is the annual consumption of sugar in the United States?

Mr. GIBSON. About eight hundred and twenty-five thousand tons.

Mr. BROWNE. Two billion two hundred and twenty-four million pounds.

Mr. GIBSON. We will say 825,000 tons imported. The precise amount is 834,453 tons. The price of sugar in the New York market by the last report was from 7⅛ to 8¼ cents per pound; at San Francisco, from 8 to 11½ cents per pound, and the highest price in New Orleans was 8 cents a pound. The importers of Sandwich Island sugar (and it is all bought up and owned in San Francisco, substantially by a few men there, according to the official statements of our consuls) have a bonus of 2.81 cents a pound on their sugar. They have an area of 100,000 acres of cane land for cultivation; they have as laborers Chinamen who are not encumbered with families, who have no Christian religion, no interest in society, but are mere machine men. The sugars imported from the Hawaiian Islands are all in the hands of a few men, and they can lay this sugar down in any market in the United States at a cost of 1 cent a pound for transportation. But suppose that it costs them 2 cents a pound for transportation, they have still a large margin of profit. A profit of half a cent a pound on a staple commodity like sugar is an enormous sum on one, two, or three hundred millions of pounds. Such an advantage in the hands of the San Francisco sugar-refiners would bring down every refinery in the valley of the Mississippi, and every refinery in the Eastern States; and all to the advantage of these eighteen firms that own 100,000 acres of land in the tropics, and who work with Chinese labor. They will break down every sugar-refining industry in the East as well as in the West and in the South; and I am not surprised to see that the New York merchants have sent a petition here signed by every refiner and every man in the city who has any interest or connection with the sugar business.

SUGAR TARIFF.

In the commercial aspect of the case, therefore, I hold that this treaty ought to be terminated. And when I come to examine its political aspects you will be still more startled at the results. The sugar interest of Louisiana is represented here, so far as I know, by the members of the Louisiana delegation in Congress. If there are others here they are here as volunteers, and I am in no way responsible for them. I have always felt that in representing that industry I represent the men who hold the plow-handle and the landowners as well as refiners. I represent them, or I represent nothing. I do not concur in the opinion of the former member from Connecticut, alluded to by Mr. Boutwell the other day—that "associated wealth is the dynasty of modern states." Nor is associated labor the dynasty of modern states. But the crowned people, the laboring people as a whole, embracing all classes, all occupations, they constitute the dynasty which ought to rule, and which I hope will rule this Government—they and not associated wealth. It is certainly not associated wealth upon islands in distant seas, whose people are alien to our race, that is to be the dynasty to rule this country. What are the interests of Louisiana in this treaty? I expect that I will astonish even my former colleague on the Committee on Ways and Means [Mr. DUNNELL] when I tell him that the tariff on sugar to-day is relatively lower than it ever was in the history of this country.

Mr. DUNNELL. Do you mean to say that the tariff on sugar now is less than it was prior to 1862?

Mr. GIBSON. In 1861 it was reduced for a moment only; but I am speaking, of course, relatively. From 1846 to 1857, under the Robert J. Walker tariff, it was 30 per cent. ad valorem; but everything else was 30 per cent. ad valorem. From 1857 to 1861 it was 24 per cent. ad valorem; but everything else was 24 per cent. ad valorem. Now the planters are paying, and the laborers for whom I am speaking are paying, from 75 to 500 per cent. on every thing which they consume and from 80 to 90 per cent. on everything that goes into the production of sugar. Under the tariff of 1789—the first tariff bill introduced by Mr. Madison—the duty was 1 cent per pound on brown, raw, clayed sugar and 3 cents per pound on refined sugar. From 1804 to 1808 the duty was 2½ cents per pound on raw, clayed sugar and 9 cents per pound on refined sugar. From 1812 to 1816 the duty was raised to 9 cents on raw sugar and to 18 cents on refined sugar. From 1819 to 1830 the duty was 3 cents on brown sugar and 12 cents on refined sugar. From 1832 to 1841 the duty was 2½ cents on brown sugar and 12 cents on refined sugar. From 1842 to 1846 the duty was 2½ cents per pound on brown sugar and 6 cents on refined sugar. From 1846 to 1857, under the Robert J. Walker tariff, the duty was 30 per cent. ad valorem. And from 1857 to 1861 the duty was 24 per cent. ad valorem.

I have a table here showing the production of sugar in Louisiana, and how that industry was fostered by the tariff; how capital flowed into it on the good faith of the tariff; how, in 1862, the tariff was reduced; how, in 1870, it was still further reduced; and how to-day, while the average tariff schedule rate is 62½ per cent., the operative rate on sugar is not 45 per cent. ad valorem, (I do not believe over 30 per cent.) By the Dutch standard color alone and not quality became the standard of value. Then prizes and premiums were offered in all the tropical sugar-producing countries to chemists who would discover a process by which sugar testing 98 or 99 per cent. could be brought to a low color, so that it would go in at the lowest rate of duty. And to-day all the sugar imported into America is below 13; most of it is below 10, and much of it is as low as 7. So that the very finest sugars, if chemically tested, which should pay 50, or 60, or 70 per cent. ad valorem, from the manner in which their color is disguised, pay but from 30 to 35 per cent. ad valorem, for they are undervalued from 25 to 50 per cent.

From 1850 to 1857 Louisiana raised, even under the free-trade tariff, 47 per cent. of all the sugar consumed in the United States, and from that until the civil war broke out Louisiana produced nearly 50 per cent. of it, and now we produce only 10 per cent. of the consumption of the country. That industry was, of course, stricken down in the civil struggle. I venture to say there is not a gentleman in this committee who ever read in all history of such a *bouleversement*, such a pulverization, such a loss of individual property, such an upheaval of the social and labor systems of any country as were experienced in the State of Louisiana. Now we are struggling along under this reduced tariff, less than it ever was before, less than is afforded to any other industry. We have a lower tariff on sugar than any country in Europe not on a free-trade basis like England. The State Department has furnished me with the following table, showing the tariffs of different countries upon sugars: The United States tariff schedule is from 2 cents to 4.50 per pound; Germany from 3 cents to 3.75; France from 6.75 to 8 cents; the Netherlands, 3.75 to 8 cents; Belgium, 4.50 to 6; Spain, 3 cents; Russia, 5 to 8 cents, and Austria from 3.70 to 5 cents. Ours is not only the lowest, but discriminates in favor of the refiner, giving him high protection, and against the producer, who gets but little, and it is reduced practically by the ease and frequency with which it is evaded by disguising the color

and the opportunities afforded by the near approach to the ad valorem system and multiplicity of grades.

It is the lowest tariff rate that protects the domestic sugar production against the slave-grown sugar of the tropics, but under this tariff our laborers have to contend against the sugars of the tropics produced by cheap cooly-gang or slave labor as well as the cheap capital, skill, and machinery of the refiners. It will be observed that nearly all the sugars imported come in under No. 10. Under all the former tariffs a uniform specific tax was levied upon all unrefined sugars, because their cost of production is the same, and it was the only way to prevent evasion or fraud. It requires the same labor and skill, the same area of cultivated land, the same machinery, the same processes, the same capital, to produce all sugars under No. 13, and hence it is but just and fair that they should all be taxed the same rate, and such was the rule adopted by the Government in all tariffs until 1870. All the refiners paid the same tax upon their raw material—for their raw sugars. That was fair. There was no complaint. There could be none. The trade flourished. But as soon as this safe and immemorial custom was departed from by the establishment of the complex tariff of 1870, creating a number of new grades, the sugar trade has been in a constant ferment, the committees of Congress filled with complaints alleging that some refiners were making millions by getting in their raw sugars at less rates than others, who were being ruined; that the slightest errors or mistakes on the part of the appraising officers would make the fortunes of some and work the ruin of others; and that under a tariff of so many slightly differing grades mistakes and errors were unavoidable. That there is ample room for evasion and fraud under the present system there can be no doubt, but I do not believe that there is any systematic plan on the part of any persons engaged in this business to defraud the Government. At all events, discovery or detection is impossible, for the importing refiner and the poorly-paid appraiser are the only parties and witnesses to the transaction, and neither is likely to disclose facts to establish his own guilt. The temptation is great. In oder however, to silence all complaint, remove the opportunities for unjust discrimination or errors or frauds by restoring the old rule, which can work no possible hardship. We always had a uniform rate on tea and coffee, of which there are many varieties of different qualities and rices, and yet no complaints were ever heard; and we still apply the same rule to rice, iron ores, and to many other subjects of tariff taxation.

To check the immense losses to the Government and the inequalities in the practical operation of the present tariff in favor of some refiners and against others, the Secretary of the Treasury authorized and directed the use of the polariscope, as that would disclose the quality of the sugar, if employed in connection with the Dutch standard, which is based upon color alone. But this the refiners resisted, and the Supreme Court, in a recent case, held that the Secretary had not the authority of law to apply any other test than the Dutch standard. Hence sugars of the very highest saccharine strength, No. 16 or 20 of the Dutch standard, by being colored down in the process of manufacture or afterwards, as may be easily done, to the color of No. 7 or No. 10, are valued as No. 7 or No. 10, and come in accordingly at the rate of duty affixed to those numbers. Even the application of the polariscope, so long as the multiplicity of grades exist was no effectual check against irregular and discriminating valuations or errors and evasions or frauds.

These different grades do not exist in nature. The foreign producer may cause all his sugars to be boiled to No. 7 or No. 10 or No. 13 or to No. 16 or 20, and color them down to No. 7 or 10. He will manufacture his sugars to take advantage of your tariff, and if the tariff discriminates in favor of any particular number, as it does in favor of No. 7 and No. 10, the foreign producer will bring all his sugars to that number. So long as the multiplicity of grades exist, errors, mistakes, evasions, frauds will continue; the trade will be unsettled and Congress harassed by the complaints of those who regard themselves as the victims of unjust valuations or of preferences extended to or gained by their more successful rivals in business, though in point of fact the greater success of their competitors may be due to superior energy, capacity, and capital, and better business methods. It is the system which I attack, and which is at fault.

Adopt the old rule, which puts all refiners on an equality and reduces to a minimum the opportunity for discriminations against or in favor of any one, and there will then be no room for complaint. And this can only be done by a uniform tariff on all raw sugars, and by establishing on the single grade, say No. 13, which is the dividing line, universally recognized, between raw and distributable sugars, not only the Dutch standard test, (for color is a very important element in value,) but also the polariscopic and chemical tests. One single test may be applied after a little practice with almost unerring certainty and fairness, but the six grades now established multiply by six the chances for errors and frauds.

The history of tariff legislation shows this. The fact that this was the rule until the tariff of 1870, the rule observed from 1789, and always the rule in England, should be sufficient to commend it to all disinterested and independent legislators.

The following table illustrates what I have said. It shows how the foreign producer (and nearly all our sugars come from Cuba) colors down his sugars to bring them into our country at the lowest tariff rates, while there cannot be a doubt but that they are of the highest saccharine strength. Under this tariff sugar has ceased to be an article of legitimate commerce. It will be observed that little or none is imported, or can be imported, over No. 13. None can be imported by merchants for consumption; it must all go to the refiner, and he is enabled to monopolize and to control the market.

Statement showing the quantity of each grade of sugar and the total quantity of sugar of all grades imported into the United States and entered for consumption during the year ended June 30, 1881, not including sugar imported from the Hawaiian Islands under the reciprocity treaty.

Description or grade.	Pounds.	Tons of 2,240 pounds.
Not above No. 7	401, 626, 484	179, 298
Above No. 7, and not above No. 10	1, 323, 451, 981	590, 827
Above No. 10, and not above No. 13	142, 797, 277	63, 749
Above No. 13, and not above No. 16	1, 267, 216	566
Above No. 16, and not above No. 20	12, 241	5
Above No. 20, and all refined, loaf, lump, crushed, powdered and granulated	18, 699	8
Total dutiable	1, 869, 173, 898	834, 453

JOSEPH NIMMO, JR., *Chief of Bureau.*
TREASURY DEPARTMENT, BUREAU OF STATISTICS.

There must be some reason for the uniform action of all civilized governments in drawing their revenues from sugar. Even Sir Robert Peel reserved the tax upon this article when he took his memorable stand against his own party in favor of untaxed and cheaper food for the English people. The reasons are obvious. The article is bulky and cannot be smuggled, and if the tax be properly levied, cannot be evaded. The consumption is certain, permanent, large, and universal.

The revenue derivable from it, therefore, may be counted upon with certainty, even a definite amount. It is a diffusive tax, and not cumulative, reaching every man, and oppressing no particular class or person or interest. It may be sold in the smallest quantities and it takes but a small sum out of the pockets of the consumer to supply himself from time to time and keeps it out for the briefest possible period and the largest proportion of it goes into the Treasury of the nation. Next to the income tax it complies with the doctrines of Adam Smith that—

First. The subjects of every state ought to contribute toward the support of government as nearly as possible in proportion to their respective abilities.

Second. The tax which each individual is bound to pay ought to be certain and not arbitrary. The time of payment, the manner of payment, the quantity to be paid, ought all to be clear and plain to the contributor and to every person.

Third. Every tax ought to be levied at the time or in the manner in which it is most likely to be convenient for the contributor to pay.

(See Adam Smith's Wealth of Nations, page 37.)

Sugar is for the most part a necessity, but beyond a very small quantity it is a luxury or quasi luxury. The consumer pays little by little as he has occasion to buy, and he is at liberty to buy or not, or to buy small or large quantities, and he rarely suffers any inconvenience from such a tax; whereas if a man desires to purchase a suit of clothes, or a blanket, or a plow, it takes the savings of a whole month's wages to enable him to meet the increased cost by virtue of the tax and to make the purchase.

David A. Wells, not speaking for the refiners but as a political economist, says:

If we tax salt we tax all the processes of labor or production into which salt enters, and the people pay the revenue to the Government, the bounty to the salt maker, and also the interest or profit upon all the additional capital required in consequence of its enhanced price by those who use salt. But if we tax tea we tax an article ready for consumption, which represents one of the results for which, substantially, all labor is exerted, and upon which the consumer pays only the revenue needed by the Government with the least cost of collection, as it is a bulky article, and cannot be smuggled. Hence tea, coffee, sugar, and molasses are all fit articles for the imposition of duties, and the tax imposed upon them is not more diffused and not nearly as much a burden upon labor as a tax upon iron, steel, wool, hemp, salt, lumber, and the like. The one tax diffuses itself, plus only the cost of collection; the other diffuses itself as widely, plus bounties, profits, and other extras, amounting to a far greater sum than the tax itself.

The present tariff on tea, sugar and coffee taxes the consumers of the United States approximately as follows: Coffee, 1½ cents per week per capita; tea, 1 cent per week per capita; sugar, 1½ cents per week per capita. Can any one name three other taxes upon the whole list of imports and excises which produce so great a return with so little discomfort and so little an enhancement of the cost of general production?

Now, on the other hand, let us see how the people are taxed under the existing tariff on other articles of prime necessity. In 1860 a pair of 10-4 Holland blankets, weighing 4½ pounds, could be bought for $3.75. The present market price of these same blankets is $5. Therefore some causes have come in since 1860 which have enhanced the price of blankets, of the poor and rich alike, at least $1.25 per pair. The committee know well that these causes have been mainly the duties on wool and the duties on the finished product of wool; and they can moreover easily satisfy themselves that if there was no duty on blankets 10-4 Hollands could now be sold in any of the Atlantic cities, charges for freight, insurance and reasonable profits included, for less than $3 per pair.

Now there are forty millions of people in the United States, and supposing five millions out of this number to require a pair of blankets per annum, then the annual tax levied on the masses for this single article of necessity, through the enhancement of price, will aggregate $8,750,000, or nearly as much as the whole revenue collected from all the tea annually imported and consumed in the country. Again, let any one select an article of woolen goods suitable for the cheapest thick winter clothing—such an article as the women of the country who are not rich require—and then compare the price asked for the same in New York with the price at which it could be sold for in the absence of a tariff duty and he will find, comparing the two, that the difference in prices for the quantity requisite to make a cloak will amount to at least two dollars. Now, there are twenty millions of

females in the United States, and if we suppose that one-half of that number require a cloak each winter, then the tax levied on these women under the tariff will aggregate twenty millions, or nearly the amount now collected from all the tea and coffee imported into and consumed in the United States.

These statements and illustrations are applicable to-day as when made, for the principles upon which they are based and elucidated are unchangeable.

But I beg to invite the attention of the committee to the remarks of a gentleman known to you all and respected wherever known for his ability, courage, and fairness. I refer to Hon. Horatio C. Burchard, who, in speaking on this subject in the Forty-third Congress, said:

Another item is sugar. Our importation of sugar for the last fiscal year was 1,645,000,000 pounds, and of molasses 47,000,000 gallons. According to the census returns there was produced in the United States in 1870, 87,000 hogsheads of sugar only. The duty collected last year was $35,000,000, which would give us 8,700,000 if we increase the duty one-fourth and the consumption continues as large as it has been.

The same remark in some respects can be applied to this tax that is applied to the tax on tea and coffee. It is not entirely revenue, but it is almost all revenue. More than nine-tenths of all sugar and molasses consumed in this country is imported from foreign countries. About one hundred and fifty millions of pounds is the estimate of the amount produced in this country during the last year. It will probably equal that amount. If there is any advantage anywhere, if any portion of the country ought to receive incidental benefits from increase of tariff duties, I think it should be those portions of the United States where this great staple is to some extent produced. We know that the people of the South and West, the people living along the Mississippi River, has been asking for an appropriation of $2,000,000 to help restore the levee system which has gone into decay; we know the disordered condition of their industries. If it is allowable—and many of my friends think it is not only allowable but the duty of the Government—to aid struggling industries, it is right that the sugar-producing regions of the South should receive this little advantage from the tariff system, which in other respects is to them a heavy tax.

Gentlemen say we are collecting $47,000,000 a year on sugar and molasses, and that is too much. To that I reply, raise the tariff on sugar a little and you will reduce the amount of revenue from it and increase vastly the home production. Reduce it and you will get more revenue, for you will import more. Louisiana will cease to produce sugar and you will import what she now supplies, and pay a higher price for sugar. It is because you have got a low revenue tariff on sugar that you are importing so much of it; you have a maximum of revenue and a minimum of protection. There is no protection, or but very slight protection, for Louisiana sugar interests under the present tariff. Lower your duty on woolen goods, and see how much revenue you will collect on them. Lower your duty on iron and cotton goods and on salt, and boots, shoes, and clothing, and copper, steel, and blankets, and see how much revenue you will collect, and how enormously the consumption of foreign manufactures will increase.

But under such a blow, suddenly struck as it was against sugar, how could the capital and labor of America engaged in these particular industries compete with the capital and labor of foreign countries, especially if they had unpaid slave-labor in the foreign countries in competition with them, though they escaped the catastrophes of the civil war and have enjoyed the benefits of an increasing tariff and of "associated wealth?" Let us look a little at the sugar production of Louisiana. I estimate that that interest embraces about twenty-five parishes in the State of Louisiana, with a population of about five hundred thousand. I include in that population capitalists, factors, merchants, sugar-brokers, clerks, mechanics, coopers, bricklayers, workers in iron and in copper, and day-laborers in New Orleans. I would be speaking within bounds to say there are half a million of souls dependent upon this industry in Louisiana alone, not including those who furnish transportation or the supplies from external sources. The assessed value of capital invested in land, machinery, and implements in connection with the sugar industry in Louisiana is $40,000,000. As the assessments represent but two-thirds of the real value, you may add $20,000,000 to that, and you will have a capital invested of $60,000,000. Add to that a working capital of $20,000,000, and the total investment will be found to be $80,000,000. The gross crops, sugar and molasses, are worth about twenty-two million dollars. The cost of production, including the amounts distributed for wages, supplies of all kinds, implements, &c., may be estimated at $20,000,000, and the net profits are $2,000,000. These parishes produce practically none of the goods which they consume; but they buy from the other States all the breadstuffs, machinery, mills, engines and apparatus, and farming implements, meats, mules, horses, clothing, boots and shoes, furniture, and dry goods that they use. The commodities sold to the other States which in turn supply our wants afford the basis of an interstate trade of $44,000,000 annually.

The bonus given to the sugar-growers of Hawaii under the existing treaty will enable them to put their sugar in New Orleans by the Southern Pacific Railway at from one to two cents a pound cheaper than sugar can be raised in the State of Louisiana. And I ask you whether it is right and proper to strike down an industry which once contributed one-half of the supply of sugar for the American market? If you will afford to it a just protection, (in the measure in which you did afford it protection when it was growing up,) and which you afford with lavish hands to other interests, it will be able to supply two-thirds of all the sugar that will be consumed in this country. Every other article in the country is protected. You gentlemen who live along the Canadian frontier know very well how your oats, your corn, your potatoes, your wheat, your very wood in the forests, are protected by the tariff against Canadian competition. Your fisheries are protected, and, by prohibitory laws, you have a monopoly of our coasting trade. Official reports show that you are receiving a bounty of more than 90 per cent. ad valorem on blankets, flannels, hosiery, shirts, and drawers, and that the Government receives little or no revenue, less than a million dollars per annum, for these rates are prohibitive, and compel the poor consumer to pay for two blankets and two shirts in buying one. The rate is 89.96 per cent. on steel rails, spool thread 73 to 76, and on cotton manufactures from 46 to 58, with raw cotton free and at our doors, while foreign competitors import their cotton from us across the ocean. In buying steel rails for every thousand miles of railway the people, in consequence of the high prohibitive tariff tax, pay for a sufficient quantity of steel rails to lay down two thousand miles of railway, and the tax so paid does not go into the Treasury but as a bounty to the manufacturers of steel rails. And the sewing-women of the country in buying three spools of thread pay for five, and the laboring-man who buys two cotton shirts pays for three. Your salt, your iron, all your industries are protected, while sugar is about the only industry in the South which has ever received any protection; and the protection under this tariff goes for the benefit of the refiner rather than for that of the producer, because it is prohibitory on all sugar fit for consumption, and not a pound of such sugar can be introduced under the present tariff even from the Hawaiian Islands.

And yet there are men who, while demanding the highest protection for their interests, propose to take away from the American laborer, in competition with the slave systems of the tropics, the small modicum that a tariff for revenue only on sugar affords him. While insisting upon the protection that a prohibitory tariff affords them, they would sacrifice the free American laborer to the slave-owner of the tropics in order to get raw sugars free, principle to interest, their country to their pockets!

There should be an equality in the bounties of the tariff system, an equilibrium between agriculture, commerce, and manufactures.

Let us have a high protective tariff for all or a moderate tariff or a revenue tariff with incidental protection. Give us the tariff of 1832 or 1833, or 1842 or 1846—Henry Clay's or Robert J. Walker's tariff—but apply the same tariff to us that you take for yourselves. We can live under either system if it be uniform and prosper, as I have shown; but the present tariff is unequal and unjust and sectional, and affords no adequate protection to our free laborers against the slave-owners of the Southern Islands. It discriminates in favor of one class of the sugar industry and against another; in favor of one section and against the other; in favor of the refiner against the agriculturist.

The American refiner has a monopoly of our home markets by a prohibitory tariff on all refined sugars, while he gets his raw sugars of high saccharine strength, however, from Cuba with but a small tax. There is in effect a combination between the slave-grown sugar of the tropics and the capital and skill of the refiners against the laborers of Louisiana. That is the effect of the present tariff. Cuba is as close to New York and to the centers of consumption as Louisiana itself, and quite as accessible. And therefore it is that that measure of protection which the Atlantic Ocean gives to our other industries is not afforded to the sugar interest of Louisiana; because the question of transportation and of handling is a very important element in the cost of production, and in the value of the article.

POLITICAL CONSIDERATIONS.

I pass now from the commercial consideration of this subject to its political consideration. I sympathize with those gentlemen whose hearts are stirred at the idea of a grand Republic, who cherish the notion that we are the modern Romans, whose motto should be *urbis et orbis*. No man believes more than I do in the might of the American Republic. But I believe that the true policy of this country is to exalt its own citizenship, and to trust to the law of population and to the concurring forces of modern civilization to carry its banners, not only over the islands of the Pacific, but over the islands of the Atlantic, to the northward as well as to the southward. You all recollect that Rome made the name of a Roman citizen respected everywhere in the known world. *Romanus civis sum!* But what does this treaty tend to? To the belittling of American citizens, to the degradation of American labor, and to injustice to American industries.

Will you gentlemen (especially those of you from the North) strike down that region of country which comes in competition with the southern islands? Will you protect your own industries; but when it comes to protecting the industries of your countrymen of the South will you say to them, "Oh, no; Oh, no? This $20,000,000 (as Mr. Boutwell has said) is a mere bagatelle, this Louisiana industry." That gentleman told you that there is a great policy in this matter, a policy looking far into the future, and I expected he would quote from Tennyson—

> For I dipt into the future as far as human eye could see,
> Saw the vision of the world and all the wonders that would be.

Now I sympathize with all these ideas. I have no doubt the flag of this Republic will one day be the flag of Canada. The Canadians

are a great people like ourselves. They are from the same stock, a people with families, with firesides, with laws, and with religion, with wholesome traditions. But when you come to the races in these southern islands I say to you, beware of taking in too many at once. We have had enough already to test the powers of our digestion, of our morality, of our conservatism, of our institutions.

An intelligent Englishman, a liberal member of Parliament, said to me the other day in the House of Representatives, "I never dreamed that our institutions could stand the strain which you have put upon them in your country."

Now I ask this committee to come down to matters of fact. I ask the committee to look at the Webster treaty. Daniel Webster is honored and revered wherever the English language is spoken. *Clarum et venerabile nomen!* What did Mr. Webster say in 1842, when this very matter was before him as Secretary of State? He said, speaking for the President, to the House of Representatives:

Considering, therefore, that the United States possess so very large a share of the intercourse with those islands, it is deemed not unfit to make the declaration that their government seeks nevertheless no peculiar advantages, no exclusive control over the Hawaiian Government, but is content with its independent existence and anxiously wishes for its security and prosperity.

These are the sentiments of a statesman. In them you find no suggestions of bounties or jobbery.

How did he act when he came to make a treaty with them? How did he deal with this question of the Hawaiian Islands? I refer you to CONGRESSIONAL RECORD, volume 15, of 1876, page 2275. You will see there how Mr. Webster dealt with the subject; and I will ask you to be guided by him. Can you have a safer guide? Look at article 4 of the Webster treaty. I will read it:

No duties of tonnage, harbor, light-houses, pilotage, quarantine, or other similar duties, of whatever nature or under whatever denomination, shall be imposed in either country upon the vessels of the other in respect of voyages between the United States of America and the Hawaiian Islands if laden, or in respect of any voyage if in ballast, which shall not be equally imposed in the like cases on national vessels.

Mr. DUNNELL. What treaty are you referring to?

Mr. GIBSON. The treaty made by Mr. Webster in 1849. I wish you would also look at Mr. Charles Nordhoff's volume of travels in Northern California, Oregon, and the Sandwich Islands, and you will find what he says on the subject of our policy connected with those islands. He says:

It is plain the island trade is so largely in our hands that no other nation can be said to dispute it with us. If our flag flew over Honolulu we could hardly expect to have a more complete monopoly of Hawaiian commerce than we already enjoy. Moreover, almost all the sugar plantations—the most productive and valuable property on the islands—are owned by Americans; and the same is true of the greater number of stock-farms. Our political predominance on the islands is as complete as our commercial. In the present cabinet all the ministers are Americans except one. This was true also of the cabinet of the late king. Of the supreme court two of the judges are Americans and one is German. Almost all the executive or administrative offices are in the hands of Americans or Hawaiians. What the islands are they are because of American effort, American enterprise, American capital. American missionaries civilize them; Americans gave them laws wisely adapted to the customs and habits of their people; American enterprise and Boston capital established the sugar culture and other of the important industries.

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If the islands ever offer themselves to any foreign power it will be to the United States. Their people, foreign as well as native, look to us as their neighbors and friends; and the king last summer blurted out one day, when too much wine had made him imprudent, this truth: that if annexation came it must be to the United States. As I write a negotiation has been opened with the United States Government for the purpose of offering us Pearl River in exchange for a reciprocity treaty.

I wish you to read also an interesting speech made by a distinguished New England Senator when this convention was under consideration in the Senate. I will read an extract from it:

Their capacity is variously estimated and will reach from three to five times the amount of the present production, which is stated to be from twenty-three to thirty millions of pounds, so that from one hundred to one hundred and fifty millions of pounds of the Sandwich Island sugars will ultimately take the place of an equal amount coming from other places that are now subject to the payment of duties, averaging for the class which will be received not less than 3½ cents per pound, and may soon involve an uncompensated loss to the Treasury of two, three, or four million dollars annually. Our market for their sugar is the best they can possibly have, treaty or no treaty, charged with duty or not. The duty is a sheer loss to us, and a sheer gain to the twenty-five owners of the sugar plantations, whether they reside in Hawaii or elsewhere. It is an immense subsidy to these wholly private interests, and far more obnoxious than any subsidy which has heretofore found Congressional advocates. However honestly intended by the parties to the negotiation, I feel constrained to denounce it as a job, the chief result of which will be to put money into the purses of a few Hawaiian sugar planters, who have captured a good enough king to march at the head of their triumphant procession through the country at our expense, and who, by the by, is to issue his royal proclamation ratifying the treaty. When the rejected Hawaiian treaty of 1869 was before us it was claimed as a merit that all of the owners but two of the twenty-five were foreigners, and almost wholly Americans. There is no doubt they are so now.

Mr. Chairman and gentleman, I say that if you will, as statesmen, look at the Webster treaty you will see that it gave us political control and supremacy as well as commercial supremacy in those Islands. The treaty which we are now considering does not give us one single privilege which the other treaty did not give us. Mr. Boutwell says for the large concession which he admits we made from a commercial stand-point we get article 4 of the present treaty. There is nothing in it. Article 4 of the present treaty is as follows:

It is agreed on the part of His Hawaiian Majesty that so long as this treaty shall remain in force he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein to any power, state, or government, nor make any treaty by which any other nation shall obtain the same privileges relative to the admission of any articles free of duty hereby secured to the United States.

Now, what is there of a political character in that? I admit that on the face of it there is a commercial advantage which we get in having our articles admitted free of duty, and which other nations do not get.

But that is simply a commercial advantage, and nothing more. But I think that I have demonstrated that it is not a commercial advantage to us. Mr. Boutwell himself admitted that it was not a commercial advantage to us. Nobody contends to-day that it is a commercial advantage to the United States, or to any interest of the United States. Now, where is the political advantage of this treaty? It is negative altogether. The Hawaiian Government binds itself not to lease any territory to any foreign nation. Has it leased any to us? If it did, we would be simply paying for that which we had without pay under the Webster treaty. When the Hawaiian Government came to make this treaty with us did it give us Pearl River? Oh, no! Did it give us an outpost? No. Did it give us any advantage for our fleets? No, none. Did it give us coal or a coaling-station? No. There is not a pound of coal in the islands, but the Webster treaty secured a coaling station. There is not the first political advantage in the world which I can discover in this treaty, and I have looked at it with a view to see if there were not some.

The steady progress of this nation in the plane of civilization in obedience, I may say, to the law of population, is one thing. It is inevitable that we must have the dominion of this continent. Nobody disputes that. The first Congress that assembled called itself the "Continental Congress," when we had merely the slopes of the Atlantic seaboard. Our whole policy is continental. It is not our merit or our fault that it is so. But how different is that wholesome, natural, orderly growth from the buccaneering spirit—

That those should take—who have the power,
And those should keep—who can—

that proposes to seize outposts. San Domingo at one time, Cuba at another time, and the Sandwich Islands at another time. Who is benefited by this treaty? Are the Hawaiians? I confess that many gentlemen in Congress voted for the treaty merely from sentiment, from sympathy with the human race. They supposed that it was going to benefit the Hawaiians. And what has been the operation of the treaty? It has been to inundate these islands with Chinese, imposing the Chinese, with his morals, in addition to the loathsome diseases, incurable leprosy and others, with which more than a thousand natives of Hawaii are stricken to-day.

I have got no particular prejudice against the Chinese; but there is not a gentleman in this committee who does not know that the corner-stone of the modern state is the family. It is the Christian fireside, the father, the mother, and sons and daughters that constitute the basis and chief ornament of modern civilization and the glory of Christianity. The Chinaman comes to the Sandwich Islands unaccompanied by his family, a pagan, and encamps for his wages alone on the soil of those islands. As I have shown you from these reports, he is driven into contracts binding him to the cupidity of the planter. The Sandwich Island planters have these "labor contracts;" they have now 14,000 Chinamen, (whose number is increasing at the rate of more than 2,500 a year.) These Chinamen are forced into contracts, and if they violate them they are imprisoned and punished. Is that for the benefit of this young state in the distant Pacific seas? Will the corruption, the debasement, the moral desolation and blight with which you afflict that community, tend to increase the power of this great Republic there? The Hawaiian Islands may be cultivated like a garden of roses; but rottenness is beneath. Is that an advantage to the Hawaiians, or is it an advantage to us?

Mr. Boutwell spoke of the importance of having this little outpost. It is fast becoming an outpost of China; it is already a Chinese colony. Your treaty has brought China that much closer to us. But most military writers insist that outposts, assuming this to be an American outpost, should never be taken to be held. It is generally expected that outposts shall be abandoned; that no trial of real strength shall be made upon them. But the dangers that threaten us are from England, from France, from the European nations, and not from the countries of the distant east without machinery or highways or any of the agencies or appliances or the activities or forces of modern civilization. One county in England has more life, energy, power, or one State of this Union, than the whole Empire of China. Nations like men must be weighed and measured by their intellectual and moral power. If we want outposts against France and England why not seize San Domingo or some of the other West India Islands? But does this treaty give you the Sandwich Islands as an outpost? It does not. It does not pretend to give you any political advantage. Under the Webster treaty, and before the Webster treaty, no nation dared to invade the sovereignty of the Sandwich Islands. One word from the American Government (as the Hawaiian minister, Mr. Allen, has shown) was sufficient to induce the French to quit and the English to quit. That was half a century ago. Should England desire, for the sake of the Sandwich Islands, to go to war with the United States, American diplomacy will find in the Eastern question, with Russia threaten-

ing Constantinople, and in the Egyptian question guarantees against English intervention, and the Pacific railways and Isthmian routes will make secure all our Pacific interests. Would any country in the plentitude of our power to-day cross our track with reference to the Sandwich Islands? Nobody pretends so. No country shows any disposition to take possession of the Sandwich Islands. If we adopt a foreign policy at all, gentlemen, let it be independent. Let it be founded on justice to American citizens, and not in the interest of a vulgar subsidy, in which we are to distribute largesses to a few planters lording it over pagan hirelings. Why protect California; why exclude the Chinese from our country and yet pay them a bonus of millions a year to come to the Sandwich Islands to destroy the growing civilization of that infant state and to overwhelm an American home industry?

Mr. LORD. Do you mean to imply that if the Sandwich Islands, or some one of them, were ceded to Great Britain, that would be cause for war with the United States?

Mr. GIBSON. Yes, sir; I do. I am going to read you a letter from one of the first men of this country in his profession; a gentleman who has recently spent a summer in the Sandwich Islands. I want you to inquire in your respective districts among the medical profession as to the standing of this gentleman in his profession. He is dean of the faculty in New Orleans. I wrote to him that I was going to address this committee on the subject of the Hawaiian treaty, and I desired to know what his views were, as he had spent a summer there. Here is his letter:

UNIVERSITY OF LOUISIANA, MEDICAL DEPARTMENT,
New Orleans, February 20, 1882.

DEAR SIR: I visited the Sandwich Islands in the summer of 1877, traveled extensively in Oahu, Maui, and Hawaii, and made the acquaintance of many of the best and wealthiest citizens. The treaty had then been in existence only a year or two; but its effect upon business and in the enhancement of the value of sugar and rice lands was spoken of by every one with whom I conversed. Fabulous prices were realized upon properties which only a short time before were unsalable, and men were "prospecting" all over the islands for lands suitable for the growth of cotton and sugar. As an evidence of the great advance in prices, a sugar plantation upon the Island of Maui was pointed out to me which only eighteen months previously had been sold to clear it of debt for less than $65,000, but which during my stay there brought $1,000,000. A notice of the sale, cut from one of the Honolulu newspapers, I herewith inclose:

"BIG TRANSACTION.

"By far the largest real-estate transaction which has ever yet transpired in this country was consummated last week at Lahaina, in the sale by Mr. James Campbell of his half interest in the sugar estate at that place known as the 'Pioneer Mills' to his late partner, Mr. Harry Turton, for the sum of $500,000. By this purchase Mr. Turton becomes the sole owner and proprietor of an estate valued at $1,000,000, and from which was derived last year an income over and above all expenditures of $200,000."

The plantations are, with two or three exceptions, in the possession of foreigners, for whom the poor natives are "the hewers of wood and drawers of water." Many of these latter have lost their lives in the hard labor which has been exacted of them in the digging of ditches for irrigation and the forced cultivation of the soil. The most disastrous results have, however, occurred to the poor South Sea Islanders, who have been brought into the country by false representations. These poor creatures, unaccustomed to such severe labor, have died in great number, no provision having been made for their return when broken down by disease or hard service.

My friend * * * of * * will furnish many facts as to the condition of these poor people if addressed confidentially upon the subject.

My opinion, based upon much observation, is that the treaty has resulted in the demoralization and impoverishment of the natives to a most fearful extent. The planters have, of course, realized enormous profits and will doubtless expend any amount of money to secure the continuance of the treaty.

I am, very truly, yours, in haste, T. G. RICHARDSON.
General R. L. GIBSON.

Now, gentleman, if this treaty is a clear bonus to these sugar planters in the Hawaiian Islands of $3,000,000 a year, (and rising;) if it has no commercial advantages to the United States at all; if, on the contrary, it is working great injustice, and threatening to destroy the sugar-refining interests and the sugar-planting interests of the United States, it cannot be defended on commercial principles. That is clear. If it gives us no advantages over the Webster treaty of 1849; if our political supremacy in those islands was complete before this treaty was made; if it was made for the purpose of extending (in the opinion of many) our political influence, and if it has not extended it; if it gives no harbor for our fleets, no advantages in the event of war, no advantages of a political character in time of peace, then it cannot be defended on political grounds. If it has filled the islands with hordes of Chinese laborers, who are, in their customs and morals, the enemies of Christian civilization, then it has worked no good to the Hawaiian people themselves. I need not stop to say that it has not reduced the price of sugar in this country yet, because combinations may be made to keep up the price. While sugar is 2.81 cents per pound dearer in San Francisco than in the East, we know very well that that may be done temporarily by an arrangement with the railroad companies, and I understand that such an arrangement exists. But that the enormous production of Hawaiian sugar must ultimately cheapen the price of sugar and destroy the refining and planting interests I have shown.

Mr. LORD. I want to see that I clearly understand you in regard to what you said a moment ago. Suppose that we were to abandon this treaty, and that the Sandwich Islands were to renew it with Great Britain, do you say that that would be cause of war between the United States and Great Britain?

Mr. GIBSON. No, sir. I meant to say that if Great Britain should attempt to seize the Sandwich Islands, or any other island near our mainland on this continent, it would be cause of war.

Mr. LORD. Or if she should take them by peaceful cession from the Hawaiian Government?

Mr. GIBSON. Or if she should take them by peaceful cession.

Mr. LORD. You say that that would be cause for war?

Mr. GIBSON. That would be cause for war; but I think it time enough when she attempts to do that to speak of war. We have not got any peaceful cession of those islands. We have got no political advantages under the existing treaty. If, then, there be no political advantage to this country, and if there be great disadvantages to our civilization under this treaty, I cannot see the first ground on which the treaty can be defended by any American.

I take no exception to the Hawaiian minister appearing before the Foreign Affairs Committee, or other distinguished gentlemen, as its advocates, in this city. I find no fault with any appeal that may be made to your philanthropy or to your generosity in behalf of the people of the Sandwich Islands. I would contribute, and I have no doubt that every gentleman of this committee has contributed, to extend the Christian religion. But I insist that this subsidy of $3,000,000 (and it will rise soon to $10,000,000) a year to a few sugar planters in those islands in order to enable them to cultivate sugar with Chinese labor in competition with the sugar-producing and sugar-refining interests of this country is an injustice to the people of this country, is in direct opposition to the fixed policy of the Government and to every interest, moral, political, and commercial, of the people whom you and I have the honor to represent in the House of Representatives.

APPENDIX.

TABLE A.—*Quantities and values of sugar, melada, and molasses imported into the United States during the years* 1821, 1830, 1840, 1850, 1860, *and from* 1869 *to* 1880, *inclusive.*

Year ended.	Sugar.						Melada and sirup of sugar-cane.		Molasses.	
	Brown.		Refined.		Total.					
September 30—	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*	*Gallons.*	*Dollars.*
1821	a59, 512, 835	3, 553, 582	b2, 866	313	59, 515, 701	3, 553, 895	(c)	(c)	9, 086, 982	1, 719, 227
1830	78, 576, 388	3, 985, 865	b7, 913, 725	645, 057	86, 490, 113	4, 630, 922	(c)	(c)	8, 374, 139	995, 776
1840	107, 955, 033	4, 742, 492	12, 985, 704	838, 583	120, 940, 737	5, 581, 075	10	3	19, 703, 620	2, 910, 791
June 30—										
1850	197, 651, 819	6, 659, 543	20, 773, 529	895, 603	218, 425, 348	7, 555, 146	5, 416	457	25, 044, 835	2, 890, 185
1860	692, 944, 872	30, 959, 985	1, 806, 793	113, 396	694, 751, 845	31, 073, 381	86, 352	5, 589	30, 922, 633	5, 216, 321
1869	1, 229, 329, 259	59, 728, 008	1, 209, 857	93, 181	1, 230, 539, 116	59, 821, 189	17, 294, 314	586, 013	53, 304, 030	12, 011, 147
1870	1, 160, 460, 114	55, 655, 679	151, 520	9, 394	1, 160, 611, 634	55, 665, 073	36, 161, 935	1, 258, 672	56, 373, 537	12, 888, 250
1871	1, 189, 155, 938	61, 249, 621	1, 204, 180	74, 741	1, 190, 360, 118	61, 324, 362	87, 113, 535	3, 296, 877	44, 401, 359	10, 192, 384
1872	1, 457, 294, 818	79, 129, 059	217, 481	17, 915	1, 457, 512, 299	79, 146, 974	51, 673, 375	2, 066, 027	45, 214, 403	10, 627, 511
1873	1, 454, 124, 259	77, 953, 470	509, 504	41, 318	1, 454, 633, 763	77, 994, 788	113, 670, 829	4, 722, 165	43, 533, 909	9, 901, 051
1874	1, 594, 306, 354	77, 459, 968	39, 279	3, 139	1, 594, 345, 633	77, 463, 107	106, 952, 236	4, 424, 356	47, 189, 837	10, 947, 824
1875	1, 695, 726, 353	70, 015, 757	15, 251	1, 202	1, 695, 741, 604	70, 016, 959	101, 768, 386	3, 313, 597	49, 112, 255	11, 685, 224
1876	1, 414, 254, 663	55, 702, 903	19, 931	1, 685	1, 414, 274, 594	55, 704, 588	79, 702, 878	2, 415, 995	39, 026, 200	8, 157, 470
1877 d	1, 614, 787, 086	83, 295, 974	308, 688	28, 043	1, 615, 095, 774	83, 324, 017	39, 461, 057	1, 654, 165	30, 327, 825	7, 831, 872
1878 d	1, 505, 847, 933	71, 916, 798	83, 094	7, 469	1, 505, 931, 027	71, 924, 267	31, 520, 907	1, 123, 613	27, 577, 542	6, 778, 568
1879 d	1, 783, 347, 163	70, 627, 776	130, 552	8, 656	1, 783, 477, 715	70, 636, 432	50, 888, 121	1, 442, 256	38, 460, 347	7, 202, 881
1880 d	1, 792, 946, 493	78, 852, 117	15, 654	1, 349	1, 792, 962, 147	78, 853, 466	36, 339, 537	1, 183, 402	38, 120, 880	8, 725, 078

a Including brown and white.
b Including candy.
c Not specified.
d Including imports from Hawaiian Islands free of duty under reciprocity treaty.

TABLE B.—*Quantities of sugar, molasses, and rice produced in the State of Louisiana during the years from* 1850 *to* 1880, *inclusive.*

Year.	Sugar.		Molasses.	Rice.	Year.	Sugar.		Molasses.	Rice.
	Hogsheads.	*Pounds.*	*Gallons.*	*Pounds.*		*Hogsheads.*	*Pounds.*	*Gallons.*	*Pounds.*
1849–'50	247, 923	269, 769, 000	12, 000, 000		1865–'66	18, 070	19, 900, 000	(a)	
1850–'51	211, 203	231, 194, 000	10, 500, 000		1866–'67	41, 000	42, 900, 000	(a)	
1851–'52	236, 547	257, 188, 000	18, 300, 000		1867–'68	37, 364	41, 400, 000	(a)	
1852–'53	321, 934	368, 129, 000	25, 700, 000		1868–'69	84, 256	95, 051, 225	5, 636, 920	
1853–'54	449, 324	495, 156, 000	31, 000, 000		1869–'70	87, 090	99, 452, 946	5, 724, 256	
1854–'55	346, 635	385, 227, 000	23, 113, 620		1870–'71	144, 881	168, 878, 592	10, 281, 419	
1855–'56	231, 427	254, 569, 000	15, 274, 140		1871–'72	128, 461	146, 906, 125	10, 019, 958	
1856–'57	73, 976	81, 373, 000	4, 882, 380		1872–'73	108, 520	125, 346, 493	8, 898, 640	
1857–'58	279, 697	307, 666, 700	19, 578, 790		1873–'74	89, 498	103, 241, 119	8, 203, 944	
1858–'59	362, 296	414, 796, 000	24, 887, 760		1874–'75	116, 867	134, 504, 691	11, 516, 828	
1859–'60	221, 840	225, 115, 750	17, 868, 100		1875–'76	144, 146	163, 418, 070	10, 870, 546	
1860–'61	228, 753	265, 063, 000	18, 414, 550		1876–'77	169, 331	190, 672, 570	12, 024, 108	
1861–'62	459, 410	528, 321, 500	(a)		1877–'78	127, 753	147, 101, 941	14, 237, 280	35, 080, 520
1862–'63	(a)	(a)	(a)		1878–'79	213, 221	239, 478, 753	13, 218, 404	36, 592, 310
1863–'64	76, 801	84, 500, 000	(a)		1879–'80	169, 972	198, 962, 278	12, 189, 190	20, 728, 520
1864–'65	10, 387	10, 800, 000	(a)						

a No data.

NOTE.—The production of sugar and molasses in Louisiana is stated upon the authority of M. Champoiner for the period prior to 1861, and for the later years upon the authority of M. Louis Bouchereau. The authorities give both the number of hogsheads and the number of pounds for each year, with the exception of the year 1861–'62, for which year only the number of hogsheads is given. The number of pounds of sugar produced during that year has, however, been computed by estimating the weight of the hogshead at 1,150 pounds.

TABLE C.—*Articles admitted free under reciprocity treaty with Hawaiian Islands.*

Articles.	Quantities.				Values.			
	Month ended December 31—		Twelve months ended December 31—		Month ended December 31—		Twelve months ended December 31—	
	1881.	1880.	1881.	1880.	1881.	1880.	1881.	1880.
ARTICLES ADMITTED FREE UNDER RECIPROCITY TREATY WITH HAWAIIAN ISLANDS.								
Fruits and nuts					$2, 230	$4, 068	$21, 994	$18, 574
Rice.....lbs..	1, 130, 700	1, 320, 800	7, 483, 446	6, 862, 590	55, 161	75, 153	380, 689	397, 252
Sugar, brown.....lbs..	5, 630, 377	4, 122, 291	90, 810, 284	63, 688, 904	372, 828	258, 665	5, 808, 508	4, 278, 458
Molasses.....galls..	10, 853	13, 885	186, 975	198, 853	1, 630	2, 228	30, 588	36, 431
Tallow.....lbs..	12, 044		99, 488		741		5, 715	
All other articles							3	770
Total					432, 590	340, 114	6, 247, 497	4, 731, 485
All other free articles					1, 360, 767	1, 606, 410	12, 985, 079	10, 058, 478
Total free of duty					20, 268, 814	17, 397, 201	206, 910, 273	206, 583, 345
DUTIABLE.								
Animals, living					276, 039	301, 550	4, 463, 872	3, 721, 355
Beer, ale, porter, and other malt liquors.....galls..	145, 103	112, 436	1, 314, 297	1, 118, 124	87, 484	66, 459	831, 702	750, 462
Books, pamphlets, engravings, and other publications, n. e. s					308, 310	216, 975	034, 667	2, 415, 025
Brass, and manufactures of					66, 018	30, 634	3, 558, 643	409, 905

D.—*Sugar plantations and mills.*

[List of proprietors, &c., of sugar plantations and mills taken from the Hawaiian Almanac—referred to by Mr. GIBSON.]

NOTE.—Those marked with an asterisk (*) are planters only. Those marked with a dagger (†) are mills only. All others are plantations complete, owning their own mills.

Pepeken plantation; Hilo, Hawaii; C. Afong.
Wailuku plantation; Wailuku, Maui; C. Brewer & Co.
Brewer & Crowningburg;* Makawao, Maui; C. Brewer & Co.
East Maui plantation; Makawao, Maui; C. Brewer & Co.
Huelo plantation;* Hamakua, Maui; C. Brewer & Co.
Onomea plantation; Hilo, Hawaii; C. Brewer & Co.
Paukaa plantation; Hilo, Hawaii; C. Brewer & Co.
Honomu plantation; Hilo, Hawaii; C. Brewer & Co.
Princeville plantation; Hanalei, Kaui; C. Brewer & Co.
Hawaiian Agricultural Company; Kau, Hawaii; C. Brewer & Co.
Kaneohe plantation; Kaneohe, Oahu; C. Brewer & Co.
Hitchcock & Co.'s plantation; Hilo, Hawaii; Castle & Cooke.
Kohala plantation; Kohala, Hawaii; Castle & Cooke.
Waialua plantation; Waialua, Oahu; Castle & Cooke.
Haiku plantation, No. 1; Haiku, Maui; Castle & Cooke.
Haiku plantation, No. 2; Haiku, Maui; Castle & Cooke.
Alexander & Baldwin's plantation; Paia, Maui; Castle & Cooke.
J. M. Alexander; Paia, Maui; Castle & Cooke.
Union Mill Company; Kohala, Hawaii; T. H. Davies.
Niulii plantation; Kohala, Hawaii; T. H. Davies.
Beecroft plantation,* Hawi mill,† Montgomery & Co.'s plantation; Kohala, Hawaii; T. H. Davies.
Hamakua plantation,* Hamakua mill;† Hamakua, Hawaii; T. H. Davies.
Namano plantation;* Hamakua, Hawaii; T. H. Davies.
Waiakea plantation,* Waiakea mill;† Hilo, Hawaii; T. H. Davies.
W. Lidgate & Co.'s plantation; Laupahochoe, Hawaii; T. H. Davies.
Kipahulu mill;† Hana, Maui; T. H. Davies.
Ookala plantation; Kohals, Hawaii; H. Hackfeld & Co.
Soper, Wright & Co.;* Ookala, Hawaii; H. Hackfeld & Co.
H. M. Whitney;* Kau, Hawaii; H. Hackfeld & Co.
Chas. Wall;* Kau, Hawaii; H. Hackfeld & Co.
J. R. Mills;* Honokaa, Hawaii; H. Hackfeld & Co.
Chr. L'Orange;* Hanamaulu, Kauai; H. Hackfeld & Co.
Hanamaulu mill;† Hanamaulu, Kauai; H. Hackfeld & Co.
A. S. Wilcox;* Hanamaulu, Kauai; H. Hackfeld & Co.
Koloa ranch;* Koloa, Kauai; H. Hackfeld & Co.
Koloa plantation; Koloa, Kauai; H. Hackfeld & Co.
Grove farm;* Nawiliwili, Kauai; H. Hackfeld & Co.
Kilauea plantation; Kilauea, Kauai; H. Hackfeld & Co.
Lihue plantation; Lihue, Kauai; H. Hackfeld & Co.
Kekaha mill Company;† Kekaha, Kauai; H. Hackfeld & Co,
Pioneer mill; Lahaina, Maui; H. Hackfeld & Co.
Kipahulu plantation;* Kipahulu, Maui; H. Hackfeld & Co.
Hana plantation; Hana, Maui; H. Hackfeld & Co.
Grove ranch plantation; Makawao, Maui; H. Hackfeld & Co.
Waimanalo Sugar Company; Waimanalo, Oahu; H. Hackfeld & Co.
R. W. Meyer; Kalae, Molokai; H. Hackfeld & Co.
Kekaha plantation;* Waimea, Kauai; E. Hoffschlaeger & Co.
Ahuimanu plantation; Koolau, Oahu; E. Hoffschlaeger & Co.
Fr. Bindt;* Eleele, Kauai; E. Hoffschlaeger & Co.
Grant & Brigstock;* Kilauea, Kauai; E. Hoffschlaeger & Co.
Makee plantation; Ulupalakua, Maui; W. G. Irwin & Co.
Waihee Sugar Company; Waihee, Maui; W. G. Irwin & Co.
Hawaiian Commercial Company; Maui; W. G. Irwin & Co.
Makee Sugar Company; Kealia, Kauai; W. G. Irwin & Co.
Kealia plantation; Kealia, Kauai; W. G. Irwin & Co.
Homuapo plantation; Kau, Hawaii; W. G. Irwin & Co.
Naalehu plantation; Kau, Hawaii; W. G. Irwin & Co.
Hilea Sugar Company; Kau, Hawaii; W. G. Irwin & Co.
Star mill;† Kohala, Hawaii; W. G. Irwin & Co.
Hokalau plantation; Hilo, Hawaii; W. G. Irwin & Co.
Wamiku plantation; Hilo, Hawaii; W. G. Irwin & Co.
Paauhau mill;† Hamakua, Hawaii; W. G. Irwin & Co.
Paauhau plantation;* Hamakua, Hawaii; W. G. Irwin & Co.
Spencer's plantation; Hilo, Hawaii; G. W. Macfarlane & Co.
Heeia plantation; Koolau, Oahu; G. W. Macfarlane & Co.
Waikapu plantation; Waikapu, Maui; G. W. Macfarlane & Co.
Huelo Mill Company;† Huelo, Maui; G. W. Macfarlane & Co.
Waianae Sugar Company; Waianae, Oahu; G. W. Macfarlane & Co.
Olowalu plantation; Olowalu, Maui; G. W. Macfarlane & Co.
Kamaloo plantation; Malokai; J. McColgan.
Honokaa plantation; Hamakua, Hawaii; F. A. Schaefer & Co.
Pacific Sugar mill; Hamakua, Hawaii; F. A. Schaefer & Co.
Rose & Co.;* Waimanalo, Oahu; F. A. Schaefer & Co.
Eleele plantation; Koloa, Kauai; F. A. Schaefer & Co.
Thompson & Chapin; Kohala, Hawaii; F. A. Schaefer & Co.
Halawa plantation; Kohala, Hawaii; J. S. Walker.
Laie plantation; Laie, Oahu; J. T. Waterhouse.
Moanui plantation; Molokai; Wong, Leong & Co.

The petitions from New York and New Orleans, referred to by Mr. GIBSON in the opening of his remarks, are as follows:

NEW YORK BOARD OF TRADE AND TRANSPORTATION,
New York, February 12, 1882.

DEAR SIR: A petition, relating to the treaty with the Sandwich Islands, signed by nearly all the large importing houses of New York, with many manufacturers and others, exporting goods to foreign countries, together representing annual business transactions estimated at upward of one thousand millions of dollars, has been forwarded to Washington, and will be formally presented in both the Senate and House of Representatives. For your information we have had the heading of the petition struck off, together with a few of the names thereon, to illustrate the character of the signers, and we forward a copy herewith. Arrangements have already been made for the presentation of the originals, and it is therefore not necessary to have the printed portion which we send you presented, but we would ask your attention to the facts contained in the heading, and such action at your hands, when the matter comes up for consideration, as you think it deserves.

Respectfully, &c.,

DARWIN R. JAMES, *Secretary.*

To the honorable the members of the Senate and House of Representatives in Congress assembled:

Whereas in 1875 the United States concluded a so-called reciprocity treaty with the Sandwich Islands, by which the products of each were admitted in the respective countries free of duty, said treaty to remain in force for a period of seven years and further until terminated by giving one year's notice; and

Whereas the operation of said treaty has proven to be one-sided and inequitable, inasmuch as it has been taken advantage of by a syndicate of capitalists to enormously develop the production of sugar in said islands, which under said treaty is admitted into the United States free of duty, while sugar produced by other friendly nations, which are large buyers of American products and justly entitled to the "most favored nation" clause in our foreign relations, is charged an average duty of two and one-half cents per pound; and

Whereas said treaty constitutes a discrimination not only against said nations but also injures our domestic sugar interests, and the public receives no corresponding benefit, inasmuch as the syndicate charges as much for the sugar thus admitted free of duty as is charged for sugar from other countries which pays a duty:

Therefore, the undersigned merchants and citizens of the United States respectfully petition your honorable bodies to take action looking to the termination of said treaty at the earliest time consistent with honorable compliance with its provisions; and further, if it should appear that its provisions have been evaded by passing a different grade of sugar than that contemplated in the treaty free of duty, that you will take action to remedy such evasion.

Polygamy.

SPEECH

OF

HON. JOSEPH H. BURROWS,

OF MISSOURI.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 14, 1882,

On the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

Mr. BURROWS, of Missouri, said:

Mr. SPEAKER: It was not my intention at the commencement of the discussion upon this bill to say anything for or against its passage, believing as I did that the gentleman from Kansas [Mr. HASKELL] who has the bill in charge would select such assistants as would insure the strongest defense of the bill as a whole, and at the same time present such an array of facts as would leave not a lingering doubt in the mind of a single member upon this floor that this subject should be dealt with here and now. And it is not because this (in my humble opinion) has not been done, for in the time allotted for discussion it would be hard to crowd in more solid argument or good logic than has been done by the friends of the measure, and it is with no thought of adding to the reasons that have been given for the passage of the bill, or yet of entering into the constitutionality of such a measure. All this has already been done in a manner far beyond my ability. My purpose then is only, so far as I may be able, to voice the sentiments of the people whom I have the honor to represent upon this floor and at the proper moment reflect their will in my vote upon the final passage of the bill, which I shall endeavor to do.

Mr. Speaker, the power of Congress to deal with the question of polygamy in the Territories to the fullest extent I have never for one moment doubted, and having been reared within twelve miles of where the first Mormon temple was built at Nauvoo, Illinois, I know something of the enmity and prejudice that exist against this sect wherever they have lived and attempted to establish themselves. In one of the counties that form the district that sent me here, they tried to establish themselves, nearly forty years ago, and were only driven out (as from every other place wherever they have attempted to permanently reside) at the cost of blood and treasure; and they only sought out and migrated to their present abiding place because it was far removed from the restraints of civilization and morality. It is safe to say that the people of this country, through their law-making power, have never looked with favor upon the peculiar doctrines or rather dogmas of this church; but have been awed into inactivity and silence through a desire to extend to all the widest range and greatest religious freedom lest the spirit of our organic law should be violated or the sanctity of the Declaration of Independence infringed upon.

We have waited until the heart of the nation has become faint and its whole head sick because of hope deferred. For more than thirty years this crime against the moral and civil law, as well as the condemnation which God himself has given in the almost equal creation of the sexes in the human family, has gone on, and it has been a stench in the nostrils of all Christendom. In the days of African slavery upon this continent it was denominated as a "twin relic of barbarism." Chattel slavery has been wiped out, but at great cost both in blood and treasure. The hatred of that struggle is dying slowly, but I hope surely. An era of better days is, I trust, dawning. Let us meet this question like men. Let us put the ban of our condemnation upon it. Let us say, thus far hast thou gone, but no farther. Already has this scarlet-robed woman of the desert grown too great, and we shall doubtless find additional legislation necessary in order to more fully and perfectly carry out the spirit and letter of this bill. There in the Territory of Utah will be found a large amount of property, 400,000 acres of land, a subsidy by the Government, managed and smuggled under the control of the church, besides much more that has been accumulated and acquired in one way or other and much by honest labor. How is this to be divided? These wives and children, who have themselves helped to acquire it, should also share in its division and enjoyment.

But it is said by this bill, you legislate three-fourths of all the officers of the Territory out of office. Mr. Speaker, here, in my opinion, is the panacea that is to cure the ill. It has been said, "The hair of the dog was good for the bite." These officers, from judge to jury and from constable to Territorial legislator, have protected and encouraged polygamous marriages, and, as the law now stands and has been, a conviction and punishment for bigamy in Utah was an impossibility, and have grown up to regard themselves as respectable, and for years past have elected their Delegate to Congress and sent him here commissioned by the governor and he has been admitted to a seat upon this floor and drawn his salary regularly; while in the States of this Union a man guilty of the same offense would have been convicted and sentenced to the penitentiary.

Mr. Speaker, the history of Utah since the completion of the Pacific Railroad and gentile immigration is somewhat known, but the crimes that were perpetrated under the guise and, I may add, sanction of the Mormon Church previous to that, through their "Danites" or "destroying angels," are known only and fully to the God of the universe, and eternity will alone reveal the dark deeds and bloody record. The Mountain Meadow victims will stand up in the judgment and testify to others than the "red man of the forest." The blood of murdered victims in Illinois, Missouri, and Utah cries for redress and the same laws to govern in Utah that governs in every other State and Territory of this nation.

Utah for a generation has been the plague-spot upon this continent, and the political parties have shirked their responsibility and avoided the issue. Congress has been petitioned and memorialized for more than thirty years. Bill after bill has died between the Senate and the House. Good men and true who have from time to time lifted up their voices in the Halls of Congress against this growing evil have gone to their graves and beheld this monster vice standing erect, bold and defiant, and to-day we may regard ourselves as fortunate if this iniquitous and demoralizing evil can be throttled and placed in a condition and prospect of ultimate extinction without bloodshed and great loss of life. Religious bigotry and fanaticism, which engender intolerance, hate, and persecution, have ever been found to take a firmer hold in the mind of man and to be harder to eradicate or control than any principle or feeling in the human family. Mr. Speaker, if I were to frame an indictment against the Mormon Church, as founded on its history in Utah, it would read something like this: "lawlessness, perjury, polygamy, lewdness, profanity and vulgarity, theft and murder," and to which I would add blasphemy and religious fanaticism.

About the only virtue that is offered as a rebuttal to all this, and which is presented with a "great flourish of trumpets," is that it is the only preventive of the social evil, and this is a most fruitful theme in the mouth of every Mormon speaker and Latter-Day Saint apologist, that these polygamous communities are more virtuous than the monogamic world. But is it a fact that plural marriage does tend to develop a virtuous state of society, does protect the sacred rights of confiding woman, shield and sanctify the influence around the home-circle and the hearth-stone, and aid in bringing and nurturing a noble offspring? If so, then the Mormon Church has much to commend it to the Christian world, for these would produce grand and glorious results, and are in fact and are in themselves the very beginning and foundation of good society and good government, and, if true, would "cover a multitude of sins." But the facts prove a state of things almost the opposite.

Those who have the best means of knowing and of ascertaining the true status and condition of things in this respect, in Salt Lake City and elsewhere in the Territory, say that for the same population

there is more private prostitution and more illegitimacy in Utah than in any other place in the civilized world. And why should not this be the case? The ties of the marriage vow are loosened by plural marriage; true, natural affection, as it does or ought to exist in all real marriages, is crushed and trampled upon; the tender care and love of the husband is disintegrated and divided, and soon neglect, and abandonment, and a severing of the tender ties that bind the true husband and wife. The children grow up to follow in the footsteps of the parent, and thus the whole tendency is immoral and in its character sensual, and if adopted by the civilized world would in an incredibly short time begin a retrograde movement and the progress of the last eighteen hundred and eighty years soon be lost to society and mankind. We are not ready for this, much less to initiate the movement upon the free soil of America and under the shield of the Constitution, as well as in defiance of the teaching of that gospel, the blessings and benign influence of which have made us great, grand, moral, and prosperous. Mr. Speaker, I hope this bill will pass just as it came from the Senate, and that we may start it upon its glorious errand, that it may extirpate this evil from the soil of America, and the generations yet unborn will rise up and call the Forty-seventh Congress blessed.

Polygamy.

SPEECH

OF

HON. HENRY L. MOREY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 14, 1882,

On the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

Mr. MOREY said:

Mr. SPEAKER: There may be differences of opinion as to whether the bill under consideration is the perfection of legislation to prevent the evil against which it is directed. Laws for the suppression of vice and the prevention of crime, if not always experimental, are at least usually progressive in their character. There ought not to be any difference of opinion as to the duty of this body to legislate on this subject.

The sentiment of the country, the Christian civilization of the time, demand it, and the Republican party is pledged to it by its history and its promises. They all demand that this Congress shall lay its hand upon this hideous vice that boldly and defiantly stalks in Utah and adjoining Territories and declare it to be a crime against the law, as by the judgment of the civilized world it is a crime against private and public morals. Polygamy is a crime against American civilization; an oriental vice which is entitled to no place on our soil or in our institutions.

In every State in this Union bigamy is a felony, and the laws making it such are fearlessly and impartially executed against its offenders, in accordance with and in obedience to a righteous public sentiment. Should the Congress of the United States do less in the Territories over which it has exclusive jurisdiction? That would be weak, indeed.

This bill declares polygamy to be a felony. This is not a new provision in the law. To the honor of our country be it said, this insidious vice now rears its hideous front in the face of and in defiance of the criminal laws of the land. It disregards the law and challenges the public sentiment of the country, which brands it as degrading and infamous. It has appropriated and subordinated the public domain to the proprietorship and purposes of a religious hierarchy which has flourished in this vice, and attempts to gild it with the sanction of a religious ordinance.

Local and municipal officers have fallen into its control; courts, juries, and witnesses have been its willing tools. Thus intrenched, it has thus far defied the law and its officers, and grown stronger, bolder, and more insolent in spite of them.

This bill proposes to go further than legislation has gone in the past. It proposes a further remedy, one which it is hoped will prove more efficacious than have those of the past. Observation has suggested, and experience has proven, that it is not sufficient simply to stamp this evil with the badge of illegality and criminality.

The bill under consideration goes further, and strips these violators of law, of good order and decency, of the political power by which heretofore they have defied the law itself. As a step in the right direction, with a hope that it may be the means of eradicating this growing evil, I shall vote for this bill.

Chinese Immigration.

SPEECH

OF

HON. THOS. H. BRENTS,

OF WASHINGTON,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. BRENTS said:

Mr. SPEAKER: Before the final vote is taken on this measure, I ask the further indulgence of the House for a very few moments.

No more important measure has received or is likely to receive the attention of this Congress. It is not surprising, perhaps, in view of the far-reaching results to be accomplished, that some gentlemen whose sincerity and patriotism are unquestionable have shown some hesitation in giving it their support.

No one holds in higher veneration than I the cherished traditions of our free country and her benign institutions. No one welcomes more heartily than I do the poor and oppressed of every race and nationality who come to our shores to find a refuge from oppression and a home. No one feels greater pride in hearing my country called the land of liberty, the asylum for the oppressed, and the home of freedom. No one upon this floor was moved with higher admiration as the eminent gentleman from Massachusetts [Mr. RICE] and the venerable gentleman from Ohio [Mr. TAYLOR] dwelt with such masterly and soul-stirring eloquence upon these delightsome themes. It was, indeed, a source of great pleasure and gratification to me to find the opponents of this bill actuated in this matter by the same patriotic feelings, the same love of country, the same desire to perpetuate our American system of government, the same solicitude for the welfare of our American industries, and the elevation and prosperity of our American laborers, that have prompted its advocates in bringing it forward.

I am truly glad to find all parties in this House at least planted on the same humane and benevolent principles and impelled by the same philanthropic purposes. But it does seem a little strange that they should differ so widely and so radically in the simple application of them. Moved, as they claim to be, by the same grand purposes, and yet pursuing courses so divergent, can it be that both fully and correctly understand the bearings of the subject involved? Is it not manifest that either those who favor or those who oppose the measure, if alike sincere and candid in their professions of loyalty to republican institutions and of disinterested friendship for our laboring classes—as I have no reason to doubt in the least—must, in the very nature of the case, wholly misunderstand the character of these Chinese and the object of their coming? Now, sir, which is it most likely to be? Are those who have been brought in daily contact with them for years and in thousands as liable to be deceived and mistaken in this regard as those who know them only in books or who meet them but seldom?

Mr. Speaker, the citizens of the Pacific coast, of all classes and parties, laying aside all differences as to other matters, through the petition-box, and by their Senators, Representatives, and Delegates, with unbroken unanimity, are beseeching you, in the name of free government and free labor, to stay the on-coming tide. Are all these people misguided enthusiasts, blinded by race prejudice, or deluded by selfishness and jealousy? Are all virtue, brotherly kindness, and patriotism in our country to be found east of the Rocky Mountains? Sir, I have been a resident of the Pacific coast from boyhood, a period of thirty years, and I have found the people there to be as brave, as broad-minded, as intelligent, as enterprising, and as generous as any people on earth. They are as strongly attached to our Government, as deeply interested in the welfare of our common country, as ready to relieve the destitute and suffering, or champion the cause of the weak and defenseless, and as independent and fearless of fair and legitimate competition in the race of life as any people in the world. They gladly, heartily, and cordially welcome all foreigners who come in good faith to make this land their home and to enjoy the blessings of freedom. But, sir, we have learned, to our disappointment and sorrow, that these Chinese come for no such purposes. They come with no intention of becoming citizens, acquiring homes, or even remaining permanently with us. Every one has made provision, in case of unexpected death in this heathen country, as they consider it, for the return of his body to the Celestial Empire for burial. Every one has taken a solemn obligation not to renounce his allegiance to his own despotic government, the violation of which would subject him and his relatives left behind him to the most direful punishments. All or nearly all of them are sent here by the Six Chinese Companies, whose slaves they are, not to better their own condition nor to benefit us, but for purposes of cold and greedy speculation on the part of those who send them; and to enforce the strict performance of their onerous and servile obligations to their unscrupulous and grasping masters, and for their return with their accu-

mulations, everything they hold near and dear, wives and children, and even their right to life in this world and happiness in the next, are all placed in pawn. Their food, clothing, and other necessaries are furnished from China, so that no portion of their earnings shall be spent in this country. Most of them are criminals or prostitutes of the most groveling instincts, many infected with loathsome and dangerous diseases—the very scum and dregs of the most degraded part of humanity—who bring with them all their barbaric and vicious manners, customs, habits, and practices, and maintain them here. That they may the more successfully compete with our most industrious, economic, and frugal American laborers, reduce wages, their wages even below starvation-rates, drive them out of employment, and so be enabled to supply the entire demand for labor, they huddle together by hundreds in their dens of vice, filth, and pestilence.

No laboring freeman who has the least regard for health, cleanliness, comfort, or even decency, certainly none who has a family to support and educate, stands any show whatever in competition with these brutish Mongolian slaves. It has been said on this floor that these Chinese are not filthy and offensive in their habits. Sir, I lived several years in San Francisco, and I have seen whole streets and even large districts, once the very seat of respectable and prosperous business and the promenade of fashion, the fairest portions of the city, abandoned by our citizens and occupied by these Chinese. Locations once the most desirable are now shunned. And so it is in nearly all the principal cities on the coast. Again, it is said they are inoffensive and law-abiding. In a sense, this may be true. They are seldom open, boisterous, or turbulent in the violation of law. But, almost without an exception, they will steal, commit perjury and other crimes of the most heinous nature, in which they hope to escape detection; and their general untruthfulness and unreliability have passed into a proverb. They even have their own courts and officers, by whom their despotic laws and customs are administered and enforced in our midst and in disregard of ours. They cherish no sympathy with our Government and feel no interest in our welfare. Call you this immigration? Do our Constitution, laws, and traditions demand that we shall continue to nurture and encourage it?

Must we, in order to be true patriots and philanthropists, keep open our ports to these marauding invaders? Must we, in order to show that we believe in the universal brotherhood of man and fatherhood of God, and in order to have it understood that our country is the land of the free and the home of the oppressed, permit them to maintain in the midst of our populous cities their loathsome dens reeking with lust, crime, and pestilence, spreading disease, debasing the morals of our youth, and driving our home laborers out of employment? Sir, I cannot subscribe to the doctrine. Believing it to be our duty to maintain and perpetuate our free institutions and the moral character of our people on which they depend, I hold, sir, that it is both our right and duty to prohibit the coming among us of any class of persons in any way inimical or antagonistic to them, even though those persons were willing to sever all allegiance to the land of their birth. Unquestionably we have that right and power when those persons cannot and will not renounce that allegiance. Most other foreigners coming among us bring their families and property with them, cast their lot with us, conform to our habits and customs, establish homes and rear and educate their children, become citizens, and help on the general prosperity of the country. They become attached to the principles of our Government, and are ever ready to go forth in its defense. But not so with these Chinese. Time and association have no influence on them. They remain the same and unchangeable forever.

But we are told that the remedy is in our own hands; that if we would not employ them they would cease to come. No doubt of that. The capitalist who employs this sort of labor because he can get it more cheaply, and thus sends the amount of the wages paid therefor out of our circulation into a foreign land, is a very shortsighted political economist, and does himself as well as his laboring countrymen great injustice. So also is the man who buys foreign-made merchandise in preference to the domestic article on the same principle, and he also does himself and his laboring countrymen a gross injustice. But, without legislative restrictions and discriminations protective of our home industries and labor, these things will go on, and the interests of American labor will continue to suffer. Now, sir, it seems to me that if Congress should interfere in the latter case, it should also in the former. Precisely the same principle is involved in the one case as in the other. I can see no reason to justify legislative protection to our laboring classes against competition with "the pauper labor of Europe" that does not call as loudly, yea, more loudly, for the like protection against competition with the servile labor of Asia. I cannot see how the advocates of protection or the friends of American republicanism can consistently vote against this measure.

But again, sir, it is said it will give offense to the Chinese Government and bring about a severance of our present favorable commercial relations with that nation, and result in the loss of our valuable Chinese trade. I do not believe it, Mr. Speaker, but if it does, so let it be. We cannot afford to barter away the blessings of American liberty and the dignity and glory of American free labor for any such paltry and sordid consideration.

In the hope of reaching an early vote and a triumphant passage of he bill, I now yield the floor.

Chinese Immigration.

SPEECH

OF

HON. J. HYATT SMITH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. SMITH, of New York, said:

Mr. SPEAKER: I honor the boldness of the gentlemen on this floor who have so earnestly and eloquently opposed the provisions of this bill. With especial pleasure I listened to the honorable gentleman from Massachusetts, [Mr. RICE,] who nobly sustained the reputation of that grand old State as the mother of statesmen and orators. His tribute to the memory of my life-long friend, the late Anson Burlingame, had in it the ring of the eloquence of "the silver-tongued orator" whom he so justly eulogized. Captivated by his eloquence rather than his logic, I confess that for the moment he made "the worse appear the better reason." With the sharp sarcasm of a Randolph he ridiculed the (to him) needless alarm of the nation in view of the influx of a few Chinese immigrants—not more than ten thousand a year—among the hundreds of thousands poured upon our shores each year from all parts of the globe. Sir, that is true. Hundreds of thousands come to us annually from all lands. We welcome the Englishman, Irishman, German, Frenchman, and every other man coming here to make this land his home, and we open wide our doors as a refuge to the persecuted Jew. From the son of Abraham to the votary of Saint Patrick any man and every man has a brother's welcome who will cast in his lot with us and be an American citizen.

Mr. Speaker, it is the glory of our Republic that we receive all men from everywhere who are ready and willing to identify themselves with us and become part and parcel of our Republic. But I say with emphasis that no man, from any land, has a right to share our liberties, enjoy our protection, and get his bread from our soil who will not or cannot become a naturalized citizen. Whatever may be his love and veneration for the land of his fathers, if he will be with us he must be one of us. Self-preservation is as much the law of nations as individuals. We must not, we cannot receive into our body-politic an element utterly foreign to the principles and vital life of our Republic. The reception of one such man is the inoculation of a virus poisonous to the health of our institutions.

Sir, there is no parallel between the Chinese and any other people seeking place and privilege in our nation. All others come to identify themselves with us. "As well refuse the Irishman, and the German, and drive out the negro, as to turn away the Chinese," say the enemies of this bill. The Irish and the German share the burdens and discharge the duties of American citizens. Nay, more; in the day of our supreme national peril none were swifter to respond to the drum-beat and bugle-call of the Union than the Irish and German citizens. They poured out their blood as an oblation upon the altar of their adopted country, and their graves are their monuments upon every battle-field. The despised negro, down-trodden by the iron heel of oppression, heeded the call, and bared his black breast to the tempest of battle. These men, with the Englishman, and the Frenchman, marched abreast to the martial music of the Union.

Again, Mr. Speaker, all others, save the Chinese, coming to dwell with us acknowledge the reign of the God of nations whose divine statutes are the foundation and only surety of the permanence of our Republic. They build their temples to His worship. With the exception of the Jew—himself adoring that God who gave into the hand of his nation the code of law to all peoples, and all time, on the awful summits of Sinai—they lay their offering of holy sacrifice, whatever their creed, at the sacred foot of the cross of our common Lord and Saviour Jesus Christ. But these heathen Chinese worship an unknown god. Sir, as a Christian citizen, I protest against the desecration of this Christian land by the erection of any building dedicated to the profane orgies of heathenism, or the toleration of a people with no faith or interest in common with our Republic, and ignorant of even the name of the living God. As a citizen I speak, with no creed but my country, and no religion but the Republic.

Finally, sir, I declare that these barbarians are unfit to divide the toils and share the rewards of honest industry with the free laborers of our land. It is an insult to labor, and only that capitalists may procure service and gather gains at a cheaper rate. God has ever honored labor. In his first appearance to man he worked six days out of the seven. And in his second appearance he wrought at the carpenter's trade in Judea. That was the twofold coronation of labor. That turned the sweat-drops upon the bronzed brow of industry into a jeweled crown, placed upon the forehead of the laboring-man by the hand of a laboring God. Yes, and God is jealous of His honor, nor may you insult Him and His with impunity. Slavery insulted labor and God destroyed slavery. Criminal labor to-day, in our prisons over the land, robs honest industry of the hard-earned

fruits of toil and the contractors incur and deserve the wrath of offended Deity.

This Chinaman is a heathen slave whose labor is farmed out at a price. It must not be. Let free labor accomplish a freeman's work and have a freeman's reward. In the name of all honest citizens, toiling in the shop or field, I protest against this insult to the laboring classes all over the land.

Sir, let us in this Congress complete the good-begun work. We have passed a bill which, if carried out, will girdle the deadly upas tree of polygamy and leave it blackened and blasted as by the lightning of heaven, to stand its own contemptible monument and memorial. I left a sick bed to come to the Capitol that I might add the feeble force of my arm to that blow. Sir, let us complete the work of national purification this day, by passing without amendment a bill which shall effectually and forever rebuke the grasping greed of the capitalist, who, for the aggrandizement of wealth, would degrade the free laboring-man to the level of a slave; and the enactment of which shall hold over all the millions of the honest sons and daughters of toil the broad shield of a free republic. My voice and vote are for this bill.

Polygamy.

SPEECH

OF

HON. JORDAN E. CRAVENS,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 14, 1882,

On the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

Mr. CRAVENS said:

Mr. SPEAKER: Polygamy cannot be properly treated in any other light than as a crime. It is a crime under the law, strongly condemned by the civilization of the age. We cannot, obeying the mandates of the Constitution, punish it as the crime of a church, an organized body or association of people, but must treat it as a crime only by the parties engaged in it, each being entitled to separate accusation, hearing, and trial. From the first to the sixth sections of this bill, inclusive, no sort of mention is made of any particular class of supposed violators of the law. These sections propose amendatory and healthy legislation looking to the certain punishment of violators of the law in localities where the jurisdiction of the courts of the United States is exclusive. No sort of objection can be offered to the general purpose of these sections by those who desire the certain and faithful execution of the law against the high crimes for which punishment is therein provided. It is an unfortunate thing for this country that further legislation is deemed important by any one. But it is a fact of which neither the people nor the National Legislature can profess ignorance, that in Utah more than in any other locality polygamy or bigamy abounds, and with the sanction of what is called or known as the Mormon Church.

Plural marriages being tolerated by the ordinances and rites of that church many have been entered into, a large number of which were before the passage of the act of July 1, 1862, which this act proposes to amend; and for that and perhaps other reasons, the seventh section proposes to legitimize the issue of such pretended marriages. The provisions of this section, as well as those of the sixth section, authorizing the President to grant amnesty to offenders guilty of bigamy or polygamy, are exceedingly liberal, and considering the increased facilities elsewhere provided for securing convictions, may have the effect to induce many of these deluded people to embrace the Government's liberality and abandon their life of crime against society and the plainly written laws of the land. Thus far this bill seems to be all right, except perhaps the third section. It is as follows:

SEC. 3. That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than $300, or by imprisonment for not more than six months, or by both of said punishments, in the discretion of the court.

That section is certainly open to Mormon criticism. It will be insisted by them that the Gentiles, as all other church people are called, are not actuated by sound morals, and that this section permits cohabitation with one woman without pretending to enter into the bonds of matrimony, and only makes penal the act of living with more than one woman in that relation. Unless the law already provides punishment for such cohabitation with one woman, and is in nowise affected by this section, it is manifestly open to such criticism. Be that as it may, the masses of the Mormon people will regard this section as especially aimed at them, and as exempting the equally guilty Gentiles, as they call other people, who thus live with one woman only. I have not had the time to ascertain the state of the law in this respect in the Territories and the District of Columbia, and to study the effect of this section upon it; but it does seem to me that the frame of this section might be improved and made to embrace unmistakably all offenses against society of that kind. It is absolutely certain that leaving this section as it now stands places in the hands of those who desire it a powerful instrumentality to inflame the public mind in Utah.

If I understand the temper and disposition of the Congress of the United States, it is not so much to wreak vengeance upon the Mormon people for their past offenses as to lead them out of their way of ill and blot out the stain brought upon this great country by their evil and lawless practices.

To do this, they should have no just or seemingly just cause of complaint against us, as violating any common principle of right or sacred guarantee of the Constitution. We all stand here ready to take any action which may be rightfully taken to stamp out the great iniquity of polygamy in Utah, as well as in all the territory of the United States for which we may appropriately legislate. Legislation that will secure the certain conviction of the guilty parties, regularly and in order, ought to be sufficient. We, before this great evil, cannot hesitate to bring the full constitutional power of Congress to bear upon all persons wantonly violating the provisions of our enactments against it. The eighth section of this bill proposes heroic treatment of the subject, not in the way of bodily punishment for criminals after conviction in due course of law, by the courts of the country, but by inflicting pains and penalties upon suspected persons before such conviction.

If polygamy or bigamy is a high crime, and of this there can be no doubt, I hold that our fundamental law secures to persons accused the right of trial by jury, and that only after conviction by that mode of trial can any kind of punishment be inflicted. True, we may in the exercise of the power conferred upon us by the Constitution disfranchise the entire people of Utah and provide for filling all the offices by appointment, but when the law now in force permits certain classes of people to both vote and hold office, can we single out from those classes persons suspected of crime, revoke their privileges, and dispossess them of their offices to which they were lawfully elected? Is not this bill, so providing, a bill of attainder, expressly prohibited by the Constitution?

The point I desire to make clear is that the Government of the United States may fill all the offices in the Territory by appointment, no one being allowed a vote; or that it, as the States invariably do, may prescribe by direct legislation the qualifications of voters and persons entitled to hold office, or allow the Territorial Legislature so to do; but that when persons are lawfully elected to and installed into office, they cannot be deprived of their property right therein as a punishment for crime without first being duly convicted. I venture to say that in every State in the Union persons possessing the qualifications of voters generally, although indicted for bigamy and under recognizance, are entitled and permitted to vote. It is contrary to the great protective principles which we boast give security to the citizen in his person, property, good name, and fame, to visit any sort of penalty or punishment upon persons accused of crime before conviction had in due course of law.

It is not assumed, I again repeat, that a State may not or that the United States may not change or alter the qualifications of voters within territory over which their jurisdiction to fix them extends, as to do so would be absurd. But in doing so regard must be had to the right of every citizen to be accused, heard, tried, and convicted of crime before condemnation. A State statute running thus would be a novelty: "No murderer or thief shall be entitled to vote." Under it an inferior election officer would necessarily have to try every person challenged as a murderer or thief. Would not the common voice proclaim aloud such procedure a farce? Just such a farce the eighth section of this bill, if it becomes a law, will inaugurate in Utah. Every voter challenged will be tried by "proper persons" appointed by a returning board of five persons upon whom no restraints are placed whatever, and, of course, they will place none upon these "proper persons." All the States, it is presumed, disqualify persons convicted of high crimes; but in that case the election officers do not have to pass upon the question of guilt or innocence, but are required to simply ascertain a fact, that is, to say that they have been found guilty by a court of competent jurisdiction.

The character and reputation of the citizen should not be lightly dealt with and placed in the hands of an irresponsible and perhaps prejudiced, inferior election officer. It is manifestly intended that under this bill not only the election offices in Utah will be vacated as expressly provided by the ninth and last section, but that many will be vacated under the provisions of the eighth section. If not, why two years in advance of a general election appoint a board of five persons at a salary of $3,000 each? Immediate work is to be done, and how it is to be done we are left to imagine, as no rule or method is provided. My imagination leads me to believe that under the eighth and ninth sections of this act robbery will be inaugurated and consummated in Utah, and outrages be perpetrated upon the freedom of the ballot such as to bring the blush of shame to the face of every true American. One-half the American people to-day have an abiding conviction that through the instrumentality of returning boards claiming unlimited power, such as is given by this bill to the board thereunder created, the chief executive office of this nation

was recently usurped for a period of four years, while a great portion of the remaining half have dark suspicions that such was really the case.

Believing as I do that no greater crime can be perpetrated than to defraud a citizen of his franchise, I shall never vote for so loose a bill as this, conferring as it does the undoubted power to so defraud. I shall always stand by my convictions when the freedom of elections is involved, no matter what the outcry may be against any people, and always and invariably stand firm against invasions of the right of trial by jury, no matter what pretext may be offered for violating that right in great or small degree.

Mr. Speaker, in the Forty-fifth Congress a bill was introduced by Mr. Luttrell, of California, to regulate elections and the elective franchise in Utah, and referred to the Committee on Territories, the first section whereof reads as follows:

Be it enacted, &c., That from and after the passage of this act every male citizen of the United States of the age of twenty-one years and upward who shall have resided in the Territory of Utah for six months next preceding any election, and ten days in the ward, township, or other election precinct in which such person shall offer to vote, and no other person whatever, shall be entitled to exercise the elective franchise in the said Territory: *Provided, however*, That no idiot, insane person, or person under sentence for any felony, or in prison under conviction for any crime, nor any person who is a bigamist or polygamist, if he entered into the relation or commenced the practice of living and cohabiting contemporaneously with more than one woman, recognizing or claiming them as his wives, since the passage of the act of Congress entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of Utah Territory," approved July 1, 1862, and has not ceased thus to live and cohabit, shall be allowed to vote at any election; and none but qualified voters shall be elected to or hold any civil office in said Territory; and that the act of the Territorial Legislature of said Territory entitled "An act conferring upon women the elective franchise," approved February 12, 1870, and all other acts or parts of acts of said Territorial Legislature, so far as the same may have established, or attempted to establish, any other or different qualification of electors in said Territory, or any part thereof, from those in this section above provided, are hereby disapproved, annulled, and repealed.

The bill was duly considered by the committee, and by its direction I submitted a report thereon, which was printed and recommitted to the committee. The report is as follows:

The Committee on the Territories has duly considered the bill (H. R. No. 2078) to regulate elections and the elective franchise in the Territory of Utah, referred to it, and recommends the following amendments thereto:

First. Strike out from the first section all the words between the word "crime," in the twelfth line, and the word "shall," in the twenty-first line, and all after the word "Territory," in the twenty-third line of said section.

Second. Strike out the twenty-second, twenty-third, and twenty-fourth lines of section 15.

With the amendments above suggested, the passage of the bill is recommended.

Your committee deems it proper to state a few of the considerations which have led it to recommend the passage of this bill. Because of the peculiar practices of the people of that Territory, the Congress of the United States, by act dated July 1, 1862, provided for the punishment of the crime of bigamy in the Territories of the United States, which act still remains in force. While this act in terms is applicable to all the Territories, yet in point of fact it is well known that the object or purpose of the act was to suppress polygamy in Utah. That it has failed in its purpose is equally well known, the practice of polygamy having received no check from it, and this because of the indisposition of the Mormon juries to enforce the law. The failure of the Mormon population to obey and enforce this by no means unusual statute, but a statute common to all civilized and Christian countries, they attempt to justify by claiming that polygamy is part and parcel of their religious faith, and so being, that the statute aforesaid, so far as it relates to them, is in contravention of the first amendment to the Constitution, and therefore null and void. If void as to any one person in the Territories of the United States, it must certainly be void as to every other person. A statute applicable to all persons in terms, but enforced and valid only as to the less guilty few, would be an anomaly.

That the irreligious in the States and Territories of the Union, who violate this and similar statutes, should be compelled to suffer the disgrace and punishment of dungeon darkness, while the religionists, so called, of Utah, with the protective shield of the Constitution thrown around them, can openly violate it with impunity, is a view or doctrine too monstrous to be seriously considered.

Bigamy had a well defined position in the catalogue of crimes when provision was made by our Constitution for the trial of all crimes. (Section 2, article 3.) The audacity and publicity of the violation of this statute, singularly enough, has had the effect to lessen the enormity of the crime in the minds of many, while in the judgment of your committee its public condemnation ought to be strengthened thereby.

While your committee is thus decided in its views upon the subject of polygamy, it cannot consent to visit punishment or impose disabilities upon those accused of the practice until their guilt shall be determined by the Constitutional mode, a trial by jury, for which reason the first amendment to this bill is suggested. The second amendment is suggested because a discrimination between the courts of competent jurisdiction is made by the original section. This bill, with the amendments suggested, if enacted into a law, without any discrimination against any class or character of citizens, except females, will furnish the means of a fair and free election. The Territorial law, as it now stands, authorizes female suffrage, and discriminates largely in their favor. Males are required to be native-born or naturalized citizens and tax-payers, while a multiplicity of alien-born wives may vote without being naturalized or tax-payers. Our law does not recognize more than one woman as a naturalized citizen by reason of the naturalization of any one man, and cannot recognize more than one alien woman as a naturalized citizen by reason of being the wife of a native-born citizen.

The following is the oath required of voters:

"TERRITORY OF UTAH, *County* ——, *ss:*

"I, —— ——, being first duly sworn, depose and say that I am over twenty-one years of age, and have resided in the Territory of Utah for six months, and in the precinct of —— one month next preceding the date hereof, and (if a male) am a (native-born or naturalized, as the case may be) citizen of the United States, and a tax-payer in this Territory; (or if a female) I am native-born or naturalized, or the wife, widow, or daughter (as the case may be) of a native-born or naturalized citizen of the United States."

The manifest purpose and object of this law is to authorize plural wives to vote, without reference to their native or foreign birth, by means of a registration made by Mormon officials. A registration law in a new country is cumbersome and useless; besides, there are many objections to the details of the law, chief among which is the provision that the assessor shall visit every dwelling in each precinct, &c. In a new country, when many are tented in the wilderness or desert, and new settlements are constantly being made, it will be found impossible to register the voters in that way, and under such a system it would be very convenient for the assessor not to know and not be able to find persons opposed to him in politics for registration. It is the opinion of your committee that it is the duty of Congress not to allow women, many of them alien-born and who cannot speak the English language, in contravention of the general rule prevailing in the States, to vote at public elections in Utah, and by their votes to foster the practice of polygamy, in which they themselves are engaged, in open violation of a statute of the United States.

The words proposed to be stricken out by the first amendment were the following, between the words "crime" and "shall:"

Nor any person who is a bigamist or polygamist, if he entered into the relation or commenced the practice of living and cohabiting contemporaneously with more than one woman, recognizing or claiming them as his wives, since the passage of the act of Congress entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of Utah Territory," approved July 1, 1862, and has not ceased thus to live and cohabit.

It will be observed that that bill did not embrace bigamists or polygamists who entered into the relation prior to the passage of the act of July 1, 1862. Although not so far-reaching as the present bill, the committee, as well as my recollection now serves me, unanimously concurred in the amendment to strike out, and for the reason stated in the report. There is no changed condition of things in Utah now, from then, so far as I am advised. That bill was lengthy and carefully prepared, and as amended it was then thought, and I still think, if enacted into law, would in a great degree prevent church domination in elections in Utah. It takes from women the franchise, which this bill does not, and in that respect it still meets with the approval of my judgment.

I believe, sir, that with appropriate amendments to the third section of this bill, and the substitution of that entire bill as amended for the eighth and ninth sections, we would have a measure before us to which all could give cheerful support, and from which, if enacted into law, good results could be reasonably expected. From the bill as now framed nothing good can come, and unless altered I feel impelled to vote against it.

Chinese Immigration.

SPEECH

OF

HON. EDWIN WILLITS,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. WILLITS said:

Mr. SPEAKER: I voted for the bill restricting Chinese immigration which passed Congress but was vetoed by the President during the Forty-fifth Congress. I gave that vote with great hesitation, as it conflicted with opinions I previously held, and which I had advocated. Mature reflection has confirmed me in the opinion that wise statemanship calls for legislation qualifying the admission of the Chinese to our shores. Therefore I favor the fundamental principle of the pending measure. Some of its features I do not like and I shall vote to modify them.

My chief reason for supporting such a measure is, that I believe it is in the interest of American labor. Labor is a disgrace to no man; it should be honored everywhere. In America it is not only honored but it is dignified. It has no caste; in it are great possibilities, and by it the humblest in the land may raise himself to fortune and to fame; or he may lay the foundations of a household whose achievements may be lined in the annals of our country. The American laborer, no less than the millionaire, nay, more than he, lives not for himself alone, but for and in his family. He works not for sustenance alone, but for the comfort, competence, and education of his family; and he has a right to ask that he shall have for his toil, which may be his only capital, sufficient income to meet these demands. He has the right, further, to demand that he shall be protected from a policy that shall impair his status as an intelligent, self-reliant constituent of our body-politic. He has the right to protest against a labor that has a lower standard—has no hope of elevation, no aspiration beyond the bare necessities of life.

American labor has never objected to the immigration of European labor, for the reason that it is the same in all its essential characteristics with our own. The Frenchman, the German, the Irishman, the Swede, or the Norwegian comes to our shores with his family and his household gods for the purpose of bettering his condition and to build the fortunes of his little ones. He comes to be one with us, to make him a home. His purposes are the same, his necessities are of the like character, and the result is that he easily, so far as this point is concerned, assimilates to the condition of American labor, assumes its responsibilities, and makes a competition from numbers only, and not of another kind. He seeks a comfortable home for his wife and is willing to pay for it; he desires education for his children and is willing to pay for it; he wants the minor luxuries of a refined soci-

ety and he is willing to pay for them—all out of his labor; hence he too demands and has a right to demand such wages for his toil as shall confer these blessings upon him and his household. This labor is in kind the same as our own, and we have always welcomed it. It comes here to stay, to build and to leave as part of the country's resources the accumulation of its years of toil. The country is richer for it, and its institutions, its schools, its churches, its national life are not impaired by it.

But how is it with Chinese labor? We have had it here for nearly thirty years, and we ought by this time to see and know whether it fills the standard we have given to American labor, and which standard is to be maintained if we expect to perpetuate a republic of citizens with ballots in their hands as well as picks or plows. In almost every respect it has fallen short of the requirement. As a rule, the Chinaman does not come to stay. He brings no family. He has no home, in the American sense. He forms no more a constituent element in our body-politic than the beast of burden. He has few of those wants that all concede are legitimate in the American laborer. His expenses are correspondingly light. And in the end his accumulations, with his bones, are transferred to his native land, whose celestial shores have ever been blessed in his eyes. The country is no richer for him. He has done nothing to build up society, or education, or culture, or true national life. But he can work cheap! And why not? His life is single, his wants physical, his expenses trifling, and he can beyond all doubt compete with American labor, that has to incur the expense of citizenship and family and refined life. Before that kind of labor our American labor must go down. It must either withdraw from the field or come down to its low standard of duties and wants and aspirations. Neither of these can we permit. Wise statesmanship demands that we interpose, by legislation if necessary, and save American labor not from competition but such competition, not from immigration but from invasion, not from men who seek an asylum here from despotism or persecution but from men whose highest hopes are to return to their native land; not from men who leave a generation behind them as American as we are but who leave no generation at all.

Our late President Garfield stated the differences so tersely in his letter of acceptance that I cannot better close the few remarks I have to make on the main features of this bill than by quoting them, as follows:

The material interests of this country, the traditions of its settlement, and the sentiment of our people have led the Government to offer the widest hospitality to emigrants who seek our shores for new and happier homes, willing to share the burdens as well as the benefits of our society, and intending that their posterity shall become an undistinguishable part of our population. The recent movement of the Chinese to our Pacific coast partakes but little of the qualities of such an immigration, either in its purposes or result. It is too much like an importation to be welcomed without restriction; too much like an invasion to be looked upon without solicitude. We cannot consent to allow any form of servile labor to be introduced among us under the guise of immigration.

Polygamy.

SPEECH
OF
HON. ABRAM S. HEWITT,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,
Tuesday, March 14, 1882,

On the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

Mr. HEWITT, of New York, said:

Mr. SPEAKER: Polygamy can have no defenders in this House. We all agree that it is a blot on our civilization which should be wiped out. But in wiping it out we must be careful not to destroy the foundation of our political system. The bill pending before the House in the eighth section contains a provision to which no friend of civil liberty can give assent. It punishes before trial and without conviction. It deprives citizens of the right of suffrage upon suspicion, and not upon proof and judgment of any other tribunal than the will of the inspector at the polls. Polygamy can be stamped out without resorting to a remedy which if generally applied would vitiate our whole political system and convert our elections into a mockery of justice. No consideration of expediency, no amount of clamor from persons, however worthy, who are ignorant of the fundamental conditions by which civil liberty exists, will ever induce me to give assent to a remedy which, worse than the disease, is based upon a doctrine so radically wrong that its admission into our code of political ethics would be fatal to free government elsewhere than in Utah. Hence I have voted to strike out the eighth and ninth sections of the bill; but as this amendment has failed, I am constrained to vote against the bill, not because I detest polygamy less, but because I love constitutional government more than those Representatives who support this measure.

Chinese Immigration.

SPEECH
OF
HON. STANTON J. PEELLE,
OF INDIANA,
IN THE HOUSE OF REPRESENTATIVES,
Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. PEELLE said:

Mr. SPEAKER: A grave question and an unsolved problem confront us. A nation whose civilization has been touched with the finger of God is now asked to establish a precedent concerning its future relation with a heathen nation. What shall that precedent be? What will be its effect? The first we can determine by our action, the second can only be determined by the action of the Chinese Government and the lapse of time. For commercial reasons other nations will not feel interested in trying to preserve our hitherto friendly relations with China.

For three-quarters of a century we have sent our missionaries there to instruct them in their duty to God. In discussing this bill, therefore, it is well to keep in mind that friendly and missionary relation which has existed between the two countries.

Let us now glance at the treaty relations which have existed for nearly half a century between this country and China.

In 1844 the United States and the Chinese Empire entered into a treaty of peace, amity, and commerce, the first article of which is as follows:

There shall be a perfect, permanent, and universal peace, and a sincere and cordial amity between the United States of America on the one part, and the Ta Tsing Empire on the other part, and between their people respectively, without exception of persons or places.

In 1858 another treaty was entered into reaffirming the principles of peace and amity, and providing in a more clear and positive manner the rules which should be observed in the intercourse between the two countries. In the twenty-ninth article of this treaty "the principles of religion as professed by the Protestant and Roman Catholic Churches are recognized as teaching men to do good and to do to others as they would have others do to them."

Here the golden rule, that rule which the Saviour said on the mount was the "law and the prophets," is recognized by the Chinese Government as an evidence of their willingness to protect our missionaries in that country in their efforts to convert the Chinese mind to our system of religion; not that they were unfamiliar with that rule, but that here they recognized it as one of the principal teachings and practices of the Christian religion. To this treaty was soon added a supplemental treaty consequent upon changes in the tariff duties and also one for the amicable adjustment of claims, all of which have been faithfully kept.

The lessons learned during the war of the rebellion, and the necessities which were apparent at its close for building up our trade suggested additional treaty stipulations, so that in 1868 the treaty known as the "Burlingame treaty" was entered into not to abrogate the former treaties but to add to them, and the fifth article of that treaty is as follows:

The United States of America and the Emperor of China cordialy recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other, for purposes of curiosity, of trade, or as permanent residents. The high contracting parties, therefore, join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent respectively.

The inherent and inalienable right of man to change his home and allegiance is here recognized by the Chinese Empire, as it ever had been by the United States; yet the theory of our Government has been that none but the white races were subjects of naturalization, and in the sixth article of the "Burlingame treaty" it is expressly provided that nothing therein "contained shall be held to confer naturalization upon citizens of the United States in China nor upon subjects of China in the United States." It will also be seen by this article that the right to go and come, either for the purposes of travel or residence, should be enjoyed by such citizens or subjects the same as are enjoyed by the citizens or subjects of the most favored nation.

Within less than five years after this treaty had been promulgated our country experienced two extraordinary epochs, one an unparalleled period of prosperity, during which all classes were seemingly blessed with plenty, and when speculation wild and extravagant was the rule.

In 1873 the balance of trade on merchandise alone with China was, in round numbers, $24,000,000 against us, to say nothing about our trade with other nations. Notwithstanding this nearly thirty thousand miles of railroad, or nearly one-third of all the railroads we now

have in this country, were built during that five years, thereby increasing the demand for labor, and necessarily encouraging foreign laborers to our shore. This demand was further increased by extensive public and private buildings in almost every part of our country, so much so that our municipal indebtedness was more than doubled, while increased individual indebtedness was the ruinous rule. During this same year (1873) that prosperity which we dreamed would be perpetual was arrested and the second epoch came, a crisis not unknown in this country, but hitherto unheeded.

This most unfortunate financial embarrassment closed the machine-shops, the factories, the mines, and the workshops, and suspended the building of railroads and other contemplated improvements, thereby throwing hundreds of thousands of laborers out of employment, and at the same time lessening the demand for labor, but during this time the Chinaman continued to come where prior to that time he supposed he was wanted, and I think I am not mistaken when I say he was wanted. Having in this way gained admittance to the door of labor in this country, he was not willing to yield his invited field and return to his native land. The consequence was that the people of the Pacific States, with an otherwise increased population, grew restless and demanded that the further coming of Chinese laborers should be suspended or restricted. This agitation, aggravated by the hard times and the further influx of white laborers, continued until Congress sought to grant relief by the enactment of a law, but being in violation of the treaty, as it was, the President vetoed the bill, which action, coupled with increased agitation, led to the treaty of 1880, that treaty which it is claimed furnishes the basis for this bill, and I think I am not mistaken when I say that this last treaty was made with reference to restrictive legislation. For greater precaution I quote that treaty:

Whereas in the eighth year of Hsien Feng, anno Domini 1858, a treaty of peace and friendship was concluded between the United States of America and China, and to which were added, in the seventh year of Tung Chih, anno Domini 1868, certain supplementary articles to the advantage of both parties, which supplementary articles were to be perpetually observed and obeyed; and

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States, and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing treaties which shall not be in direct contravention of their spirit:

Now, therefore, the President of the United States of America has appointed James B. Angell of Michigan, John F. Swift of California, and William Henry Trescot of South Carolina, as his commissioners plenipotentiary; and his imperial majesty the Emperor of China has appointed Pao Chün, a member of his imperial majesty's privy council, and superintendent of the board of civil office; and Li Hungtsao, a member of his imperial majesty's privy council, as his commissioners plenipotentiary; and the said commissioners plenipotentiary, having conjointly examined their full powers, and having discussed the points of possible modification in existing treaties, have agreed upon the following articles in modification:

ARTICLE I.

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

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith such measures will be communicated to the Government of China. If the measures as enacted are found to work hardships upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

In faith whereof the respective plenipotentiaries have signed and sealed the foregoing at Peking, in English and Chinese, being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from date of its execution.

Done at Peking, this 17th day of November, in the year of our Lord 1880. Kuanghsü, sixth year, tenth moon, fifteenth day.

JAMES B. ANGELL. [SEAL.]
JOHN F. SWIFT. [SEAL.]
WM. HENRY TRESCOT. [SEAL.]
PAO CHÜN. [SEAL.]
LI HUNGTSAO. [SEAL.]

Now, it will be observed that the preamble sets forth that said treaty is desired upon the part of the Government of the United States "because of the constantly increasing immigration of Chinese laborers to the territories of the United States and the embarrassments consequent upon such immigration," and that in consequence of such alleged existing facts "desires to negotiate a modification of the existing treaties which shall not be in direct contravention of their spirit." Here is expressed by the United States the cause and the purpose of that treaty. In short, this is the title to the treaty, and the purposes as therein expressed should not be violated by the government that declared it.

The first article of this treaty furnishes much food for reflection and serious consideration. It has ever been the boast of our country that our plighted faith should be sacredly kept, and when in the opinion of some of the leading statesmen of this country (you will pardon this seeming digression) our 5-20 bonds could be paid in Treasury notes, the Republican party, if not the best men in all parties, contended that the United States by the terms of its contract was pledged to the payment of that sacred debt in coin, and that good faith required that the spirit of that contract should be kept, and so it was, and the consequence is that to-day the balance of trade is largely in our favor, while our currency as an item of commercial convenience is worth more than its redeemer.

The bonds of the nation, wisely protected as they were by the hope and faith of the past, have been funded by common consent into 3½ percents, with a bill now pending in this House from the Senate to fund at 3 per cent. Such is the marvel consequent upon our fidelity to the spirit of our contract. Now, remembering this, let us see what the material points are in the first article of our last treaty:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States or their residence therein affects or threatens to affect the interest of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence.

Is not this a high moral trust committed to our charge, and that, too, by a confiding nation for whose religious welfare we have sent men and women in obedience to the command of Him who is "no respecter of persons," "Go ye into all the world and preach the Gospel to every creature?" When should this opinion be expressed? Certainly not until, in the language of the treaty, our interests are affected or threatened to be affected by the coming or residence of Chinese laborers. Has that time arrived? Will we, the representatives of the foremost nation in the world, subjecting as it has brute force to intelligent and Christain civilization, the genius of whose people has lightened the burdens of the world and utilized as it were the flashes of Heaven for our convenience, now assume the responsibility of saying and giving it out to the world as the opinion of this nation that because of the presence of less than 150,000 Chinamen in our country our interests are affected by their residence or threatened to be affected by their further coming?

I am aware of the fact that about two-thirds of all those now here are centered in a single State, and mostly in one city, and that we should not be deaf to their complaints nor lightly consider their reasonable demands for restrictive legislation. The people of this nation have no superiors, and by their superiority and civilization are, in my humble opinion, able to better and make purer every race that may come to our shores. I cannot believe that by contact with our people the Chinese will not improve and eventually take on our civilization; that civilization which my reading leads me to believe is an essential precursor to the Christianization of prosaic China. But let us look further at this article of the treaty. In its language we "may not absolutely prohibit it." The Chinese Government reposed such confidence in the people of the United Stated that it was willing to and did leave it to the United States to say what that regulation, limitation, or suspension should be, only that it should not absolutely prohibit.

I grant you that under the treaty large latitude is left to our discretion, but it was so left by a nation who recognized the rule "Do unto others as you would have others do unto you," and it is therefore important to the future welfare of this country, not only in our intercourse with China, but possibly with other nations whose laboring classes may seek to find homes and employment within our territory, that we should consider well the precedent we are about to establish. We cannot afford to violate that peace and amity which was declared in the first treaty, and which has ever characterized the two nations. But let us look at that article of the treaty still further and what do we find?

The limitation or suspension shall be reasonable, and shall only apply to Chinese who may go to the United States as laborers, other classes not being included in the limitations.

Thereby conforming to the purpose of the treaty as expressed in the preamble.

Here we find that in addition to the prohibitory clause it is expressly stated that such limitation and suspension shall apply only to Chinese laborers. While I admit that it is within the power of Congress to construe that term, I insist that it is an obligation to be as sacredly kept and exercised as the keeping of the prohibitory clause, and exercised, if at all, only in the light of international amity and good faith, otherwise we may justly subject ourselves to the charge of infidelity and bad faith, and thereby lessen our national

honor in the eyes of the civilized world. But let us look at that first article of the treaty still further:

Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

By this latter clause of the article we find that we are restricted to such legislation only as will be necessary to enforce whatever regulation or suspension we may adopt, again leaving it to our discretion to say what legislation, if any, may be necessary, so that there is imposed upon the nation the highest obligations of national honor. In a word, by the terms of the treaty we may adopt a reasonable limitation or suspension as against Chinese laborers, and then enact such laws only as may be necessary to enforce such limitation or suspension. There are three material questions to be considered:

First. Does the residence or coming of Chinese laborers to this country affect, or threaten to affect, our interests, or endanger the good order of our country, or any locality therein? for without this foundation upon which to stand the questions of reasonable suspension and necessary legislation cannot follow.

Certainly it cannot be claimed that our country as a whole is affected or threatened to be affected by the residence or coming of Chinese laborers; but that a particular locality may be affected by such residence and threatened to be still more affected by their coming I am not at liberty to deny, since the representatives from the Pacific States, irrespective of party or creed, assert in the halls of Congress that such is the case and that their people are almost a unit in demanding restrictive legislation. They are the best witnesses as to the evils, if any, growing out of the residence of Chinese laborers in their midst, for they speak from personal knowledge.

I am inclined, with considerable hesitancy as to the wisdom of this legislation, to yield to a demand for a reasonable suspension, and if the present bill provided for only five or ten years' suspension I would give it my support, though I would very much prefer the proposed amendments offered by the gentleman from Iowa [Mr. KASSON] or even the amendments offered by the gentleman from Massachusetts, [Mr. ROBINSON.]

Second. Accepting the condition of affairs in the Pacific States as detailed by the gentlemen from those States, and the petitions of their respective constituents, together with their urgent demand for some such legislation, the next question is, What would be a reasonable suspension?

We are without precedent, and to arrive at a just conclusion we must be governed by the spirit of the treaty.

The negotiations which preceded this treaty should be consulted in order to arrive at the intention of the Chinese Government as to the words "limitation and suspension."

Speaking on this subject of limitation and suspension, the United States commissioners said they—

would like to have a more definite statement of what such limitation meant and how it was proposed to carry it into effect.

To which the Chinese commissioners replied—

that they had informed the secretary of the commission verbally that there would be difficulty in their accepting the word "prohibition" used in the second article; and assuming that the word "regulate" would cover generally the other words "limit and suspend," they had suggested this limitation in hopes of learning from the United States commissioners what their idea of limitation was, and they would like to hear.

Mr. Trescot replied that the—

United States commissioners were not quite prepared to say, because as the article they had submitted was a distinct proposition they had been led by the language of the memorandum to suppose that the proposition for limitation in time and numbers was a substitute for that article and not a response to it, and that they had therefore expected that the Chinese commissioners would be prepared to explain it in some detail.

The Chinese commissioners said—

they did not intend their proposition to be considered as a substitute for article 2, or in any sense an ultimatum on the part of the Chinese Government. They rather intended it to induce a free discussion of the subject so it should be thoroughly understood.

By limitation in number they meant, for example, that the United States having, as they supposed, a record of the number of immigrants in each year as well as the total number of Chinese now there, that no more should be allowed to go in any one year in future than either the greatest number which had gone in any year in the past, or the least number which had gone in any year in the past, or that the total number should never be allowed to exceed the number now there.

As to limitation in time they meant, for example, that Chinese should be allowed to go in alternate years, or every third year; or, for example, that they should not be allowed to go for two, three, or five years.

Mr. Trescot replied that—

The United States commissioners feared there was some misunderstanding on the part of the Chinese commissioners as to the meaning of article 2. The United States Government did not ask the Chinese Government to regulate, limit, suspend, or prohibit immigration, but to leave that to the discretion and action of the United States Government itself; that under the Burlingame treaty as construed in practice the Chinese had the absolute right in any numbers to come to the United States. This had caused trouble and embarrassment. What the United States Government asked was that the Chinese Government should consent to such a modification of the Burlingame treaty as would enable it, without raising unpleasant questions of treaty construction, to exercise that discretion. The reasons why the United States Government should be allowed to do this rather than to impose the task upon the Government of China are manifest. If undertaken by China it would necessitate complicated regulations. The appointment of special officers at each port to enforce the rules on the part of the local officers would raise questions between the two governments. Besides, as the memorandum of the Chinese commissioners states, they could only apply to the ports of China, while the larger portion of emigrants go from Hong-Kong and Singapore.

It is far easier to prevent them from entering the United States than to prevent their leaving China. If the United States had the right it would most easily find the power to accomplish this result by appropriate legislation. They thought it best for the friendly relations and the interests of both countries that the United States should have the right to limit, suspend, and prohibit, and to enforce such limitation or prohibition by their own laws, in their own ports, without imposing further responsibility upon China.

It will be seen by this conversation that the Chinese commissioners were under the impression that under the treaty it would devolve upon the Chinese Government to decree such restrictive measures, and inasmuch as the larger portion of the Chinese which had come to this country went from Hong-Kong and Singapore, both of which are English ports, they saw the difficulty, so the United States commissioners relieved them of that impression by saying that they thought it best for the United States to enact such laws.

By this negotiation it will be further seen what in the opinion of the Chinese Government would be a reasonable suspension, &c., and needs no comment from me. I now pass to the third material question, and that is, what legislation would be necessary to enforce a suspension of five, ten, or twenty years?

I am inclined to make no objection at this time to the manner in which this bill seeks to exclude Chinese laborers from our shores, but the sections of the bill with reference to the coming of Chinese subjects other than laborers are harsh, unwarranted by our intercourse with China, and ought to be stricken out and left to be regulated by the President after consultation with the Chinese authorities, as indicated in the amendments offered by the gentleman from Iowa, [Mr. KASSON.]

During the negotiation which preceded this treaty—

The Chinese commissioners asked if the United States commissioners could give them any idea of the laws which would be passed to carry such power into execution.

Mr. Trescot replied that this could hardly be done. It would be as difficult to say what would be the special character of any act of Congress as it would be to say what would be the words of an edict of the Emporer of China to execute a treaty power. That two great nations discussing such a subject must always assume that they will both act in good faith and with due consideration for the interests and friendship of each other.

That the United States Government might never deem it necessary to exercise this power. It would depend upon circumstances. If Chinese immigration concentrated in cities where it threatened public order, or if it confined itself to localities where it was an injury to the interests of the American people, the Government of the United States would undoubtedly take steps to prevent such accumulations of Chinese. If, on the contrary, there was no large immigration, or if there were sections of the country where such immigration was clearly beneficial, then the legislation of the United States under this power would be adapted to such circumstances. For example, there might be a demand for Chinese labor in the South and a surplus of such labor in California, and Congress might legislate in accordance with these facts. In general the legislation would be in view of and depend upon the circumstances of the situation at the moment such legislation became necessary.

The Chinese commissioners said this explanation was satisfactory; that they had not intended to ask for a draft of any special act, but for some general idea how the power would be exercised. What had just been said gave them the explanation which they wanted, and they asked that it might be given to them in writing.

Mr. Trescot replied that—

A *précis* of the entire conversation would be given to them. They further remarked that they were satisfied that if any special legislation worked unanticipated hardship, the Government of the United States would listen in the most just and friendly spirit to the representations of the Chinese Government through their minister in Washington.

No comment is necessary to explain or construe the language of that conversation. The Chinese commissioners expressed themselves as satisfied with the explanation given, and did not ask for the draft of any special act, but contented themselves with leaving such legislation to the judgment of this nation, as they were assured—

That if any special legislation worked unanticipated hardship, the Government of the United States would listen in the most just and friendly spirit to the representations of the Chinese Government through their minister in Washington.

Now, as to the character and habits of the Chinese people, I do not understand that the Chinese laborers are to be excluded simply upon the ground of their religion, civilization, or habits, but more largely because as a nation they have more laborers than perhaps the rest of the world and their coming here would materially affect our American laborers.

The language of the bill would seem to justify the conclusion that the Chinese people are to be feared in this country as a criminal, pauper, and diseased class; but I could not support this bill for either of these reasons, as the truth of history, as well as the experience and observation of our own people, refute such charges, not that they are altogether exempt from such charges, but that in proportion to population they are, after all, in those particulars at least, average men.

I could not support this bill on the ground of their alleged indecency and filth, for my information leads me to conclude that that is not sufficient to justify their exclusion, and I am strengthened in this opinion when I am assured as I am that the leading citizens of the Pacific States employ them as their house and kitchen servants. Neither could I support this bill on the ground of the lewd character of the Chinese women; not but that such an accusation may be true, but when we reflect that the Chinese women come to this country without that moral conception of responsibility to God which characterizes a people living in a Christian land, we can well afford to exercise in some degree that charity which our Saviour manifested toward one likewise guilty.

I can support a bill providing for a reasonable suspension upon the ground of protection to American labor as distinguished from pro-

tection to American society; that is, for the protection of American laborers against degradation and want resulting from Chinese cheap or servile labor, rather than for the protection of society in the aggregate against alleged evils pertaining to the Chinese people in our midst; not but what there are evils to society to be guarded against in consequence of their religion, customs, and habits, but I am not willing to admit that our system of morals and religion are such that we need fear the presence of Chinese because of such evils. Such an admission would be tantamount to a denial of the power and influence of the Christian religion to advance and better men's condition; and the progress of this country, as well as that of our missionaries in foreign fields, attest the value of the truths taught in the Bible too well for such an admission. Neither am I willing to admit that there is any danger of the American people taking on Chinese notions of morals or habits because of the presence of any considerable number of them among us. There is less danger of the American people (in fact no danger) affiliating with the Chinese than there is of the Chinese assimilating with the American people, not that there is any comparison, but that we must respect the pride of the Chinese people in their own civilization. Our civilization is too far in advance of theirs and is constantly advancing, while theirs is going backward.

The civilization of China was better four thousand years ago than it is to-day, and her material decline dates from the commencement of the Christian era, which lifted the clouds from a darkened world and made its defects known. The secret of the long life of the Chinese Empire is due more to the fact that her people have been constantly educated in the established customs and traditions of the country, not even allowing the Emperor himself to make innovations without a revolution. The incentive to such an education is because of its prerequisite to office. No wonder, therefore, that the old beaten paths are rapidly wearing out and the Chinese people seeking to make new ones. Speaking of Chinese institutions, Mr. Seward, in his Travels Around the World, says:

Mr. Burlingame's sanguine temperament and charitable disposition led him to form too favorable an opinion of the present condition of China. In his anxiety to secure a more liberal policy on the part of the western nations toward the ancient empire, he gave us to understand, especially in his speeches, that "while China has much to learn from the western nations, she is not without some peculiar institutions which they may advantageously adopt." This is not quite true. Although China is far from being a barbarous state, yet every system and institution there is inferior to its corresponding one in the west. * * * Chinese industry precludes invention; Chinese morals appeal not to conscience but to convenience; Chinese architecture and navigation eschew all improvement; Chinese Government maintains itself by extortion and terror; Chinese religion is materialistic—not even mystic, much less spiritual.

The opinion of Mr. Bayard Taylor concerning their system of government and their civilization was given in part the other day by the gentleman from California, [Mr. BERRY,] and I need not quote his opinion here.

Mr. O. N. Denny, our consul-general at Shanghai, in his report under date of June, 1880, gave the monthly account of a cooly laborer as follows:

Receipts in wages		$4 50
Expenditures for food	$3 00	
Expenditures for lodging	50	
Incidental expenses	50	
		4 00
Net income		50

And then says:

With the class of cheap labor of which I have been speaking this empire can supply the world. Is it strange, then, under such circumstances, that the mind of a necessarily more expensive laborer, with entirely different hopes and aims in life, should become alarmed at the prospect of a stubborn competition with it? China stands to-day where she has stood for thousands of years, firmly wedded to Joss and her idols, looking backward, venerating the paths trod by her ancestors, and with no interest in any civilization but her own. On the contrary, there has been laid broad and deep upon the American continent the foundation of a society which secures the greatest good to the greatest number, and whose motto is "Onward and upward." There will be realized the full strength and highest culture of the human intellect, and there will be witnessed the grand triumph of civil and religious liberty. The downtrodden and oppressed of other lands who hope for the attainment of these ends have been invited to come and lend a helping hand, but none others. And since the laboring masses of the United States are in full sympathy with and are engaged in promoting the best interests of the Government, and since for this purpose it became necessary for them to subscribe to the rules of society under it, it would seem to be great injustice to compel them to compete for an existence with a labor belonging to a civilization going in an opposite direction from their own and which can never sympathize with it.

All parties in this country are pledged to some restrictive legislation, and the Republican party in its last platform said:

Since the authority for regular immigration and intercourse between the United States and foreign nations rests with the Congress of the United States and its treaty-making powers, the Republican party, regarding the unrestricted immigration of the Chinese as an evil of great magnitude, invoke the exercise of that power to restrain and limit that immigration by the enactment of such just, humane, and reasonable provision as will produce that result.

The declarations of the two great parties in this country on the subject of Chinese immigration were made known to the Chinese commissioners during the negotiations preceding our treaty, and they were therefore advised as to the feeling of the people in this country at the time that treaty was made. If the unrestricted immigration of Chinese was regarded "as an evil of great magnitude" in 1880 it cannot be regarded less so now; and the success of the Republican party might be taken as an instruction to adopt some reasonable restriction.

The late President Garfield, in his letter of acceptance, said:

The material interests of this country, the traditions of its settlement, and the sentiment of our people have led the Government to offer the widest hospitality to immigrants who seek our shores for new and happier homes, willing to share the burdens as well as the benefits of our society, and intending that their posterity shall become an undistinguishable part of our population. The recent movement of the Chinese to our Pacific coast partakes but little of the qualities of such immigration, either in its purposes or its results. It is too much like an importation to be welcomed without restriction; too much like an invasion to be looked upon without solicitude. We cannot consent to allow any form of servile labor to be introduced among us under the guise of immigration. Recognizing the gravity of this subject the present administration, supported by Congress, has sent to China a commission of distinguished citizens for the purpose of securing such a modification of the existing treaty as will prevent the evils likely to arise from the present situation. It is confidently believed that these diplomatic negotiations will be successful without the loss of commercial intercourse between the two powers which promises a great increase of reciprocal trade and the enlargement of our markets. Should these efforts fail it will be the duty of Congress to mitigate the evils already felt and prevent their increase by such restrictions as without violence or injustice will place upon a sure foundation the peace of our communities and the freedom and dignity of labor.

The Republican party in its platform of 1880 also contained these words:

We reaffirm the belief avowed in 1876, that the duties levied for the purpose of revenue should so discriminate as to favor American labor.

So that the tariff question or the question of protection to American labor was one of the prominent issues in the last campaign, and I am free to say that in my district I kept that issue constantly before the people, and perhaps received some votes for that reason that I might not otherwise have received.

While I can see a distinction between protection resulting from import duties and by excluding Chinese laborers from our shores, the object sought is the same. I feel, therefore, that I ought not to wholly disregard the expressed object of a large number of my constituents, even though my better judgment might lead me to oppose this bill.

True, the passage of this bill would not directly affect the laboring classes in my district, yet I am not disposed to be bound by the narrow limits of either my district or State. I have not thought it proper at this time to enter into a discussion of the Chinese character, religion, or habits, as whatever support to restrictive legislation I may give will be upon the ground of protection to our American laborers for the reasons given, and not because I am afraid that our system of government, morals, or religion will retrograde because of the presence of less than one hundred and fifty thousand Chinese laborers in our country.

Chinese Immigration.

SPEECH

OF

HON. THOMPSON H. MURCH,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. MURCH said:

Mr. SPEAKER: In the remarks that I shall submit on this bill I shall endeavor to earnestly solicit the attention of those members of this House who may not have examined into this question from the point of view of those whose opportunities for judging of the question of Chinese immigration have been best and whose painful experiences under the blight of this poisonous influx have impelled our brethren of the Pacific States and Territories to cry out for years to us in the other portions of the country to come to their deliverance from a curse which threatens their social, political, financial, and physical existence.

It is little, if any, that I can add, Mr. Speaker, to the exhaustive and convincing arguments that have been presented in the Senate and on this floor to satisfy the most skeptical or the most obstinate member that the time has passed when we can longer afford to be neglectful of or indifferent to the demands, the sufferings, and the perils of the people of the Pacific States arising from Chinese immigration. The time has come, sir, when we should take decisive action for their protection, for we owe them the duties of national protection from the barbarian invasion under which they suffer, both by reason of our common citizenship and by reason of our duty to make the bonds of the Federal Union the ties of perpetual advantage and of highest worth to all parts of this great Republic.

This is not wholly a party measure, and although I have the honor to represent in part on this floor the party which has taken the strongest and most unequivocal grounds on this question, I still feel

that all parties are or should be interested in the welfare and preservation of our fellow-citizens against the "unarmed invasion" which is driving them through a sea of trouble whose depths no man can realize who has not familiarized himself with this theme from observation or study.

The Greenback party is a party instituted to preserve labor and the interests of laborers, and it is firmly committed to the policy of protecting our own citizens from these hordes of Asiatic lepers, who neither are nor can be citizens of our country nor participants in our civilization.

The Republican party, which sent out its protective tariff tracts along with its authoritative and vehement denials and repudiation of the spirit of the so-called Morey letter, should be as consistent now as when laborers' votes were in immediate demand, in their denunciation of Chinese immigration.

The Democratic party, which in the last Presidential campaign held it infamous for a Presidential candidate, or a party, to hold the ideas of even the very moderate and guarded Morey letter that stirred their indignation to its depths, should now be as consistent in behalf of the American workingman as when they sought his suffrage.

Thus, all parties represented on this floor are on record as favoring the principles of this bill. The Greenback party, thus making its record early and of choice, and independently of the circumstances which later induced the older parties to join in the procession of those who were awake to the welfare of the laboring masses, is entitled to the greatest credit. What, then, is there to prevent the House from passing this bill promptly?

Some gentlemen, it is claimed, are opposed to this bill because they demand free trade in labor while opposing free trade in the products of labor. These men are, I fear, not stopping to consider that those who get rich off of pauper, convict, degraded, barbarian, and Mongolian labor are they who take bread from the mouths of honest industry and from the homes of a higher civilization, which they wantonly sacrifice on the sordid and crime-stained altars of an alien and degraded race to do humanity at large the injury of retarding the progress of the best races and of preserving the worst.

That the Chinese who come to this country, excepting those who come in an official or independent character, are of the lowest grades of Tartars and Cantonese is conceded by all. That this estimate of Chinese which comes to us from the Pacific coast is not new and does not grow out of the contact of the Mongolian with our own race in this country is confirmed by writers and travelers who have lived in China. Twenty-seven years ago the late Bayard Taylor published his book of travels on India, China, and Japan, and in it he states his opinion of these people in these words:

> It is my deliberate opinion that the Chinese are, morally, the most debased people on the face of the earth. Forms of vice which in other countries are barely named are in China so common that they excite no comment among the natives. They constitute the surface-level, and below them are deeps and deeps of depravity so shocking and horrible that their character cannot even be hinted. There are some dark shadows in human nature which we naturally shrink from penetrating, and I made no attempt to collect information of this kind; but there was enough in the things which I could not avoid seeing and hearing—which are brought almost daily to the notice of every foreign resident—to inspire us with a powerful aversion to the Chinese race. Their touch is pollution, and, harsh as the opinion may seem, justice to our own race demands that they should not be allowed to settle on our soil. Science may have lost something, but mankind has gained, by the exclusive policy which has governed China during the past centuries.

These sentiments were a warning before the evil came upon us, and the evils against which Bayard Taylor warned us in 1855 are here among our people of the Pacific States and are commencing to be realized in other portions of our country. Are we to ignore the law of self-protection for the sake of that spread-eagle sentiment in which we all love so much to indulge about this being the "land of refuge to the oppressed and asylum for all nations?" Are we to make this fair land the lunatic asylum, the leper's hospital, the criminal's refuge, the barbarian's resort, the lazzaroni's dumping ground, and the festering cesspool of the criminals of the whole earth, with no regard for the rights of our own race and the duties we owe to ourselves as the sons of those who have made this form of government possible for the highest nations of the Caucasian race?

I cannot believe, Mr. Speaker, that the sentimentalism which does not stop to weigh the consequences can be so blind in this instance as to be indifferent to the cry of our own people for deliverance from the Asiatic plague of human vice and degraded civilization that infests their communities on or near the Pacific. I cannot believe that Congress will force our own race to encounter longer the polluting contact of these lowest offscourings of the Mongolian races until they rise in bloody deeds to preserve life and virtue in their midst. This Chinese puzzle must be solved. If we do not do it by the wisdom of a bill which keeps out the Mongolian, a conflict of races that involves a bloody remedy will be inevitable. I beg gentlemen who oppose this bill or who are in doubt about it to read the facts that have been from year to year laid before the House and Senate. I ask them to recall the eloquent and forcible recital of the evils of Chinese importation—it is not immigration—as detailed in a former Congress by Hon. A. A. Sargent, of California, and by Senators JONES and MILLER in the present Congress. I invite attention to the facts cited by gentlemen from those far Western States on this floor. I cite them to the testimony taken in 1877 by a special committee of the California State senate, to the action of the cities of the Pacific States, to the acts and resolutions of the churches of that section, notably that of the general association of the Congregational churches of California on the 13th of October, 1877. I cite these, gentlemen, not only as the opinions of workingmen whose agonies in competition with the Mongolian slaves have caused them to cry out in language that has not always been that of cool refined opinion; I cite gentlemen to the testimony of all classes of men, taken before the special committee of the Forty-sixth Congress, of which I had the honor to be a member, which investigated this Chinese problem under the philanthropic and patriotic chairmanship of the late Hendrick B. Wright, whose name is embalmed in the hearts of every lover of humanity and every admirer of the highest type of manhood, which can be found on pages 238 to 365, inclusive, of Miscellaneous Document No. 5, of the second session of the Forty-sixth Congress. I cite the late Professor John W. Draper as to the impossibility of ever making citizens of the Chinese. I cite Professor Goldwin Smith, the London Times, the American Social Science Association, the men and women of thought, of patriotism, of humanity, of all parties and sections.

Let us stop the spread of diseases, of horrible vices, of nameless crimes, and of rampant misery that owe their existence in this country wholly to the Chinese importations of these human slaves, lepers, prostitutes, and criminals.

Let us stop the robbery of men, women, and children who are of service to humanity and of value to our country, by keeping these criminals from Asia from destroying them through methods which enrich none but the Six Chinese Companies who control these slaves and the sordid traders in human life and misery who justify their employment of slaves and their ruin of our people by their desire to get rich at whatever cost of life or of crime.

Let us stop the drain of over two and a half millions of dollars a month in gold and silver from our Pacific States to be sunk into the human ocean of China, only to attract millions more of these low forms of human life to swarm for this golden bait where but thousands or tens of thousands now come after it.

Let us no longer welcome as we do immigrants those Orientals who neither can nor will become citizens. Let us understand that these people bring no children; that they have no wives; that they never establish homes among us; that they never adapt our laws nor obey them, having their own secret tribunals among themselves; that they do not learn our language; that, dead or alive, they return to China, not even enriching our soil with their bones; that they rear no children to grow up improved by the association of our institutions.

Let us remember that they can never be made useful as militia or soldiers; that they are mostly thieves, liars, and gamblers, unfit for human society, possessing only the questionable virtue of knowing how to live cheaply and work slavishly.

Let it be remembered that they pay no taxes to speak of—they are about one-sixth of the population of California; they pay less than one four-hundredth of the revenue and taxes of that State—that the cost of the Chinese criminals in the State prison of California alone is many thousands of dollars greater annually than the whole amount of taxes collected from the Chinese in that State; that where 1,000 a month came when the Chinese nuisance began to attract attention, there are from 3,000 to 4,000 Chinese imported each month now; and by the last month's statistics of immigration China held the third place and Ireland had fallen to the fifth in importance as to the number of persons coming to the United States from foreign countries, Germany and Canada only exceeding China in the numbers arriving here. Europeans and Canadians are of value to our form of civilization; they are welcome; they are of us and like us; they soon become a part of us; but the Chinaman is first and last a sore, a parasite, a disease on the body-politic and does us only harm.

We must have the courage to do our duty toward our own race and our own institutions or we and our children will suffer the consequences of our neglect. For reasons that have been cited by Senator JONES and others, the negro is not thus objectionable, although of another race. He lives and dies with us. He fights and works with and for us. He speaks our language, adopts our customs, inherits our institutions, and to all intents and purposes is a citizen and a part of our civilization.

The evils of Chinese importations cannot be overstated. The workingmen's party of California have, in a pamphlet published in the city of San Francisco March 10, 1880, given us the sickening details and specific localities of the nuisances to public health, morals, and decency, and the dangers of this social evil, in a manner that challenges contradiction.

The conflict is upon us. It is a serious one, and if we would be honored by our children, if we would win the loving gratitude of outraged States, of down-trodden labor, of humanity's best servants and helpers, we the American Congress must echo back the cry of wailing and despair, the cry of deep and meaning import, the cry of our poor and already degraded fellow-citizens, who struggle against the low class of human beings from Asia; and we must give no uncertain sound to our utterances when we answer by the passage of this bill that we too have come to see that to save ourselves and our brethren the Chinese must go.

Chinese Immigration.

SPEECH

OF

HON. WILLIAM S. ROSECRANS,

OF CALIFORNIA.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 22, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. ROSECRANS said:

Mr. SPEAKER: I desire to state to the House a few of the numerous reasons why this bill should become a law.

That what I say may have that weight and consideration which is its due, I declare at the outset that I love justice and hate iniquity. I believe that the Chinese and the men of all other lands have the same Creator and that their souls have been bought at the same price as my own. I appeal to my past life to attest that neither fear of popular odium nor love of popularity has hitherto sufficed to prevent the avowal of my convictions or the acceptance of the duties they involved.

On this question my natural instincts to defend the weak and the oppressed colored my first impressions when I began to investigate the utility to us of Chinese labor and the advantages and disadvantages of having Chinese immigration to this country. I never overlooked the direct pecuniary advantages to the employer of cheap labor nor that some of that benefit resulted to the country. Thoughtful men among us opposing the use of Chinese labor never questioned that the Chinaman as well as any other had a right to the excess of his earnings over his expenditures and the right to send them away to China or anywhere else if he chose. Nor have they questioned the right of self-expatriation by each individual of the human race, provided he first discharges those higher obligations which devolve upon him to his country. But that the exercise of this right carries with it no right to intrude himself into any other country he may choose without the consent of that country is concomitant therewith they deny. Whatever theories about the right of universal humanity to own the universal world there may be, the right of each nation to control its own territory rests on the same general basis as the right of individuals to control their own property.

Wherefore the American people own this country. They do not hold it as tenants in common with all those who may choose to come here. They have the right to say who may come into it and on what conditions they may come, and to suspend or alter the same as reason and justice may prescribe.

Exercising this right, for reasons of great national interest, sentiment, and benevolence, at the birth of our Government our people decided to invite immigrants from all peoples of our race and civilization, and prescribed generous and liberal conditions, the wisdom of which is attested by the unexampled growth of our country. But should the reasons for this action ever disappear, it will be not only our right but our duty to change our laws and conform them to the altered circumstances. The admission of the people of China is therefore a question over which this nation has supreme control, subject to the universal obligations of reason and humanity. So sacred is this national right that were the fundamental interests of its people virtually, or even seriously, threatened by the immigration of any class of foreigners, that nation would be bound to exclude such foreigners, holding itself obliged to make proper reparation to the injured party for any resulting violation of treaty obligations. That the immigration of Chinese to our shores does threaten our vital interests, the people of the Pacific coast firmly believe and for the last six years have been giving their reasons for it to Congress and to the country.

I have reached the same conclusion personally from a study of the political, social, and industrial characteristics and wants of the great Chinese Empire which confronts us on the western shores of the Pacific Ocean, with 400,000,000 of people supported on a territory which sustains the enormous average of over 450 souls to the square mile; its civil and political society resting on the firm basis of parental authority, carrying that to the limits of almost absolute obedience, and giving in some cases to the parent the right of life and death over his children. As the most perfect human freedom consists in the subjection of all wills to just law, so the problems of human government are to devise such laws and subject the wills of its individual members to their dictates. When the child has learned that he must obey his parents implicitly, he has laid the foundation for subjecting his will to the laws of the land. But in China the influence of the parent extends beyond this life, and the worship of ancestors is made a religion, and the obligation of the child to behave so as to please them takes the place of that which Christians acknowledge toward their Creator. In the construction of the great Chinese society this hierarchy of obedience extends to the chiefs of the departments, to the chiefs of provinces, and to the Emperor, the supreme head and heaven-sent author of the whole Chinese family or nation.

Fifty centuries of conformity to these views and habits have wrought their work into the minds and hearts and habits of the Chinese, until his attachment to the empire is a part of his attachment to his home and his ancestors, more vague than the latter, but for all that more imposing. For fifty centuries this people has lived within itself, inhabiting a territory about the size of the United States, and developing to a high degree agriculture, manufactures, mechanics, and all the arts which minister to the support and comfort of human life, and has formed a social and political society, self-evolved, self-sufficing, whose hoary stability extends far back beyond the Christian era. The extreme pressure of population upon the possible means of subsistence has gradually settled the people into a pyramid from the apex of imperial power descending down until the lower grades are pressed by a most abject penury, where existence must be maintained by a perpetual struggle for means to supply the simple wants of an intelligent animal. But even so from such a solid mass the pressure of extreme want alone could permanently take away any of its units, and that extreme pressure evidently will operate upon those who are poorest and weakest in the struggle for life.

If the typical man be one having a sound body, the appetites of which are controlled by reason and that reason directed by a will subordinated to law, the Chinese type of manhood developed in this great empire is by no means low; and if civilization consists in the domination of reason and justice over the passions of individuals and of the communities they compose, a study of China will show that in the mere material and natural order it has the right to be called a highly civilized country. Whoever knows human nature knows how difficult it is for people to change inherited, social, and political habits and customs; and if it be difficult for people trained in our much less compact and consolidated civilization, how much more difficult must it be for the Chinese to change theirs and to acquire the habits of a civilization like that of the western nations and of the United States. If, therefore, they come to our coast they will bring their civilization with them, and that degree of it which belongs to the class of Chinamen who immigrate to our shores. These necessarily must be, as has been said, the poorest. But 400,000,000 of people could spare a million of its poor per annum to emigrate into foreign lands without perceptibly feeling it. They have found their way to the Pacific coast already, know its inducements, and the stream is increasing yearly. Were the bonds which bind the Chinaman to his native land to be broken by necessity or by imperial policy the flood of immigration could submerge us as easily and as irresistibly as the army-worm overruns our cotton-fields.

To the eye of the statesman, therefore, the admission of Chinese immigration to the United States, at least to the Pacific coast, requires us to decide which civilization we will prefer. Will we choose our own or the hoary and compact materialistic civilization of China? Mixture is impossible; assimilation impossible. Thirty years' experience in California and on the Pacific coast has demonstrated this practical impossibility. You have heard this often asserted on this floor in debate, and detailed reasons for it. With us it is no longer an experiment. The united voices of the people of the States of California, Oregon, Nevada, Colorado, and of the adjacent Territories of Arizona, Washington, Montana, and Idaho solemnly declare it. They are willing that those here should be allowed to earn their living by working for such employers and for such wages as they can obtain, and to live as economically as they please, subject to needful sanitary regulations.

We admit that their labor, hitherto, has often been convenient, useful, and in some sense profitable, by leaving a balance over cost in the hands of employers, and has in some measure elevated white labor by undertaking its inferior and less inviting grades. And notwithstanding all this that—

Because they send away to China, never to be returned, by far the largest part of that balance of profit which white laborers would retain among us;

Because practically they are, and always will remain, Chinese subjects, alien to our civilization, laws, customs, municipal life, modes of administering justice and obtaining evidence in courts of law;

Because they practically set up their own government within and unknown to our laws;

Because, unlike immigrants from European countries, they are not permitted, but are forbidden under the most terrible penalties, by their government from renouncing their allegiance to their own ruler, and commanded by their ancestor-worship to send home to China the very bones of those dying abroad;

Because, even were it otherwise, general ignorance of our language, unconquerable hereditary habits, customs, and modes of thought and of life would leave them practically and indefinitely Asiatic;

Because they are introducing among us some fearful diseases and degrading vices;

Because they furnish a fearfully large percentage of criminals, and impose on us excessive difficulties and expenses in the detection and punishment of crime among them;

Because it is practically impossible to prevent the criminal, dis-

eased, and pauper classes of Chinese from being poured in upon us, if any of the lower classes are admitted;

Because their presence here excludes a much more desirable population from filling our country with our own people and immigrants of our own race having all the general habits, customs, and ideas of liberty, law, and government appertaining to our civilization; and

Because the Chinese already here form but the vanguard of an industrial army of Asiatic laborers, impelled by an irresistible impulse to better their condition, which, unless prevented, will overrun our country and degrade our civilization.

In behalf of the intelligent, brave, and generous people of San Francisco whom I represent; in behalf of the noble and magnanimous people of the State of California, where stretching valleys, sunny vales, fertile hillsides, and mountains filled with precious metals, extending for eight hundred miles on the Pacific, invite to prosperous and happy homes millions of civilized immigrants; in behalf of the people of Oregon, of Washington Territory, of Arizona, with her treasures of gold, silver, copper, coal, and salt; in behalf of the free-hearted sons of Nevada and Colorado, the young giant of the mining West, and of our adjacent Territories; in behalf of free white labor throughout the Union, I implore this House to pass this bill.

Do not make the term of its operation ten years. In the name of all these for whom I speak, I declare that their relief from the present and impending evils of this Mongolian immigration was before the treaty, and is now, a duty above all that we owe to any other people. To avoid all shock to the commercial interests involved, and to that sentimentalism which seems to lavish itself, not so much upon those of our own household and race as upon those who are not, the late treaty was procured in hot haste, and yet, while bearing on its face the feebleness of a diplomacy based on such exigencies and motives, compared with the elephantine diplomacy of common sense and long experience in the government of a great empire, it shows that it was intended that our Government under it should be liable to no complaints for granting us reasonable relief. Upon whose testimony shall this House decide what is reasonable relief? Will you decide it upon the testimony of those who by thirty years of experiment have demonstrated the evil, or upon that of sentimentalists and *doctrinaires* who set up against this experience that our industries should be imperiled and white people deterred from coming to our coast by impending doubt and agitation as to whether or not the floodgates of Chinese labor immigration at the end of ten years' time would open to submerge our young industries and drown out white labor?

I feel assured that few members of this House will hesitate to listen to the voices of those who know and feel all that there is at stake, and resolve to protect their own people. I call upon my Republican friends in the House fairly and honestly to fulfill the assurance made in the platform of that party as interpreted to us on the Pacific by its banner-bearer and friends. I call upon the champions of protection to capital employed in various young, growing, and opulent industries to protect labor, that still dearer, less self-protecting, yet essential source of all our wealth and capital. You are willing to protect every other product of our land against the introduction of foreign goods; protect our labor against the cheapest and most disciplined, but most thoroughly abject labor on the face of the globe. New Englanders, you enjoy a protection that makes your manufacturers rich. Save white labor on our coast from this destructive Chinese competition.

Democrats, you who inherit the name of the party which for ninety years has claimed to represent the popular heart and head, the instincts of "a government of the people, by the people, and for the people," under the forms of our Constitution and laws, you who ought now to represent the great laboring, industrial, and allied business classes, and who have the guardianship of their interests against unjust encroachments from capital and monopolies as you do the preservation of the home liberties and the autonomy of the States, I call upon you to redeem the constant pledges and platform declarations you have made to our people on this Chinese question. Stand by us now and show that your platform of 1880 dealt fairly by the people of our coast, and you will make it good. Do not talk to us of a ten years' limit, it will not do. And limiting the operation of the law to ten years would produce an agitation among the people of the Pacific coast and all the intelligent working people in the East liable to bring to political grief all engaged in it.

An adroit diplomatic growl, an intimation of "consequences" if the bill should be passed as it came from the Senate, was heard through the Post this morning. But the great Chinese Empire will not sacrifice its substantial interests because we interpret "reasonable" to mean that which will accomplish the avowed objects of the treaty.

Would that some of our people in this matter had had more of the calm and reasonable practicality of the rulers of China, and, as she does, first care for their own people at home.

England's great Australian colonies have gone through the same experiences with Chinese labor as we have on the Pacific coast. They have arrived at the very same conclusions; they have passed restrictive laws against further Chinese immigration even more stringent than those contained in this bill, and her royal majesty the Queen, without consultation or treaty with China, so far as I am informed, has been pleased to approve those laws within the last three months.

As an American citizen standing on the verge of the winter of life and whitening beneath its descending snows, I appeal to you, members of this House, in the name of the working people of the United States and of the four millions on the Pacific coast and the mountains west, to do as much for your own people as England has done for her Australian subjects, by passing this bill.

Polygamy.

SPEECH

OF

HON. SAMUEL W. MOULTON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 14, 1882,

On the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

Mr. MOULTON said:

Mr. SPEAKER: The object of the bill under consideration is to eradicate polygamy in Utah.

There can be no doubt as to the power of Congress under the Constitution to make all laws and needful rules and regulations for the Territories, and in the exercise of this power Congress is the sole judge of what is necessary to be done for the government of the Territories and for the good of the whole country. There can be no doubt on the question of power.

The almost universal sentiment of the civilized world is against polygamy. That within the past forty years it could have obtained such proportion and strength upon our continent is a miracle and astonishes the Christian world.

The teachings and practice of polygamy are unnatural and in conflict with the physical and moral laws. Its effect upon the community in which it exists is its worst commentary. It dwarfs, separates, and isolates its devotees practically from the rest of the world. A creed, political or religious, that necessarily causes its followers to separate themselves from the rest of the community, to set up institutions inimical to the laws and constitution under which they live, will always, sooner or later, produce conflict and disastrous consequences to the whole country. The people on the American continent should be as near one people as is possible.

Will the bill before the House accomplish the object intended? I confess that upon this point I have great doubt.

This bill is not framed with reference to the present condition of things in Utah. The real government of Utah is a sort of religious hierarchy. The people are dispersed over vast plains and among the mountains, but are all alive to a simple touchstone of common interest and common brotherhood.

Besides, polygamy is not obtrusive. One may pass entirely over the Territory and wholly fail to discover it. It is not exposed to the casual observer.

The operation of this bill will prevent the open and known polygamist from voting or holding office. But a Mormon may vote and hold office, and may always control the Territory. This bill wipes out the present machinery of the registration and election offices, and provides five persons to execute all the election machinery, decide on the qualification of voters, who are elected to office, and in short to set in motion a new government so far as Territorial officers are concerned. It takes all power from the people and gives it to five men.

That some of the provisions of this bill are against the theory of our government, none will deny; that its provisions are severe and unusual, all must admit. But, in the light of the past twenty years' experience with these people, would any act of Congress less stringent in its provisions tend to extinguish polygamy? It is very doubtful, even with all that may be done under this bill, if much can be accomplished. It is an experiment, but in the right direction, and should be fairly tried.

Several of the provisions of this bill are very distasteful to us all; not because of their severity against polygamy, but because (as in the provisions of the ninth section) they seem to trench upon those principles of local self-government that as Americans we have always cherished as the palladiums of our liberty.

I shall vote for this bill, trusting that when the people of Utah see that the Government of this country is in earnest in this matter they will take warning and be governed by their sober second thought and better judgment. It may reasonably be hoped that the younger generation of the Mormon people will profit by the hard experience of the past.

Chinese Immigration.

SPEECH

OF

HON. A. HERR SMITH,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. SMITH, of Pennsylvania, said:

Mr. SPEAKER: Near the close of the Forty-fifth Congress a bill restricting emigration from China was passed by Congress, and, as is well known, vetoed by the President.

I voted against that bill, because I did not recognize the right of Congress to change or modify the existing treaty with China.

This position was maintained in the veto and sustained by the House, but the necessity for a change of the treaty seemed to be then conceded, as appears from the following extract from the veto message. Said the President:

The lapse of ten years since the negotiation of the Burlingame treaty has exhibited to the notice of the Chinese Government, as well as to our own people, the working of this experiment of emigration in great numbers of Chinese laborers to this country, and their maintenance here of all the traits of race, religion, manners and customs, habitations, mode of life and segregation here, and the keeping up of the ties of their original home, which stamp them as strangers and sojourners, and not as incorporated elements of our national life and growth.

This experience may naturally suggest the reconsideration of the subject as dealt with by the Burlingame treaty, and may properly become the occasion of more direct and circumspect recognition, in renewed negotiations, of the difficulties surrounding this political and social problem.

It may well be that, to the apprehension of the Chinese Government, no less than our own, the simple provisions of the Burlingame treaty may need to be replaced by more careful methods, securing the Chinese and ourselves against a larger and more rapid infusion of this foreign race than our system of industry and society can take up and assimilate with ease and safety.

I regard the very grave discontents of the people of the Pacific States with the present working of the Chinese immigration, and their still graver apprehensions therefrom in the future, as deserving the most serious attention of the people of the whole country and a solicitous interest on the part of Congress and the Executive.

If this were not my own judgment, the passage of this bill by both Houses of Congress would impress upon me the seriousness of the situation, when a majority of the representatives of the people of the whole country had thought fit to justify so serious a measure of relief.

In due time, Mr. Speaker, commissioners were appointed to negotiate a new treaty, who executed their work November 17, 1880, and this treaty was proclaimed October 5, 1881.

The following are the articles of this treaty:

ARTICLE I.

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

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

In pursuance of the power given by said treaty this bill was framed. Its purpose is to suspend the immigration of Chinese laborers for twenty years. Why? Because their residence "affects" now and "threatens" in the not distant future to affect the interests of the native and naturalized citizens in the Pacific States. To make this manifest it is only necessary to become acquainted with the character of these immigrants. All who have given the subject careful attention agree that they are not laborers in the common acceptation of the term, but coolies, little better than slaves, imported by mammoth Chinese companies of large means, and hired under special contract for their benefit. They come not voluntarily, like other immigrants of the Caucasian race, to better their condition, but are duped and entrapped by the piratical agents of these avaricious organizations. They come not to stay or share with us the burdens incident to our civilization. They come to make money; and, living on rice and garbage, they can easily undermine the American laborer. They come not as other immigrants, abandoning their allegiance to foreign potentates, to occupy our land and to become part of our social system. On the contrary, their express stipulation with their employers is, in case of death, to have their bones returned to the land of their nativity.

They are without honor or virtue, fearfully demoralizing, and, I fear, hopelessly demoralized.

They have their own Chinese laws, which are enforced in California, as appears from the following colloquy in the speech of Mr. BERRY, delivered a few days ago on the floor of this House:

Mr. TOWNSHEND, of Illinois. Does the gentleman mean to say that these Chinese companies enforce their laws in California?

Mr. BERRY. I say that they enforce their own Chinese laws.

Mr. TOWNSHEND, of Illinois. In California.

Mr. BERRY. In California. They even go so far as to compel every one of these slaves to fulfill his contract to the letter. Furthermore, if they violate any of the regulations of these companies they are no doubt even put to death.

Mr. PAGE. Will my colleague allow me to ask him one question?

Mr. BERRY. Certainly.

Mr. PAGE. Is it not true, and shown in the testimony, that no Chinaman belonging to one of these Six Chinese Companies can leave California on any Pacific Mail steamship without a permit from one of the Six Companies?

Mr. BERRY. It is established that they cannot leave to return to their own country without a permit. They are treated as if they were nothing but cattle; that is the experience of every man who has been among them.

I have been often compelled to hire Chinese because I could obtain no other labor. I never negotiated with the Chinaman himself; I went to his owner and made the contract with the owner or agent.

Bayard Taylor, Mr. Speaker, who was a native of my own State, wrote as follows:

It is my deliberate opinion that the Chinese are morally the most debased people on the face of the earth. Forms of vice which in other countries are barely named are in China so common that they excite no comment among the natives. They constitute the surface-level, and below them there are deeps on deeps of depravity, so shocking and horrible that their character cannot even be hinted. There are some dark shadows in human nature which we naturally shrink from penetrating, and I made no attempt to collect information of this kind; but there was enough in the things which I could not avoid seeing and hearing, which are brought almost daily to the notice of every foreign resident, to inspire me with a powerful aversion to the Chinese race. Their touch is pollution, and, harsh as the opinion may seem, justice to our own race demands that they should not be allowed to settle on our soil.

Unfortunately, Mr. Speaker, in our anxiety to extend our commerce and civilization, we opened the Golden Gate to the Oriental Empire by the Burlingame treaty of 1868, and, utterly ignoring the warning of the prophetic Taylor, permitted, by treaty, unlimited immigration, and with it have come our present unnumbered woes.

Our consul in China, Mr. Bailey, in 1871 says:

The subject of Chinese emigration from this port to the United States has claimed my careful thought and patient investigation for the last four months, with a view to get at the facts and to understand it in its surroundings and bearings. The whole subject is an anomaly. Rules that will do elsewhere in the world, when applied in considering questions of emigration, have no application to Chinese emigration to the United States. Emigrants to America from other parts of the world go of their own volition, free and voluntary. Emigration from China to all parts of the world is an organized business or trade, in which men of large capital and hongs [mercantile houses] of great wealth engage as a regular traffic, by which men are bought and sold for so much per head, precisely as a piece of merchandise is handled at its market value.

The cooly of China is bought by the rich trader to serve his purchaser at low wages for a series of years in a foreign country under contract, for the faithful performance of which in many instances he gives a mortgage on his wife and children, with a stipulation that at the end of his term of service he is to be brought back to China by his purchaser. This contract is sold by the dealer through his agents in the United States and elsewhere at a large advance, and is a source of great profit to the capitalists who have the means to buy and sell large numbers of men. This contract in the United States is no doubt null and void, but nevertheless the cooly will comply strictly with all its terms, a copy of which in Chinese characters is always in his possession, and this he will do because his purchaser holds his household lares in the land to which he always hopes and expects to return in pledge for the faithful performance of his bonds. The central idea of a Chinaman's religion, if he has any religion at all, is that of the worship of the tombs of his ancestors. The superstitions of Fung-Shuey dominate him wherever he may be in the world. The subtle mysticisms of China, so strangely governing all its people in their social, political, and quasi-religious life, are as a hook in his nose, by which his purchaser controls him at all times and in all places; and thus this relation of master and quasi-slave, no matter how many miles apart, is welded by the mystical links of religious superstitions, family ties, and rights of ancestral tombs, which control and regulate the reciprocal duties of trader and cooly in the home land.

The means of obtaining coolies are as various as the ingenuity of man can devise, and are as corrupt as the incentive to large gains can stimulate and invent. Men and boys are decoyed by all sorts of tricks, opiates, and illusory promises into the haunts of the traders. Once in the clutches of these men-dealers, by a system of treachery and terrorism connived at by the local Chinese authorities, whose chief business in life is to "squeeze" the people, the stupefied cooly is overawed into making a contract under such Chinese influences and surroundings as to give it a sacredness of character nowhere else known in the world. From that moment he is the mere tool of the rich dealer wherever he may go. It is difficult for persons accustomed to western civilization to understand the depth and extent of this relationship; but Chinese civilization is unique, perhaps opaque, and cannot be measured by that of any other.

It is said, Mr. Speaker, that there are now about one hundred and ten thousand Chinese in California. These under the bill are entitled to full protection, and these, with Chinese subjects, as students, teachers, merchants, or travelers from curiosity, can come and go at will, and shall be accorded all the rights and privileges enjoyed by the citizens of the most favored nations.

This attempt to repress the immigration of Chinese laborers, or

more strictly speaking coolies, is no new or spasmodic effort. As early as 1862 statutes with severe penal provisions were enacted to break up the cooly trade, and a provision was inserted in the Burlingame treaty to the same effect.

The fifth article provides expressly "that the high contracting parties join in reprobating any other than an entirely voluntary immigration, and agree to pass laws making it a penal offense for a citizen of the United States or for Chinese subjects to take Chinese subjects either to the United States or to any other foreign country without their free and voluntary consent." But these penal provisions have been so successfully evaded by the importing companies that the only remedy to cure this growing evil is temporary suspension.

Is the period of twenty years in which to make an experiment reasonable? Under the peculiar circumstances I answer yes. The treaty gives the right to the United States Government whenever in their opinion the coming of Chinese laborers or their residence therein affects or threatens to affect the interests of that country or to endanger the good order of the said country, or of any locality within the territory thereof, to regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it, providing only that the limitation or suspension shall be reasonable. But suppose it should be held unreasonable by the Chinese Government; the matter will then be open to amicable arrangement as specially provided by article 4 of the treaty.

We are a new nation, having but recently celebrated our centennial birthday; China is the oldest empire of the world, dating back 5,000 years. The United States has 50,000,000 of inhabitants; China, 400,000,000. The Pacific States most interested in this controversy have a population of about one and a half millions, and the time indicated to settle and determine this new and momentous question is not unreasonable. Less time would, I fear, keep the people on the slope in a constant broil, and might result in a renewal of race hostility. Let the Mongolian now on our shores have a fair trial. If he will assimilate and become a homogeneous member of our American brotherhood, bone of our bone, flesh of our flesh, growing with our growth and strengthening with our strength, the Golden Gate can again be reopened to his Asiatic kinsman.

These coolies have now been in the Pacific States about twenty or twenty-five years. With their vices and their virtues, if they have the latter, we have become acquainted. We have tried these immigrants and found them wanting. Before we add to their number let us call a halt. Let us try to improve those who have unfortunately been forced upon our people, and who must be treated humanely and kindly; but let us not add to that number. Possibly we can improve them. Let us make the experiment, and by the influence of our civilization and religion endeavor to persuade them to cast their idols to the owls and bats, and instead of the dogmas of Confucius and Buddha teach them the eternal principles of the only true and living God. If, at the termination of this probationary period, or sooner, the law proposed is found to work injuriously to the interests of the country, it can be modified or entirely repealed.

All the testimony, Mr. Speaker, favors a change. Both living and dead historians testify to the iniquith of this cooly trade. The people of the Pacific States and their Senators and Representatives, without distinction of party, agree in regard to the depraved and servile character of these immigrants, and unite with singular unanimity in asking for the pasage of this bill. They are on the spot; they have the opportunity and ability to collect the facts accurately and reach an intelligent and honest conclusion.

The twin relics of barbarism are dead. The sword killed the one, the pen the other; and this nation would justly deserve the scorn of all Christendom if, having the legal power, it lacked the courage to strike an effective blow against pagan coolyism, no matter under what euphonious name disguised.

Chinese Immigration.

SPEECH

OF

HON. HENRY S. HARRIS,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. HARRIS, of New Jersey, said:

Mr. SPEAKER: Relying upon the testimony given to the House by the Representatives of the Pacific States as to the objectionable character of the persons whose immigration it is proposed by the enactment of this bill to restrict, and firmly believing that the interests of the American laborer should be most jealously guarded and protected by Congress, and that the erection of a system of virtual slave labor in this country should be prevented, I shall cast my vote for the bill under consideration.

Chinese Immigration.

SPEECH

OF

HON. MOSES A. McCOID,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. McCOID said:

Mr. SPEAKER: Our legislation should conform to some general principle with which precedent will be safe and just.

The doctrines of immigration, expatriation, and change of citizenship and allegiance, are trophies of American conquest. The doctrine of the equality of all men before the law is a maxim of our Republic. Each one of these great principles is capable of conclusive and elaborate support, and have received it in this debate.

But all human rights are subject to legislative control as well as recognition. Around these doctrines I feel that the occasion may have come to throw another: that no race or nation whose civilization or whose barbarism is such when placed together with that of America, it cannot assimilate and be absorbed by the latter into a homogeneous and prosperous people, shall be permitted to colonize in large bodies within our Government. I am willing to carry out this principle in legislation under our treaty with China.

Not that I regard that people as so inferior as to be outside of the pale of these natural rights. I do not. Not that I regard them as an ignorant people. I do not. Not that I am unfriendly to them or their government, or would offer to that kindly empire any affront; all my sentiments are contrary to this. Not that I regard their industry and economy and thrift and skill as injurious to us. I do not. But that their habits, customs, ideas, and their ancient civilization is so different from ours, which has grown and changed in the journey of centuries around the globe, that we meet as the antipodes of mental structure, of moral growth, of social character, and of political faith. That we meet as steam and ice. That the chasm which centuries on centuries have created will require the mutual forbearance and patience of a long time to close. That as friendly powers, desiring the good of the subjects of both countries, we should extend across the Pacific waters, to each other every friendly, Christian aid, and make every noble and mutual sacrifice for the amelioration of our brother men. And as fast as it is deemed best for the safety and happiness of both governments and people, let the Golden Gate stand ajar.

This is intelligent friendship, enlightened philanthropy, and the highest exercise of good-will toward men. This country in a broad and noble sense is both theirs and ours. But it is ours to preserve, protect, and defend. We do this, not for ourselves, but for them, for the world, and for our posterity. These measures of defense are dictated by the noblest sentiments of humanity. Where is the hope of China and of the world should we unwisely hesitate, by all the safeguards our wisdom can devise, to ward off the dangers that prudence can foresee and in some evil hour this experiment of free goverment should fail?

But there is another principle of our Government which I am unwilling to yield. That is that upon equal conditions every man in the Republic shall be permitted to don the robe of citizenship, attach himself to our institutions, render to our Government his allegiance, and receive in return all the privileges and immunities of citizenship. This is a principle we cannot defeat. And it is the true incentive to set before every man who comes to us from the nations of the earth. It leads to that homogeneity which is essential to our prosperity. If there is one man from China in all the Republic who is an exception to the rule and has become Americanized and is fit for citizenship, he ought to have it. I know there are some. This bill prohibits their becoming citizens, prohibits that very assimilation which is the evil it is designed to prevent. I want a section similar to that of the twelfth section of the substitute offered by me.

With some other amendments to the bill and some such general provision making citizenship possible to those who safely might be admitted, I would vote for restricting immigration.

I do not look with indifference upon the condition of our people on the Pacific slope. They are a noble people; they have wrought wonders in that distant land; they have enriched the coffers of the nation. They have made those wilds a paradise gilded in the setting sun. They have a bar and a judiciary which ranks with any in the Union. They are animated with the fervor of the foremost civilization in the world, and meeting for us this ancient race, with all its peculiar and antagonistic traits of character, they are fighting our battle for us. Theirs is the battle-ground; ours is the homestead roof and the fireside of peace. So far as the Republic can justly and safely go, and of right ought to go, I for one am ready to give them relief.

Chinese Immigration.

SPEECH
OF
HON. NATHANIEL C. DEERING,
OF IOWA.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. DEERING said:

Mr. SPEAKER: I only wish to say a word in explanation of my position and the vote I will give on this question.

In the Forty-fifth Congress I believed that the Pacific coast was in danger of being overrun with coolies from China, and I voted for a proposition to limit immigration from that country. I am anxious to do the same thing now. I would like to record my vote in favor of such reasonable and modified substitute for the pending bill as would restrict and regulate this immigration and at the same time give absolute protection to our own people on the Pacific coast. It is due to our neighbors over there that we should do this.

But it seems to me, sir, that they have advanced beyond the limits of reason and sound policy and, I think, the spirit of the treaty, in presenting a bill that is so sweeping and oppressive.

Doubtful or extreme measures should be adopted only in times of emergency or extreme peril, and I am not able to satisfy myself that we have upon us any pressing exigency or peril that would justify the rigorous treatment proposed in the bill.

I do not give a feather's weight to the idle clamor we hear about the traditions of the Government and the theories and policy of those who founded the Government. All that kind of talk is the sheerest nonsense. Sir, we are living in the light of a later century and surrounded by different circumstances. We have an absolute right to regulate and control in matters of immigration, and it is our duty to do so. Those who framed this Government never contemplated such a thing as throwing aside the right to protect our own people in their homes and interests.

If I build a house it is expected that I will regulate its occupancy and my associations, and if you build an asylum or a church and proclaim it is free the very fact of our civilization is a guarantee that its occupancy will be regulated and restricted.

But, sir, it seems to me that this bill is based on false assumptions; that it proposes to treat an evil in advance of its coming. Facts and figures do not warrant the alarm that is manifested. We find that emigration from year to year is decreasing, and the number of Chinese in the country diminishing, and still there is undoubtedly much cause for complaint and dissatisfaction, and I am willing and anxious, as I have already said, to record my vote in favor of reasonable restrictions, and I hope that our friends from the Pacific coast will allow us to do so, and will accept such modifications as will be satisfactory to this side of the House.

If in the future such enactment should prove insufficient and the evil should increase, it would still be in the power of a subsequent Congress to enact more stringent measures.

Chinese Immigration.

SPEECH
OF
HON. JOHN F. DEZENDORF,
OF VIRGINIA.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. DEZENDORF said:

Mr. SPEAKER: The agitation of the question of the right of this Government to regulate and control the migration and importation of persons into this country is as old as the Constitution. The question was discussed at the time of the framing of that instrument, and as the result of the discussion we find the first clause of section 9 of article 1 of the Constitution, which reads as follows:

> The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding $10 for each person.

This, sir, was a recognition of the right of the Government to admit certain persons to certain States during a stated time. The results of this action will be considered as I pass on.

In February, 1803, Congress, composed in a large measure of the signers of the Declaration of Independence and framers of the Constitution, with the illustrious Thomas Jefferson as President of the United States, enacted the following law by an almost unanimous vote:

> That from and after the 1st day of April next no master or captain of any ship or vessel, or any other person, shall import or bring, or cause to be imported or brought, any negro, mulatto, or other person of color, not being a native, a citizen, or registered seaman of the United States, or seamen natives of countries beyond the Cape of Good Hope, into any port or place of the United States, which port or place shall be situated in any State which by law has prohibited or shall prohibit the admission or importation of such negro, mulatto, or other person of color; and if any captain or master aforesaid shall import, or bring, or cause to be imported or brought, into any of the ports or places aforesaid, any of the persons whose admission or importation is prohibited as aforesaid, he shall forfeit and pay the sum of $1,000 for each and every negro, mulatto, or other person of color aforesaid, brought or imported as aforesaid, to be sued for and recovered by action of debt, in any court of the United States.
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> SEC. 2. That no ship or vessel arriving in any of the said ports or places of the United States having on board any negro, mulatto, or other person of color not being a native, a citizen, or registered seaman of the United States, or seamen natives of countries beyond the Cape of Good Hope as aforesaid, shall be admitted to an entry. And if any such negro, mulatto, or other person of color shall be landed from on board any ship or vessel, in any of the ports or places aforesaid, or on the coast of any State prohibiting the admission or importation as aforesaid, the said ship or vessel, together with her tackle, apparel, and furniture, shall be forfeited to the United States, and one-half of the net proceeds of the sales on such forfeiture shall inure and be paid over to such person or persons on whose information the seizure on such forfeiture shall be made.

Here is the exercise of the right of the Government to prevent the importation of certain persons in certain cases where the people of certain States desired that such importation be so prohibited. And, Mr. Speaker, I desire to call the attention of those who say "that we must not legislate for localities," to this action of the fathers of the country. In the section of the Constitution above quoted they were providing for that portion of the country which desired the importation of servile labor, and in the law of 1803 they legislated to carry out the wishes of certain States which were aggrieved by the importation of certain persons from the French West Indies. This law of 1803, under which, Mr. Speaker, no Chinese could have been imported into the country, remained the law of the land until the Burlingame treaty was negotiated.

Now, sir, having given the precedents relating to the right of Congress to legislate upon this subject, let me consider how far they are applicable to the present case.

It seems, sir, to be generally admitted that the Chinese do not come here, as a rule, intending to become citizens, but that the great body of them are imported as laborers.

It is well understood that the persons alluded to in the article of the Constitution above quoted were persons imported as slaves, or to become such, and that the law of 1803 had the same reference, although it also included and referred to certain free persons of color who were imported from the French West Indies who were lawless persons. In neither case, Mr. Speaker, was the question one of race, color, or previous condition, but the great consideration was the purpose to which these persons were to be devoted after their arrival. The fact that they were to be slaves was the principle governing legislation in both cases.

In the discussion of the pending bill the question of race, color, or previous condition should be laid aside, and the subject treated upon the basis of reason guided by the experience of the past. This is not, sir, a question of race, color, or previous condition. It involves the right of this Government to regulate immigration independent of race, color, or previous condition. We have as a government a duty to perform in guarding the interests of our people from degrading influences, no matter from what source they come.

Mr. Speaker, what was the result of the adoption of the section of the Constitution to which I have referred? What was its effect upon the laboring element in the South and upon the country at large? Does not history prove that it was most disastrous, that it debased labor, put a blight upon enterprise in that section of the country where these importations largely settled, and in the end brought ruin and desolation to many a home?

Chinese servile labor is now being imported into California as the African labor was into the South, and who upon this floor will in the light of past experience dare to say that if allowed to go on the results will not be the same? The negroes—brought here against their will, at first few in number, being compelled to stay, have increased to 6,500,000, for the most part native to the soil, possessed of many of the characteristics and virtues of the people among whom they were born and reared—cannot, in justice to the negro, be put upon an equality with the Chinese. Though illiterate, as has been charged, and justly so, though from no fault of his own, the negro in the United States has shown his desire for knowledge, has proven his love of country by baring his breast to the fierce storm of battle in the defense of his native land, and is gradually and surely advancing in the scale of civilization. The process has been slow; but kept, as he was, for a century under the debasing influences of slavery, his progress since he was clothed with the rights and privileges of citizenship has been little less than marvelous. He is a part and parcel of the country and its history, and is enti-

tled to and will receive from coming generations all praise for the heroic manner in which he endured the trials of slavery, the uniform forbearance and kindness which he exercised to the families of his former masters during the war, and for his advancement and progress since emancipation.

How different is the case with the Chinese. Brought to our shores as servile laborers, they manifest no desire to become citizens or to identify themselves with our institutions. They have no family ties, and the increase in their numbers in this country will be due to the increased importation of a people who, as all the testimony shows, never adapt themselves to our forms or customs.

Shall it be said that we must throw open the doors to receive all comers—that our land is the refuge for the poor and oppressed of all nations? That, indeed, is the theory that has prevailed for nearly a century. But in the beginning of this the second century of our national existence, is it not well for us to pause and inquire whether we are willing to perpetrate the same mistake as that which marked the beginning of our life as a nation? Had we not better listen to the lessons of the past and take heed for the future? Ought we not to "take time by the forelock" and prevent that which, if permitted, might again plunge the country into a sea of trouble similar to that from which we have but recently emerged?

Mr. Speaker, gentlemen say that "there is no occasion for the strict measures of the bill," that "the number of Chinese in the country is very small compared to the whole number of people," that "the difficulty is a local one and not national."

Sir, the number of Chinese is now small, so was the number of slaves when section 9 of article 1 was ingrafted in the Constitution; the difficulty is now a local one, so was slavery, but slavery proved a curse to the whole country.

The Chinese are almost exclusively confined to the Pacific slope, as were the slaves to the Southern States, and yet, with all the experience of the past before us, gentlemen upon this floor say that we ought not to make this a subject for national legislation. Not so thought the founders of the Government, those who adopted the section of the Constitution which I have quoted. When they saw the beginning of its evil effects they promptly passed a law which limited the danger, although the seed had been sown which afterward brought forth such bitter fruit.

In the States bordering upon the Pacific slope the evil is constantly increasing. If permitted to go on unchecked it will assume vast proportions until it will spread as a pall over the entire section. This is not an imaginary evil; it is one ever present to the people of that coast; and we who are here as the law-making power have no right to turn a deaf ear to their prayers for remedy and relief.

I cannot agree, sir, with the distinguished gentleman from Massachusetts, [Mr. RICE,] who in his eloquent and powerful speech asserted that the tendency of the employment of Chinese labor would be "to push up the American laborer." The history of labor in the South does not bear out the assertion, and that is the only section of the country where any fair comparison can be made, because it is the only section where free labor was to any great extent brought into contact with servile labor, and, as I have before stated, history proves that its effect was most disastrous upon the free labor of that section.

We have made it the boast of the Republican party that we are in favor of elevating labor, that we want fewer hours of labor and better pay for those hours. Can we now fail to stand by these professions? If we permit these imported Chinese to flood any portion of our country, like locusts in Egypt, and thus place their servile labor in competition with the labor of our own people, can we escape the charge of insincerity?

Mr. Speaker, I am in full sympathy with that sentiment which would throw open the doors of this great land to all who seek refuge from oppression, who come to make this country their home, who propose to help build it up, and if necessary to peril their lives in its defense; but I cannot concede the wisdom of the policy which would permit a horde of idolators to be imported here to debase the morals of the people, underbid them in the laboring and mechanical pursuits, who have no interests in common with us, who are a positive drain upon our resources, and are even averse to burial in our soil.

I am in favor of protection for American labor as well as for American capital invested in enterprises which require labor. A protective tariff does not and will not protect American labor, if the same Congress which passes the tariff bill fails to provide for the suspension of this importation of Chinese servile labor.

The laboring men of the United States look to us for protection. Do not let it be said that they "asked for bread and we gave them a stone."

Mr. Speaker, we have in this country, as I have said, six million of people who had their origin here, as the result of the importation of laborers under the section of the Constitution to which I have referred. They have endured a century of degradation, and have but recently been endowed with all the rights and privileges of citizenship, and are now struggling manfully to discharge their duties as good citizens and to provide homes for themselves and their families. No one can witness these efforts without commending them and bidding them God speed. They have, by reason of their birth upon the soil, become imbued with the spirit of our institutions; they worship our God, and share with us, as far as they are able, the burdens of government. They are by the Constitution entitled, as they ought to be, in common with all other citizens, to all the rights, privileges, and immunities of citizens of this great Republic.

But, sir, what would be the effect upon this portion of our people of an importation into the Southern States of these Chinese idolaters, who "bow down to stocks and stones" and, so to speak, "work for nothing and find themselves?" Would it not be damaging in many ways to their moral and material interests?

Sir, we are here to legislate in the interests of the whole people. We are here to legislate for California and the Pacific slope, as well as for New York and the Atlantic coast. Whatever endangers California flashes like an electric thrill through the length and breadth of the land. California and the Pacific States and Territories have since their organization poured into the National Treasury $1,000,000,000 in gold and silver, a sum vast in its proportions, but only a tithe of that which in future years they will empty into the nation's coffers. This is the section, and these the people who now ask of us that protection which as a part of this nation they have a right to demand at our hands.

Mr. Speaker, the recent treaty puts it in our power, in my judgment, without any violation of its letter or spirit, to heed the prayer of California and the Pacific slope and grant the relief for which they pray. China has by this treaty agreed that the immigration of laborers may be suspended for a reasonable time. The bill provides for a suspension of twenty years. Gentlemen say that this is unreasonable. When the friends of servile labor in the creation of our national Government demanded a time during which the importation of servile labor should not be prohibited, twenty years was agreed upon by the framers of the Constitution as a proper limit. It seems to me, sir, that, when those who oppose the introduction of servile labor now, in the nineteenth century, with all the experience that grew out of the action of a century ago, ask that a limitation may be put upon it, twenty years is a wise provision.

Twenty years will put a different phase upon this subject in its moral and material aspects. That large portion of our people now struggling to overcome poverty and ignorance will then have made substantial progress and be better prepared to encounter competition. Then, too, we shall have had an opportunity to judge from experience the capacities and capabilities of the Chinese, through the actions of those now here, who, under the provisions of the treaty, may remain; and time will have developed whether the fears of to-day are groundless or well-founded. If, sir, time proves that we have made a mistake in passing this bill, we can reverse our action and repeal the bill, or adopt such amendments and modifications as may then seem just and proper.

Chinese Immigration.

SPEECH

OF

HON. JOHN RANDOLPH TUCKER,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 22, 1882.

The House having under consideration the bill (S. No. 71) to enforce treaty stipulations relating to Chinese—

Mr. TUCKER said:

Mr. SPEAKER: The first objection which is made to this bill is that it violates the stipulations of the recent treaty with China. I shall address myself to that question at once.

The first point I shall make is, that this treaty proposes to deal with a subject (the regulation of commerce with foreign nations) that by the Constitution of the United States is exclusively delegated to Congress; and this power to regulate commerce, by a number of decisions of the Supreme Court of the United States, has been held to include the power to regulate immigration to the United States, as I shall show directly by reference to the authorities.

The question is whether the treaty-making power can divest Congress of its power to regulate commerce in the exclusion or the permission of the migration of any alien people into the United States. It has been often held, and in the case of the Hawaiian treaty it was made expressly a part of the treaty, that that portion of a treaty which regulated the duties to be imposed, for instance, upon articles imported from a foreign country should be subject to the sanction of the Congress of the United States.

This treaty with China has not so provided; and it has been very much discussed, from the year 1796 down to the present time, whether the treaty-making power can divest Congress of the authority which it has to determine any question which is expressly delegated to it by the Constitution. It is a question of great consequence in preserving the balances of power created by the Constitution; and I will be pardoned for giving it a preliminary consideration.

The Constitution (article 2, section 2, clause 2) provides that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." This is a general power without specifications. But Congress has the express power vested in it "to regulate commerce with foreign nations." (Constitution of the United States, article 1, section 8, clause 3.) And then it possesses the clearly defined authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." (Constitution of the United States, article 1, section 8, clause 17.)

These various provisions are to be so construed as to give each and all of them as full force and effect as shall make them consistent.

The question is not whether Congress can annul a valid treaty, but is a treaty valid and binding on the United States which divests Congress of its constitutional functions without its sanction and consent? Congress may not by its dissent annul a valid treaty, but is not its assent essential to the validity of a treaty, divesting it of its constitutional power?

The operation which a treaty can have may be from its inherent force, or such as may be necessary in aid of its provisions. All that is necessary in aid of its provisions is dependent on the action of Congress and cannot operate *proprio vigore*, but must depend for its operative force upon the concurrent action of Congress. But as to its provisions, which may operate without the aid of Congressional action, it is argued the power of Congress is excluded absolutely and entirely.

Is this argument sound? Suppose a treaty with Great Britain should provide that the Government of the United States should never lay any duty on articles imported from that country, or that Congress should never borrow money, or should never naturalize an alien, or should not coin money, or raise armies, or provide a navy, or establish post-offices, &c. Can it be held that the President and Senate may by treaty thus divest Congress of its constitutional authority or relieve it of its constitutional duty to do any of these things? If so, then the treaty-making power may amend, alter, and destroy the Constitution and hold us bound in good faith to submit to this claim of a foreign power conferred and sanctioned by a treaty. This cannot be true. It is absurd. These express powers to Congress are limitations on the general power to make treaties.

The general power to make treaties vested in the President and Senate is met by a specific grant of power to do certain things above referred to. Shall the general authority be limited by the specific grant of power to Congress, or the latter yield to and be submerged by the former? How can both stand in harmony? Clearly thus: the general power to make treaties, to establish the relation of contract between the United States and a foreign country, is for the executive branch. Negotiation of terms of a treaty is for the President and Senate. But before these terms can deprive Congress of its constitutional functions its consent must be obtained; and while Congress is not a part of the treaty-making department, neither are its legislative functions any part of the treaty-making department; and both must therefore concur in the stipulations of the treaty before it can be "a treaty made under the authority of the United States," which are the terms used to make any treaty the supreme law of the land. (Constitution, article 6, clause 2.) It must pass a law as "necessary and proper for carrying into effect this power" to make treaties, "vested in another department of the Government of the United States."

This construction of the Constitution makes it harmonious. The contrary construction would give to the President and Senate the power by treaty to emasculate Congress, to strip it of its power to perform its duties to the people, and would give authority to the treaty-making department by compact with a foreign foe to destroy the Constitution.

The same reasoning applies to a treaty which regulates commerce, in which, as I shall hereafter show, is included the power to regulate, limit, and forbid the migration of aliens to this country. Take another class of necessary limitations on the treaty-making power. Could a treaty alienate a part of the territory of the Union, when Congress has the express power to dispose of it? Or could a treaty give one of the States to a foreign power? Or could one of the States by treaty be surrendered to Great Britain as a Botany Bay for its convicts, an asylum for its paupers, or a hospital for its diseased and insane population? And the reason of the construction for which I contend will readily appear from a consideration of the balances of the Constitution.

A law to be operative must have the concurrence of a majority of the people of the States represented in this House, of a majority of the Legislatures of the States represented in the Senate, and the approval of the President, representing all the States and the people of the States. The requisition of these concurrent voices of the States and people is a protection to them against injurious action by the Government. Each is a check upon inconsiderate action by the others. But how as to the treaty power? The President secretly negotiates, secretly proposes a treaty to the Senate for ratification, and the Senate deliberates with closed doors upon its ratification. Did the Constitution intend to give such power, as is claimed over the constitutional functions of Congress, to the President and Senate acting in secret, and properly so in many cases?

But I take stronger ground. The President may be—often has been—elected by a minority of the popular vote of the country. Mr. Polk, General Taylor, Mr. Lincoln, and Mr. Hayes were elected by a minority of the popular vote. Mr. Hayes on the popular vote was in a minority of a quarter of a million of votes. This in ordinary cases. If the election is thrown into this House, a majority of States with fifteen millions of people may elect a President.

How as to the Senate? Two-thirds are required to ratify a treaty. Twenty-six States, with twenty millions of people, may ratify a treaty proposed by a President elected by States with fifteen millions of people.

Nor is this state of things new. When the Constitution was adopted two-thirds of the original thirteen States, with a population of 1,800,000, could ratify a treaty against the voice of four States with a population of 2,100,000.

Now, I submit to the House, could the framers of the Constitution have intended to give a power to a minority to divest Congress of its constitutional functions, delegated to it for the welfare of the whole people?

If it is said that foreign powers know nothing of all this, I answer in the language of the law, *Qui cum alio contrahit vel est, vel esse debet, non ignarus ejus conditionis.* "Whoever contracts with another either is or ought not to be ignorant of the capacity of that other to contract." (Lawrence's Wheaton, Elements of International Law, 329.)

If her majesty the Queen of Great Britain should by treaty seek thus to rob Parliament of its well-nigh omnipotent authority, would we be justified in exacting such an abdication of power from Parliament on the ground of good faith by pleading ignorance of the fact of her majesty's lack of power to negotiate such a treaty? And if Parliament would not submit at the dictation of the Queen of England to such a treaty, is this Congress bound to do so at the dictation of the President and Senate, backed by the claim of good faith made against us by the Celestial Empire over the Pacific?

These views, based on reasons deduced from the organic nature of our federal system, have found confirmatory expression in the writings of jurists, in the decisions of the courts, and in the action of Congress.

In 1796 the House of Representatives contested the question with President Washington, a full account of which will be found in the Peter Force Papers. The House passed the following resolution, by a vote of yeas 57, nays 35:

Resolved, It being declared by the second section of the second article of the Constitution that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, the House of Representatives do not claim any agency in making treaties; but that, when a treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution as to such stipulations on a law or laws to be passed by Congress, and it is the constitutional right and duty of the House of Representatives in all such cases to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon as in their judgment may be most conducive to the public good.

In 1816 Congressional action of like character was taken. (Annals of Congress, first session Fourteenth Congress, page 1018 *et seq.*) In 1844 Mr. Choate, in his report from the Committee on Foreign Affairs upon the Zoll-Verein treaty, took with great force and effect the very ground I am now taking; and upon that ground the treaty was rejected by a vote of yeas 26, nays 18. He said:

The committee, then, are not prepared to sanction so large an innovation upon ancient and uniform practice in respect of the department of Government by which duties on imports shall be imposed. The convention which has been submitted to the Senate changes duties which have been laid by law. It changes them either *ex directo* and by its own vigor or it engages the faith of the nation and the faith of the Legislature, through which the nation acts, to make the change. In either aspect, it is the President and Senate who, by the instrumentality of negotiation, repeal or materially vary regulations of commerce and laws of revenue which Congress had ordained. More than this: the executive department, by the same instrumentality of negotiation, places it beyond the power of Congress to exceed the stipulated maximum of impost duties for at least three years, whatever exigency may intervene to require it.

In the judgment of the committee the Legislature is the department of Government by which commerce should be regulated and laws of revenue be passed. The Constitution in terms communicates the power to regulate commerce and to impose duties to that department. It communicates it in terms to no other. Without engaging at all in an examination of the extent, limits, and objects of the power to make treaties, the committee believe that the general rule of our system is, indisputably, that the control of trade and the function of taxing belong, without abridgment or participation, to Congress. They infer this from the language of the Constitution, from the nature and principles of our Government, from the theory of republican liberty itself, from the unvaried practice, evidencing the universal belief of all, in all periods, and of all parties and opinions. They think, too, that, as the general rule, the Representatives of the people sitting in their legislative capacity, with open doors, under the eye of the country, communicating freely with their constituents, may exercise this power more intelligently and more discreetly; may acquire more accurate and more minute information concerning the employments and the interests on which this description of measures will press, and may better discern what true policy prescribes and rejects than is within the competence of the executive department of the Government.

To follow, not to lead; to fulfill, not to ordain the law; to carry into effect, by negotiation and compact with foreign governments, the legislative will when it has been announced upon the great subjects of trade and revenue, not to interpose with controlling influence, not to go forward with too ambitious enterprise—these seem to the committee to be the appropriate functions of the Executive.

The principle was again asserted in the same way in 1853-'54. In Foster *vs.* Neilson, 2 Peters, 314, Marshall, C. J., says:

A treaty is, in its nature, a contract between two nations, not a legislative act, and does not generally effect of itself the object to be accomplished, but is carried into execution by the sovereign power of the respective parties to the instrument. In the United States the Constitution declares a treaty to be the law of the land. It is consequently to be regarded in courts of justice as equivalent to an act of

the Legislature whenever it operates of itself, without any legislative provision. But when the terms of the stipulation import a contract, when either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial department, and the Legislature must execute the contract before it can become a rule for the court.

In Turner *vs.* The American Baptist Union, 5 McLean's Circuit Court Reports, 344, (decided in 1852,) Mr. Justice McLean said:

A treaty under the Federal Constitution is declared to be the supreme law of the land. This unquestionably applies to all treaties where the treaty-making power, without the aid of Congress, can carry it into effect. It is not, however, and cannot be the supreme law of the land where the concurrence of Congress is necessary to give it effect. Until this power is exercised, as where the appropriation of money is required, the treaty is not perfect. It is not operative, in the sense of the Constitution, as money cannot be appropriated by the treaty-making power. This results from the limitations of our Government. The action of no department of the Government can be regarded as a law until it shall have all the sanctions required by the Constitution to make it such. As well might it be contended that an ordinary act of Congress, without the signature of the President, was a law as that a treaty which engages to pay a sum of money is in itself a law.

And in such a case the representatives of the people and States exercise their own judgment in granting or withholding the money. They act upon their own responsibility, and not upon the responsibility of the treaty-making power. It cannot bind or control the legislative action in this respect, and every foreign government may be presumed to know that so far as the treaty stipulates to pay money the legislative sanction is required.

In Taylor *vs.* Morton, 2 Curtis's Circuit Court Reports, 454, decided in 1855, Curtis, J., said, after quoting the second section of the fourth article of the Constitution as to the supremacy of the Constitution and laws of the United States made in pursuance thereof and treaties made under the authority of the United States, (and remark in passing it does not say by the President and Senate, but under the authority of the United States; that is, with the sanction of that law which is necessary and proper to carry the treaty into effect:)

There is nothing in the language of this clause which enables us to say that in the case supposed the treaty, and not the act of Congress, is to afford the rule. * * * This provision of our Constitution has made treaties part of our municipal law. But it has not assigned to them any particular degree of authority in our municipal law, nor declared whether laws so enacted shall or shall not be paramount to laws otherwise enacted.

And after holding that a treaty and its obligatory force as between the United States and the foreign nation is a question for the political and not the judicial department, he says:

There is nothing in the mere fact that a treaty is a law which would prevent Congress from repealing it.

And again:

To refuse to execute a treaty for reasons which approve themselves to the conscientious judgment of the nation is a matter of the utmost gravity and delicacy; but the power to do so is prerogative, of which no nation can be deprived without deeply affecting its independence. That the people of the United States have deprived their Government of this power in any case I do not believe. That it must reside somewhere, and be applicable to all cases, I am convinced. I feel no doubt that it belongs to Congress.

The decision was, that a law of Congress could repeal a duty.

And finally, in The Cherokee Tobacco, 11 Wallace, 616, (decided in 1870,) Swayne, Justice, speaking for the Supreme Court, and citing the case of Taylor *vs.* Morton, already quoted with approval, said:

A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty.

And this principle was decided in that case.

It thus appears that the judicial department may hold that a treaty stipulation is annulled by an act of Congress, though *inter vartes* and by the political department the treaty may still be deemed binding upon the faith of the nation.

But these authorities do conclusively settle that Congress may repeal a treaty by its law, and that the courts, so far from being bound to regard a treaty as the supreme law of the land, are bound to give effect to the law of Congress repealing the operation of the treaty. Judge McLean goes further, and holds that a treaty which requiries legislation to give it effect is no treaty until the legislation is passed. In Wheaton's Elements, page 329, that author says on this point:

The treaty, when thus ratified, is obligatory upon the contracting states, independently of the auxiliary legislative measures which may be necessary on the part of either in order to carry it into complete effect. Where indeed such auxiliary legislation becomes necessary, in consequence of some limitation upon the treaty-making power, expressed in the fundamental laws of the state, or necessarily implied from the distribution of its constitutional powers—such, for example, as a prohibition of alienating the national domain—then the treaty may be considered as imperfect in its obligation until the national assent has been given in the forms required by the municipal constitution.

Mr. Lawrence, the learned annotator of Wheaton, claims no more than that "if the treaty be within the constitutional limits, free from fraud, and not destructive of any of the great rights and interests of the country, then there is a moral obligation to grant the aid required." And this accords with Chancellor Kent, (1 Kent, page 285.)

From this review I feel justified in holding that if any treaty seeks to bind the United States to a foreign country in respect to the functional powers of Congress we are not open to a charge of bad faith if Congress refuses to sanction a divestiture of its constitutional authority to deal with any subject intrusted to it by specifically granted powers in the Constitution of the United States.

This treaty was made in 1881. At our first session we may act upon it, and do so for the welfare of our people without fear of the imputation of bad faith by a Government which made a treaty that took away our authority without right, and of the absence of right to do which that Government was not, or ought not to have been, ignorant. I hold, therefore, that this treaty, as it proposes to regulate commerce in the matter of immigration of aliens, is subject to the sanction or disannulment of this House and the other House of Congress. If I am right in this, and I do not think there is error in my reasoning, the result is: that, aside from the question whether this bill violates the terms of the proposed treaty, we have the right to say this proposed treaty is not the supreme law of the land, as a "treaty made under authority of the United States," in respect to this matter of regulating commerce, and the migration of Chinese laborers, included under the terms of the commercial power, until in addition to the formal ratification of the treaty it shall have the sanction of law by both Houses of Congress and of the President.

I now come to this question: But does this bill violate the stipulations of the proposed treaty? I hold it does not. What are the terms of this treaty? They are as follows:

ARTICLE I.

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

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers, who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nations.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith such measures will be communicated to the Government of China. If the measures as enacted are found to work hardships upon the subjects of China the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

Mark its terms: "Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States or their residence therein affects or threatens to affect the interests of that country or to endanger the good order of that country or any locality within the territory thereof;" thus the condition on which we are to act rests on our opinion. If we think there is danger from the coming of Chinese laborers, then "the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence."

How regulate? By such rules as we may subject it to, as to passports, certificates, &c., as provided by the fifth section of this bill. How may we limit it? By defining the number that may come in any year. How suspend? We may suspend, "but may not absolutely prohibit," immigration. If we prohibited, it would be by exclusion forever or for an indefinite time. We may suspend for a limited time, for a term of years.

This is clear. What restriction does the treaty put upon the period of this authorized limitation and suspension? It shall be reasonable. What is a reasonable time of suspension? Gentlemen around me admit that this immigration may be suspended or prohibited for six months. Then why not for six years? And if for six years, why not for twenty years? Where is the restriction? It is here, and I admit it. It must be reasonable. How reasonable? What is the purpose of suspension at all? It is the suspension of a privilege to the Chinaman, because it imperils the interests of our own people; and hence this immigration may be suspended; that is, the privilege of the Chinaman may be suspended until the peril and threat of danger to our interests is past. That is a question for you and me upon our own consciences before God to determine, and for no one else.

Now, what is a reasonable suspension, looking to this privilege on the one hand and the danger on the other? It is said there may be hardships to the Chinaman under the fourth article of the treaty. Hardship to a Chinaman to deny him a privilege he has never enjoyed and to which he is not entitled as a right! But gentlemen say the meaning is that our legislation must be reasonable as to the prevention of the coming of the Chinese. Very well; but it must be reasonable not only with reference to his privilege of coming but in reference to the threat of danger to our people from his coming; and as the power is left to the Government of the United States to determine upon the reasonableness of the suspension, looking to the interests of our own country, we cannot admit an alien country to come into our counsels and decide that question for us. Is, then, a suspension for twenty years reasonable?

Gentlemen on the other side who say that suspension for twenty years is unreasonable admit, as I understand, that they will vote for

a suspension for ten years. Why is a suspension for ten years reasonable and a suspension for twenty years unreasonable? Reasonable with respect to what? I say with respect to the cessation of the danger which threatens our interests and which leads us to suspend the immigration. What is the danger? The danger is (and I will come to that directly) that the immigration of the Chinese throws upon the Pacific coast so large an alien population antagonistic in its civilization to our own as endangers the peace and order of that part of the country, inpedes its growth and prosperity, and obstructs its civilization.

Now, when that danger ceases it is unreasonable to continue the suspension. So long as it continues it is reasonable, in the sight of God and in the judgment of all true men, to continue it. As between the safety of our own people and the privilege of the Chinese to come here to labor and send his money saved from his wages back to his home in China, who in this House will hesitate to say that it is our right and duty under the treaty to take care that the rights of American citizens and the welfare of American States must first be conserved before we can consider the privileges and interests of the Chinaman? [Applause.]

As between the right of the citizen to peace and security and social progress, and the privilege of an alien to enter our country, can there be a doubt of the duty of our Government, which reserved and to which China conceded the authority to decide between these conflicting claims, to defend and preserve the interests of our own people, even if thereby it denies the privileges claimed by the foreigner? By the true construction of the treaty, right cannot yield to privilege, and the citizen must be preferred to the alien.

Now, if I am right in saying that this bill does not violate the treaty stipulations, and if the bill did violate them that no treaty stipulation in reference to this regulation of commerce binds us at all against our will, let us advance to the inquiry what our constitutional powers and duties are in this matter. The Constitution of the United States gives to Congress the power to regulate commerce with foreign nations; and by a series of decisions the Supreme Court has held that this extends not only to trade and to all the instruments of commerce and to navigation but to intercourse, which includes the migration of persons, as well as to the interchange of products. (Passenger cases, 7 Howard; Henderson *vs.* Mayor of New York, 2 Otto, 259.)

In the later case of Chy Lung *vs.* Freeman, 2 Otto, 275—I do not know how to pronounce the name of the Chinese gentleman——

Mr. PAGE. It makes no difference; their names are nearly all alike.

Mr. TUCKER. The Supreme Court held not only that Congress could admit or exclude immigration but that California, a State of the Union, could not by the law she had enacted exclude the prostitutes of China from her borders against the will of Congress, thus tending to deny to the State the police power to protect her people from disease, moral and physical, from pauperism and from crime. If this be so, it is obvious the courts by construction take away from the State the power of self-protection, and she can only appeal to Congress for relief.

The history of this clause in connection with that in article 1, section 9, of the Constitution, is interesting and instructive. The latter reads thus:

> The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding $10 for each person.

As matter of history, it is well known that this provision chiefly applied to the introduction of negroes as slaves. The idea of permitting negroes to come as free men and as candidates for naturalization never entered into the minds of the framers of the Constitution. On the contrary, it has been held by high judicial authority that this clause only applies to negro slaves, and not to the migration of free people. With this I cannot concur, for while migration, in contrast with importation, is used in the first branch of the clause, it is left out when the tax or duty is provided for in the last branch. Free men migrate; slaves were imported.

In confirmation of my opinion, I cite a remark of George Mason, of Gunsten Hall, a member of the Federal Convention of 1787. The clause reported (3 Mad. Papers, 1415) provided for a tax on the migration as well as the importation. Gouverneur Morris remarked on this, as a power to tax free men, (3 Mad. Papers, 1429.) To this, on page 1430, Mr. Mason replied: "The provision as it stands was necessary for the case of convicts, in order to prevent the introduction of them."

It seems that the power to regulate commerce was supposed by some of the members of the convention to involve authority to prevent the importation of slaves. To avoid this result the early draft of the Constitution contained a proposition prohibiting any tax or duty on migration or importation of such persons, and providing that such migration and importation should not be prohibited, (2 Mad. Papers, 1233, 1234.)

A committee was raised on this subject—and the power over commerce, and reported that the migration or importation should not be prohibited prior to the year 1800, (3 Mad. Papers, 1415.) This would have allowed the prohibition of the slave trade and all migration in ten years.

General Pinckney, of South Carolina, seconded by Mr. Gorham of Massachusetts, moved to extend the time to twenty years by inserting 1808 for 1800 in the clause. Madison opposed it. It was adopted by the following vote: "New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina, Georgia—ayes 7; New Jersey, Pennsylvania, Delaware, Virginia—noes 4." (3 M. P., 1427, 1429.)

Migration of free men and importation of slaves thus united in the same clause were seemingly regarded as limitations on the power to regulate commerce. But whether so or not, the negative phrase that Congress shall prohibit neither prior to 1808 seems clearly to imply the power of Congress to prohibit either after 1808.

This is the basis of those decisions before referred to, by which the power of Congress over immigration has been held well-nigh absolute, and the power of the State to prevent it has been narrowed very greatly from the older decisions.

Deprecating as I do the tendency of these decisions to abridge the police power of the States in favor of the commercial power of this Government, I ask, how stands the question on these decisions? California and other States of the Union, notably New York, as decided in a great many cases, are denied the power to prevent the migration to its borders of immigrants from foreign countries, except perhaps in cases of convicts, paupers, or diseased persons; and therefore the only power that can prevent immigrants not in any of these latter classes is that of Congress. All the State has to do in reference to this immigration, which may be dangerous to its safety and to the preservation of the order and peace of society, is to hold up its hands and cry out to the General Government, "Save us from the increase of this class of immigrants!"

Let it be remembered that while Congress may well in the interest of all the States forbid immigration which one State might wish to admit, yet it is another thing and might be a cruel wrong for Congress to admit certain immigrants, against the earnest outcry of even one State, which would be the victim of their presence in its society. A law to admit or permit such immigration would be neither a just, "necessary, nor proper" law. It would violate the duty which this Government owes to the States—the duty so to use its powers as to protect and help, not to assail and hurt any State of the Union. Then what should Congress do when the States of the Union are stripped, as they have been by this clause of the Constitution, as interpreted by the Supreme Court, of their power to defend themselves against this morally, if not physically, diseased population? Shall this Congress turn a deaf ear to their protest and entreaties? Shall Congress say you cannot help yourselves under the Constitution of the United States, and we will not help you?

I hold that it is the duty of Congress to listen to the voice of the smallest State in the Union, and to prevent the migration of people who are injurious to its civilization or fatal to its safety. Is it just, is it a necessary and proper law to permit this treaty to go into effect, by which such migration shall be permitted on the Pacific coast which is dangerous to their peace and safety? Is it not a just and necessary and proper law for us to say that the treaty that opens the Golden Gate of California to the incursion of these Chinese laborers, injurious to their society and an impediment to their progress, shall be annulled, and that Golden Gate be closed against them for twenty years?

If the constitutional powers and duties of Congress to these Pacific States and Territories be such as I have contended, in case of danger to any one of them the question now is fairly presented, is a suspension of this immigration for twenty years such an exercise of the power by Congress as duty to the Pacific States demands, and is it reasonable under the terms of the treaty?

Now, Mr. Speaker, what is the danger? There are nearly a million and a half of people on the Pacific coast.

Mr. PAGE. A little over a million.

Mr. TUCKER. I include all the Territories, and I take it the population there is about a million and a half. The question is whether the presence of 100,000 Chinamen and the accession of a still larger number, if immigration continues, imperils the civilization of a million and a half of Caucasians. It is not whether it imperils the civilization of nearly 50,000,000 of persons on the Atlantic seaboard who never saw a Chinaman. It is whether it imperils the civilization of the Pacific coast, and I say it does until the Caucasian population on the Pacific coast grows to such number and strength as that Chinese immigration will be but a harmless drop in the bucket.

The question which we are to determine is whether a period of twenty years is too long a suspension when our object is that this tide of Asiatic immigration shall cease until that population has grown large enough to defend itself against the dangers of such a foreign substance in the body-politic. And on that question I rely mainly upon the judgment of those who are to be affected by our legislation. We have the power east of the Rocky Mountains to legislate for those on the Pacific, but we must take care to put ourselves in their place, and legislate for them in matters affecting their local interests as if we lived among them. Our power must not divorce itself from their interests.

But gentlemen say the idea that 100,000 Chinamen dropped into the bosom of 50,000,000 of Anglo-Saxons or Caucasians will be dangerous to their peace is absurd. But this is an unfair statement of the proposition. Of the 105,000 Chinamen reported by the census as

in the United States, 3,500 are in the Atlantic States and east of the Rocky Mountains, while 102,000 are in the bosom of that little society which nestles on the Pacific coast. Thirty-five hundred Chinamen among 48,500,000 Caucasians east of the Rocky Mountains is $\frac{1}{13}$ of 1 per cent.; while 102,000 of Chinese in 1,500,000 of population is nearly 7 per cent.

It must be ever kept in mind that while the Atlantic States are open to European immigration, the Pacific States are exposed to Asiatic immigration.

Let me call more special attention to the state of population in the Pacific States *and* Territories. I present the annexed table, showing the male and female population of the several States and Territories, the Chinese population, the percentage of Chinese to white population, of Chinese males to white males, and of Chinese adult males to white adult males.

Pacific States and Territories.

States and Territories.	Males.	Females.	Chinese.	Per cent. to whites.	Per cent. of Chinese males to white males.	Per cent. of Chinese male adults to white male adults.
California	518,176	346,518	75,132	9.7	16	43
Nevada	42,019	20,247	5,416	10	14	16
Oregon	103,381	71,387	9,510	5.8	10	16
Washington	45,973	29,143	3,186	4.7	7	11
Wyoming	14,152	6,637	914	4.7	7	9
Idaho	21,818	10,792	3,379	11.6	18	22
Arizona	28,202	12,238	1,630	4.6	6	8
Montana	28,177	10,982	1,765	4.9	7	8
Colorado	129,131	65,196	612	(*)	(*)	(*)

* Less than 1 per cent.

Let me explain this table. In the State of California alone, you will note that out of the 75,000 Chinese population there are 70,000 who are males, and adult males without wives or children or any family to speak of. [Laughter.]

Then there will be in the State of California at least 70,000 Chinamen out of about 230,000 male adults, estimating the white male adults as 160,000; that is to say, 70,000 out of 230,000. The Chinese adult males are to the white adult males as 43 to 100; or at least 30 per cent. of the whole adult male population of California is Chinese.

I put it to my friends in this House who are opposed to this bill, how would you like one-third of the adult male population of your commonwealth to be Chinese? I put it to my friends from Massachusetts who are opposed to this bill, and even to the sentimental humanitarian from Ohio [Mr. TAYLOR] who addressed us so eloquently the other day: how would you like one-third of the male adult population of Massachusetts or Ohio to be Chinamen, and with the prospect of a large increase of that population, and that not in the ordinary way? [Laughter.] I invoke the application of the golden rule, What we would that they should not do to us, let us not do to them.

Well, now, the point that I want to present to the House is this: here are some infant commonwealths upon the Pacific seaboard, and other inchoate commonwealths in the form of Territories, subject to our control and government, who come here and ask us to rid them of this dreadful incursion of Chinese laborers now being made upon them. And I ask this House if they are prepared to say that we shall in judging for these people, having so deep an interest in the question, rule against them, notwithstanding their plea, according to our judgment upon the facts, of which, and of all the circumstances of their condition, the people of the Pacific must know so much better than we do.

Mr. Speaker, the question comes up, then, gravely for our consideration, Is this immigration such an evil as that we ought to seek to prevent it? What kind of people are these Chinese laborers? Will not this continued immigration stifle the energy, impede the growth, and adulterate the civilization of the young Hercules on the Pacific? Shall we force him in his cradle to wrestle with serpents which menace his vitality and his purity?

It is said by gentlemen here, and I heard the honorable gentleman from Iowa [Mr. KASSON] this morning say, that this bill was contrary to the great principles of American policy; which is, to let everybody come at his pleasure to this "land of the free and this home of the brave;" to this asylum for the oppressed and the downtrodden everywhere.

Mr. Speaker, I have a proper sympathy with these sentiments, and while according much to them in our general policy, and giving large privilege to immigrants from other lands, yet when the right to come is claimed for them I protest against it as no part of our policy. I do not so read the Constitution of my country. Look at its preamble:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The men who formed that Constitution formed it for the people of the United States; for the people of the several States who were united by the former articles of confederation, but who were to be continued in unity under this Constitution.

Gentlemen quote Scripture for their purpose:

God hath made of one—

That is the new translation contained in the Revision which was admitted free of duty the other day, and therefore I may so quote it as by authority of Congress—

God hath made of one all the nations of men to dwell upon the face of the earth—

Very well, that is all true; but gentlemen forget to quote the remainder of the passage—

having determined their appointed seasons and the bounds of their habitations.

What are these determined bounds? Asia for the Mongolian and Semitic races; Africa for the sons of Ham; Europe for the Caucasian; and America, thank God, for the great Caucasian family of nations. [Applause.]

Now, let us see who peopled this country, and who it was that framed our Constitution, and spoke it into being, as "We, the people of the United States," ordaining and establishing it for "ourselves and our posterity." The English Puritan in New England; the Hollander in New York; the Swede, the Norwegian, and the Dane in New Jersey, Delaware, and Pennsylvania; the English Catholic in Maryland; the German and Scotch-Irish in Pennsylvania and in the valley of my own ancient Commonwealth; the English cavalier, the Saxon planters, farmers, and artisans in Virginia and elsewhere; the French Huguenot in the Carolinas and in Georgia; and the other representatives of European stocks of the old Caucasian family and races of people all over the Union, and the Irish everywhere. [Laughter and applause.] We did not ordain and establish this Constitution for the Chinaman and for all the other races of the earth.

Mr. THOMPSON, of Iowa. Would it interrupt the honorable gentleman from Virginia to read from a speech against this bill in answer to his question?

Mr. TUCKER. I regret that I cannot yield to the gentleman. I have but a very short time. If I can get an extension of the time I will let you interject your question anywhere.

I hold that this Constitution was ordained and established by our fathers for their posterity of the Caucasian people of America. How much domain did we have when we started our Union? We talked about a country beyond the Mississippi, but nobody had been out there to people and possess it. And now, when by the enterprise and energy and skill and civilization and blood and treasure of the Caucasian race we have stretched out until we have reached the shores of the Pacific, John Chinaman comes in and asks, yea, demands, that they and the other peoples of the world, now that our lines have fallen to us in such pleasant places and that we have so goodly an heritage, shall come in and enjoy the fruits of our labor and civilization as coequal partners with us. Is this their right, in the face of the power vested in us by the Constitution to prohibit immigration at our will after 1808, and when the limit on our power over immigration and importation was chiefly made in the interest of negro slavery, and was extended to 1808 by the votes of New England and the cotton States of the South?

I hold that American statesman to be the best humanitarian who isa legislator for our own country, who attends to the business and looks to the interests of our own people, and who strives for the preservation of the liberty and happiness and prosperity of the citizens of this great Union of States. [Applause.]

Mr. ROBESON. I agree to that.

Mr. TUCKER. I knew that you would agree to that; and further, that the liberty and prosperity and civilization of our own people is the principal business of the American statesman; and the less we interfere with the affairs of other people, leaving them to attend to their own as God gives them opportunity, the better will we promote the welfare of our own country, and, by our example and policy, benefit the other nations of the earth.

Now, Mr. Speaker, if that be the case, if we of the Caucasian family have made this Constitution; and by our energy and blood and treasure have won this great heritage; if we have conferred this boon upon the Caucasian race, I maintain that it is not only our legal right, but that it is our duty in justice and equity to determine who shall come and share it with us. And if the coming in of the Asiatic be unpropitious to the welfare of this country, or to the welfare of any portion of it, I am ready as a member of Congress here to vote against his coming.

But it is said, you let the Irish, the Scotch, the English, and the German come. That is very true. But these are bone of our bone and flesh of our flesh. Do you say there is no homogeneousness between us and them? Why, sir, who that is present here to-day if he could run back through four generations would not find a current of Irish, Scotch, English, German, or French blood in his veins? And I do not know but that I have all of them myself. [Laughter.]

A MEMBER. How about the Indian?

Mr. TUCKER. None of the Indian for me; I am pure white.

Mr. MOORE. Is there none of the Pocahontas blood in your veins?

Mr. TUCKER. No, sir; none of the blood of Pocahontas. I respect that old granddame of Indian memory; but I have not the honor to have any of her royal blood in my veins.

Now, Mr. Speaker, if I am right in the view I have taken, I proceed to inquire, what, then, is the objection to the Chinaman coming here? I am willing that everybody who does not hurt us should come. But what is the objection to the Chinaman coming?

I have no time to go into an elaborate discussion of the philosophical or scientific phase of this great subject. But I do mean to say that where two peoples have for thousands of years held as a part of their inheritance antagonistic opinions on those subjects that go down to the very roots of our social being and order; when you find a current of civilization like that of the Chinese running for two, three, four, five, or, as they claim, ten thousand years in one bold stream absolutely parallel to our own and never touching it in any point, (though it may be a superior civilization as they claim;) but admitting that it is, where the plane of its motion is never tangential to that on which the Caucasian moves, it cannot be for the development and progress of our Caucasian civilization to commingle it with the diverse polity and civilization of the Mongolian. Can it be wise for us, as American legislators, to admit a new stream of civilization into our society diametrically antagonistic to our own, and hope for peace, and order, and comfort in the homes of our American people? Is this race such an one as we should inject into the life-blood of our confederated Republic of free commonwealths?

In answer to this question I must say that the granite foundations of moral, religious, social, and political ideas must be in harmony or coalescence is impossible. Homogeneity of races does not exist where they cannot flow together in the relations of social life, in marriage, in the family, and in the home. Civil and political relations are difficult of adjustment when social and individual affinities are impossible and social and personal incompatibilities exist.

What is civilization? It consists in the ideas; the moral and religious instincts, innate and acquired; and in the advanced and quickened intellectual and moral forces of a people, from which, as the soil, air, light, and moisture spring and grow the bud, the flower, and fruit of the human race; in art and science and philosophy; in social institutions, in the family, the home, and the customs of social life, giving law to the relations of human beings to each other; in moral and religious principles; in the relations of the state to the individual, and in all those forms of material development by which the brain of man subjects physical forces to his will, attaches them to the car of his progress, and achieves the triumphs which we witness among the nations of Christendom in this splendid century of human history.

What are the fundamental ideas of our Christian civilization?

First. Monotheism—the worship of the one only living and invisible God.

Second. Marriage between one man and one woman in the holy union which makes a pure and happy household for the nurture and training of children, in the home of the Caucasian race. This is the true foundation of every well-ordered state. Conserve this, and the state will be noble and prosperous; destroy it, and all is lost.

Third. Parental nurture as the highest duty and noblest privilege on the one side, and on the other filial obedience and honor to the parent; the law of the home by which the child is educated for the position he is to hold as a law-loving and law-supporting citizen of a free country.

Fourth. The liberty of the citizen secured against the despotic and absolute domination of the government, which is bound to obedience to the will of the people, expressed in its fundamental law, the constitution of the state, creating and prescribing the authority of the government, and securing the rights of the individual man.

Contrast this with the civilization of the Chinaman. We are monotheists; he is a polytheistic pagan and idolater.

We are monogamists. The Chinaman is a polygamist! [Laughter.] God save the mark! Polygamists, buying and selling wives and admitting concubines to the home of the isolated and secluded wife! And gentlemen who lately were so earnest in extirpating polygamy from the society of American citizens are indignantly insisting on importing it from China in order to the pollution of the home life of our people on the Pacific coast. [Applause and laughter.]

What is the family relation? The Chinaman is not only a polygamist in such forms that this presence does not allow me to speak of it further, but he owns the child and may sell him into slavery.

What is the relation of the Chinaman (I cannot call him citizen) to the government? The emperor is the high priest of a theocracy, the vicegerent of God, and an autocrat, with absolute and unlimited power over the whole mass of Chinese people, his base and willing slaves. How can you transform such a slave into a citizen of free America?

The SPEAKER *pro tempore*, (Mr. PACHECO.) The time of the gentleman from Virginia has expired.

Mr. ROBESON. I ask that the gentleman's time be extended.

There was no objection.

Mr. TUCKER. What can you do with the Chinese when they come? You must either naturalize him or leave him forever as an exotic member of our society. Naturalize him! What kind of a citizen would he make? You would plant him in the States of the Pacific as a hostile element in their political affairs. Absolutely antagonistic in all his civilization, you would clog the Caucasian race with a body of death about their social and political life. One-third of the voters of California would be Chinamen. How could the young Commonwealths on the Pacific survive it? How would Massachusetts, how would Pennsylvania, how would Ohio, or the Old Dominion stand that? And can we put on the infant States beyond the Rocky Mountains what we would not, could not bear for ourselves?

But suppose the Chinaman is not naturalized, then what? We would fasten a fungus, foreign, and malignant substance in their body-politic to fester, poison, and destroy the Pacific States.

But gentlemen say, Why you have already here an element antagonistic to our civilization. Ah, yes, sir; and that is as many as we can carry. [Laughter and applause.] Now, gentlemen will not understand me as intending to rake up the embers of the old struggle; far from it, sir. But I do mean to say there is not a philosophical statesman in this land who to-day does not say either that the citizenship and the voting power of the African race in the South is a failure—either that or that it is an unsolved problem of our future. We have that one disease in the body-politic, which God grant we may recover from. But for God's sake do not let us inoculate the body-politic with another disease of the same kind with the hopeful idea that the youthful Hercules can get over that one too. I believe, Mr. Speaker, that the African is a better form of the disease, a much more curable form of the disease, than the Chinaman.

The African has been with us for two hundred and sixty years. I tell you, gentlemen of the North, that we, perhaps more than you, have loved the African. In the arms of the African mammy we have been carried, and our forms have rested on her lap in our childhood, and her eyes have been closed in death by these hands. In their humble way they embraced our Christianity, which is large enough to fill the mind of a Newton and simple enough to feed the faith of the poor African. They believe, not in a Christianity that is travestied, as my friend from Maryland [Mr. McLANE] has shown you the Chinese converts did, but they believe in Christianity with a simple faith that makes them and us akin in a firm reliance for eternal happiness on the death and life of the same divine Redeemer.

But gentlemen say let us now look at the immigration on the Atlantic seaboard. Look at the eastern people who come to us. Gentlemen say they come fleeing from oppression and have lived under tyrannical governments, and how are they fitted for American citizenship? Do gentlemen put our European immigrants on a footing with the Asiatic? This cannot be done. The old German in his native forests, the primal example of individualism, the free and bold barbarian (as described by Tacitus) sounded the key-note of all the liberties that have come to your ancestors and mine in the mother country for all the generations that have followed. The French have struggled for liberty and have won it. The Englishman has fought for his constitutional freedom and has achieved it. And poor Ireland is struggling to-day, as she has done for centuries, for what is so essential to ourselves and to all liberty-loving people, the right, the absolute right of local government in local affairs; for the government which rules local affairs in which it has no interest is, in fact, a foreign government, whose authority will be abused and do injury to its subjects, because power is divorced from interest, and interest is not represented by the hands which wield power.

Now, what is it that our friends from California and the Pacific coast are now asking? They say "As we cannot regulate our local affairs as to the people that are to live among us, as we are denied the right to exclude Chinese immigration from our homes on the far-off Pacific slope, for God's sake let Congress, which can check this immigration, do it for us."

All these people who come to us from European countries are different from the Asiatic horde who swarm upon the Pacific. They are members of that great Caucasian family which in these centuries that have passed have been struggling upward and onward in the career of freedom; and therefore it is that whenever an Irishman, or a Scotchman, or an Englishman, or a Frenchman, or a German drops into the bosom of our society he keeps step with the march of our own people in maintaining the principles of liberty and constitutional government, and in advancing our common civilization.

I have thus endeavored to explain what I mean in maintaining that you cannot have peace and order and comfort in our American society unless the races that people our country and take part in our polity, are homogeneous races with like fundamental ideas, in morality, in religion, in reference to the relations of the government to the man; and in that most fundamental of all ideas, the question of the relations of the man to his wife and his children in the family and the home, which is at once the foundation and the capstone of the edifice of every well-regulated society.

There are other objections which are made to this bill. They say that the Chinaman is a cheaper laborer than we have, and therefore it is our interest to admit him.

That was substantially the language, as I understand, of the celebrated Morey letter, which was attributed to my distinguished and lamented friend, the late President of the United States; that all we wanted was to get enough of cheap Chinese labor and then we would prevent any further immigration. And so alarmed were the friends of that distinguished leader that his prompt disavowal of that letter was considered necessary in order that the party might carry the country.

And yet what is the doctrine we hear advocated on this floor? It is that the Chinaman is the cheaper laborer, and therefore he should

be allowed to come into this country and compete with our laborers. And gentlemen who hold to the doctrine (and I desire to call attention to this) that we ought to have a tariff high enough to protect the American laborer against the pauper laborer of Europe are instant in season and out of season in advocacy of a policy which would import millions of the poor laborers of China against whom our laborers at home must run the gauntlet of a destructive competition.

Now, I have no hesitation in saying that I am in favor of obtaining the products of other countries under a liberal tariff system, although they are made there cheaper than they can be made in America. I believe that would be to the advantage of the great consuming classes of this country. But I am not in favor of degrading the modes of living and the customs and habits of our laboring classes down to the base level of the Chinese laborers in the fierce competitive struggle for employment. Nor let it be forgotten that while our home laborer keeps his accumulated earnings here to add to his comfort and that of his family, and to the aggregate of national wealth, the Chinese laborer, in the worst form of absenteeism, lives on almost nothing here and sends his surplus wages to his home in China.

But another view has been pressed by my distinguished friend from Mississippi, [Mr. HOOKER,] who said yesterday, and it has been repeated here to-day, that one of the great things we have to look to is the preservation of our important trade with China. They tell us that if we do not let the Chinese laborers come in, China will be displeased and will not let us trade with her; that the Chinese embassy is to decamp from the capital at Washington and go to Spain. Well, I would not interfere with his highness if he desires to go to Spain. Perhaps it would be more pleasant there during the summer months. But that we should not be frightened from our propriety by any such threat as that from the embassy of China I suppose it is not necessary for me to insist before this audience.

What is this important trade? I annex a table on which I will comment:

Value of merchandise imported into, and exported from, the United States in our trade with China, including Hong-Kong.

Year ended June 30—	Exports.		Total exports.	Imports.	Total imports and exports.	Total imports and exports of United States—all countries.
	Domestic.	Foreign				
1840.....	$469,186	$63,777	$531,963	$6,640,829	$7,173,792	$239,227,465
1858.....	2,783,754	127,399	2,911,153	10,570,442	13,481,595	607,257,571
1868.....	3,942,332	37,682	3,980,014	11,384,999	15,365,013	747,361,803
1881.....	8,361,949	2,585	8,364,534	24,717,557	33,082,091	1,675,624,318

* Also including Singapore for 1869.

It will be seen that before we ever had a treaty with the Celestial Empire our export and import trade with China was $7,173,792; which was 3 per cent. of the entire export and import trade of the United States. Under the present treaty, with all our boasted facilities, our whole export and import trade with China was less than 2 per cent. of the entire export and import trade of the United States. In other words, in 1840 our China trade was 3 per cent. of our total foreign trade. In 1858, before the treaty of that year, it was 2.2 per cent. In 1868, before the Burlingame treaty it had fallen to 2 per cent. In 1881, after all our efforts by treaty it had fallen below 2 per cent. So much for these treaties in advancing our trade with China. It is true the aggregate amount has increased, but the relative proportion to the whole has fallen. But look at the amount. Last year we exported to China, including Hong-Kong, goods to the value of $8,364,534, and we imported goods to the value of $24,717,557. As my friend from Maryland [Mr. MCLANE] said this morning, they sell to us all that we will buy, and they buy of us nothing that they can help; they take their payment in trade dollars, and not in merchandise.

A great part of this export and import trade with China is with Hong-Kong, where there is a large European population who take and consume our supplies. So far as China is concerned the export and import trade is very small.

Compare this for one moment with our trade with Great Britain. Out of a total export trade last year (year ending June 30, 1881) of $883,925,947 we exported to Great Britain $476,000,000, which is 57 per cent. We exported to China $40,900 of breadstuffs, and to Hong-Kong $973,145, in all $1,014,045, or less than one-half of 1 per cent. of total export of breadstuffs. To Great Britain we exported largely over $100,000,000 of breadstuffs alone.

With or without treaty we will get no more trade than Chinese prohibition will allow, and the totality in either event is only an infinitesimal factor in the great sum of American commerce. And for the chance of peddling to China some of our cast-off goods that we cannot sell at home, we are asked to open our ports and permit to be poured upon the fertile plains of the Pacific coast this Chinese immigration against the protest of the Caucasian race there.

With your leave, Mr. Speaker, I will present one other point and then close. This is a graver question than one merely of trade. It is a question of the permanence, the peaceful and loving permanence of the American Union. The States on the Pacific coast, separated from us by the Rocky Mountains, are open to Asiatic immigration; we on the Atlantic coast are open to European immigration. Now, if these two tides of immigration are allowed to come in to an unlimited extent the effect will be that while we on the Atlantic seaboard will be Caucasian in our civilization the Pacific States will become Asiatic, and how can a union continue between States on the Pacific dominated by Asiatic ideas and States on the Atlantic dominated by the free principles of the Caucasian family? [Applause.]

But, further than that, this Government here at Washington must take care in all of its legislation, I will not say to be in accord with the ideas which come from the Pacific or from the Atlantic, but where the question involves the special interests of any one locality of the country, that those interests shall be respected and guarded in the legislation which we shall adopt.

Now, how can the Caucasian race on the Pacific coast think otherwise than unkindly of a government, paternal and patriarchal as it may be in many respects, that refuses to rid them of this great and enormous evil that is threatening them, merely for the sake of selling a few goods to Chinamen on the other side of the Pacific? This race question is one which goes to the hearts and homes of these great and growing communities on the Pacific. Let us not thwart their appeal and alienate them, but let us hear and meet it by this bill, and attach them to us more strongly, and cement the Pacific and Atlantic States in a deeper devotion than ever to the Union that binds them in one.

With these views, though as an original question I might have preferred to make the suspension ten years instead of twenty, I shall in deference to the opinion of the friends of this measure vote for the bill as it is, believing it to be a reasonable suspension looking to the peace and harmony and well-being of our sister States on the Pacific Ocean.

I would say to gentlemen on all sides of this House, if we would have a permanent Union of these States, in peace and generous cooperation for the great objects of its creation, not linked by the iron bands of force and military power, but bound by the silken cords of love and confidence, we must, as in like cases, respect the feelings and opinions of the Pacific States in this matter, which concerns their internal polity, their local interests, their social, family, and home life, their prosperity in wealth and the development of their great resources, and their progress in civilization and in political influence and power.

To gentlemen of North and South, I rejoice that I may speak freely and without reserve to-day on this question, which does not involve directly any peculiar interests of the South. Treating all sections with that magnanimity which has charity for all and malice toward none; without the passion of party, the prejudices of section or the enthusiasm of a sentimental humanitarianism, but with a calm and judicial moderation, which begets wisdom in counsels and in action, we will, under the blessing and directing hand of God's Providence, surmount all difficulties, heal all divisions, forget all dissensions, and live only with one common purpose to make our constitutional Government an example to the world of a system, where peace, safety, and order are assured in consistency with liberty and the individual rights of the man—the one under the Government of the Union, the other under the home governments of the States, and all under and by virtue of this glorious Republic of Republics established by the wisdom and patriotism of our fathers of the great Caucasian race. [Applause.]

Polygamy.

SPEECH

OF

HON. PERRY BELMONT,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 14, 1882,

On the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

Mr. BELMONT said:

Mr. SPEAKER: I have but a word to say in this connection. I shall not vote for this bill, because I desire effective and proper legislation against polygamy and because I am not willing to submit to trial a measure so crude and ill-considered that its evil consequences may easily be foreseen. Even those who are loudest in the clamor for the immediate and hasty passage of the measure as it now stands before the House are obliged to confess that it is not what it should be. Many who content themselves with voting in its favor say that it will disappoint its framers and will not accomplish the purpose for which it is intended; and I feel satisfied that such is the fact. Before this session of Congress is over it may become necessary to remedy its glaring defects, but until that is done I will not lend it my support.

National Banks.

That Congress has no power to charter a national bank. We believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power and above the laws and the will of the people.—*From Democratic platform of* 1856.

SPEECH

OF

HON. CAMPBELL P. BERRY,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 29, 1882,

On the bill (H. R. No. 4167) to enable national-banking associations to extend their corporate existence.

Mr. BERRY said:

Mr. SPEAKER: On examination of the law under which all the national banks were organized, except the gold banks, passed June 3, 1864, (13 Statutes, page 99,) reveals the fact that the banks are to have corporate existence for twenty years, not from the date of the law authorizing them, but from the date of their organization. The eighth section reads as follows:

And be it further enacted, That every association formed pursuant to the provisions of this act shall, from the date of the execution of its organization certificate, be a body corporate, but shall transact no business except such as may be incidental to its organization and necessarily preliminary until authorized by the Comptroller of the Currency to commence the business of banking. Such association shall have power to adopt a corporate seal, and shall have succession by the name designated in its organization certificate for the period of twenty years from its organization, unless sooner dissolved according to the provisions of its articles of association, or by the act of its shareholders owning two-thirds of its stock, or unless the franchise shall be forfeited by a violation of this act.

By this provision each banking association formed under it may exist twenty years from the date of its organization; and it cannot be dissolved excepting by a two-thirds vote of its stockholders, or by the Government for a violation of its charter. And here permit me to say that, in my opinion, there are but few of these institutions but what have violated their charters repeatedly, and could now be closed upon that account by proceedings instituted by the Comptroller of the Currency. But the reading of that officer's reports will, I think, satisfy even the careless reader that he prefers their perpetuation rather than their extinction. That he regards them as the chief support of the business of the country—the blessing of the nineteenth century.

This act, as well as all the other acts relating to national banks, emanated from Hon. JOHN SHERMAN, then chairman of the Finance Committee of the Senate. It is highly probable that this feature of the banking act, as it was called, escaped the attention or was not fully understood by many who voted for it, but was passed, as the law of 1873 demonetizing silver was, in ignorance of its scope and extent.

The bill now before the House is for the purpose of enabling the banks to renew their charters, as a large number will expire in 1884 by limitation, and it is claimed that some such legislation is necessary. It certainly seems to me that it is not necessary. Such legislation may be very convenient for the banks, but under the law as it now exists let me inquire what can hinder them by a two-third vote of their stockholders from surrendering their franchise and obtaining from the Comptroller new articles of association, and in twenty years the same process can be again gone through with, and so on to the end of time.*

I assert that there is nothing in the present law to prevent. I further assert that we now have a perpetual banking system established by law, based upon our public debt, a system that can be perpetuated as long as the debt exists without further legislation; and that the present legislation is not necessary, and not in the interest of the people, but would be only a convenience to the banks and in their interest.

I apprehend that this is only one more link in the chain that is being forged to bind the people to a perpetual banking system, founded upon a perpetual debt, which, in the language of every Democratic platform, from 1840 to 1860, is to be "above the laws and above the people."

In my judgment, this is a critical period in the history of this Government. I believe there is a systematic effort to be made to reduce the revenues of the Government and to enter upon a system of internal improvements, building a navy, enlarging ocean mail lines, increase of pensions, a national system of education, and other expenditures, the chief object of which is to absorb the revenues of the country; to prevent the extinguishment of the public debt below the point of $1,000,000,000, that the banks may be perpetuated and furnish and control the circulating medium of the country.

*Since this speech was prepared the Attorney-General of the United States has given an opinion in accord with this view.

Sirs, there is but one way now to extricate ourselves from the network being woven around us by the money power of the country, and that is to insist that our revenues be continued and the public debt paid. The present national-bank act is the first ever passed in the history of our legislation to perpetuate banking institutions. Previous to this, four national-banking laws had been framed. The first was dated February 25, 1791, (1 Statutes, 194.) Its charter extended twenty years. The bank did not go into operation for some time after the date of the charter, but the charter expired February 25, 1811, just twenty years from the passage of the act to a day. It applied for a recharter in 1810 but it was not granted, and it went into liquidation. The second act was passed April 10, 1816, (3 Statutes, 266,) and the United States Bank soon after went into operation.

Much corruption existed in relation to this institution, but no one ever intimated that the charter dated from the time the bank went into operation instead of from the passage of the law. The charter expired on the 10th of April, 1836, twenty years to a day, and it was so treated by Congress.

Another feature in relation to these two banks is worthy of notice, and that is the laws creating them provided that their notes should be received for all debts due the United States. They were so received for forty years, or during the existence of their charters. Another fact in this connection is, that both these banks after their charters expired attempted to pay out their circulation, and thus sustain themselves upon the credit which the reception of their notes by the Government gave them. Therefore, on March 10, 1812, (2 Statutes, 695,) Congress enacted that the notes of the first United States Bank should no longer be received for debts due the United States.

The charter of the second Bank of the United States expired April 10, 1836; and on June 15, 1836, (5 Statutes, 48,) the notes of this bank, which were being put in circulation were demonetized.

In 1832 Congress rechartered the second Bank of the United States, but the measure was defeated by the veto of President Jackson. Even this proposed law did not contemplate that banks should exist twenty years from their organization, but only twenty years from the date of the grant. Just here let me advise those who admire national banks and our present system of banking to read Jackson's veto message, which I believe to be one of the ablest state papers that ever emanated from a President of the United States; especially would I request all Democrats to read it.

Again, in 1841 a law was passed establishing a United States bank with a capital of fifty millions, but it was vetoed by President Tyler. That act contained no provision that the charter should extend twenty years from the time the bank went into operation.

It may be said that these United States banks to which I have referred were individual institutions, and not intended to extend to all the States, as our present system of banks. While this is true, it is also true that the United States banks were allowed by the laws creating them to establish branches in all the States; and they did establish branches in some of the States. In many instances these branches were established years after the act authorizing the bank and years after the organizing of the mother bank; yet they all expired with the original act or charter, without regard to the date of their going into operation.

The acts of 1863 and 1864 were the first attempts to fasten upon the people of this country a perpetual banking system, from which it was hoped they would never extricate themselves; and the effort now is to see that hope realized. This proposed action is only a part of the stupendous scheme by which a privileged few, without labor, may eat out the substance and enslave the many who do labor. This system has ramified our entire country. There are banks now located in every State and Territory in the Union, numbering more than two thousand.

If we are to pursue a policy that will foster, build up, and augment their already overgrown power by enacting such laws as they may see fit to ask, and yielding to their every demand in the future as in the past, it will be but a short time until they will number more than five thousand, with a capital of more than a billion of dollars.

The only limit is the bonds of the United States. It is also estimated that at the present time they have more than a billion of dollars deposits, and with fostering legislation in the line of that now proposed there is every reason to believe that within twenty years they will accumulate two billion deposits.

Every sane man knows, not alone from the past history of our own country but from the history of the world in all ages, that they will combine and act together to augment and perpetuate their power. Every member upon this floor is a living witness to this line of conduct on the part of the banks. No man is ignorant of the great power they already command. We should therefore pause before taking a step that will permit them to intrench themselves securely in the power they now have and to increase it until their dictum is law.

It cannot be denied that their influence has been mighty in the management of public affairs since 1864. They have commanded, and Congress and the Executive have obeyed. They have spoken, and it has been done. It was the bank interest that demanded the exception clause in the legal-tender act, and their demand was complied with. This was the first time such exceptions were ever made with the paper issues of the United States. The result was a tre-

mendous discount, to the great loss and injury of the people, the idea prevailing that the Government was about to repudiate its circulation.

Again, the banks demanded that after July 1, 1863, the legal-tender notes should not be received for bonds, although the laws creating both the bonds and the notes, as well as the notes themselves upon their face, provided that they should be received for bonds the "same as coin." This demand was also complied with by the act of March 3, 1863. The notes then dropped to a discount, until it required $285 of notes to equal $100 in coin. These notes were made by law receivable at par for three years, interest-bearing notes. These interest notes were invested in bonds at par, not costing the purchaser above fifty cents on the dollar. The banks further demanded that the gold interest on these bonds should be paid one year in advance; and this was done for five consecutive years.

The act of June 3, 1864, limited the bank circulation to $300,000,000. This was not satisfactory to the banks, and at their demand it was increased to $354,000,000 in 1870. Still unsatisfied, they demanded unlimited circulation, and it was granted by the act of 1875, (16 Statutes, 448, and 18 Statutes, 206.)

Previous to June 20, 1874, (18 Statutes, 296,) the banks in money centers were required to keep 25 per cent. of their circulation in legal-tender notes.

Again, the banks came forward with a demand that they be relieved of this restriction; and it was complied with to the extent of 20 per cent., leaving only 5 per cent. they were required to keep, and that was to be deposited in the Treasury.

Prior to 1870 and 1874, before the banks could lift their bonds deposited as security for their circulation, they were required to present to the Treasury their own notes to the amount of the bonds. At this time the 5 and 6 per cent. bonds were at a large premium, which the banks wished to avail themselves of before they could be compelled to bank on the 4½ and 4 per cent. bonds.

They demanded, therefore, that they should be permitted to deposit in the Treasury legal-tender notes to the amount of their circulation instead of their own notes. Congress promptly complied with this demand, thus aiding them to sell their bonds, which they had procured at an average price of about fifty cents on the dollar, at from 10 to 20 per cent. premium, notwithstanding the circulating medium was largely contracted by this transaction to the great injury of the country.

In 1865, 1866, 1867, the banks insisted on retiring the legal-tender notes and all other non-interest-bearing notes of the United States, and their investment in interest-bearing bonds, in order that their currency, the national-bank notes, might take their place. Through the friendly influences of the Secretary of the Treasury, Congress again yielded to the demand of the banks, as the acts of 1865 and 1866 will show. (Act of March 3, 1865, 13 Statutes, 498; and September 12, 1865, 14, page 14; also April 12, 1866.)

But these bondholders and banks were not yet satisfied. Though they had purchased these bonds with legal-tender notes at par, when the notes cost not more than fifty cents on the dollar, coin; and though in 1869 these notes were not over 30 per cent. discount, and the principal of the bonds was, under the laws, payable in these, they demanded that Congress should pass an act making their bonds payable in coin. The demand was complied with by the act of March 18, 1869, (16 Statutes at Large, page 1,) which provided that all the bonds of the United States should be paid in coin, "or its equivalent."

This was a gain to the banks and bondholders and a loss to the people of several hundred million dollars. But the banks and bondholders were not yet satisfied. They did not relish the word "equivalent" in the act of March 18, 1869. They knew well that the legal-tender notes could be made the equivalent of coin simply by the repeal of the exception clause in the legal-tender act. They feared it might be done and that their bonds would be paid in legal-tender notes, thus adding to the value of Government notes and reducing that of national-bank notes. To meet this difficulty the law of July 14, 1870, (16 Statutes, 270,) was passed, which provided that $1,500,000,000 of 5, 4½, and 4 per cent. bonds should be issued and sold to redeem at par the outstanding bonds, nearly four hundred millions of which were in the hands of the banks. To the reduction of the interest the banks were opposed, but finally agreed to it upon the condition that the new bonds should not only be made payable in gold and silver coin nine-tenths fine but that the bonds should be exempted from all taxation, both State and national. These terms were accepted by Congress and the banks permitted the act to pass.

Just here permit me to say that so far as I know this was the first act of Congress exempting United States bonds from national taxation. Other laws exempted bonds from State and municipal taxation, but not from national taxation. This act went the whole distance, and not only exempted the bonds but the interest also. Previous to the passage of this act banks and bondholders had been compelled to pay tax on their incomes from bonds; but this contract with the banks released them from this burden. The income tax was soon after repealed, and we have had no such tax since that time.

Again, Germany, Denmark, Sweden and Norway had demonetized silver, and its value was much reduced. The bonds held by the banks, as well as those held by others in Europe and America, were all payable under the laws of 1869 and 1870 in silver as well as gold. It would not do to make a public demand for the demonetization of silver dollars in the United States, but the demand was made to a very few political leaders and wire-workers, and on the 12th of February, 1873, (17 Statutes at Large, page 424,) silver dollars, in which all bonds were payable, were demonetized in the United States. This made the bonds of the banks, as well as of others, payable in gold only. By destroying one-half the money in which the bonds were payable they doubled the value of the bonds to the holders and the debt to the people.

But the act of demonetization of silver, when it became known to the people, aroused their indignation, and they demanded its remonetization. This was violently opposed by the banks, the bondholders, and the men who had practiced the fraud upon the people; but in 1878 (20 Statutes at Large, page 25) the act of remonetization became a law over the veto of President Hayes. The Secretary of the Treasury refused and continued to refuse to pay out silver dollars, which were full legal-tender money, for interest and principal of bonds; and the banks also, in the money centers, combined to defy the law, refusing to receive these lawful dollars at par. In the language of all Democratic platforms up to 1860 "these banks were above the law and the people."

But this was not all. When the 3 per cent. funding bill of last year was passed there were members of Congress upon the floor who stood up and offered to read letters from more than one hundred banks, warning Congress of what they would do if the bill should pass. For once Congress refused to be intimidated, and passed the act. As soon as the bill was in the hands of the President the bank presidents, cashiers, and directors surrounded him and induced him to veto the bill and defeat the law. Before this had been accomplished, however, the banks had carried out their threats, and under the act of June 20, 1874, reduced their circulation over $18,000,000, causing great distress in business circles. Not satisfied with all the favors Congress has heaped upon them, they are now clamoring to have the taxes imposed upon them removed, but unwilling to have the interest on their bonds reduced.

Mr. Speaker, I made this brief review of the history of our legislation in connection with these banks to show that they have been the favored institutions of the country, that they have been granted their every demand; also to show that they are by no means modest in their demands, but, like all corporations, are soulless, ever ready to take to themselves every advantage obtainable, regardless of the rights of others and of the business prosperity of our country, regardless of the cries of thousands of widows and orphans throughout our country and the wails of distress going up all over our land because of the grievous burdens laid upon the millions of laboring poor by reason of their unjust exactions. As before stated, I am satisfied it is the settled purpose to so shape legislation as to continue this condition of things and still more strongly intrench themselves in their position. Their views and their policy have been clearly expressed and outlined in the damnable doctrine that "a national debt is a national blessing." Hence the only thing yet remaining for them to do is to control the revenues of the country and to deprive the greenback of its legal-tender quality. This done their scheme is complete.

To the banks the perpetuation of the debt is an absolute necessity. Their notes are based upon the interest-bearing bonded debt. When these bonds are paid off their issues must cease. To postpone to as remote a date as possible or to prevent altogether the payment of the debt we now see the movement all along the line for a reduction of taxation to the end that there may be no surplus revenues to further materially reduce the debt. If this course is adopted it will render a nullity the law creating the sinking fund. It will be in conflict with the policy of our fathers, with all acts of Congress from 1789 to 1860, as well as in direct violation of the repeated admonitions of Washington, John Adams, Jefferson, Madison, Monroe, the younger Adams, and Jackson. This move to have a national banking system founded upon a perpetual debt is not in accord with our institutions. It is English, not American; it is monarchical, not republican.

I am fully satisfied there is no necessity for these banking institutions. A sound, uniform currency can be secured to the people without the bank circulation. It is now in part furnished and can be wholly furnished by the issues of the Treasury without the interposition of banks of issue. Treasury issue is the best paper money we can have, and has been and always will be most satisfactory to the people.

The best estimates that can be made give the United States about one billion four hundred million dollars circulating medium, consisting of coin, coin certificates, legal-tender notes or greenbacks, and national-bank notes. In round numbers, we have about seven hundred millions of greenbacks and national-bank notes together, nearly equally divided, so that at the present time all are agreed that in addition to our coin circulation that amount is necessary for the transaction of the business of the country. In fact, the opinion is general that a larger volume than we now have would add to our prosperity. Our per capita is but little over $20. The per capita of England is above $40; France and Belgium, above $50. Almost every country is more than the United States.

The business interest of this country, if not at the present time, will soon demand at least one billion of paper money in addition to

our coin circulation, instead of the seven hundred millions we now have. I think I might say this is recognized by all who have given the subject any thought. None see and understand this better than the managers of the national banks. The question now presented is, How shall this circulation be furnished?

The bank party believe that we should perpetuate the debt, continue our banking system, substituting bank notes for greenbacks, and thus furnish all this circulation through the banks, while I, and I think the great mass of the people, if they could be heard, believe that whatever paper circulation is necessary should be supplied by the United States Treasury direct, and not through the medium of the banks.

Mr. Speaker, the pending bill to recharter the national banks, in my judgment, is but one more move upon the financial checker-board that is to commit this great Government to the damnable heresy "that a national debt is a national blessing," and thus chain our people for generations yet unborn to the chariot-wheels of the money-king and the corporation car of the privileged few and make of them "hewers of wood and drawers of water."

Those who think we have the best financial system that the world has ever seen or that can be devised, and who so admire it as to now be willing to perpetuate it by legislating for its continuance and are ready to enter upon a policy of reducing taxation that the bonded debt upon which this system is based may be perpetuated, should remember that it is a costly contrivance for the producing and laboring people—those who in the end foot all bills and pay all debts.

This billion of currency furnished through the national banks, as this system contemplates, would require at least $1,000,000,000 in interest-bearing bonds as a base. The annual interest on these bonds at 3 per cent. would be thirty millions, and in thirty-three years and four months would equal the principal; at 4 per cent. would be forty millions per annum, and would equal the principal in twenty-five years; and at 5 per cent. would be $50,000,000 per annum, and would equal the principal in twenty years.

These bonds are non-taxable and bear none of the burdens of the Government, while the people who pay the taxes and support the Government must also pay the interest on these bonds to the banks, who under the proposed banking system are the holders. But this is not all. The already overburdened people, before they can use the currency, must pay the banks from 5 to 10 per cent. interest on it, in accordance with the State law in which the bank is located. Thus, for a billion of currency furnished by the banks the people pay interest on a billion of bonds and interest on a billion of currency. The debt of England, which in round numbers is two billion dollars, has in two hundred years drawn twenty-four billions in interest, or twelve times the principal—enough to make the few very rich and the many very poor. May this not be the chief cause of the distressing poverty of her masses, and in it do we not see the future of America? I say emphatically that no better scheme can ever be devised, and none that will more surely enslave the great body of the people and build up a moneyed aristocracy, than to fasten upon them a perpetual debt the interest of which is a mortgage forever.

Under the acts of June 20, 1874, and January 14, 1875, the power has been conferred upon these banking institutions to contract or expand the currency at their will and pleasure—certainly a most dangerous power to be placed in the hands of corporations. The limit of inflation is only the limit of the bonds of the United States or the ability of the banks to command them. This is a power by which they can increase all property values, real and personal, as they deem best for their own interest. The control of the money of the United States is conferred by the Constitution upon Congress. They may, if they see proper, contract or expand the currency of the country, but they have no right under the Constitution, as I understand it, to transfer that power to any banks or corporations. Recently the banks have been taking out currency more rapidly than ever before. I predict that, if the present bill becomes a law, it will be but a short time until the volume of the currency is greatly increased, property values largely inflated, and the business of the country, in a measure, placed upon a fictitious basis. Then will follow necessarily, under the laws of commerce and trade, a corresponding contraction, the result of which is paralysis of enterprise, stagnation of trade, decrease of production, labor thrown out of employment, and increased poverty, distress, and suffering throughout our land.

The banks can, under existing law, surrender their currency at pleasure; and that they may not be subjected to the annoyance and delay of gathering up their notes, which are circulating among the people, it is provided that greenbacks may be deposited in the Treasury in lieu of them, and there held until the bank notes are redeemed. When so redeemed they are to be destroyed. By this means, so long as the legal-tender notes and the bank notes remain about equal in quantity, they can retire one-half of the paper circulation, create a panic, and reduce the price of all commodities 50 per cent. in a short time. This, in reality, gives them control of the market value of all property. They can dictate the price of the poor man's bread as well as the earnings of his toil and labor. The bill now under consideration proposes a renewal of this dangerous power in their hands. It will not do for gentlemen to say that if they do hold such power they will not exercise it. All history and our own experience teaches to the contrary.

It was charged, and no doubt truly, that the United States Bank, whose charter expired in 1836, subsidized the press, controlled members of Congress, attempted to control elections, State and national, and but for the iron will and great personal influence of President Jackson, would have done so, thus forcing (at that early period in our history) this Government into the adoption of the policy that its circulating medium should be furnished through the intervention of banks and its volume controlled by chartered corporation. It was a life-and-death struggle at that time with the people, led by Jackson on one side, and the corporations and money-power, with the United States Bank at the head, on the other.

If a bank with a capital of only thirty-five millions, and twenty-five or thirty branches in the United States, could wield such an influence in the management of public affairs, let me inquire, what may we not expect from two to five thousand banks, located in every town and hamlet in our land, commanding a capital of from five hundred million to a billion dollars, all acting in concert?

We are not left in ignorance in this matter, nor are we without example. It is an open secret that the banks contribute large sums of money to every fund to be used at elections, the result of which in the least affects or might affect them. Their mighty power is felt everywhere; its effects are witnessed on every hand. They build up or they pull down. They elect to position their friends or hurl from place those who oppose their wishes. They act in perfect harmony, are united as one man, and to-day their power is almost resistless. They command, and it is obeyed. A striking and humiliating illustration of this truth was witnessed one year ago in the veto of the 3 per cent. funding bill.

Mr. Speaker, it is with alarm that the people regard corporate interference in the management of our public affairs, in the formation, administration, and adjudication of the laws of the land. It is a notorious fact, as the history of our financial legislation which I have been reviewing abundantly proves, that the dictum of the banks is law. Any measure they seek to obtain seldom, if ever, fails, and any measure they seek to thwart never becomes a law. In every contest where the people have sought to resist their demands or curb their power the banks have come out triumphant, and gather to themselves the spoils of victory. In my humble judgment there is imminent danger of the people of the United States passing wholly under the control of aggregated capital.

The history of other nations as well as that of our own country, the history of almost every State in this Union, notably my own State, (California,) shows plainly that all important legislation is molded by corporations. The bank corporations, the railroad corporations, and telegraph corporations are triumvirate monopolies enthroned, before whose mighty power our rulers bow. Their joint influence is wholly irresistible. So observable has this become "that he who runs may read." So absolute is their sway that a statesman not long since remarked "that he was not sure but that the time had come when it would be better to hand over the control of the Government to the corporations entirely; that were it done they would no more control then than they do now, but likely would control by less corrupting and demoralizing influences."

Seeing, sirs, that Congress, the representative body of fifty millions of people, chosen from their midst, the law-making branch of this great Government, is powerless before this triple-headed sovereign, and unable to enter upon or carry out a policy against the wishes of the banks and in the interest of the people, I think we should at least stand our ground and resist the further invasion of the rights of the people and the usurpation of the functions of Government. We should not pass this or any other law rechartering these banks, or that looks to perpetuating in their hands the power that rightfully belongs to the people and of which they never should have been deprived.

What Congress should have done long ago, and that which would have been in the interest of all the people, and what should now be done, is to pass a law making provision for substituting Treasury notes for bank notes, redeem the bonds of the Government to the extent of the present bank circulation, and discontinue all banks of issue at the end of twenty years from the passage of the law under which they were organized. Let them bank if they desire, but upon coin or Treasury notes, as other banks do.

We should also promptly revise the tariff on a just and equitable basis, not in the interest of free trade or protection, but with a view to producing the greatest amount of revenue, maintain our internal revenue taxes, especially upon whisky and tobacco, and extinguish the debt at the earliest date possible. This is the only process by which the people can be relieved of their burdens and free themselves from this oppression.

Gentlemen may discourse eloquently about the people being ground down by taxation, and let their souls run out in sympathy for them. Do not deceive yourselves with the belief that you will gain popularity by such propositions to reduce taxation. Let me inquire what are your propositions for reducing taxation, and who do you propose to relieve; is it really those who bear the burdens of Government and are entitled to your sympathy? Let us see, using the language of the gentleman from Texas [Mr. MILLS] while discussing the funding bill in the Forty-sixth Congress:

How much do you propose to reduce the tax on sugar, that is taxed from 62 to 73 per cent.? On rice, that is taxed 100 per cent.? On salt, that is taxed from 40 to 66 per cent.? On cotton goods, that are taxed from 61 to 71 per cent.? On window-glass, that is taxed from 90 to 116 per cent.? On iron, that is taxed from 70

to 90 per cent.? On candy, that is taxed from 100 to 153 per cent.? The children of poor folks would like for it to come near enough for them to get a lick at it occasionally. How much do you propose to reduce the taxes on spices, that are all the way from 181 to 461 per cent.? How much on wool and woolen goods, so essential to the comfort of fifty millions of people in winter? They are taxed from 60 to 90 per cent. How much on blankets and wool hats, that are taxed 89 per cent.? Is it not a shame that woolen clothing is taxed 90 per cent.? How many thousands are to-day destitute of such comforts because they are not within their reach? These taxes are shamefully oppressive. They are so exorbitant that they defraud the Government and rob the people.

And yet the gentlemen who are here urging a repeal of taxes would not so much as touch them with their little fingers. Who is it, then, that is so oppressed with taxes? Why, the banks. The little tax on their circulation must be repealed. What next? The tax on bank deposits must be repealed. What next? The tax on bank capital must be repealed. What next? The tax on bank checks must be repealed. It is banks, and only banks—banks first, banks last, and banks all the time. The banks in whose vaults are two thousand millions of money, and who are receiving a bounty from the Government of over $15,000,000 annually as interest on the bonds they have deposited, while 90 per cent. of them have been paid in dollars that are equal in value to gold, are no doubt greatly oppressed.

Sir, the people are not to be fooled. The American people are a reading people, they are political economists, and I shall be surprised if many Representatives do not find upon their return to their constituency that they will be able to give them information upon subjects that have been considered in this House and inform them of measures to which they have given no attention. The people understand that the national debt has to be paid at some time; they understand also that it is drawing interest and will draw interest until it is paid. From this they know there is no escape. They also know that they have already paid in interest an amount equal to the principal. They know and understand that it is in the hands of money-kings, banking corporations, and Shylocks who fatten upon the interest which they must finally pay. They understand that it is non-taxable and bears none of the burdens of Government. They understand that by manipulating the legislation of the country it has been made the base of a banking system by which they are made to pay interest on a large part of the money they are compelled to use; and they understand as well as we do that efforts are being made to perpetuate this condition of things. Hence, sir, they regard the debt not only as a burden from which they desire speedy relief but as a source of danger to their liberties and a thing now being used to make the rich richer and the poor poorer. The people understand all this, and know there is but one avenue that leads to relief, and that is its speedy and complete extinguishment. With this prospect before them, this morning star of hope blazing in the horizon, heralding the dawn of the day of their relief, they are willing to suffer on. They will not uphold any policy that seeks to perpetuate this debt, whether by the reduction of the revenues to a point where nothing can be applied to its payment, or by raising the tariff dues in the interest of protection to a point where it amounts to prohibition, and thus destroy the revenues, so that no reduction of the debt can be made.

The efforts now being made to reduce taxation relates wholly to internal revenue and not to import duties. The principal reduction proposed, besides whisky and tobacco, is the abolition of the tax of 1 per cent. on the circulation of the banks and the tax on their deposits as well as upon the deposits of all banking institutions. None of these taxes should be removed. Whisky and tobacco are articles not of necessity, but of luxury and evil, and should therefore be made to compensate for the evil, so far as it can be done, by bearing the burdens of Government.

The tax on the bank circulation should not be removed, because 1 per cent. per annum is a very small tax for the privilege of extorting double interest from the people on almost their entire capital, aside from the power given them to control the property valuation.

The tax on deposits, one-half of 1 per cent. should not be removed, because the banks do not pay interest upon but a very small portion of their deposits. They make interest on a very large portion of it; therefore they can well afford to pay this tax, especially the national banks.

The tax on the checks of merchants, dealers, and business men, which is paid by them and not by the banks, might be repealed. It is an unnecessary tax upon commerce, and can well be dispensed with. There are other minor internal taxes that might be abolished, because they are more a source of annoyance than of revenue. But to any material reduction of the revenues by which the time will be prolonged when our country shall be liberated from the thralldom of debt I am unalterably opposed.

Mr. Speaker, our present national banking system is a departure from the teachings of the fathers of this Republic and in direct opposition to the fundamental doctrine of the Democratic party.

I confess that I am at a loss to understand how any one calling himself a Democrat can uphold the national banking system and be willing to enter upon a policy that seeks to perpetuate the bonded debt upon which this system is based.

Washington, in his farewell address, used these words:

Avoid the accumulation of debt, not only by shunning occasion of expense but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burdens which we ourselves ought to bear.

Jefferson, in a letter to John W. Eppes, of September 11, 1813, (volume 6, page 199, Jefferson's Works,) speaking of State banks, said:

Bank paper must be suppressed and the circulating medium be restored to the nation to whom it belongs. It is the only fund on which they can rely for loans; it is the only resource which can never fail them, and it is an abundant one for every necessary purpose.

Treasury bills, bottomed on taxes, bearing or not bearing interest, as may be found necessary, thrown into circulation, will take the place of so much gold and silver, which last when crowded will find an efflux into other countries and thus keep the quantum of medium at its salutary level.

Let banks continue if they please, but let them discount for cash alone or for Treasury notes.

Again, Andrew Jackson had positive convictions upon this subject. Hear what he has to say:

The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens; and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency.

Under these circumstances, if such an institution is deemed essential to the fiscal operations of the Government, I submit to the wisdom of the Legislature whether a national one, founded upon the credit of the Government and its revenues, might not be devised which would avoid all constitutional difficulties, and at the same time secure all the advantages to the Government and country that were expected to result from the present bank.—*Opinions of Andrew Jackson, message of December 8, 1829, Statesman's Manual*, volume 2, pages 713, 714.

A bank of the United States is, in many respects, convenient for the Government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the Constitution, subversive of the rights of the States, and dangerous to the liberties of the people, I felt it my duty, at an early period of my administration, to call the attention of Congress to the practicability of organizing an institution combining all its advantages and obviating these objections. I sincerely regret that in the act before me I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country.

It is maintained by some that the bank is a means of executing the constitutional power "to coin money and regulate the value thereof." Congress have established a mint to coin money, and passed laws to regulate the value thereof. The money so coined, with its value so regulated, and such foreign coins as Congress may adopt, are the only currency known to the Constitution. But if they have other power to regulate the currency, it was conferred to be exercised by themselves, and not to be transferred to a corporation. If the bank be established for that purpose, with a charter unalterable without its consent, Congress have parted with their power for a term of years, during which the Constitution is a dead letter. It is neither necessary nor proper to transfer its legislative powers to such a bank, and therefore unconstitutional.—*Jackson's veto message, July 10, 1832, Statesman's Manual*, volume 2, page 767.

It being thus established by unquestionable proof that the Bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the executive department of the Government ought to pursue was not doubtful As by the terms of the bank charter no officer but the Secretary of the Treasury could remove the deposits, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the Government in such a use of its funds and such an exertion of its power. In this point of the case the question is distinctly presented, whether the people of the United States are to govern through representatives chosen by their unbiased suffrages, or whether the power and money of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore, and supported by the usual means.—*Message, December 3, 1833, Statesman's Manual*, volume 2, page 837.

These extracts, in fact the whole history of our Government, show conclusively that the doctrine and traditions of the Democratic party, as taught by these fathers, are in opposition to the circulating medium being furnished to the people through banking corporations, as well as against the policy that would perpetuate the debt, as a "moral canker" upon the country. Opposition to such a policy has found expression in every National Democratic platform from 1840 to 1860.

The following is the language of the platform in 1856, which contains the precise language of all the platforms which preceded it since 1840:

6. That Congress has no power to charter a national bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power, and above the laws and the will of the people; and that the results of Democratic legislation, in this and all other financial measures upon which issues have been made between the two political parties of the country, have demonstrated to candid and practical men of all parties their soundness, safety, and utility, in all business pursuits.

7. That the separation of the moneys of the Government from banking institutions is indispensable for the safety of the funds of the Government and the rights of the people.

Even down to 1868 these words formed a part of the platform that expressed the sentiments of the national Democracy:

3. Payment of the public debt of the United States as rapidly as practicable; all moneys drawn from the people by taxation, except so much as is requisite for the necessities of the Government, economically administered, being honestly applied to such payment, and where the obligations of the Government do not expressly state upon their face, or the law under which they were issued does not provide that they shall be paid in coin, they ought, in right and in justice, to be paid in the lawful money of the United States.

4. Equal taxation of every species of property according to its real value, including Government bonds and other public securities.

5. One currency for the Government and the people, the laborer and the office-holder, the pensioner and the soldier, the producer and the bondholder.

Now, sirs, I ask Democrats to stand by the ancient landmarks of our party; do not be seduced by false doctrines, nor bend the knee to the money-gods. Do not desert the people in this their day of peril.

As in the days of Jackson, we are brought face to face with the bank power. In the days of Jackson "it was established by unques-

tionable proof that the Bank of the United States was converted into a permanent electioneering engine." So it is equally clear now that the banks are an organized power in every election, to shape public policy in their interest and to perpetuate their rule.

As in the days of Jackson, "when the question was distinctly presented, whether the people of the United States were to govern through Representatives chosen by their unbiased suffrage, or whether the power and money of a great corporation were to be secretly exerted to influence their judgment and control their decisions," so now the question is again presented, whether the corporations on one hand or the people on the other shall rule this country.

In making these remarks, I am not to be understood as favoring paper money, or what might be properly called credit money, by no means. I prefer gold and silver, the money of the world. I, in part, represent a State where gold and silver is the currency used by all the people—they prefer it; a paper dollar is seldom ever seen in the channels of circulation. If there was gold and silver enough to transact the business of the country I should condemn the policy that would aim to issue one dollar of circulation for which there was not a dollar on deposit to redeem the same. But as we have not a sufficient quantity of those metals to supply the wants of trade as money, it is the duty of Congress to make necessary provision for supplying this deficiency. This, I contend, should be done direct from the national Treasury, by paper issue bottomed on taxes and redeemable for all debts due the Government, and not through the medium of banks. I am to be understood as uncompromisingly opposed to the policy that double taxes the people for this paper issue to supply the deficiency of gold and silver and hand over both taxes to corporations. I denounce it as high-handed robbery. I denounce the policy that permits the volume of the currency to be contracted by corporations as an outrage and subversion of the people's rights. I regard any policy that looks to the perpetuation of the national debt as dangerous in the extreme, and denounce it as anti-republican and undemocratic. I predict that if such a policy be persisted in and carried out, the liberties of this great people will go down in blood and be lost in poverty.

Chinese Immigration.

SPEECH

OF

HON. GEORGE D. WISE,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 22, 1882.

The House having under consideration the bill (S. No. 71) to enforce treaty stipulations relating to Chinese—

Mr. WISE, of Virginia, said:

Mr. SPEAKER: The question under consideration has been so fully and exhaustively discussed in this and in the other end of the Capitol that I hesitate to trespass even for a brief space of time upon the patience and indulgence of this House. I do not hope to be able to make any new or striking presentation of it, my purpose in rising to speak simply being to place myself more emphatically upon the record as in sympathy with the object proposed to be accomplished by this bill than I could by a simple vote. This question is of a gravity to demand our most serious consideration, and the problem too important to be treated with levity or indifference. Immigration exerts a wonderful influence upon our civilization and upon our growth and development as a nation, and the subject is worthy of the study and reflection of our wisest statesmen.

The people on the Pacific slope have spoken with no uncertain sound, and with a unanimity almost unexampled. I am unwilling to believe that in their loud and earnest demands for relief they have been controlled by blind passion and unreasoning prejudices. These appeals to Congress for the application of a remedy for what is considered as a great and growing evil come to us from men in every walk and grade of life, and I am convinced that a real and not an imaginary cause exists to produce them. These bitter complaints come to us not alone from the laboring classes, who in their various callings are confronted with an unequal and degrading competition, but from others also whose conclusions are the result of intelligent observation and reflection.

The object sought to be accomplished by this bill is the suspension of the immigration of Chinese laborers for the period of twenty years. There are some who hold to the opinion that a suspension for so many years is unreasonable and amounts to prohibition, and therefore is violative of the stipulation of our treaty with the Government of China. These are the words:

The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers shall be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

By the terms of this treaty the United States may limit or suspend, but may not prohibit. "Such suspension shall be reasonable," and that is the only limitation upon our right to stop for a time at least the immigration of Chinese laborers. In the treaty it is recognized and conceded that the necessity for a "suspension" may arise, and when it shall the Government of the United States is authorized to act as may be deemed best for the interests of the country, its welfare and prosperity.

The remedy must be commensurate with the disease, and its application must be for such time as will produce the desired results. I am at a loss to discover by what process of reasoning, by what rule of interpretation gentlemen have arrived at the conclusion that a suspension for ten years would be reasonable but for twenty years would not be. Many and great events have followed each other in quick succession during the past twenty years. During that period we have grown rapidly in wealth, population, and power, and our advancement in the arts and sciences has far exceeded the expectations of the most sanguine. But while it is true that much has been accomplished in the past twenty years, and it is likely that the developments in the future will be as rapid and wonderful as they have been in the past, years are not to be counted in the life of a nation as in that of an individual. If we shall find that we have made a mistake I see no obstacle in the way of receding from it. In the proposed legislation we are actuated by no hostility or unfriendly feelings toward the government or people of China.

But, Mr. Speaker, I have not the time nor the inclination to pursue further the subject in this connection. While I am for keeping faith with all nations, and would not consciously, even to gain an advantage, step a hair's breadth beyond the limit of this treaty, I am satisfied that we have the right to "suspend" for the period named in the bill, and that it is our duty to exercise it. While much of sickly sentimentality has been indulged in, no other objections worthy of mention have been advanced. I call attention to the fact that no gentleman in this discussion has dared (I use the word in no offensive sense) to put himself on record as entertaining the opinion that Chinese immigration is desirable, and that it ought not to be restrained and limited. There are some, it is true, who have advanced the opinion that cheap labor is a blessing, and that the multiplication of industrial pursuits would be the logical result of its employment; but even they have not denied that the unlimited influx of Chinese might be an evil. I want to say right here that I do not share in this opinion, and I cannot see a blessing in the degradation of our working people to a servile condition. I entertain the belief that the condition of that State is the happiest and best in which the wages of labor are such as to enable the laboring classes to maintain their self-respect and to furnish the means for the comfortable maintenance of their families and the education of their children.

They are inconsistent who maintain that the industries of the country should be fostered and sustained by a protective policy, and yet are unwilling to give protection and security to labor, which is the chief element in production, and without which those industries could not exist. I hold to the opinion that the laborer is entitled to a fair share in the profits of the business in which he may be employed, and that he ought not to be placed in a condition to accept the alternative of starvation or of working for a remuneration insufficient to afford a comfortable living for himself and family. If time permitted it might be shown by abundant citations from the report of the joint select committee appointed to investigate Chinese immigration that white men and women in California have been forced to abandon various callings by the competition of cheap Chinese labor, and that the result has been to increase the profits of capital, but not to cheapen to the consumer the articles of production.

I shall always steadily and firmly resist those whose utterances are in the interest of capital against labor, of monopolies against the rights of man. In the competition between the Caucasian and Asiatic races the conditions are all opposed to the former and the advantages in favor of the latter.

The Chinese are not encumbered with families, and they live huddled together, in large numbers, in the same room, so that they require no more for their subsistence than has been found sufficient for the maintenance of convicts in our prisons. I cannot entertain the opinion that blessings will flow from the degradation of our working people to such a condition, and I can tell gentlemen that the intelligent representatives of the negro race are as much opposed to it as are the whites. While I would not fan the fires of passion and prejudice, I tell gentlemen plainly that the laboring classes will not tamely submit to what they feel to be a wrong and injustice, and that discords and sanguinary results are inevitable.

The honorable gentleman from Ohio, Mr. TAYLOR, whose presentation of his side of the case is not exceeded, in my humble judgment, in ability and eloquence by that of any other opponent of this measure, was careful to express in this connection his convictions in language too plain to be mistaken. He is reported in the RECORD as having said:

The reason I object to the bill chiefly and finally is because it changes essentially our condition as a nation; it changes our condition before the world. It is taking upon us an exclusiveness that has not belonged to us in the past, and for

one I am not willing to do that. But, Mr. Speaker, permit me to say in justice to myself I hope my remarks have not been understood as favoring a further immigration of the Chinese. I deplore their presence here as much as any man. I have not been addressing myself to that branch of the subject. I want no more of them.

If it is not desirable to have more of them, if "unrestricted immigration is an evil of great magnitude" and their presence here is something to be deplored, I cannot see why we should hesitate to change our condition before the world and to take upon ourselves an exclusiveness in regard to them that has not belonged to us in the past. Their presence here is to be deplored, says the honorable gentleman. We have the statement of the joint special committee, appointed by the two Houses of Congress to investigate this subject, "that the influx of Chinese is a standing menace to republican institutions on the Pacific and the existence there of Christian civilization." We have the concurrent testimony of hundreds of intelligent witnesses, unbiased by prejudice, that it is a great and growing evil, demanding the application of a speedy remedy, and yet we are gravely told that we must continue in a ruinous policy because a departure from it "changes our condition before the world." For one I hesitate not to say, if there is a necessity for it our condition ought to be changed, and that we ought now "to take upon ourselves an exclusiveness that has not belonged to us in the past." Self-preservation is the first law of nature, and if we have the right, which is admitted, I hold it to be a duty to provide against that which is dangerous to the existence of our free institutions, to Christian civilization, and to social order.

But as to this class of immigrants we have already adopted a policy of exclusiveness, for while they have been permitted to come and remain here, they have been excluded from citizenship and from the enjoyment of the political rights and privileges accorded freely to immigrants from other and more favored nations. We have opened wide our doors for their reception, but they remain a foreign element in our midst, alien in feeling, and without any appreciation or knowledge of our institutions, of our political or social organizations. No one has dared to say that he is in favor of conferring upon them the franchise and permitting them to become by naturalization a component part of the body-politic. The evidence is clear to the effect that they "have no conception of representative and free institutions; that there has not been and that there cannot be amalgamation, and that all the conditions are opposed to assimilation." Already they are in the Pacific States in such numbers as that they could control elections there if given the ballot, and the vast hive from which a supply may be drawn teeming with millions is almost inexhaustible. In the light of all the testimony in regard to the Chinese I am satisfied that we cannot, with a due regard for the safety of the States in which they exist, confer upon them the ballot, and we are constrained by a wise policy to withhold from them political rights and privileges. I am satisfied that this indigestible mass, alien in feeling, pagan in religion, inferior in mental and moral qualities, kept in this exceptional and anomalous condition, is a continual menace to the existence of republican institutions and likely to produce disorders. We are not left to speculation on this subject, but the evidence is abundant to the effect that serious conflicts have resulted from the presence in the Pacific States of the class proposed to be excluded by this bill.

The honorable gentleman from Ohio [Mr. TAYLOR] attempted to account for the disorders and violent outbreaks which from time to time have occurred in California, in a manner which would have excited a smile if he had not mentioned it with so much of gravity:

> A ship comes in loaded with these coolies. They are unloaded on the wharf and get into their carts. Half-grown, wild boys on the wharf and in the streets throw mud and stones at them, and load them with abuse which I shall not describe. Finally a warfare exists between the two races, and that is to be deplored.

A warfare between races is always to be deplored, but its origin is not to be found in the pranks and disorderly conduct of mad, wild boys. I venture to tell him that the warfare between the races is inevitable. The people of San Francisco may be no better but they are no worse than those residing in other portions of our Union. I venture the assertion that similar conflicts would occur in the district represented by the gentleman from Ohio if the same conditions existed there. They have a deeper significance, and they mark the struggles of the laboring classes, who are subjected by the influx of cheap Chinese labor to an unequal and degrading competition, in resistance to their exclusion from the channels of industry, to which they are accustomed, and to avert from themselves and families the probability of a servile dependence.

Allusion has been made in the progress of this discussion to the negro race. I do not propose to rake over the embers of the past to arouse afresh the hates and animosities which, happily for us, have in great part ceased to exist. "Let the dead past bury its dead." I can speak upon this subject without passion or prejudice. Having known him from my childhood I have none but the kindliest feelings toward the negro. The ancestors of those now here did not come of their own free will and accord, and they were brought from their native homes to satisfy the demands of a grasping cupidity. I will not pause here to inquire upon whom the responsibility rests for their introduction and for the dire consequences which have followed it. I read the history of the past that I may gather wisdom from experience.

The negroes now in this country were born here, and they have a right to remain. Justice and humanity alike require that we should discharge our duty to them fully and cheerfully. As a southern Representative upon this floor I take pride and pleasure in making here the declaration that I recognize that obligation, and that I will cheerfully sustain all measures having for their object the education and elevation of that race and the amelioration of its condition. They have no better nor truer friends than are to be found among the intelligent and humane citizens of the South among whom they were born and reared. I hope to God that the experiment of conferring upon them the ballot may not prove a failure, and I hold it to be a sacred duty to do all which can be done to make it a success. But we cannot close our eyes to the fact that conflicts have occurred from the presence of the non-assimilating white and black races. Thousands of valuable lives have been sacrificed in the long and bitter struggles which have followed their introduction into this country.

The originating cause of our civil war was not philanthropy for the negro; it was not waged for his emancipation, though that was one of its logical results. I repeat that the negroes now in this country were born here, and that we are under an obligation as to them which cannot with honor or safety be disregarded. But our experience in reference to the negro race has not been such as to convince us that it is safe to make the experiment with the Chinese. The question now presented to us is whether we will invite or permit the introduction of a large and indigestible mass of pagan Mongolians from whose presence disorders and conflicts are inevitable. The gentleman from Ohio [Mr. TAYLOR] sounds the alarm "that this bill, whether meant for them or not, strikes at our foreign citizens and their security," and speaking in this connection he says:

> We know not when the next gate will be erected nor where the foundations will be laid. It is the first break in the levee; when the waters stream over the crevasse will follow as the levee gives way. The way that we have been traveling, the road that we have been making, has been straight and in one direction. If that way is encumbered, and our feet led from it, where shall we be brought up? Where will it end? Who lives that can tell?
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> Those of you that remember the years of 1854 and 1855 need not be told what prejudice may do when craftily excited. Good citizens then traveled the streets nights lest the Catholic hired girls should poison the wells. Their remedy was the exclusion of a foreign non-assimilating religion. "Put none but Americans on guard to-night" was the cry that went up; and war almost commenced between races then upon the ground of non-assimilation.

I thank the gentleman for the allusion. The foreign citizens and the Catholics of this country have not forgotten and they cannot forget that period in our history referred to by the honorable gentleman. The cry "Put none but Americans on guard to-night" then rang out upon the air from the throats of men known to each other by grips and signs and associated in secret orders by solemn oaths. This tidal-wave of proscription swept over New England and the States of the North. And then it was that upon the soil of Virginia, under the banner of the invincible Democracy, the battle for civil and religious liberty was fought over again, and the black knight, with his visor down, met there his first defeat. The proscriptive party to which he referred did not have its origin in any warfare growing out of non-assimilating races or religions, and its fate was not such as to invite another similar attempt.

We welcome the coming to our shores of the staid, sturdy, and thrifty German from Fatherland, of the warm-hearted, genial, and liberty-loving sons of the Emerald Isle, of the gay and giddy Frenchman from the vine-clad hills of France. We hail their coming, and give to these a hearty welcome, because they can and do become fellow-citizens in truth and in fact, and not alone in name, accommodating themselves readily to our modes of thought and easily adapting themselves to our political methods. Though speaking different languages, they bring with them a civilization similar to our own, and they soon become thoroughly identified with the communities to which they attach themselves. Their blood becomes mingled with our blood, and in a few brief years their identity as a foreign element is lost by the process of absorption. The immigrant who may arrive during this year from Germany, from Ireland, from Italy, from France, from Britain, or from the fair land of Poland, in the next generation will be represented here by sons and daughters native and to the manor born; and though descended from fathers and mothers whose eyes first beheld the light of heaven in foreign lands, they will be Americans all, thoroughly imbued with the spirit and genius of our free republican institutions.

We welcome their coming not only because they are capable of assimilation but because there is wealth in their muscle, wealth in their brains, riches far exceeding in value the mines of Nevada or the golden sands of California. But not so with the Chinese. He is a Chinaman when he arrives and remains a Chinaman until he dies. There is and ought not to be any intermarriage between the Caucasian and Asiatic races. The Mongolian comes here and sets up for worship his hideous idols, and turning a deaf ear to the teachings of a higher, a purer, and a better religion, he goes through all the disgusting forms of his idolatrous worship. He is a stranger to the sweet and gentle influences of family. He never changes and never advances, but remains fixed in his habits and modes of thought, and cannot be elevated to the standard of a higher and purer civilization. But if I could I would not have the mingling of Caucasian blood with that of any inferior race. Looking to the future, I would

rather that my country should be peopled with men and women of the highest type.

Ill fares the land to hastening ills a prey,
Where wealth accumulates, and men decay.

These are my sentiments, crudely expressed, it may be, but the earnest and honest convictions of my head and heart. I agree with the honorable gentleman from Ohio that sentiment is something not to be cast off and laid aside as a worthless garment. I agree with him that sentiment is thought as well as feeling. But knowing that radical differences exist between the Asiatic and Caucasian races, believing in my heart that amalgamation is neither possible nor desirable, I must adopt that course which I believe to be for the best interests of my country, its welfare, and prosperity. In the language of the eloquent Randolph of Roanoke:

I would to God that for this single occasion I could utter my feelings in thoughts that breathe and words that burn. I would kindle a flame that should find an altar in every heart and burn to ashes the prejudices of the hour and the petty interests of the day, throwing a steady flame of light upon our path of duty and directing us forward to the permanent welfare, honor, and safety of the whole country.

Retirement of National-Bank Notes.

SPEECH

OF

HON. JOSEPH H. BURROWS,

OF MISSOURI.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 1, 1882,

On the bill (H. R. No. 2982) to retire national-bank notes.

Mr. BURROWS said:

Mr. SPEAKER: In rising to address this House upon the merits and advantages of this bill, I am not unmindful of the large stock of prejudice I shall encounter on both sides of the House and of the opposition which this bill receives from the capitalists of the nation; and if my political colleagues here were "ninety and nine," instead of simply the latter, we should see here the grandest lobby that has assembled at Washington since the "credit strengthening act" was passed over thirteen years ago. It is with some degree of embarrassment that I approach a subject of such paramount importance, second to none, unless it be the perpetuation of the Government itself, and it is so intricately and intimately interwoven with this as to permeate every avenue of trade and pulsate in every artery of business, industry, and enterprise; and it must be acknowledged that every citizen, from a Vanderbilt with his millions to the pauper in his rags, has an interest in this question.

Here upon this floor I see men of large experience, tried statesmen, and of scholarly attainments; men who have been wont to study this subject for years, aided by the ripe experience of the statesmen of this and other countries, whose well-matured conclusions are printed upon 10,000 pages. When I remember this and contrast it with my own brief life as a member of this body, I tremble! But, when I look back along the track of time, and behold the wrecks of millions of fortunes, and of disaster and ruin; when I think of the human suffering and of the broken hearts, withered lives and blasted prospects, and the wail of anguish of the poor as they cry for bread, rendered so by the manipulations of those men who, through their systems of finance, bring on and produce these terrible financial cyclones that sweep away like blizzards from the north the accumulations of years, my blood tingles in my veins, my spirit rises, and I feel it not only a duty, but an exceeding great pleasure, to rise in my seat and defend that system of finance that ignores that so-called "specie basis system," which is but a delusion, a fallacy, a cunningly devised scheme of robbery and plunder! A mere bubble that bursts upon the slightest contraction or demand for the basis itself.

Forty-four years ago John C. Calhoun said in a speech in the United States Senate:

It is then my impression that in the present condition of the world a paper currency, in some form, is almost indispensable in the financial and commercial operations of civilized and extensive communities.

If this was true then, how much more so now? Then the national debt was less than two million, ($1,878,223.) Now it is more than a thousand times greater, and our country is inhabited from ocean to ocean, and from the lakes to the Gulf of Mexico. Electricity and steam have worked wonders in forty years, and gold, the commodity money of the past, is almost discarded from the commercial transactions of to-day.

At the bankers' convention, held at Niagara August 10, 1881, John Thompson, the veteran banker of New York, said:

In fact there is at no time but an inadequate amount of real money to do business on. I feel confident that over 95 per cent. of our business and the business of England is done on paper tokens, checks, drafts, notes, letters of credit, &c., which, as long as confidence is good, are a perfect substitute for money, but, like young partridges, that disappear "on call," not allowing even three days' grace. Discounts are declined, deposits drawn and hoarded. Thus not only the credit system and the money-token power is destroyed but the real money itself disappeared, not to be again visible until induced out by an enormous depression in prices.

Here is a voluntary admission that 95 per cent. of the business of the country is done with paper. The "real money," so called by Mr. Thompson, is the gold of the country. Now, if 5 per cent. furnishes a safe basis, why not 4, 3, 2, or even 1 per cent.? Or let me go still further, and reduce the 1 per cent. to mills, or, as some one has aptly said, lock up a dollar in gold, throw away the key, and call it a basis.

This system has come down to us from the past, and has nothing but age to commend it, while it reeks with the toil and blood of innocence, a robber in every age, and to-day the only true and real specie-basis currency in existence in the land is attempted to be swept away or retired from circulation, and by the same parties that profess themselves to be in favor of a "specie-basis currency." And why is this? Because here is $66,000,000 of money (currency) issued by the Government that the banks can neither increase nor diminish. In a word, it is not their issue. Lest I should be misunderstood, I will quote the language of Hon. Charles J. Folger, Secretary of the Treasury, on page 11 of his report, under the heading "silver certificates." He says:

It is recommended, therefore, that measures be taken for a repeal of the act requiring the issue of such [silver] certificates and the early retirement of them from circulation.

What reason is given for this recommendation? Only this, that the silver dollar is not large enough, contains but eighty-eight cents of pure silver. We ask, when, since the first silver dollar was coined by this Government, was it larger than it now is? Never. Save in a single instance in 1873 Congress authorized the coinage of the trade-dollar of 420 grains of silver, legal-tender to the amount of $5. Since, the fiat of the Government is taken off, and now it is not money at all, and it is universally discounted, although containing 7½ grains more silver than the dollar of 1792, 1837, and 1879.

Before entering upon the discussion of this bill proper, I desire to preface my argument by a few plain questions and answers. They are, What is money? What are its purposes? Who should issue it, and by whom should its volume be controlled? A proper answer to these questions, however brief the explanation, will go far to aid in enabling us to appreciate the provisions of this bill.

What is money? Plato says "money is a creation of law to effect exchanges." Aristotle says "money is a measure of value, a medium of exchange; an invention of man, not a product of nature." Money comes from *moneudo*, to stamp. As wax is not a seal without the stamp, so metal is not money without the impression of sovereign authority. No higher authority can be given in answer to this question than these, and during the long centuries when nothing but metals formed the moneys of Europe, monarchs and kings were wont to increase the volume of money in times of stringency by the use of alloy, and that the courts sustained such action the history of all Europe attests.

What are the purposes of money? Money is a necessary means of intercommunication between all the citizens of a state or nation. It is the tool of trade; a vehicle of commerce. It is in another, and very proper sense, an evidence of debt, a credit token, a bill of exchange on society. It performs for mankind, in the exchange of labor or property, just what, in quantity, is ascertained by the scales, yard-stick, half bushel, or gallon. Money is a representative of wealth, and is not wealth itself, except it be composed of a substance that may be used in the arts and sciences, and when so used it ceases to be money, and at once becomes a commodity. And an American citizen had just as well take gold and silver bullion to Europe to make his purchases or pay his traveling expenses as to take the American coined gold and silver. Both coined money and bullion will be thrown into the banker's scales and weighed. So as to our Treasury notes or national-bank notes when they have served their day, and become worn or mutilated, they are saturated with water and ground to a pulp and sold by the pound, and are manufactured into toys and other articles, thus ceasing to be money, and becoming a mercantile commodity.

Our nickels and pennies would not be worth much as commodities. Abroad, as money, nothing! The fiat of this Government makes them just what they are here—five cents and one cent. This brings us to our third question. Who should issue it? Or, if you prefer it, who should coin it? We are all familiar with the language of the Constitution, which declares that "Congress shall have power to coin money and regulate the value thereof, and of foreign coin," &c. To coin is a verb, denoting an action, but does not prescribe the material out of which the money is to be coined, made, manufactured, or created. Hence the Government has made it out of gold, silver, copper, nickel, and paper, five distinct materials, and has legalized the coins made or coined by other nations. Now, if Congress has this power no one else has, and the language of the Constitution being emphatic and specific Congress cannot delegate that power even to States, much less to corporations. It is charged that greenbacks are not money; then what are national-bank notes? In what respect are they any better? It is sometimes said they are redeemable in gold, but this is not true. They are redeemable in lawful money. I desire to ask a few questions as I advance in my remarks, and one that occurs to me just here is this: If Congress can create money for

the banks why not create money for itself? And still another is: If greenbacks were ever money, why are they not now? If they were never money, did the bondholder ever loan any money to the Government? And once more: If it is the bond, on which a bank note rests, that secures and makes it good, why is not that which makes and sustains the bond itself better?

The wealth of the nation is that which makes the bonds command a premium in all the markets of the world; it is not the amount of our gold, but our ability to pay; and it may be said in truth that 90 per cent. of all the bonds held abroad will never be paid in coin and never have been, but in our wheat, beef, pork, petroleum, and cotton; in a word, in our exports, which largely exceed our imports, the excess averaging for the last six years $196,778,117 per annum or for the last ten years averaging $104,706,922 per annum. (See Treasury Report, page 16.) Here is the secret of specie resumption; more, far more potent than the passage of a resumption act, which of itself neither increased or decreased the volume of money while every dollar that came from abroad over and above our imports went to swell the quantity of our money and circulating medium, thereby increasing prices of labor and property. We now come to the fourth and last question which I shall ask and answer before proceeding to take up the bill proper, and that is: Who shall control the volume of money? And here is the marrow of the subject of finance; the Gibraltar of the Shylocks. They will give up every other privilege connected with this momentous subject before they will surrender this. It matters little as to how much or how little gold there is in the country, or whether there is any, so long as the banks control the quantity of what constitutes the circulating medium. The amount of money in a country represents all the property. Hence as the stock of money increases prices or values increase, and *vice versa*, not only of property but of labor also. This plain declaration has been verified so often in the last twenty-five years as to need no greater proof. The difference in values to-day as compared with those of 1873 are as the ratio of increase in the amount of money in the country then and now. I allude to values in the aggregate and not in every specific instance that may be but local and momentary in its character.

The party to which I belong believe that the people through their Senators and Representatives (the Congress of the United States) should alone control and issue all the money of this country; that its volume should be regular and governed by the business needs of the country, and not by the national-bank oligarchy or any other combination of capitalists.

To my Democratic friends I would commend the teachings of the father of Democracy, Thomas Jefferson, when, in a letter to John W. Eppes, September 11, 1813, he said:

> Bank paper must be suppressed, and the circulating medium must be restored to the nation, to whom it belongs. It is the only fund on which they can rely for loans; it is the only resource which can never fail them, and it is an abundant one for every necessary purpose. Treasury bills, bottomed on taxes bearing or not bearing interest, as may be found necessary, thrown into circulation will take the place of so much gold or silver, which last, when crowded, will find an efflux into other countries, and thus keep the quantum of medium at its salutary level.

Or to that life-long Democrat, John C. Calhoun, when he said:

> No one can doubt but that the Government credit is better than that of any bank, more stable and more safe. Bank paper is cheap to those who make it, but dear, very dear, to those who use it. On the other hand, the credit of the Government, while it would greatly facilitate its financial operations, would cost nothing or next to nothing, both to it and the people, and would of course add nothing to the cost of production, which would give every branch of our industries—agriculture, commerce, and manufactures, so far as its circulation might extend, great advantages both at home and abroad; and I now undertake to affirm, and without the least fear of being answered, that a paper issued by the Government with the simple promise to receive it for all its dues, leaving its creditors to take it or gold or silver at their option, would, to the extent it could circulate, form a perfect paper circulation which could not be abused by the Government; that it would be as uniform in value as the metals themselves; and I shall be able to prove that it is within the Constitution and powers of Congress to use such a paper in the management of its finances according to the most rigid rule of construing the Constitution.

To my Republican friends I would present the utterance of that statesman and philosopher, Benjamin Franklin, when he said:

> On the whole, no method has hitherto been found to establish a medium of trade equal in all its advantages to bills of credit made a legal tender. Paper money, well founded, has great advantages over gold and silver, being light and convenient for handling in large sums, and not likely to be reduced by demand for exportation.

It has been said from the rostrum, and reiterated by the press, that the national banks are not a monopoly. Then, I ask in all candor, what is a monopoly? Is there a limit to the number of national banks that may be organized, or to the amount of their circulation? No, sir, save the limit of the national debt itself, less 10 per cent. Here is the power to inflate or to contract, as was witnessed less than one year ago, when, regardless of the public interest, and in order to deter and overawe Congress, they actually withdrew from circulation $18,000,000 in a few days, and well-nigh produced a panic, which the Government alone was able to prevent accomplishing its intended desire, a distressing financial calamity.

National bankers are human and, like most of our race, are full of avarice, and when you give them the power to lessen the volume of money and to double the rate of interest, they are sure to do so, and to take advantage of all discounts and collections, &c., "for the love of money is the root of all evil." I cannot refrain from a quotation from the veto of President Jackson of the bill rechartering the United States Bank, July 10, 1832, or nearly fifty years ago. I quote from near its close. He says:

> Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by acts of Congress. Experience should teach us wisdom. By attempting to gratify their desires we have, in the results of our legislation, arrayed section against section, interest against interest, and man against man, in a commotion that threatens the stability of our Union.
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> If we cannot at once, in justice to interests vested under improper legislation, make our Government what it ought to be, we can at least take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our Government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy.

Words could not be more aptly or fitly spoken in this our day, for we are conscious of the fact that the war between the banks and the people as fought fifty years ago is and must be repeated now. I would to God the Executive of this nation now was as clearly and unmistakably with the people as he who occupied that chair fifty years ago. I would that a veto was as certain to come now, if this Congress shall pass a bill rechartering or continuing the national banking system, as if a Jackson were President of the United States. Jackson had his faults, but he never forsook the masses in their struggles against organized monopoly.

I will now proceed to the consideration of the bill. I present the following reasons in favor of my bill:

First. It does not propose to destroy national banks. It says, with Jefferson, "Let banks exist if they will, but let them bank on coin or Treasury notes." It proposes only to deprive them of circulation by preventing the Treasury from furnishing them with notes on and after the passage of the act. Congress has the right to do this under the Constitution. All power to issue money for the United States, of whatever composed, and to regulate the value thereof, is lodged by the Constitution in Congress. But the Constitution gives Congress no authority to delegate that power to any man or association of men.

But the objectors say the notes of national banks are not money, but simple notes based upon securities which are worth and will bring money. But this is not the language of the law enacting these notes. The laws creating national-bank notes not only base them upon "lawful money of the United States," meaning the legal-tender notes of the United States, but they repeatedly call these national-bank notes money. They are lawful money in payment of all debts due to and by the United States, excepting duties on imports and interest on bonds. They are lawful money in payment of all Government officials, but they are not, like the legal-tender notes, legal tenders in payments from man to man or by these banks to the people.

If a farmer owes a thousand-dollar mortgage upon his farm and wishes to pay it with $1,000 in national-bank notes, he cannot do it unless the holder of the mortgage is willing to receive these notes. Not so with the legal-tender notes of the Government. They will pay all debts due the Government and individuals, excepting duties on imports and interest on bonds. They will not pay these because the law says they will not. The difference between Government notes and those of national banks is, first, the two will both pay any debt due the United States except those stated, and neither will pay interest on the bonds due individuals or corporations, but the United States notes will pay all debts due individuals excepting interest, and the national-bank notes will not pay any private debt unless the person or persons to whom it is due are willing to receive them. The time will soon come when these notes will be rejected by all individuals and the people will demand payment in "lawful money of the United States." This will be the most effectual method of destroying the credit of this circulation and forcing it out of existence. I hereby recommend this plan of compelling the retirement of these notes.

Second. In the national-bank act of June 3, 1864, Congress reserved the right to deprive national banks of their charters for cause; but if they had not reserved this right they would still have possessed it. As before stated, Congress have no right under the Constitution to suspend for twenty years any right or power conferred upon them by the Constitution, by conferring that right upon associations of men or any one man. In the language of President Jackson, "if they have the power and thus part with it, the Constitution is suspended for said twenty years." If Congress have conveyed to the national banks the right to issue paper money for twenty years and have retained no right to annul the grant when they see proper, then they place their banks above the Constitution and the authorities of the nation. The idea is too preposterous to be entertained.

Third. Whether in words claiming this right or not Congress have in all the national-bank acts used the power conferred upon them by the Constitution of replacing, altering, and changing these acts. The act of June 3, 1864, repealed the act of February 25, 1863. The following acts all add to or take from national banks some rights or powers they did or did not possess: the acts of March 3, 1865; of March 3, 1869; of July 14, 1870; of June 8, 1872; of March 3, 1873; of June 20, 1874; and of January 14, 1875. The law of 1864 limited national-bank circulation to $300,000,000; the law of 1874, to $354,000,000; and the law of 1875 removed all limits upon circulation. All acts previous to that of 1874 provided that all banks in reserve or redemption cities should hold 25 per cent. both of their circulation and deposits

in legal-tender notes, and in other places and cities 15 per cent.; but the law of 1874 repealed that portion of the law providing a reserve for circulation, and provided that only 5 per cent. need to be retained and that this sum should be kept in the Treasury. No one disputes the right of Congress to thus limit and unlimit the circulation of national banks if they have any rights at all upon the subject. Why, then, should any one dispute the right of Congress to say that after a certain period, named in the bill, no more national-bank notes shall be issued? If Congress had the right to repeal the first national-bank act, and to repeal that part of the act of 1864 limiting the circulation to $300,000,000, and to make the limit $354,000,000, and then to repeal all limitations upon their circulation, they certainly have a right to repeal this portion of the act of 1875, and say by that no more circulation shall be issued.

The powers of Congress over the money of the country are not confined to that which will benefit banks and bondholders. It extends to that which will benefit the people, though Congress has not often used it in their interest. The interest of banks and bondholders has engaged the supreme attention and legislation of Congress since 1862. Scarcely one law during all that time has been passed for the benefit of the people. When men talk about good faith to the banks and bondholders they should be reminded of the bad faith to the people for the benefit of these banks and bondholders in the following acts of Congress:

First. The act of February 25, 1862, which excluded the Government notes from the custom-house, when all the Treasury notes ever issued by the United States, from 1812 until 1860, had been, under the law, legal tender for all debts due the United States.

Second. That part of the law of March 3, 1863, which excluded United States notes from the purchase of bonds after July 1, 1863. Then the law creating both the bonds and notes provided that these notes should be received for all bonds of the United States "the same as coin." These notes to the amount of $150,000,000 were then out among the people. They had paid the Treasury full consideration for them. In addition to the provision in the law creating them that they should be received for bonds, they had this pledge upon their face. A more flagrant violation of contract made with forty million people was never perpetrated by a great nation. This was done, as Mr. SHERMAN states, that the value of these notes, then in the hands of the people for a valuable consideration paid therefor, might be reduced in the market to such an extent that capitalists would purchase them and put them into bonds, and not more than $50 on the $100 coin, and obtain national-bank notes upon them.

Third. The act making the interest on these bonds payable in coin, when all the business of the country was done upon legal-tender notes and all debts paid therein except duties on imports and their interest.

Fourth. By the law of 1864, by making bonds then in the hands of bondholders and banks, the interest upon which was payable in coin, annually, payable one year in advance without rebate. The bonds were then being purchased at par for legal-tender notes, and the notes were selling at $250 and $285 for $100 coin. But Congress did not consider these rates sufficient compensation to the banks and bondholders, and they made their bonds, or the interest thereon, payable one year in advance, in gold. This interest was so paid for five years.

Fifth. The authority granted the Secretary of the Treasury in the laws of 1865 and 1866, to greatly reduce the circulating medium, upon which the value of all property depended, to the great injury of the people and the business of the country, and investing this money in interest-bearing bonds until the crisis and distresses of the nation compelled Congress to repeal the acts authorizing this reduction of the currency.

Sixth. The law of March 18, 1869, by providing that all the 5-20 bonds of the United States, and other bonds which were then under the laws creating them payable in legal-tender notes, should be paid in coin, thus causing the people to lose and the bondholders and banks to make $500,000,000.

Seventh. By the act of July 12, 1870, the 5, 4½, and 4 per cent. bonds and exempting both the principal and the interest from all taxation, State and national. This had never been done previously. The laws had exempted United States bonds from State and municipal taxation, but not from national taxation. This added at least 2 per cent. per annum to the value of these bonds.

Eighth. The act of 1871, changing the payment of interest on these bonds from semi-annually to quarterly, which imposed a loss of interest upon the people. This was done at the bidding of pirate capitalists.

Ninth. The law of February 12, 1873, by which the silver dollar was fraudulently demonetized so that the bonds of 1870 could not be paid therein, though the law under which they were issued provided they should be so paid.

THE CHARTER OF NATIONAL BANKS.

Some seem to entertain the idea that a national bank may at any time during the twenty years named in the laws of 1863 and 1864 engage in the business of national banking and continue for twenty years, not from the time the law passed, but from the time the bank went into operation. This appears to be the opinion of Hon. JOHN SHERMAN. But that this supposition has no foundation in truth appears from the fact that this would be the creating of national banks for forty instead of twenty years under this banking law. But that this cannot be the intention of the law of June 3, 1864, or of any other banking act is evident from the provisions of the law that the privileges therein granted are to continue for twenty years, which of course means from the date of the law.

All the precedents are in favor of this construction of the act. The act of February 25, 1791, chartered the first national bank for twenty years. The bank did not go into operation for some time after the granting of the charter; but the charter expired and was not renewed February 25, 1811, just twenty years from the time the charter was granted. No one thought in those days of political purity of contending that the bank had a right, under the law, to issue notes and continue business after the day upon which the charter expired or that the expiration should date from the time the bank commenced business under the charter.

On march 10, 1816, Congress chartered the second national bank for twenty years. These twenty years expired March 10, 1836, and though the bank did not go into operation for some time after the granting of the charter, the charter expired just twenty years to a day after it was granted. It will be seen, therefore, that the construction given to the act of 1864 is something new in the history of the country, and a false pretense as well as a part of the fraudulent attempt to fasten the national-banking scheme of 1863 and 1864 upon the American people perpetually. Let the people resist this effort by all lawful means. If national banks are to exist in the United States for another twenty years let them obtain their charters openly and above-board. "Let them not attempt to climb up some other way." This method of sustaining their circulation is selected because they know they can not openly go before the people and ask for new charters.

Section 2 provides that from and after the 1st of July, 1882, national banks shall not pay out their notes for expenses or in the payment of any debts due individuals. This they have no right to do, but they are in the habit of doing it. If they exist under law, it is right they should be made to obey the law. They have a right to pay their notes to the Government for all debts, excepting duties on imports, and to pay them to national banks for debts due them. This the present bill does not prevent them from doing, but it provides that for all debts due individuals coin or United States notes shall be paid.

Section 3 provides that all national-bank notes paid to the United States, or in any way coming into the Treasury, shall not be again paid out, but that said banks shall receive therefor from the Treasury United States notes to the full amount thereof; and that said national-bank notes shall be destroyed, and the legal-tender notes paid therefor shall be charged to said banks and canceled, and bonds to that amount credited.

But it is said in opposition to this section that said bonds may at the time be worth a premium, and that the crediting of said bonds to the banks at par would be an injustice to them. In reply to this I present the fact that at first these bonds were purchased by these banks with legal-tender notes which the laws had made fully 50 per cent. discount for coin; that $400,000,000 of bonds did not cost them in coin more than $200,000,000; that they have collected from the Treasury in gold more than the amount of the legal-tender notes paid for the bonds, and twice as much as said bonds cost them in coin; that for five years of the time this gold interest was paid in advance, without rebate, when the legal-tender notes were at their greatest discount; that though the bonds held by them were payable in legal-tender notes, Congress, by the law of March 18, 1869, made them payable in coin, increasing their value to the extent of the difference between gold and Government notes; that by the act of 1870 all bonds were made payable, principal and interest, in coin of nine-tenths standard fineness, and both the interest and the principal were exempted from all taxation, both State and national; that in 1873, to prevent bonds from being paid in silver, as provided in the law of 1870, the silver dollar was demonetized; that their banks might be able to sell their bonds bearing 6 per cent. interest at 20 and 25 per cent. premium, the act of 1874 was passed, allowing national banks to deposit legal-tender notes in the Treasury to the amount of their circulation and to lift and sell their bonds at a large profit; that all the time from their going into operation these banks have been granted by the Comptroller of the Currency circulating notes to the extent of 90 per cent., not upon the face value of the bonds but upon the current market value thereof; that upon these notes, which often amounted to the face of the bonds, and for which they paid the United States not one dollar of consideration, they made by loans and interest from 6 to 10 per cent., depending upon the rate in the States where the banks were located; that from the beginning these banks have declared large dividends to their stockholders, and they now have a reserve fund of between one hundred and two hundred million dollars.

In view of all these facts how ridiculous it appears to insist that the United States shall pay these banks a premium upon the bonds held by them, when in place of their notes destroyed by the Treasury they will have been paid the notes of the Government, which are worth 1 per cent. premium over gold in Europe, and in all parts

of the United States. On the Pacific Coast and in Canada they are worth 2 per cent. over gold. If there was ever anything just and proper the carrying out of the third section of this bill is.

THE FOURTH SECTION.

This section provides that from and after July 1, 1882, all national-bank notes received by the banks themselves shall be transmitted to the Treasury, and the notes of the Government shall at once be sent to said banks therefor, and that all these bank notes shall be destroyed in the Treasury; and that the Government notes paid therefor shall be charged to said banks, and bonds of the United States belonging to said banks to the full amount thereof credited to said banks and canceled. The remarks upon section 2 will apply to this section also. In reply to the objection that the Government has no right to thus compel national banks to surrender circulation until the expiration of their charters, I again state that these banks are the creatures of Congress, and Congress has the right to annul their charters or to make any modifications therein at any time, as the statements under the first section of the bill show. The only change proposed by this act is that after July 1 they shall not pay out for any purpose their own notes, but shall receive therefor and pay out legal-tender notes of the United States.

Again, the suggestion that the retiring of all the national-bank notes would so reduce the circulating medium as to create a panic and greatly reduce the value of all property, I state that this bill provides that before this redemption commences the Treasury shall prepare and issue United States full legal-tender Treasury notes to the amount of all the national-bank notes issued to these banks, so as to be prepared at any time to transmit to national banks sending their circulation to the Treasury for redemption United States notes to the full amount thereof. No; this bill does not contemplate the reduction of the currency. On the contrary, the power of banks to reduce or inflate the currency under the laws of 1874 and 1875 is one of the worst and most dangerous powers granted these banks. This bill takes that power from them, and does not lodge it with any bank or banks. They have been able under the law of 1874 to reduce the legal-tender circulation by depositing the notes in the Treasury to redeem their own circulation at all times when they could make money by it, or perpetuate their power by so doing, and under the law of 1875 of increasing this circulation when they could accomplish the same objects. The people of the United States are disgusted with these proceedings and are determined an end shall be put to them.

This bill, therefore, repeals the act of 1874, allowing national banks to redeem this circulation in the Treasury with legal-tender notes, and to lift and sell their bonds, and provides that these notes shall be redeemed at the Treasury and by the Treasury in the notes of the Government; and that to the amount of national-bank circulation thus redeemed the bonds, instead of being handed over to the banks and sold, shall be credited to said banks and canceled, and the people relieved from paying the interest thereon. This method does ample justice to the banks, and protects the oppressed people from further imposition for the benefit of this the greatest of monopolies. This bill also provides that any bonds deposited in the Treasury by these banks over and above the amount of the circulation granted them shall be delivered to them, the banks, unless they are willing to receive legal-tender notes of the Government therefor at par. If the latter, the notes may be paid to them and the bonds canceled. The bill further provides that this process shall be continued until all the circulation of the banks shall have been redeemed, and there shall be no money of any kind in the United States but that issued by the Treasury, not to the banks, but to the people. This bill allows national banks to continue, if they see proper, under national law as banks of discount, deposit, and exchange, but deprives them of their own circulation at the cost of the people, and requires them, if they bank at all, to bank on coin or the notes of the United States. This act also provides that national banks which choose to go into liquidation after their circulation shall be withdrawn shall be allowed two years from July 1, 1882, in which to close up their affairs.

I close with a brief consideration of the right of the United States under the Constitution to make their own paper money legal tender for all payments public and private. The plain and short way of coming at this matter is by considering the plain language of the Constitution and the acts of Congress under it.

Those who allege that nothing but gold and silver coin can be made full legal tender under the Constitution rely upon the language of the Constitution that the States should not make anything legal tender in payment of debts but gold and silver coin. The States were prohibited from making gold and silver bullion legal tender in payment of debts. They are limited to gold and silver coin; to that which is made lawful money by the law of some nation, and which has its stamp upon it. But let it be remembered that this prohibition applies only to the States in their separate capacity in the Union. It is found among those things which the States are prohibited from doing under the Constitution and in the Union. It is not among those things which are prohibited to the United States. The truth is there is nothing in the Constitution providing any material of which Congress shall have power to make or coin money. On the contrary the Constitution leaves the whole matter to Congress, leaving them free to make money of any material which they saw proper to use and to make it legal tender for all debts public and private, and which prerogative Congress has used. In proof of this proposition, I need only refer to what Congress has done since the adoption of the Constitution. They have made legal-tender money of seven materials, counting the alloy, only two of which are so much as named in the Constitution, and then in relation to the States and not to the General Government or United States. I will name them all.

1. In 1791, before the law creating the mint was established, and before the unit of value and of the money of account was adopted for the United States, Congress, acting under the Constitution and in the Union, created paper money, the first ever created by Congress under the Constitution. They created a national bank, took one-fifth of the stock, had five directors in the institution, gave it the name of the United States, and made its notes full legal tender for all debts due the United States for twenty years.

2. In 1792 Congress created a mint and provided for the issue of copper, silver, and gold coin; under this law the first money coined was composed of copper, consisting of cents and half cents. This material was not named or hinted in the Constitution as a money metal, yet it was the first coined by Congress under the Constitution and was made by law full legal tender. The second money coined under the Constitution and under the law of 1792 was composed of copper and silver. This money, composed of these two metals, was not named in the Constitution. The Constitution speaks of silver coin but not of coin composed of both these metals.

The third money coined by the United States under the mintage act of 1792, was made of copper and gold, though no such coin is named in the Constitution. The Constitution speaks of gold coin and not of coin composed of copper and gold. The fourth money coined by Congress under the Constitution and according to law was money composed of 88 parts copper and 12 parts nickel, another metal not named in the Constitution. This money was also made legal tender by law. The fifth money made by Congress of metal was and now is composed of copper, tin, and zinc, not one of these metals being named or referred to in the Constitution. This money was also made legal tender. Of these seven materials of which Congress have made money, to wit, paper, copper, gold, silver, nickel, tin, and zinc, only two are named in the Constitution, and then are not named as coined by authority of Congress.

It is therefore self-evident that the Constitution provides no metal of which Congress are to make money, but that the whole matter is left to the discretion of Congress. These being the facts as shown by our own legislation, it is useless to consume further time and space in considering the opinions and decisions of our courts; they are generally in favor of the right and power of the United States to issue full legal-tender paper money. I might refer to the instances when it has been done by our own and other nations; but, as shown, Congress are at liberty to make money of any material which they choose. They have the right to make it of paper, which is the least costly and the most convenient of any material of which it can be made. This every man in the United States knows to be true. Our legal-tender paper money issued by the United States has demonstrated its truth, convenience and safety.

To what I have said and in support of the system of finance advocated by the friends of currency reform, and which I believe is carried out in part at least in the features of this bill, I desired to have read and to have printed with my remarks a few quotations from Stephen Colwell, in his treatise, Ways and Means of Payment, a standard work, thoroughly reliable and comprehensive in all its details. I desire to give the substance of his history of the Bank of Venice—that bank which stands without a rival in the history of the world. I only regret that I am unable to print the whole twenty-two pages devoted by Mr. Colwell in his history of this bank, but will take the liberty of saying in advance that these extracts or quotations are not garbled so as to serve a purpose and do violence to the whole from which they are taken, but are in perfect harmony and accord with the facts as related. For more than four hundred years this bank existed and maintained its issue without coin as a basis, or, in fact, in its vaults. The overthrow of the republic was the destruction of the bank, and Napoleon, in conquering Italy, carried off no coin, no penny of prey.

QUOTATIONS FROM COLWELL'S WAYS AND MEANS OF PAYMENT.

The Bank of Venice gradually assumed the form under which it was for many ages the admiration of Europe, the chief instrument of Venetian finance, and the chief facility of a commerce, not surpassed by that of any European nation.

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Facility of transfer coupled with the security of the state, and regular payment of the interest, seems to have led to a very rapid circulation of this loan.

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The reimbursement of the loan ceased to be regarded as either necessary or desirable. Every creditor was reimbursed when he transferred his claim on the books of the bank. * * * From being convenient and valuable as an investment readily obtained, and as readily disposed of, it became by a natural process a medium of payment in transactions of commerce. That fund which was desirable to all seeking investment, would be willingly, in many instances, accepted in payment of debts already existing, or for goods just purchased.

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Whatever may have been the malpractices which grew up in the usages of the bank in the first two hundred and fifty years of its history, it fully vindicated in that period its power and utility as a financial agent of the republic and its efficiency in promoting the movements of commerce.

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The republic could well afford to maintain a liberal policy toward an institu-

tion so important both as a fiscal and commercial agent. That the inhabitants of Venice were well satisfied we cannot doubt, as not an objection was ever made to the bank, at least none is extant; neither book nor speech nor pamphlet have we found in which any merchant or dweller in Venice ever put forth any condemnation of its theory or its practice. There was no hesitation in carrying money to the bank so long as it was not doubted that bank funds would purchase specie without loss whenever it might be needed; and the uniform premium of bank funds settled that point. Under such a system the regular payments of trade would proceed with a rapidity and economy previously unknown so far as the history of commerce informs us. In this aspect it deserves special examination.

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The facility of payment furnished by the bank, which made it the admiration of Europe, honorable at once to the government and merchants of Venice, and a support to the pride and power of its people, consisted in substituting, as a medium of payment, the debt of the republic for current coin.

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This system of payments was so well adapted to the exigencies of commerce that it was maintained in full vigor in the great commercial city of Venice for almost four hundred years.

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The Bank of Venice enjoyed a reputation throughout the commercial world which promoted the success of Venetian trade.

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It was a tower of financial strength to the republic in her long and expensive wars, and of course contributed no small share to the celebrity of the city, as well as to its power and wealth.

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To comprehend this extraordinary fact of a credit on the books of a bank, with no money in its vaults, and not bound to make that credit good in later times even by the payment of the interest, or to redeem it in any way, having been for hundreds of years at a high premium over gold and silver, we need only remember that these credits were the funds in which debts were chiefly paid. If credits had been convertible at will into the precious metals, the agio could never have originated, much less attained so high a point; for the moment the holders of credits advanced the price, specie, if a legal tender, would have become the medium of payment, as the cheaper medium. Those who had occasion for gold or silver, purchased with these deposits what was required, and, with slight exception, for more than four hundred years the precious metals were at a discount, compared with the bank funds, the demand for that which would pay bills of exchange being greater than for gold or silver for any special use to which they could be applied.

The public loan of Venice, which gave origin to the bank, was forced, but the whole subsequent history of the bank and the public credit is one of entire confidence on the part of the people, and admirable prudence, good faith, and forbearance on the part of the government. Venice made the public debt the chief currency or medium of exchange in all the large operations of trade, and the public debt was wisely kept at that amount which not only preserved its value but furnished the full quantity of currency required for trade with the means of increasing or diminishing the amount according to the proper demand. This mutual confidence and prudent management are creditable alike to the financial skill and intelligence of all concerned. The government enjoyed a loan free of interest equal to the whole capital of the bank without having given any special guarantee or any evidence of the debt, except an inscription on the books of the bank; the people enjoyed a currency which for centuries stood at a high premium over gold and silver. The Bank of Venice and its public finances, commencing in violence soon settled into a simplicity and regularity of progress and freedom from undue fluctuation of which for such a long period there is no parallel.

Here is a precedent and the best evidence in the world that currency, full legal tender and receivable for all debts, dues, taxes, and customs, is founded upon nothing greater nor more valuable or durable than the credit of the Government and wealth of the nation, and when these fail let our circulating medium fail with us. Every dollar of our legal-tender currency is so much of the national debt that bears no interest and never has. If we had paid 5 per cent. interest on the same amount of bonds that has been represented by our greenback money since 1862 until the present time, simple interest and payable but once each year, our national debt would be $350,000,000 greater than what it is; if we had kept in circulation twice as much as we have the national debt would be $350,000,000 less than what it is; yes, a far greater reduction than this, for we should never have passed through the panic of 1873, the losses of which are beyond computation. Money at best is but a representative of debt, which is discharged every time it passes from hand to hand in the purchase of property, exchanged for labor, or in payment of debt. Currency does this as readily and perfectly as coin, be it gold or silver. Had there never been a bond issued, and no exceptions on our legal tenders, we would have no national debt to-day, and a currency equal to any the world has produced.

A few more words and I will conclude. Money is a creature of law, and this law can be expressed upon paper or upon metal. It is the fiat of the government issuing it that makes it what it is—money. There is no money that is not fiat money, money created by sovereign authority or power. You cannot divorce money from law; they are bound in eternal wedlock. Bonds are paper, and yet they are more valuable than money, even gold; not because they are paper, it is true, but because they bear interest and are exempt from taxation, and that under them rests not the $200,000,000 in gold and silver coin in our vaults, but that which is better, the entire wealth of the nation, our fields and forests, mines and manufactures, our commerce and every industry in the land. I cannot close without appropriating a brief quotation from the memorable words of Jackson—I have no higher aim:

> The ambition which leads me on is an anxious desire and a fixed determination to return to the people, unimpaired, the sacred trust they have confided in my charge; * * * to persuade my countrymen, so far as I may, that it is not in a splendid government, supported by powerful monopolies and aristocratic establishments, that they will find happiness, and their liberties be protected, but in a plain system, void of pomp, protecting all, and granting favors to none. It is such a government that the genius of our people requires.

The people rallied around him, and victory crowned their patriotic efforts. But the struggle was terrible.

Chinese Immigration.

SPEECH

OF

HON. MORGAN R. WISE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 22, 1882.

The House having under consideration the bill (S. No. 71) to enforce treaty stipulations relating to Chinese—

Mr. WISE, of Pennsylvania, said:

Mr. SPEAKER: I did not expect to occupy any part of the time of the House in the discussion of this question, but as the gentleman from South Carolina has kindly yielded me a portion of his time, I will submit a few remarks upon this subject. I do this, sir, believing that my people are deeply interested in the pending question. I represent as large a laboring constituency as any member upon this floor. Arguing, then, from the great leading point that that which will affect any member of the body-politic unfavorably will necessarily affect my people, and in defense of them as laborers, and in support of the honor and integrity of the Republic, I register myself in opposition to Chinese immigration.

I wish to say, Mr. Speaker, that early in the history of my life and before California was a State I crossed the plains and entered that Territory in pursuit of active life. There I found representatives of every nationality. I do not now remember any one but what was represented to some extent in that now great city of San Francisco.

Some would believe that this is a question of recent agitation. I recall to my recollection that while a gentleman was a candidate in that distant "land of promise" as a member of the Legislative Assembly, the subject of Chinese immigration was one of the leading questions in the political campaign at that time. This gentleman stated that if elected to that body he would oppose Chinese immigration, believing it to be deleterious to the welfare of the people of that Territory and of the States. His declarations were undoubtedly true. The issue was made and resulted in his election by an overwhelming majority. It is true also that at that time but a small proportion of the people were in that country as compared to the present time, because it was thinly or only partially settled; but now, since it has assumed its large proportions, the importance of that question is in the same proportion greater before the American people.

I am glad to see, Mr. Speaker, that the Democratic party has set itself right on this question, and I must confess that to some extent I was a little anxious for our Republican friends lest they should forget to make good their claim to be stalwarts to some extent in protecting our American laborers. But I believe that they are now falling into line in keeping with the doctrines laid down by the Democratic party, although the major part of the opposition to the bill now under consideration is manifested from the Republican side of the Chamber, while the Democratic members are almost a unit upon the subject. I believe that the Chinese people are God's creatures, and as such I would not deny them any of their natural rights or privileges, so long as they conform to our fundamental laws of government and established rules of society. But, sir, when the most servile, the most degraded and corrupt of that vast pagan empire come to our free and prosperous shores as slaves—for cooly labor is a system of slavery—I am in favor of prohibiting their landing as absolutely as though the ships were laden with a contagion, the contact of which with our people would spread disease and death throughout our land. We must have no more seeds of slavery planted in the soil of now free America.

I say if we are true to the interests of our people we will act, and act promptly. And, Mr. Speaker, if we are at all subject to criticism, it is because we have not acted more promptly in relation to the matter.

The right to restrict the importation of Chinese cooly labor under our treaty stipulations, by act of Congress, has been made clear to me, as presented through the recent arguments of the question by the ablest legal minds of the two Houses. If there were any doubts remaining in regard to our right, they would be removed by an examination of the plain words of the first article of the last treaty entered into between China and this Government.

The following is the treaty:

ARTICLE I.

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

ARTICLE II.

Chinese subjects, whether proceeding to the United Stated as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith such measures will be communicated to the Government of China. If the measures as enacted are found to work hardships upon the subjects of China the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

"Man was formed for society," but as it is impossible for the whole race of mankind to be united in one great society they must necessarily divide into many, and form separate States, commonwealths, and nations, independent of each other and yet liable to a mutual intercourse. Hence arises what is called "the law of nations," which, as none of these States will acknowledge a superiority in the other, cannot be dictated by any, but depends entirely upon the rules of natural law, or upon mutual compacts, treaties, leagues, and agreements between these several communities. This, I believe, is laid down by writers on the subject as the rule.

The above treaty is a compact and an agreement between the only two nations interested in the subject, wherein China expressly agrees "that the Government of the United States may regulate, limit, or suspend such coming or residence," but that "the limitation or suspension shall be reasonable." Of course no rule is good unless reasonable. Are not the provisions of the bill we are considering reasonable? It has been abundantly proven that the cooly labor is contracted for by organized speculators in China; that the lowest, most ignorant, and servile of that immense pagan empire, under such contracts, are brought to this country, and their labor bartered and controlled; that they refuse to accept our rules or manners, politically, socially, or religiously, or in any way or manner to qualify themselves for citizenship; that they degrade labor, and in various ways do injury and wrong to our people with whom they come in contact, and therefore cause much discontent and unhappiness among our citizens in the communities where they are located.

Is it not then "reasonable" for Congress to enact laws to correct such a mistake, to remedy such a wrong? It seems to me manifestly so.

Then, if the bill is reasonable it is in accordance with the treaty stipulations, and if in accordance with the treaty stipulations it logically follows that it is not in the least in conflict with the laws of nations. And therefore, taking all things into consideration, it is our bounden duty to enact the bill into a law.

As to the protection of American labor, it is so broad and so extensive that it would occupy too much time to even attempt to elaborate it to the extent its vast importance demands, but the tariff question has been dwelt upon by those on both sides of the subject at issue. The two have, for manifest reasons, been united and argued together.

Some gentlemen will rise and say that the principle of protection of our manufacturing interests as well as the laboring interests of the country has been but the child of a century. I say, sir, as one in favor of protecting the industries of my country, that so long as a bloated aristocracy and nobility will do injustice to the laboring classes of Western Europe and Asia that the principle of protection in this country must be closely adhered to. I think our Government is responsible to God as well as to the whole human family for the protection of human labor, and so long as the laboring classes in these countries are looked upon as servants, slaves, or serfs, I hold that it is the great duty of American representatives, so far as in them lies, to protect American labor.

In that connection this Chinese question is the very point at issue; yet it will be maintained here that the great thing for which man is to labor is the almighty dollar. We, as Americans, and under our grand American system, claim that the men who labor should not only be amply remunerated so far as dollars and cents are concerned, but that their social condition and moral elevation should be assiduously promoted and jealously protected. This is the most important point to which we should direct our attention, and to this point I believe both parties should direct their steps, should unite with each other, and act promptly and decisively, Democrats and Republicans.

Take, for instance, 50,000 of these Chinese laborers and place them in the twenty-first Congressional district, where the laborers of that portion of my State receive from $1.50 to $5 a day manufacturing iron and other materials of prime necessity to civilization, and what would we expect but a general revulsion? Nothing short of it. Civilization means comfort; and the difference between the pay of servile Mongolian labor and that of intelligent free American labor is so great that the latter cannot nor will not tolerate a contact with the former.

I have before rather fully enunciated my views in regard to the tariff question, and will now but incidentally speak of it. I favor a tariff for almost precisely the same reasons that I favor the bill we are now considering. Free trade would be well in practice were all the nations the same in form of government. The superiority of one nation over another in articles produced by labor would then solely depend upon the superiority of skill, machinery, and the frugality and industry of the people competing. Such a state of affairs does not, however, exist. In order to maintain the high standing of our working people and at the same time to compete with the low-priced and degraded labor of monarchies, we must have a sufficient tariff to keep the price of our products proportionate with the labor that produces them. To compete with the manufacturers of those nations without the intervention of tariff laws our working people would have to be brought upon a level with those of the monarchies; would have to live as they live; would, sooner or later, have to be deprived of the fruits of liberty now vouchsafed them.

The same causes will produce the same effects, in England, Germany, France, and America, when applied to the same race of people. Low wages—consequently poverty and ignorance—of the laboring classes of Europe and Asia have deprived them of sufficient liberty and prosperity to produce any considerable degree of comfort, while Americans have maintained good wages, and consequently, intelligence, liberty, and comparatively a high degree of comfort.

Mr. Speaker, allow me here to remark that while capital and labor should work harmoniously together, one cannot properly exist without the other, yet the lower the pay of labor the greater the distance it is from capital. The higher the pay the closer do the two come; the more do they respect each other, and the more security and comfort ensue. The more you degrade labor, the poorer become the poor, the richer become the rich, the greater the distance and the greater the distinction between the two great factors, a consummation rather wished by some of our public men, if we are to judge from their arguments.

It is as important to protect our industries internally as externally; as important to prevent the cooly labor from degrading our working people as to restrict by proper duties the direct competition of the European pauper labor. Free trade and Chinese cheap labor have the same tendency, namely, the lowering the wages of our American laborers.

I favor a properly adjusted tariff. Articles that we can abundantly produce should be adequately protected by tariff laws. Articles that enter into the necessary consumption of or add to the comfort of our people and that we cannot produce, should be free of duty. The internal-revenue tax should also be removed from all articles that are necessarily consumed by our people. Enough upon this branch of the subject at the present time. At a future period of this session I desire to give my views more fully upon the tariff question. With free trade and Chinese cheap labor fully established in this country the result must be clear to every mind.

In the infancy of this country unprincipled speculators went to the shores of Africa, contracted for poor, barbarous negroes, brought them here, and they were sold because the slave-trader was enriched and the purchaser obtained cheap labor. What the result of the introduction and increase of this infamous system was we all know to our sorrow and shame. Those who deal in the cooly trade are actuated by the same motives, and if encouraged and fostered will in the end produce the same results.

This question more closely interests the American laboring classes than any other that has lately arisen. It is seldom laws are passed so plainly in accordance with their desires. So far as we can learn they are almost unanimously in favor of this bill. Let us comply with their wishes once.

Mr. Speaker, I consider the elevation of the laboring classes to a high social, intellectual, and moral position essential to the stability of our Republic. Therefore, in considering even the near future of our country, the labor question, it will be seen, is one of the most important that presents itself to our view. By the condition of the laboring-man may be estimated the prosperity of a nation; the wealth, strength, and security of the public are proportionate to the comfort which he enjoys, and his wretchedness the sure criterion of a bad administration of government. He ought to be rendered as comfortable as his situation in life will allow, and our representatives in Congress ought to contribute all in their power to alleviate his necessities, amply reward his labor, and enlarge the circle of his comfort. "That nation cannot be free where the rulers will not feel for the people until they are obliged to feel with the people, and then it is too late."

In submitting some remarks on a former occasion in this House, I stated that while an increase of well-provided-for, intelligent, and industrious population is of the greatest political importance to a government, and every proper means should be resorted to to accomplish such an end, yet excessive population, if unattended by adequate means of support—lack of employment or labor inadequately compensated—so far from proving a blessing to a country, is calculated to produce the most deplorable scenes of wretchedness.

In order to have the masses country-loving they must be employed,

well fed, and clothed. In order to maintain for any considerable length of time a republican form of government the masses must be educated, and in order to educate them they must not only be employed but fully remunerated for the work they perform. So, in whatever way we view the subject, the same grand principle is presented. Give employment to the people and pay them for their labor what is commensurate with the skill and intelligence of freemen. This is so important to the maintenance and well-being of republican institutions that it cannot be too often nor too earnestly presented for the consideration of our representative men.

Whatever others may do or say, as for myself I will raise my weak voice and use whatever other feeble energy I may possess in support of this principle, whenever the opportunity offers.

I am pleased to note that my talented colleague from the Gibraltar of Democracy of the Old Keystone State [Mr. ERMENTROUT] in a speech of March 16 argued the Chinese question in such a clear, forcible, and yet brief manner, and so entirely in accordance with my views, that I give the following extract. Mr. ERMENTROUT said:

I affirm that no sincere lover of American liberty will hesitate to cut out of our system and our national, moral, political, and social life any and everything that prevents the workingman of this country from advancing to knowledge, from securing to him the fruits of his labors, whether they be more leisure for mental improvement, enhanced social advantages, benefits, and privileges, or more personal and family comfort. For these things this Government, all legitimate government, was ordained by the Almighty. These alone make it worth loving, defending, perpetuating.

Now, let loose upon the American adult male population 30 per cent. of Mongolian adult males. You who live away from the Pacific slope take this home to your State, your city, your township, your school district. You will then realize somewhat the loud call that comes to us from the Golden Gate. Not alone from the Golden Gate, but from every toiler in America, for such a calamity is not only possible but probable, if this immigration is allowed to go on, fostered and protected by law.

The Pennsylvania representatives of both parties seem to be fully alive to the great importance of the labor question. While I am willing to respect every nationality in the great family of nations, yet our first duty is the protection of our own people, and the time for attending to this duty is at hand.

The bill will pass, and it is to be hoped his excellency the President will, in his wisdom, place to it his sign manual and thereby make it a law. We will wait and see.

National Banking Association.

SPEECH

OF

HON. RICHARD WARNER,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 30, 1882,

On the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence.

Mr. WARNER, said:

Mr. CHAIRMAN: I desire to present the danger and wrongs of extending national banking associations to the liberties and freedom of the people.

THE GOVERNMENTS OF DIFFERENT NATIONS.

There are three classes of absolute governments, namely, the absolute monarchy, recognizing the sovereignty of the nation in one alone, the king, the monarch, or crowned head, who is above law, and cannot be made answerable thereto. His will is the constitution; the people, his subjects, as serfs, must obey his behests. Second, the absolute aristocracy, recognizing the sovereignty as contained in the few, the nobles, who claim to be superior to the masses of the people by birth and blood. Their will is the constitutional law of such nations, and the people are their servants. The difference between this government and the absolute monarchy, first named, is that, in the former the people have but one tyrant, while in the latter they may have a hundred or more, increasing tyranny in proportion to numbers. The third class is the absolute democracy, recognizing the sovereignty, the state, or nation, as in the people; and their will is the constitutional law of such governments. Here the people *en masse* assemble, make their laws and go home and obey them without officers. Each of these has branches of different shades: the limited monarchy, the limited aristocracy, and the limited democracy.

THE GOVERNMENT OF THE UNITED STATES.

Our Government, both State and national, is the limited or representative democracy, recognizing the sovereignty in the people and all officers as their agents, to do their will. Whenever an officer disobeys the will of his constituents he is guilty of a breach of trust, and has that far exceeded his powers; his acts to that extent cannot bind the people, they being the source of power. An individual by himself is his own governor, legislator, and judge, as there is no one with whom he has a community of interests; but when a number of persons are associated a community of interests exists—each being entitled to the inalienable rights God has planted in him, which are the right to life, liberty, the pursuit of happiness, and to hold and enjoy property, neither having the right to interfere with these rights, the body being composed of men, women, and children, different in strength, size, age, and health. The body as a whole unites its strength and becomes a party to all free governments; and each individual individually the other party, to form a government for the protection of all equally. The government thus formed promises protection to each citizen in life, liberty, pursuit of happiness, and prosperity, each individual promising to defend his government in war and support it in war and peace by taxation. Thus far the obligation is mutual and no further.

THE FIRST FORMATION OF GOVERNMENTS—THE UNITED STATES PREVIOUS TO THE ADOPTION OF THE CONSTITUTION.

Governments were first established by charters in towns and in cities, the country people being left out; hence the reason why town people think themselves better than country people, which is not true in our form of government. In England charters are recognized in three ways—by prescription, by act of Parliament, and by the prerogative of the King. Our colonial governments were first established by charters from the Kings, they maintaining the absolute veto power over all the legislative acts up to the Declaration of Independence, at which time all the power of the Government of England over the colonies ceased, each colony becoming a free or independent state or nation. Thereafter, in 1777, ten of said States, as independent sovereigns—one in 1778, one in 1779, and one in 1781—surrendered certain expressed powers to the United States contained and expressed in what are known as the Articles of Confederation, retaining and reserving to themselves all other powers as sovereigns. When the Revolution closed, it was found by investigation that Congress under the Articles of Confederation only had the power to declare and no power to execute or do, there being no separate executive department and no separate judicial department, article 2 declaring "each State retains its sovereignty, freedom, independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled." This language cut off implied power either to carry into effect an express one, or creating an incidental one, kindred to an express one. Hence it became absolutely necessary to have a new constitution or no general government.

THE GOVERNMENT OF THE UNITED STATES UNDER THE CONSTITUTION.

A new Constitution was formed with certain delegated powers, dividing the government into three departments, each sovereign in its own sphere, to wit, the legislative, executive, and judicial. Neither the Declaration of Independence, the Articles of Confederation, the present Constitution, nor any amendment made thereto was ever submitted to the people of the United States for ratification or rejection; but the votes in the convention that framed the Declaration of Independence, that which framed the Articles of Confederation; that which framed the Constitution, was ratified by States, each State having one vote without regard to its wealth or population. All amendments made thereto since have been ratified by the Legislatures of the States or conventions called by the Legislatures thereof, so in no instance have the people directly voted for or against any of these. Two parties originated in the incipiency of the Government, one favoring State rights, the other centralization of power in the General Government. Upon these two principles parties have existed to the present time—the one giving the Constitution a broad and liberal construction, the other a strict, narrow, and literal construction, from a compromise of which originated the ninth and tenth articles in the amendments to the Constitution, ratified in 1791—the ninth declaring the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people; the tenth, that the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people. So it is clear the Constitution of the United States embraces only delegated powers, and the rule of construction is to see what powers are delegated, as none others can be exercised, while the contrary rule applies to the States. You look to the Constitution to see what powers are prohibited, leaving the States unlimited sovereigns in all powers not prohibited nor delegated by the United States Constitution.

When the Constitution was formed great jealousy existed in the States against a superior master, having felt the tyranny of the Kings of England in the colonies and believing the General Government would continue to usurp the powers in the States until the whole would be centered in one General Government. This idea has been truly verified. As the Government has advanced in age the first ten amendments, ratified in 1791, the eleventh in 1798, and the twelfth in 1804, were all favorable to the rights of the States and people; but the thirteenth, adopted in 1865, the fourteenth, adopted in 1868, and the fifteenth, adopted in 1870, are all destructive of State rights and tending to consolidation. So also has the great body of the acts of Congress since the late war been tainted with the same. *It is clear to be seen that as the General Government recedes from its original principles it becomes corrupted and anti-republican.

In the origin of our governments, both State and national, a public

debt was by our great statesmen held as a public curse; perpetuities were regarded as slavish and destructive of liberty; monopolies and great moneyed corporations as dangerous to a republican form of government; but now and for the last twenty years the great mass of the legislation has been and is to give them more power, lend them more strength, and to extort from the people, upon whose shoulders all the burdens of government rests, their substance.

A corporation is an invisible, intangible being, created alone by law; it has no existence except from and in the law that creates it. Corporations are the only things created by man or that have ever been created since God first created the world and all things in it. Writers on corporations say they have no souls, and so say all jurists; hence, they are not responsible to God for anything they do; they are not of God's creation, but of man's. In England, a monarchy, corporations are allowed to exist by prescription, implication, acts of Parliament, or by the implied or express will of the King; but not so in the United States and the States thereof; they are created and allowed to exist alone by legislative enactment. This has been the law from the birth of every corporation created by the King of England until the present time. In the United States and States thereof, therefore, the legislative departments of our governments, both national and State, alone can create corporations and confer upon them their powers. The nature, office, and foundation of our judicial department of Government are to place it above the legislative and executive departments in the interpretation of law, to hold them in check, especially when they, or either of them, seek to do what the Constitution gives them no power to do.

LAWS CREATING CORPORATIONS MUST BE STRICTLY CONSTRUED.

To do this the courts have established in reason, usage, practice, and wisdom rules for the protection of our republican governments, both State and national. These principles have been adopted by the best legal lights and jurists whose silvery hairs have adorned the legal bench, from the coming of Christ to the present time. The leading one of these rules is that all statutes and laws that confer powers upon corporations shall be strictly construed, and that no corporation shall exist or exercise any power except by the express language of the statute; no implied power shall be exercised except it be absolutely necessary to carry into effect the express powers.

AUTHORITIES ESTABLISHING THIS ALLEGATION.

See 2 Kent's Commentaries, pages 360–361; 4 Wheaton, 626, case of Dartmouth College *vs.* Woodward; first volume Bouvier's Institutes, page 74, section 179; first volume Bouvier's Law Dictionary, page 318; 2 Hinn. Tennessee Reports, 252. No rule is better settled than that charters of incorporations are to be construed strictly as against the corporations. The first presumption in every such case is that the State has granted in express terms all that it designed to grant. "When a State," says the supreme court of Pennsylvania, "means to clothe a corporate body with a portion of its sovereignty, and to disarm herself to that extent of the power that belongs to her, it is so easy to say so that we will never believe it to be meant unless it is said." In the construction of a charter to be in doubt is to be resolved; every resolution which springs from doubt is against the corporation. If the usefulness of the company would be increased by extending its privileges, let the Legislature see to it; but remember that nothing but plain English words will do it.

FURTHER AUTHORITIES.

See Pet., 514; 11 Pet., 544; 9 How., 172; 13 How., 21; 21 Conn., 294; 19 Penn., 211; 2 Mass., 143–227; N. Y., 87, and 3 Wal., 51; Cooley's Cons. Lim., 394–5. The tendency of our laws has been, both in the constitutional and legislative enactments of the United States and States thereof, to lessen and more rigidly restrict the creation and powers of corporations; more especially moneyed and railroad corporations. By the amended constitution of New York, in 1821, the Legislature was not allowed to charter a company except by a vote of two-thirds of both houses; and in the amended constitution of 1846 they were not allowed to create any corporation by special enactment, but could only do so by general law. So, also, in the constitution of Tennessee of 1870. The constitution of New Jersey requires three-fourths of both houses of the Legislature to vote for a charter before it can exist. In New York, Rhode Island, Maryland, Massachusetts, and other States, the private property of corporate members is made liable for corporate acts. New Hampshire, Connecticut, and Michigan have similar laws, all showing the whole tendency of a republican form of government has been and is to draw rigidly restrictions around the creation and powers of these dangerous monopolies, more especially those of a moneyed and centralized character, that stand at the wheels of government and attach to them silver cranks and golden levers. (See third ed. of Angell and Ames on Corporations, pp. 546 to 564; 2d Kent's Com., fourth ed., pp. 308 to 360.)

THE SOVEREIGNTY OF THE PEOPLE.

Free governments recognize this sovereignty in the people. The creation of these moneyed and other monopolies necessarily extracts from the people their sovereignty in proportion to the numbers and powers of the corporations, and shears the States and nation of that much sovereignty. These are the hydra-headed monsters that sap the life-blood and destroy the very foundation of the Government—growing in size and strength as the Government departs from its original purity, and, unless checked by an upheaving of the toiling millions dwelling on the hills and in the valleys of the great agricultural area of the United States and the mechanical and manufacturing laborers, this great and glorious sovereignty, purchased by blood, labor, and toil, this Government of the people, Heaven's best gift to the oppressed of all lands, will sink beneath the leaden weight of monopoly and become the prey of the oppressors of mankind.

THE GENERAL GOVERNMENT ONE OF DELEGATED POWERS.

The General Government is one of delegated powers created and confirmed by States. Certain powers have been delegated to Congress assembled. These powers Congress alone can exercise, and none other, to wit:

To borrow money on the credit of the United States.
To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.—*Constitution*, article 1, section 8, clauses 2 and 3.

To coin money, regulate the value thereof and of foreign coin and to fix the standard of weights and measures—these three great powers constitute great moving elements in the halls of our national council, involving the material interest of every man, woman, and child that breathes the free air of the Republic.

The clause to borrow money on the credit of the United States certainly means nothing more than to borrow it in cases of necessity, and in no event could it be borrowed except where Congress has the power to lay and collect taxes, duties, imposts, and excises. This is the only way the Government can collect money; and this it can only do to support itself, the people who have purchased property being the owners of the same, and the Government only having the right to ask them to support it in war and peace. The regulation of commerce being one of vast importance to the people of the United States needs close investigation. The railroads, telegraphs, navigable streams, and canals connecting towns, villages, and ports under jurisdiction of this grand and glorious Government, loading the great channels of commerce with the combined and commingled works of God and man of this glorious Eden of the world, demand the closest and strictest scrutiny of the national and State governments to bring them under their subjection and control, that their great mammoth mouths shall not swallow up our Republic. The coining of money and regulating the value thereof, being another great national mouth, demands the greatest and strictest attention of Congress, it being the standard of value fixed by Congress to regulate and control the value of all commerce within the United States. The public debt, commerce, and money are the great controlling powers in war and peace with all nations.

MONEY DEPENDS FOR ITS VALUE UPON LAW.

The value of money depends alone upon the acts of Congress. Why? Because Congress has the right to coin money. What does "coin" mean as used in the Constitution? It is not a noun. "To coin" is a verb—an act. To do what? To coin money. Who does this act? Congress. How? By enacting a law by which money is coined. This does not mean a coin, a metal, but to coin—a verb, an act. What is this act? It is an act of Congress, by law, fixing how money shall be coined, and carrying the act into effect. Congress has the power to say upon what this act shall take effect. They are not compelled to say money shall be coined of gold, of silver, of iron, of paper, or of what. The coining is an act; not a thing. It is what the Government, through Congress, says shall be done to make money. Now, our bank currency is but the representative of money, and not money. Hence, if Congress says a certain thing shall be money, that makes it money; not the representative of money. So Congress has the power to make anything money they desire, as they have the power to coin it. The next provision is to regulate the value thereof. How is this done? Who fixes the value on money? Congress. How does Congress fix it? By putting a value thereon. In what way? By making it a legal tender. For what? For the payment of all public and private dues. What does this mean? It means the President, his Cabinet, all foreign and domestic ministers, consuls, and officers of the United States shall receive it for their salaries; all Congressmen and legislative officers shall receive it; all judicial and ministerial officers shall receive it; in a word, all the officers of the United States shall receive it. What next? Every private person in the United States shall receive it for every note, account, contract, judgment, and everything of that nature due them.

There is no clause in the Constitution of the United States expressly declaring anything shall be a legal-tender; but the legal-tender quality rests alone in this clause giving Congress the power to coin money and regulate the value thereof. The regulation of the value means to make it a legal-tender for all dues, public and private, not an intrinsic value, but an exchangeable value. Every nation has the right to make and does make its own money and regulate its value. England can say what shall be money in her jurisdiction—gold, silver, iron, or paper. So with France, Spain, Mexico, and all other nations. But the regulation of the value by either or any of them can have no effect in another nation except by law which gives it effect. So it is the law of the nation that makes money and gives it value therein. The English pound, the Spanish dollar, the French franc, and the Mexican dollar may have more grains of gold or silver in them than that of the United States, yet they may be of less value in the United States. Why? Because Congress has not made them a legal-tender, and no one, either public or private, is compelled to receive them. All is left to their own option. It is the legal-tender

quality fixed by Congress that gives money its value. Six per cent. is always 6 per cent. as compared with a dollar; but not so when compared with other things. The scarcity of money makes wheat, corn, bacon, &c., sell for less; the abundance of money for more; because you compare money with other things. This is what produces panics in commerce. A pound of beef might at one time be worth two cents, and at another six, owing to the amount of the circulating medium.

Congress has no power to compel any man to sell his land, wheat, corn, cow, or anything else, or to take any control thereof from him, or to fix any price thereon. This is at his own discretion, yet when he does make the contract at a stipulated price and delivers the article, Congress has the power to make him and does make him receive money at a fixed value, which is compelled to be uniform throughout the United States. This is what gives money its value, not intrinsic but exchangeable value. It is the standard fixed by law, and must be received as such all over the United States. Each nation declares what shall be money within its own limits. Sparta made iron money; some of the colonies made leather money, but gold and silver have been more universally recognized by the civilized nations of the world as money than anything else.

The Constitution of the United States does not make anything money, nor are the words gold and silver to be found anywhere in it, except that the States are prohibited from making anything but gold and silver coin a tender in the payment of debts. The only power that Congress has is under the eighth section, fifth subsection, to coin money and regulate the value thereof; making money a legal tender for public and private dues regulates and fixes its value. There is a clause in the articles of confederation giving Congress the power expressly to borrow money or to emit bills on the credit of the United States, but there is no express clause in our Constitution of this character. But there is a clause which declares that no State shall emit bills of credit. In transferring the former clause to our Constitution the language is thus expressed: "to borrow money on the credit of the United States," as shown.

There is no clause in the Constitution prohibiting Congress from impairing the obligations of a contract. The prohibitory clause declares, "no bill of attainder or *ex post facto* law shall be passed by Congress." An *ex post facto* law as defined applies alone to crimes and not to contracts. But in the prohibition as to the States, no State is allowed to pass any law impairing the obligations of contracts. The United States is a nation and Congress its supreme legislative department. The Constitution creates but one judiciary department, which is the Supreme Court of the United States. Congress has the power to create all other courts. The Constitution vests in the Supreme Court original jurisdiction only in cases affecting embassadors, other public ministers, consuls, and those in which a State shall be a party; but only appellate jurisdiction in all other cases. So Congress, being the creative power of courts other than the Supreme Court, and the Supreme Court having no original jurisdiction over contracts or anything else except as above shown, it is in the power of Congress to impair the obligation of a contract, (other than as restricted in the fourteenth amendment,) annul the court in which any suit could be brought against the United States, or prohibit any suit from being brought. It is true the fourteenth amendment, section 4, declares "the validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned." This clause only prohibited Congress from questioning the validity of the debts expressed, but does not fix any mode of payment, any court in which suit could be brought, and does not fix anything as money or state any value thereon, or make anything a legal tender in the payment of the public debts.

I am here only presenting legal propositions and constitutional questions, without arguing the policy or impolicy of the same. It is in the power of Congress to coin money, which means to make money, and to stamp upon it its value; which means to make it a legal tender for all public and private dues. Congress can make gold money, silver money, greenbacks or Treasury notes money, or anything else it sees proper, and can make all or any of these a legal tender. It is the legal-tender quality that gives to money its value. Bank paper is not money, but the professed representative of money; hence, it is not a legal tender without making it money. Nothing can be made a legal tender but money. All citizens owe allegiance to their Government; that is, it is their duty to defend their Government in war and to support it in war and peace. The Government is bound to protect the citizen in his right to life, liberty, pursuit of happiness, and property. The Government, therefore, can demand no more of the citizen's property than what is necessary for its support and protection. Anything beyond this is a usurpation by the Government of private rights, because every man who holds land has paid the Government for it and got his grant. Likewise with all personal property; the private citizen owns the property, and not the Government. The Government is only entitled to pay from the citizen for protecting him in his life, liberty, property, and pursuit of happiness.

Our Government recognizes all citizens as political equals, that is, all electors; so also the commercial, agricultural, and manufacturing interests of the country should have equal protection. This being true, equal protection should be extended by law to all classes; and any law that favors one class to the detriment of another is contrary to the spirit and genius of the Government. It is class legislation, destructive of liberty, creative of imperialism, and monarchical in its tendency. In the origin of our Government this was the acknowledged theory, but since our late war it has been the reverse. The agricultural interest, which is the bone and sinew of the country, the life and support of all human beings and animals—the toiling millions, mechanical, manufacturing, and agricultural, have had the least aid and protection by law, yet they have borne the burden of government either directly or indirectly. They had to pay the stamp-act duties, the infamous duties that caused the colonies to revolt from England. They have had to pay the lawyer's license, the doctor's license, the merchant's license, the tariff duties on imports, the cotton tax, the tobacco tax, the whisky tax, the wine tax, and in a word, the entire tax. While this is true, the whole burden of the Government has rested on land and labor, extracted their substance and attempted to bind them with chains, hand and foot. The great mass of legislation since our late war has been to protect banks, bonds, and monopolies, and to relieve them from paying any tribute to the Government for their protection.

The whole policy has been to centralize power and perpetuate monopolies. Think of it for one moment. Twenty-two hundred banking associations, chartered and protected by the strong arm of the Government for a period of twenty years, are now knocking at the doors of Congress for charters of equal time, resting upon the bonds of the United States locked up in the Treasury, drawing from 5 to 6 per cent. interest in gold, making from 10 to 12 per cent. interest on the issue resting upon these bonds; pouring into these great rich institutions from 16 to 18 per cent. per annum—all done by the strong arm of the law; and yet these monopolies are freed from paying any interest to the Government thus protecting them. On the other hand, take the great agricultural area of the United States, from whence all prosperity must come, with little or no protection rendered by law, numbering ——— square miles, and yet not more than 2 per cent. is the actual income, and even this is extracted, yes, extorted, to pay the Government for its pitiful protection. So, also, with the mechanical, manufacturing, and domestic toilers, and all laboring classes of the United States. While the moneyed monopolists are increasing in wealth from 16 to 18 per cent. per annum by operation of law, the great farming and laboring masses are weakening and diminishing in prosperity and money power. This is class legislation—monarchical, aristocratical, destructive of and contrary to a republican form of government—and should not be tolerated by representatives of the people in Congress assembled. They are but the agents of the people, holding a trust conferred upon them by their constituents to watch and guard with care the interests of those who have conferred upon them the honor and office of their representatives. When they become unfaithful to the trust or negligent in its execution, they are unworthy servants and a dishonor to the position they fill. Office seems to be sought for the money in it, not the honor like the mines of gold, the gold is sought but the mines neglected.

BONDS OF THE UNITED STATES.

There are now some two billions of bonds out against the United States. Some twenty-two hundred banking corporations rest alone upon bonds, and yet with their 16 or 18 per cent. per annum they bear but a small part of the burdens of our United States, State, county, or corporate governments. There is also property belonging to religious, charitable, benevolent, and school institutions to the amount of about eight billion dollars, yet they bear no part of the burdens of government. Now, has our Government come to this, that bankers, bondholders, and moneyed monopolies shall be classed with religious, school, and charitable institutions? Are they to be the elect of the land, lulled and rocked in cradles of ease, the only inhabitants of our political heaven? Are they superior in worth? Is the blood in their veins superior to that of the masses of the people? Our Government is not an aristocracy nor a monarchy. The sovereignty does not rest in one, nor in a few, but in the whole mass of the people as political equals. No one is entitled to preference: whenever the wheels of government are moved in the interest of one class against the interest of another, they become destructive of liberty; of a republican form of government, and become promotive of an aristocracy or monarchy which destroys the original design of our Government.

The original idea of the framers of the Constitution of the United States and the States thereof was, that each class should have equal protection by law, to wit, the manufacturing, the agricultural, the commercial, the mechanical, mining, &c. Whenever any law becomes oppressive to one of these classes and promotive of the others, it is class legislation and contrary to our form of government. Now let us investigate and see the tenor and course of Congressional legislation during and since our late war. First, a large bonded debt was created during and after the war under acts, as follows:

THE BONDED DEBT OF THE UNITED STATES.

Sixes of 1861, interest on same 6 per cent. in gold, payable semi-annually, issued under act February 8, 1861, $18,415,000; under acts July 17 and August 15, 1861, $50,000,000; under acts July 17 and August 5, 1861, in exchange, seven-thirties, $139,317,150; under act March 3, 1863, principal payable in gold coin, $75,000,000; total $282,732,150. Under act February 25, 1862, $514,771,600, five-twenties,

interest payable in gold semi-annually, at 6 per cent.; under act June 30, 1864, and March 3, 1864, $3,882,500, principal payable in gold, $125,561,300, 6 per cent. interest, in gold, payable semi-annually; total, $129,443,800; five-twenties, under act March 3, 1865, in exchange for seven-thirties, converted and amounted August 1, 1868, to $373,346,350; interest, 6 per cent., payable in gold semi-annually. Also, under same act, $197,777,250, issued at different dates. Also, under same act, in exchange for seven-thirties, $371,346,350. Also, under same act, in exchange for seven-thirties, $39,000,000; ten-forties, issued under acts March 3, 1863, and 1864, principal payable in gold, $194,291,500; fives of 1870, redeemable at the pleasure of the United States, after May 1, 1881, in coin, interest 5 per cent. in coin, payable quarterly; under acts July 14, 1870, and January 20, 1871, $200,000,000; railroad issue, 4 per cent. interest, under acts July 1, 1862, and July 2, 1864, up to September 1, 1870, $64,618,832.

Tabular statement of United States debt.

Year.	Amount.	Year.	Amount.
1791	$75,463,476 52	1837	$3,308,124 07
1792	77,227,924 66	1838	10,434,221 14
1793	80,352,634 04	1839	3,573,343 82
1794	78,427,404 77	1840	5,250,875 54
1795	80,747,558 39	1841	13,594,480 73
1796	83,762,172 07	1842	20,601,226 28
1797	82,064,479 33	1843	32,742,922 00
1798	79,228,529 12	1844	23,461,652 50
1799	78,408,669 77	1845	15,925,303 01
1800	82,976,294 35	1846	15,550,202 97
1801	83,038,050 80	1847	38,826,534 77
1802	86,712,632 25	1848	47,044,862 23
1803	77,054,686 30	1849	63,061,858 69
1804	86,427,120 88	1850	63,452,773 55
1805	82,312,150 50	1851	68,304,796 02
1806	75,723,270 66	1852	66,199,341 71
1807	69,218,398 64	1853	59,803,117 70
1808	65,196,317 97	1854	42,242,222 42
1809	57,023,192 09	1855	35,586,858 56
1810	53,173,217 52	1856	31,972,537 90
1811	48,005,587 76	1857	28,699,831 85
1812	45,209,737 90	1858	44,911,881 03
1813	55,962,827 57	1859	58,496,837 88
1814	81,487,846 24	1860	64,842,287 88
1815	99,833,660 15	1861	90,580,873 72
1816	127,334,933 74	1862	524,176,412 13
1817	123,491,965 16	1863	1,119,772,138 63
1818	103,466,633 83	1864	1,815,784,370 57
1819	95,529,648 28	1865	2,680,647,869 74
1820	91,015,566 15	1866	2,773,236,173 69
1821	89,987,427 66	1867	2,678,126,103 87
1822	93,546,676 98	1868	2,611,687,851 19
1823	90,875,877 28	1869	2,588,452,213 94
1824	90,269 777 77	1870	2,480,672,427 81
1825	83,788,432 71	1871	2,353,211,332 32
1826	81,054,059 99	1872	2,253,251,328 78
1827	73,987,357 20	1873	2,234,482,993 20
1828	67,475,043 87	1874	2,251,690,468 43
1829	58,421,413 67	1875	2,232,284,531 95
1830	48,565,406 50	1876	2,180,395,067 15
1831	39,123,191 68	1877	2,205,301,392 10
1832	24,322,235 18	1878	2,256,205,892 53
1833	7,001,698 83	1879	2,245,495,072 04
1834	4,760,082 08	1880	2,120,415,370 63
1835	37,513 05	1881	2,000,000,000 00
1836	336,957 83		

The above embraces the public debt of the United States from 1790 to 1882, and shows that when the war commenced in 1860 the debt of the United States was only $64,842,287.88, now that debt is $2,000,000,000. Then the debt was about two dollars per capita; now it is about forty dollars upon the head of every man, woman, and child, with interest in coin, wrung from the toil of the people—over $2,000,000,000 more. Yet it is argued on this floor that the bonded indebtedness shall be perpetuated and the national banks rechartered, that the life-blood of the masses may be extracted from their veins to support and enrich the few. The people demand that these burdens shall be lifted from their shoulders and that these shackles shall be stricken from their limbs. They also demand that the currency shall be restored to the Government to which it belongs and from which it was wickedly taken and given to national banks. During and after the war the bonded indebtedness of the United States was wickedly and unnecessarily created for the purpose of creating a national-bank circulation. At that time the greenback currency was by law the established money of the United States, being legal tender for all debts public and private, except duties and interest. This money paid all individuals for their wheat, corn, bacon, cotton, horses, everything they had to sell. It paid all State officers of every grade their salaries, and it was issued alone by the Government. It was subject to taxation in the hands of all persons equally by the United States Government, by the State governments, by county and corporate governments.

Before silver was demonetized our currency was a trinity, to wit, gold, silver, and greenbacks or Treasury notes, all resting for their value on Congress, as Congress alone can coin money and regulate the value thereof. Now, it is the legal-tender quality for all dues both public and private that gives gold, silver, greenbacks, or Treasury notes their uniform value and circulation within the limits of the United States. Congress might say that gold or silver, or both, should not be a legal tender, and that greenbacks or Treasury notes should be; hence, nobody would be compelled to receive gold or silver for public or private dues, but all would be compelled to receive greenbacks or Treasury notes for all dues, public and private. So it is clear that Congress has the power to coin money and regulate the value thereof and of foreign coins, and to fix the standard of weights and measures, making them uniform throughout the United States. Now, suppose there was no act of Congress to coin money, regulate the value thereof and of foreign coin, and fixing the standard of weights and measures, what would be money? What would be its value? What would be a pound? What would be a bushel? Would gold be money? Would silver be money? Would greenbacks or Treasury notes be money? Who would say, and by what authority?

So it is clear from our Constitution that the only power to coin or make money, to regulate the value thereof and of foreign coin, and to fix a standard of weights and measures rests with Congress, and is a legislative power, and that this power can be delegated to no corporation or body by Congress, but must be exercised alone by Congress, being the only legislative body of the United States. The coining of money, regulating its value, fixing the standard of weights and measures, making all these uniform throughout the United States, get their whole life and existence from acts of Congress and are as much vested in Congress as any other power of the United States. Now, when money is thus created it always bears the same proportion to itself, be it scarce or plentiful, but the fluctuations are always between money and other things. Money and bank paper differ. Money rests alone upon the faith of the United States. This is its basis or bottom, nothing else. While bank paper of all characters, including the national currency, is not money but only its representative, hence it is no legal tender. So this bank paper must have a bottom, it must rest upon something that is a legal tender, to give it value and circulation, to wit, gold, silver, Treasury notes, &c.

But our national banking system is based upon United States bonds, and these bonds rest upon the faith and credit of the United States; so the value of all money rests upon the faith and credit of the United States. Now, as money and its value is one of the great levers and preservers of Government and one of its sovereign attributes, as war cannot be carried on without it, as the Government in peace and war cannot be carried on without it, it should at all times be kept within the power and under the control of the Government. It should be issued and distributed among the citizens with the least expense possible. It is the power of the Government; like the hair of Samson, the strength of the nation is in it, and whenever you shear the Government of it, and bestow it on a corporation or other power, you have taken its strength, vested it in other powers, and made it but their subject. Now, so long as the control of the money rested in the Government its distribution among the people was of little or no expense—not more than 1 per cent.; but when the currency became vested in national banks the expense increased from 16 to 18 per cent. upon the people, which gave the banks from 15 to 17 per cent. of the people's earnings.

Let us see how this law allowed banks to be chartered for twenty years. Five or more persons form themselves into a body-corporate under a certain name and style, buy up $50,000 or $100,000 United States bonds as they see proper, at whatever price they can buy them in the market, go and deposit them with the Treasurer of the United States, receive in return $90,000 or $45,000, according to the number of bonds deposited, in national currency issued to them. They now become a body-corporate and banking association. These bonds lie locked up and draw from 5 to 6 per cent. interest per annum, payable in gold semi-annually, which the banks get. They take their $90,000 or $45,000 in national currency and realize off it from 10 to 20 per cent. per annum; so they make clear from the people from 15 to 18 per cent. What do the farmers, agriculturists, or all classes of laborers make off their capital invested and their labor? Not more than 2 per cent. per annum. Besides this, where does this have to go? Let us see. After the war the following taxes rested upon and sucked the life-blood out of the laboring classes, to wit, the stamp-tax upon all contracts, marriage-licenses, and all written instruments; upon lawyers, doctors, merchants; the cotton tax, the whisky tax, the heavy tax upon all importations. All this vast sum of money was wrung from toiling millions to support the bondholders, banks, and Shylocks who had large fortunes off the people and the misfortunes of the country.

Labor has performed all this under law for the benefit of the idle few. From these causes the General Government has been supported by the poor. It has been the same in principle with all State, county, and corporate governments. From the workers, the toilers, and producers of this nation $3,000,000,000 have been extracted to support the Government, while they have not realized more than 2 per cent. on their capital outside the support and imperative expenses of their families. The bondholders, the bankers on bonds, the school, the benevolent, the charitable, and the church institutions of the United States and the States thereof have borne no part of the burdens of government. So here are about sixteen billion dollars' worth of property that pays the Government nothing for its protection.

While the bankers and bondholders realize their 15 or 18 per cent. and pay no tribute to the Government for their protection, the farming and laboring classes of all grades realize about 2 per cent. on their toil and investments and pay all the burdens of the Government.

A PROTECTIVE TARIFF.

In the next place let us look at the manufacturing monopolies of the United States. They claim they should have encouragement by law in the form of a protective tariff. In the origin of our Government, when this country was but a wilderness, when only thirteen colonies, sparsely settled, just emerged from a bloody revolution with a debt of $42,000,000, little or no capital, an impoverished community, no manufacturing implements, and with but little means to procure them, there were some good reasons for a protective tariff to foster the growth of manufacturing establishments in our midst, that we might cope with other nations and be enabled to live within ourselves. Then the country was but little cleared and there was employment for all the people in agriculture. Even up to the formation of our Constitution the whole population amounted to but about three and one-half millions; but it is a well-established rule of law that when the reasons for the law cease to exist the law itself should cease. What is the condition of the United States now? We have thirty-eight States and eight Territories, with a population of over fifty millions and an area of about two hundred million acres of land in cultivation, over 90,000 miles of railroad, equaling almost all Europe combined, forming a net-work binding cities, towns, and the most distant parts of the country, all pouring their great commerce into the sea-ports of the United States.

We have great manufacturing establishments, with a capital, in 1870, of $2,118,208,796, engaging 2,053,996 hands, over the various parts of the United States; the railroads shipping over $18,000,000,000 of commerce yearly. We have of navigation over 3,000 miles of seacoast, besides the inland navigable streams, the Mississippi River, its tributaries; the Alabama, its tributaries; the Potomac, its tributaries, and others, numbering many thousands of miles inland navigation. Now, with all this transportation by railroads, by navigable streams; with all this capital invested in manufacturing implements; with all facilities to reach markets, both domestic and foreign, for all the manufacturing implements and articles of all characters; why the reason and necessity for giving extra protection in favor of the manufacturing monopolies? It is an imposition on the toiling millions engaged in labor of all kinds. It is the irrepressible conflict arising not so much between labor and capital as between the protection extended by law to capital against labor. This, again, is class legislation, against the genius of our Government, for when the foreign merchants bring imports to the United States of all grades they must buy them at the manufacturer's price at home, and when they sell them here they must increase the price to equal the full tariff duties put upon them in our ports before they can afford to place them on the market. So the merchant who buys them here gives that much more for them, and those who buy them from the merchant, the consumer, for instance, must pay the merchant that much more, together with the taxes he has to pay and his percentage on them.

Now our manufacturing establishments, with their present mammoth strength and capital, ought certainly be able to manufacture as cheaply as foreign nations. This being true, if they should sell their manufactured articles as high here in our markets as those manufactured by foreign nations are sold here, they would get the full benefit of the difference between the price of the articles sold in foreign nations to be shipped here and the price given for them here when shipped. Who has to pay this difference? It is the agricultural, mechanical, laboring, and consuming classes of the United States. So this is discriminating against one class in favor of another. This is but another means of consolidating power in moneyed monopolies and extracting the substance from the people. Now combine the great banking powers, the great bonded powers, the great railroad powers, the great manufacturing powers, with their great capital as they exist in corporate bodies, the great telegraphic powers under their control. The location of all these corporations in cities, towns and villages, with communication quick and easily obtained, from all parts of the United States, with their influence and powers over legislation, and then give them the advantage of the resistless power of the law by discriminating in their favor, how long will it be till the toiling millions of all classes and grades, the mass of the people, the workers, the toilers and producers, will be reduced to hopeless serfdom, mere hewers of wood and drawers of water for their monopolied masters. The nature of the government is perverted, the sovereignty which rests in the people is stolen from them and vested in a favored few. It is not my purpose to array one class against another, all classes should have the same protection by law, labor and capital alike.

The whole spirit of our Government is equality, (politically.) Whenever a law becomes destructive of this end it is destructive of liberty. Corporations are anti-republican; they are the creation of petty governments and monopolies within general government. Every one that is created is vested with rights delegated to it by the general government of so much of its own sovereignty. When they become numerous, by a unity of power they may become stronger than the government itself, and bring their creator under their control. Take, for instance, the twenty-two hundred banking corporations scattered over the United States, with the entire control of the currency in their power, which they can contract or expand at their pleasure. The nation could not even go to war, it matters not how just the cause or great the provocation, against their will. We are compelled to rely on them as England is compelled to rely upon the Rothschilds to borrow money before a war could be engaged in. The currency is the right arm of the Government; deprive it of this and it becomes crippled in its most vital limb. Now the bonds and national banks are twin brothers, financial Siamese twins, inseparably connected, and must live and die together. Take next the great number of manufacturing corporations depending upon capital, depending on the financial blood of banks and bonds, and you have another mighty power of the nation paralyzed for war, which cannot be carried on without manufactured implements in the form of guns and war machinery. Take next our commercial resources, in the forms of our great railroad corporations and telegraph lines, and you have among the strongest elements and attributes of government in the hands of monopolies—an irresistible force.

Consolidate the powers of all the mighty corporations and monopolies we have mentioned, place them or allow them to place themselves beyond the control of the Government, and how long would it be with their united influence and power until the legislative, executive, and judicial departments would become subject to their will and dictation? Hence wisdom dictates that the Government should always keep in its own hands the power and control over its own currency, its commerce, manufacturing, and all corporations, to keep them at all times within the letter of their legal existence. If there be any class that deserves the sympathy and the constant and vigilant watchfulness of Congress and other legislative bodies it should be the agricultural, mechanical, mining, and laboring classes of all grades, as they are following pursuits that scatter them sparsely over the land; whose toil gives vitality to the nation, who are the bone and sinew of the country. Remote from political centers, from telegraphic lines, from current information, from the daily press, absorbed in their labors, engaged in the highest duties of good citizens, toil in producing, not consuming, relying on the good faith of representatives that their interests shall not be regarded with unconcern or suffer through unjust legislation, they perform the duties of American citizens, and appoint no lobbyists to lurk around legislative halls to solicit laws and special privileges in their favor.

Now the telegraphic lines run along the railroads, the railroads connect the villages, towns, and cities of the United States; the manufacturing establishments are generally in cities and towns and on the railroad lines. So with the banks and bondholders; they have easy, quick, and cheap communication and transportation, and can assemble around legislative and Congressional bodies from every city, town, and village in the land to work, plead, to scheme and manipulate legislation, and urge laws for their own benefit and interest. In other words, the latter class have counsel, able and numerous, to plead for them in their behalf, while the poor toiling millions have none, but must rely alone upon the purity, integrity, and honesty of their representative. Hence it is easy to see, independent of any attempt at corruption, why legislation is more apt to favor these great corporations and monopolies with laws beneficial to their interests than to the farming and other laboring classes of the United States. The corporations are not to blame, unless unfair means are used or corruption resorted to to accumulate money. But the legislative body is that which makes the law that gives them the advantage. The legislative body should see to it that each and every class has the same and equal protection in order that our Republic may be preserved and liberty protected, and that one class shall not revel in luxury while the other is chained hand and foot in slavery and servitude.

But the great question arises, where and what is the remedy for the evils here presented? In the first place we have had too much legislation. In the second, it has been class legislation to a great extent. In the third, it has moved too much in arbitrary channels. In the fourth, it has been moved by sectional motives. In the fifth place the tendency has been to array one class against the other. My first remedy would be to change the streams of legislation so as to produce equality. How is this to be done? First, you have about twenty-two hundred banking corporations knocking at the doors of Congress to recharter them for a period of twenty or thirty years, as the case may be, and leaving a law in existence which will permit the chartering of as many more if desired, asking to allow the control of the currency to be continued in corporate bodies. I would favor the repeal of the law allowing the charter of national banks, refuse to re-enact them, and pass a law winding up national banks as soon as their charters expired, taking from them the power and control of the currency, placing it back in Congress, where the Constitution fixes it. The Constitution creates but one legislative body and rests in that body the sole and exclusive legislative power. There is no clause in the Constitution that gives Congress the power to delegate legislative power to any other body. It alone can exercise such power. If Congress has the power to give or delegate to banking corporations power and control over the currency to the exclusion of itself, by parity of reasoning could they not delegate and give to rail-

road corporations the power and control over commerce, to manufacturing corporations the power and control over manufacturing? So with all corporations created by act of Congress.

COINS AND THEIR WEIGHT.

The following is a table of coins and their weight and alloy as now made at the Mint:

Denomination.	Weight of single piece.	Fineness.	Proportionate alloy.	Deviation allowed by law.
Gold:	*Grains.*			*Grs.*
Double eagle	516	900	900 parts gold, 100 parts copper	
Eagle	258	900	900 parts gold, 100 parts copper	
Half eagle	129	900	900 parts gold, 100 parts copper	
Third eagle	77.4	900	900 parts gold, 100 parts copper	
Quarter eagle	64.5	900	900 parts gold, 100 parts copper	
Dollar	25.8	900	900 parts gold, 100 parts copper	
Silver:		900	900 parts silver, 100 parts copper	1½
Trade-dollar	420			
Half dollar	192	900	900 parts silver, 100 parts copper	1½
Quarter dollar	96.45	900	900 parts silver, 100 parts copper	1½
Twenty cents	77.16	900	900 parts silver, 100 parts copper	1½
Dime	38.58	900	900 parts silver, 100 parts copper	1½
Nickel:				
Five cents	77.16	.....	25 parts nickel, 75 parts copper	2
Three cents	32	.....	25 parts nickel, 75 parts copper	4
Bronze:				
One cent	48	.....	95 parts copper, 5 tin and zinc	4

No eagles were coined from 1805 to 1837, inclusive, no half eagles in 1816 or 1817, no quarter eagles before 1796 nor in 1800 or 1801, nor from 1809 to 1820, or in 1822, 1823, 1828 or 1841; no dollars from 1806 to 1838, except 1,000 in 1836; no half dollars from 1797 to 1800, nor in 1815; no quarters before 1796, none from 1798 to 1803, none from 1808 to 1814, and none in 1817, 1824, 1826, 1829, and 1830; no dimes before 1796, none in 1799, 1806, 1808, 1812, and 1813, 1815 to 1819, none in 1824, 1828, and 1830; no half dimes in 1798, 1799, 1804, 1806 to 1828; no cents in 1815, a few specimens in 1823; no half cents in 1798, 1801, 1812 to 1824, 1827 to 1830, 1834, 1836, and 1840. A few half cents were struck every year from 1840 to 1857. First three-dollar pieces in 1854. The coinage of the silver dollar of 412½ grains, the five and three cent silver pieces and bronze two-cent pieces was discontinued under the coinage act of 1873, which went in effect on the 1st of April of that year. Pure silver is worth $1.30 an ounce, troy. Pure gold is worth $20.67 an ounce, or a fraction over fifteen times as much as silver. The pure gold is always a bright straw color; the different grades of color seen in jewelry, &c., are caused by different alloyages. Half cents have not been coined since 1857. All of the base coins for the country are coined in Philadelphia. It is capable of making enough coin to supply the wants of the nation and of the world. The coinage of the Mint up to June 30, 1876, amounted to $1,132,226,390. This includes gold, silver, nickel, and copper. The mints at Carson and San Francisco coin gold and silver only. The mint at Denver does not make coin; its operations are confined to assaying and refining. (See the Foot-prints of Time, pages 280 and 281.) Here it is seen our money from the origin of our Government to the present has never been pure gold or silver coin. But an alloy with other metals of the $1,132,226,390 only $1,000,000,000 was pure gold and silver, while $113,226,390 was copper, zinc, tin, and nickel. Then if under our Constitution Congress could make nothing money but gold and silver coin, we have never had a constitutional dollar since the organization of our Government, and every court, Congressman, and officer of our Government has labored under a grievous error. If Congress has the power to demonetize silver, they equally have the power to demonetize gold. Hence we as a nation would have no money. If silver and gold are constitutional money, Congress could neither make them nor demonetize them, because they would be money by the Constitution and not by an act of Congress. Hence the clause in the Constitution giving Congress the power to coin money, regulate the value thereof, and of foreign coin would be nugatory. The Constitution never mentions gold or silver, except in its prohibitions upon States in section 10. It declares no State shall make anything but gold and silver coin a tender in payment of debts. It nowhere mentions copper, zinc, tin, nickel, or any other metal. It nowhere mentions what shall be a dollar, how many grains of anything or what shall be the standard of weights and measures, but vests the power in Congress to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures. So it could not be known what was a dollar or any part thereof, except by an act of Congress; how many grains of silver were in a silver dollar, or gold were in a gold dollar, or even what was a dollar in gold, silver, or anything else. So it can be clearly seen that the plenary power over the creation of money, its value, the fixing of the standard of weights and measures, is vested in Congress, is a legislative power, and cannot be delegated to corporations; as Congress alone can exercise legislative power under our Constitution.

THE POWER OF CONGRESS TO CREATE CORPORATIONS.

There is no express clause in the Constitution of the United States giving Congress the power to create any corporation, except, probably, in the seventeenth subsection under the eighth section, which reads as follows:

Congress shall have the power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular States and the acceptance of Congress become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;

And the eighteenth, as follows:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof.

This only gives Congress the exclusive legislative power over such districts, territories, forts, magazines, arsenals, dock-yards, and buildings as belong to the United States, and none other. If Congress has any power to create any corporation other than as above set out, it must be an implied or incidental power.

It is true the Supreme Court of the United States has declared that a United States bank is constitutional, but that was upon the ground that money and its representative was an attribute of sovereignty necessary for the preservation and defense of the nation; but this does not give Congress the general power to create corporations. If they have such power under the Constitution, what would be its effect? Why Congress would create railroad corporations all over the United States; turnpike corporations likewise; school and church corporations; also, plank-road corporations, manufacturing corporations, and, in a word, corporations of all characters. If, therefore, Congress could transfer all the railroad corporations, manufacturing corporations, &c., to the United States, pray tell me what powers would be left to the States. They would be but shadows without substance, frames without vitality, for they would have no control over railroads, turnpikes, schools, churches, charitable institutions, or benevolent societies. The States would be but powerless subjects. If Congress has the power to create corporations, it certainly cannot exist only where it is absolutely necessary to carry into effect an express power, except where they have absolute control over the territory.

The first clause of the eighth section of the first article of the Constitution declares that Congress shall have the power to lay and collect taxes, duties, imposts, and excises; to pay the public debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States. This clause certainly does not give Congress two separate and distinct powers, but only one power, and that for certain purposes, to wit, to lay and collect taxes, duties, imposts, and excises in order to and for the purpose of paying the debts, providing for the common defense and general welfare of the United States. If Congress could lay and collect taxes, duties, imposts, and excises for any purpose they saw proper, this would give them absolute power. If they could pay the debts, provide for the common defense and general welfare in any way they saw proper, this again would give them absolute power; hence there would be no necessity for conferring any further power upon Congress, as they already would be absolute masters of all.

Now, if Congress can create a corporation at all, it can only be where it is absolutely essential and necessary for the defense and protection of the General Government, except in the District of Columbia, Territories, and places under their control absolutely, and the exercise of and carrying into effect the powers granted in the Constitution. It was proposed in the convention that framed the Constitution to give a general power to Congress "to grant charters of incorporation" in cases where the public good may require them, and the authority of a single State may be incompetent, and to grant letters of incorporation for canals, &c. But these propositions were voted down. (See journal of convention, page 260; also page 376, Loyd's Debates, 257.)

Therefore, it is very clear it was not the intention of the framers of our Constitution to give Congress any general power to create corporations nor to give them any express power to create corporations of any character whatsoever. But if they should have any power over them at all, it should only exist by implication and when it was absolutely necessary for the preservation and defense of the Government itself, except in cases where the Government had absolute control and legislative power over districts, Territories, forts, magazines, dock-yards, and other needful buildings. So it is to be seen by the wisdom of the framers of our Constitution the powers of Congress over corporations was intended to be limited as above set forth.

NATIONAL BANKS.

Next, these banks are very expensive to the people. The law of their creation was passed February 25, 1863, but they had no circulation in that year. Their circulation was—

In 1864	$31, 235, 270	In 1873	$347, 267, 061
In 1865	146, 137, 800	In 1874	351, 981, 032
In 1866	281, 070, 908	In 1875	354, 408, 008
In 1867	290, 625, 379	In 1876	332, 998, 306
In 1868	299, 702, 855	In 1877	317, 048, 872
In 1869	299, 929, 625	In 1878	324, 514, 284
In 1870	299, 766, 984	In 1879	329, 691, 057
In 1871	318, 261, 211	In 1880	343, 834, 167
In 1872	337, 064, 795		

So the average circulation for each of the above years is over $300,000,000, and would require $330,000,000 of bonds to issue a circulation of $300,000,000. These bonds are locked up in the Treasury. Interest on them at 6 per cent. per annum would be $19,800,000; for sixteen years at simple interest it would be $316,800,000. All the interest paid on bonds by the Government since 1862 has been paid in gold. Take the statement of the Secretary of the Treasury, January 1, 1879, showing the premium on gold each year from 1863 to 1880, which is as follows for $1 in gold in greenbacks:

1864	$1 85	1872	$1 11
1865	1 30	1873	1 13
1866	1 34	1874	1 09
1867	1 39	1875	1 13
1868	1 30	1876	1 11
1869	1 27	1877	1 06
1870	1 27	1878	1 01
1871	1 15	1879	1 00

So the average premium for fifteen years would be 29 per cent. and the interest on the premium for one year would be $5,742,000; for fifteen years, $86,130,000. Take the $300,000,000 of national-bank notes resting upon these bonds, put in circulation by the banks at 10 per cent. interest per annum, and it would make $30,000,000 interest annually; for fifteen years it would be $480,000,000. Now, take the deposits by individuals in national banks, which average about $600,000,000 a year, for sixteen years, at an average interest of 8 per cent. in the different States, and in sixteen years the interest would be $768,000,000. Bonds were purchased in 1864, 1865, 1866, 1867, and 1868 to establish national banks with legal-tender notes and not coin, at a discount on an average of 60 per cent., which, on $330,000,000, amounts to $198,000,000 clear gain; this, deducted from $330,000,000, leaves $132,000,000; all that the bonds cost the bankers in coin. So add all of the foregoing gains and profits together and there has been floated into the bosom of these great monopolies $1,848,930,000 by operation of law, on a bonus of only $132,000,000 paid out by them within a period of only sixteen years, and they are still the owners of the $132,000,000, while the same amount invested in land has not yielded 2 per cent. So, take $330,000,000 capital invested in land at 2 per cent. per annum, and the amount is $6,600,000 a year; for sixteen years it would be $105,600,000 resting upon the full capital of $330,000,000, making a difference of gain in favor of the banks of $1,743,330,000; about 18 to 1 or 36 to 1 on the capital actually invested.

There are many other gains and profits of said banks that I have not time here to mention. But they would at least equal the expenses, taxes, and burdens upon said banks. In 1813 Thomas Jefferson declared "bank notes must be suppressed and the circulation restored to the nation to whom it belongs." President Madison in his message of December 3, 1816, said:

> The local accumulations of the revenue have already enabled the Treasury to meet the public engagements in the local currency of most of the States, and it is expected that the same cause will produce the same effect throughout the Union. But for the interests of the community at large, as well as for the purpose of the Treasury, it is essential that the nation should possess a currency of equal value, credit, and use wherever it may circulate. The Constitution has intrusted Congress exclusively with the power of creating and regulating a currency of that description.

John C. Calhoun said:

> I now undertake to affirm positively, and without the least fear that I can be answered, what heretofore I have but suggested, that a paper issue by Government, with the simple promise to receive in all dues, leaving its creditors to take it or gold or silver at their option, would, to the extent to which it would circulate, form a perfect paper circulation which could not be abused by the Government, that would be as steady and uniform in value as the metals themselves. I shall not enter into the discussion now, but at a suitable occasion I shall be able to make good every word that I have uttered. I will be able to do more; to prove that it is within the constitutional power of Congress to use such paper in the management of its finances according to the most rigid rule of construing the Constitution, and that those at least who think that Congress can authorize the notes of private corporations to be received in the public dues are estopped from denying its right to receive its own paper.

Also from Mr. Benton:

> The Government ought not to delegate this power if it could. It was too great a power to be trusted to any banking company whatever, or to any authority but to the highest and most responsible which was known to our form of government. The Government itself ceases to be independent, it ceases to be safe, when the national currency is at the will of a company. The Government can undertake no greater enterprise, neither of war nor peace, without the consent and co-operation of that company; it cannot count its revenues for six months ahead without referring to the action of that company, its friendship or its enmity, its concurrence or its opposition, to see how far that company will permit money to be scarce or to be plentiful, how far it will let the money system go on regularly or throw it into disorder, how far it will suit the interest or policy of that company to create a tempest or suffer a calm in the moneyed ocean. The people are not safe when such a company has such a power. The temptation is too great, the opportunity too easy, to put up and put down prices, to make and to break fortunes, to bring the whole community upon its knees to the Neptunes who preside over the flux and reflux of paper. All property is at their mercy.

Also from General Jackson:

> I submit to the wisdom of the Legislature whether a national one, [currency,] founded upon the credit of the Government and its resources, might not be devised which would obviate all constitutional difficulties and at the same time secure all advantages to the Government and the country that were expected to result from the present bank.

Section 5182 of the Revised Statutes of the United States provides that Treasury notes (or greenbacks)—

> Shall be received at par in all parts of the United States in payment of taxes, excise, public lands, and all other dues to the United States, except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency.

The Supreme Court of the United States, in the case of Knox *vs.* Lee, (12 Wallace, 457,) held that the above statute was constitutional; that Congress had power to issue Treasury notes and make them a legal tender for the payment of all debts and dues, public and private. Also, 12 Wallace, 687; 13 Wallace, 604; 14 Wallace, 297; 15 Wallace, 195 and 639. From fifteen to twenty State supreme courts have held the same doctrine. I could quote further, but deem it useless.

It is argued that national banks under our present banking law last for twenty years from the time the company organizes and receives its charter, and not from the time the law went into effect. If this be true then the national-bank system is perpetual, the Government has lost control forever of the currency of the nation, and the whole power of Congress over the same is irrevocably delegated to these corporations. Hence we have upon us perpetual bonds, perpetual banks, and perpetual bank currency, all of which are perpetuities and contrary to the nature, spirit, and genius of our Government. This would be making these corporations masters and the Government their servant. There is no law that Congress has the power constitutionally to pass that they have not the power to repeal. If, therefore, they have the power to pass a law creating banks, they equally have the power to repeal that law; otherwise the creature would be greater than the creator. The United States Bank and branches thereof, organized and chartered under the act of 1791, expired in 1811, regardless of the time when they went into operation; and that law permitted banks to be chartered for twenty years.

No one contended after 1811 the banks chartered under the law of 1791 could have any further existence or do any further business as banks. But the power of said banks ceased twenty years after the law went into effect and not twenty years after the banks were organized. From 1811 to 1816 there was no United States bank. In 1816 Congress again passed an act allowing a United States bank and branches thereof to be chartered for a period of twenty years. In 1836 these banks expired regardless of the time when they were organized and chartered. The construction placed upon the law by all jurists and statesmen was that the banks expired under said law twenty years from the time the law took effect. From 1836 to 1864 no national banks existed, there being no new law under which they could be chartered. February 25, 1863, the present banking law was passed allowing national banks to be chartered for twenty years. Under section 5136 of said law the first power conferred upon the banks is to adopt and use a corporate seal. Second power, to have succession for the period of twenty years from its organization, unless it is sooner dissolved according to the provision of its articles of association, or by the acts of its shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law. It certainly was not the intention of the framers of this law that banks should organize at any time after the passage of this law and have twenty years' existence from the time they organized. For if that be true they could organize and run for nineteen years, wind up, form new associations, assume new names and new corporate seals, and run for nineteen years more, and so on *ad infinitum*.

Nor do I believe it was the intention that said law should be irrepealable. If Congress did mean in said law the opposite of the last two above propositions, this would be giving them the power to transfer the sovereignty of the nation to corporations, sell the people into slavery, and create perpetuities, extracting the sovereignty from the bosom of the people and lodging it in that of banking corporations. Is it possible such a construction as this should be maintained and fifty millions of people shall be brought to their knees to pray to the Neptunes who preside over the flux and reflux of paper currency; that forty billions of property shall be at their mercy; that they, like the ebbing and flowing of the sea, can expand and contract the currency every twenty-four hours; that the scepter be placed in their hands and they wield it over the people with the iron rule of the Czar of Russia? God forbid that such shall ever be over this people!

THE DANGER OF MONEYED CORPORATIONS TO LIBERTY.

The bonds now outstanding against the United States is about $2,000,000,000, most of them now made payable in gold, and all the interest on them payable semi-annually in gold. The twenty-two hundred banking associations scattered all over the United States control the whole currency of the United States, and rest alone upon bonds. The bondholders and bankers combine their influence and are a unit in prejudicing the community against silver dollars, silver certificates, and Treasury notes, to put the whole power over money in the palm of their hands. The community would be better without bonds or banks. Can it not be safely asserted that a United States bank of issue is a financial evil and hostile to the country's best interests? Soulless corporations, having the right, merely for the furtherance of their own interest, either to inflate or contract the property of every individual of the land without their consent, is not this a power too great to grant to a corporation? It is certainly too great to confer on individuals.

Gold is the money of the rich, the bankers and bondholders, while silver, Treasury notes, and silver certificates are the money of the people, the poor, the toiling classes. The people are wedded to a paper currency for convenience sake; Treasury notes and silver certif-

icates are the cheapest and best. The former has the faith and all of the revenue at its back; the latter has a silver dollar for dollar. This renders them safe and sound. Certainly the revenues of the whole Government, based upon the wealth of the United States, is greater than that of any bank corporation. The catchword which is trumpeted throughout the country and used to prejudice silver dollars or Treasury notes is unworthy of men having even the first rudiments of financial knowledge. Give us a silver dollar and a Treasury-note dollar, worth each a gold dollar, and we have a trinity in our currency protecting equally the rich and the poor. Stop one hundred men as they pass by your door, and ask them to show their pocket-books, and silver or Treasury notes, in a greater or less quantity, would be found in all, while it is doubtful whether one would have a gold dollar.

The rich of the world are wedded to gold, the poor to silver and paper money. It is to the interest of the rich and moneyed kings to demonetize silver and Treasury notes and make gold the sole currency, because they own the gold. Hence the reason of the conference between the moneyed powers of the United States, England, France, and Germany, that brought about the act demonetizing silver in 1872, which was repealed in 1878. It is well demonstrated and sufficiently proved that two things are lodged in the people's hearts: first, they will not have silver demonetized; second, they will have a paper circulating medium. Money is the great lever and moving power of all nations in war and in peace. And when the control over it is vested in corporations, they can wield the nation with as much power as the Czar of Russia upon the throne with the scepter in his hand. The nation must get upon its knees and pray to these monsters for deliverance. They control the Army in war, the ballot-box, the legislative halls, the Executive Departments, and judicial forums in peace. They chain the people hand and foot.

The attempt of the conference of moneyed kings to make gold the only money of the world was but a combination of moneyed capital against labor to bring about an irrepressible conflict, to absorb the liberty of the people, to stab to the heart this Republic and spill its life-blood upon its own ruin; it was the bankers and bondholders of this Government entering into entangling alliances with the crown heads of Europe to bring the moneyed powers of the world to bear upon the poorer and toiling millions that they might be reduced to serfdom and slavery, and that a king be enthroned in our national capital with the crown upon his head and the scepter in his hand; that the bondholders and bankers be the lords, and our once proud and boasted liberty be entombed. I can now see the cloud of death upon liberty, and fully realize the warning words of Washington—the first in war, the first in peace, and the first in the hearts of his countrymen—in his Farewell Address: "I conjure you, my countrymen, to beware of the insidious wiles of a foreign influence."

O Liberty, thou goddess heavenly bright,
Profusion of bliss and pregnant with delight;
Eternal pleasures in thy presence reign,
And smiling plenty leads thy wanton train;
Eas'd of her load, subjection grows more light,
And poverty looks cheerful in thy sight;
Thou mak'st the gloomy face of nature gay,
Giv'st beauty to the sun and pleasure to the day.

Tariff and Tax Commission.

SPEECH

OF

HON. JOHN G. CARLISLE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

March 28 *and* 29, 1882.

The House, being in Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws—

Mr. CARLISLE said:

Mr. CHAIRMAN: As the gentleman from Iowa [Mr. KASSON] has suggested, the general subject presented for consideration by this bill is an old one, and no man, however diligently he may have studied it, can hope to say anything very new in relation to it. Within three days after the organization of the First Congress under the Constitution the policy of laying and collecting duties on imported goods and the principles by which the proposed legislation upon that subject should be governed were presented for the consideration of that body, and from that day to this, with occasional intermissions, the discussion upon these questions has been going on among the people and their representatives. Our volumes of debates are full of arguments and our statute-books are full of laws upon this subject, some of which have been standing for many years, and yet I venture to think that gentlemen on the other side are somewhat premature in congratulating themselves upon the present situation as a final settlement of the policy of the Government.

Sir, no settlement can or ought to be final that is not just to the great body of the people, to the workers and consumers in every other department of industry as well as to those who are engaged exclusively in mechanical and manufacturing pursuits. There is a general, I might almost say a universal, conviction that the existing system is not a just and fair one, that it does not distribute its burdens and benefits equally among all the people, or all parts of the country, and that after a trial of nearly twenty years, partly in peace and partly in war, partly in a time of great prosperity and partly in a time of great depression, it has signally failed, under all circumstances, to yield its promised results, and that the time has now come when it ought to be thoroughly revised, if not totally repudiated.

Some oppose it on account of the fundamental principles upon which it is based, and others only on account of its methods and details. I oppose it on both grounds, and as the whole subject is necessarily involved in the consideration of this bill, I shall avail myself of this opportunity to state some of the reasons for my opposition; and in doing so I shall not attempt to discuss the merits of the particular plan of revision now proposed, except in a very general way.

My objections to the bill do not require a discussion of its provisions in detail, for while there are many reasons why it should not become a law, the great and controlling reason with me is that in my judgment it is the duty of Congress, in the discharge of its constitutional obligations, and in obedience to the demands of the country, to proceed immediately to revise and modify the existing tariff in the ordinary way. While the intelligent representatives of every industry in the country are almost unanimous in their complaints against the unjust and incongruous provisions of the present system, and many of them are demanding immediate relief from its hardships, it is no time to resort to measures which, however they may be intended, can produce nothing but delay and prolonged agitation to the great injury of every interest involved.

This is not a bill to facilitate the revision of the tariff. It is a bill to pay out of the public Treasury about $200 per day for a period of six or seven months, to compensate and defray the traveling and other expenses of a commission to perform duties which we are sent here to perform, and which the people are paying us to perform. It is a bill to create unnecessary offices and to incur unnecessary expenses; and, worse than that, it is a bill to postpone a revision and to take the question, for a time at least, away from the forum to which the Constitution has committed it, and send it to an irresponsible roving commission whose report cannot possibly be considered and disposed of during the existence of this Congress.

Mr. KASSON. Will it interrupt the gentleman if I ask him a question?

Mr. CARLISLE. Not at all.

Mr. KASSON. I want to ask my friend and colleague upon the committee if this revision has been a duty demanded of Congress, and can be well done by the Committee on Ways and Means, why has it not been done by them in the last three Congresses, when men of the gentleman's views have been in power here?

Mr. CARLISLE. I will state in reply to the gentleman a fact very well known to him and to the whole country, that there never has been a time since this House came under the control of the Democratic party when there has not been a very large majority on this side of the House in favor of revising the tariff system; and the efforts in that direction have been defeated in every instance by an almost unanimous vote on the other side of the House, acting in conjunction with a small minority on this side. The records of Congress bear me out in this assertion.

Mr. Chairman, if this measure shall be passed it requires no gift of prophecy to foresee that there will be no revision of the tariff or any relief from its admitted hardships in particular instances for the next two or three years. All legislation must be suspended, and all consideration of the subject must be postponed until these executive appointees have informed the legislative department what its duties are, and then we are to be graciously permitted to resume our constitutional authority to determine how our own constituents shall be taxed.

What is this wandering commission to do? Is it to assume the right to fix and determine the policy of the Government with respect to the amount of revenue it will raise by the imposition of duties on imports, a question which necessarily involves the whole financial policy of the country? It is perfectly evident that it cannot possibly propose a scheme or plan for the revision of the tariff without first determining how much money ought to be raised; and it is equally evident that it cannot even approach the consideration of that question until it has determined when and how the public debt shall be paid, what the ordinary expenditures shall be, what shall be appropriated for pensions, for public buildings, for the improvement of rivers and harbors, and, in fact, occupied the whole ground embraced within the scope of Congressional power over these great subjects. In view of the magnitude of the interests involved in the determination of the questions which are inseparably connected with the revision of our customs-revenue system, and especially in view of the favorable circumstances under which we can now enter upon the consideration of the subject, it is not extrav-

agant or intemperate to say that the surrender of our control over it, even temporarily, would be an inexcusable dereliction of duty.

But it may be said, and has been said in substance by the gentleman from Iowa, that the proposed commission can collect evidence in relation to the condition and necessities of the various industries of the country, and without undertaking to decide what amount of revenue shall be raised, or what particular rates of duties shall be imposed, can determine what principles shall or ought to govern us in our legislation upon the subject; that is, whether we shall impose taxes for the purpose of raising revenue for the Government or simply for the purpose of increasing the profits of capital engaged in certain industries, or for both of these purposes. Here again the commission would be treading upon ground which belongs exclusively to Congress. The power to tax the people is the highest prerogative of sovereignity, and the right to determine upon what principles and for what purposes taxes shall be laid and collected—if these be open questions under the Constitution—is one which we can neither surrender nor delegate without virtually yielding the principal power itself. I do not assume that the action of the commission would absolutely bind Congress or actually deprive it of any power it now possesses over these subjects, but I do assume, what every gentleman here very well knows, that its report is expected to have, in fact, a controlling influence over our deliberations when we come finally to make a revision of the tariff. If this is not the intention and expectation, then the whole scheme is utterly devoid of any intelligent purpose except mere delay.

There is but one really substantial ground upon which this measure, or any measure of a similar character, can be justified, and that is the assumed incapacity of the majority in Congress to deal with the subject. After proclaiming everywhere that it carried the Presidential election in 1880, and succeeded to power in this House, by reason of its superior capacity to deal with this question, is the majority here ready, as soon as it resumes control over all the departments of the Government, to confess openly and publicly that it is wholly incapable of perfecting such an ordinary act of legislation as the revision of the tariff? Disguise it as you may, gentlemen, that is what this bill means, and it will be so understood by the country. It is a confession, in the face of the constituency which sent you here, that you are not competent to perform a part of the duties which the Constitution of the country and the necessities of the situation impose upon you.

I believe that this Congress is entirely competent to perform this duty, and I shall not abandon that opinion until a majority of its members have deliberately pronounced their judgment to the contrary. I believe that its committee charged with the consideration of all matters relating to the revenues and finances of the Government can, within a reasonable time, collect all the information necessary to enable this House and the Senate to legislate intelligently and fairly upon this subject, and that we who have been chosen by the people, and who are directly responsible to them, are better qualified than any nine men appointed by the President, and responsible to nobody, to determine what shall be the financial policy of the Government, and upon what principles taxes shall be imposed upon our constituents. This is our right and our duty. It must come to this at last, no matter what any commission may say or do, and I shall beg the indulgence of the committee while I state the reasons why, in my opinion, we ought to commence this work at once and not leave the present law, with all its inequalities and incongruities to harass and oppress the industries of the country two or three years longer.

It would be difficult if not impossible to devise a tariff system more unequal and unjust than the one now existing. It would be a high compliment to the ingenuity of its authors to say that they had purposely made it as bad as it is; but the truth is that it owes much of its iniquity to the fact that since its enactment great changes have taken place in the actual and relative commercial values of the articles affected by it, as well as in the relations which the several articles bear to each other in the various mechanical and manufacturing industries of the country. As it now stands, this tariff either ignores or violates almost every rule that ought to govern in the distribution of the burdens of taxation among the people. By imposing the highest rates of duty upon the lowest grades and cheapest classes of goods, it places the heaviest burdens upon those who are least able to bear them.

Whether the object be revenue alone or protection alone, or revenue and protection combined, and whether the duty is ad valorem or specific or compound, I hold that the only just and equitable rule in the adjustment of duties upon manufactured articles is to regulate the rate according to the value of the article to be taxed; and if there are departures from this rule they should be limited to those cases where, for reasons of public policy, less than the average rates are imposed upon articles of absolute necessity in common use among those who are least able to bear the burdens of taxation. As a general rule the manufactured article of greatest commercial value is the one upon which the largest amount of labor has been expended, and consequently if the object be to protect labor, the rule, as I have stated it, accomplishes that purpose, so far at least as a tax can protect labor.

Time will not permit me to go into an extended examination of the present tariff law, to show how uniformly and flagrantly this equitable principle of taxation is violated in almost every one of its schedules; but even at the hazard of devoting too much of my hour to a single point, I will call the attention of the committee to some of its inequalities, and it will be seen that in every instance the discrimination is made upon the wrong side; it will be seen that this system, which our friends on the other side tell us has for its principal object the protection of labor, imposes the highest rates on the articles which the laboring people are compelled to buy and use, and the lowest rates on the finer grades of goods, which are purchased and used by people in better pecuniary circumstances.

Let us begin with woolen goods; and for the sake of brevity I will omit the specific rate and give the equivalent ad valorem rate as it is officially reported to us from the Bureau of Statistics for the last fiscal year.

On dress goods, women's and children's wear, worth at the place of production 17.3 cents per square yard, the duty is only a fraction less than 70 per cent., while on the same kind of goods, but of finer quality, and worth $1.75 per pound, the duty is less than 63½ per cent. On the coarse woolen blankets, such as the people of small means are compelled to use, worth 54 cents per pound, the duty is 90½ per cent., but on the fine blankets, worth $1.37 per pound, the duty is 71½ per cent. On flannels, worth 44½ cents per pound, the duty is only a fraction less than 103 per cent., while on the finer flannels, worth $1.64 per pound, the tax is 65½ per cent. On woolen hosiery, worth 55 cents per pound, the law imposes a duty equivalent to 89½ per cent. ad valorem, but if the article is worth $2.41 per pound the duty is less than 56 per cent.

On all woolen goods not otherwise provided for in the law, costing at the place of production less than 40 cents per pound, the duty is 84½ per cent., but if they cost $1.47 per pound the duty is 69 per cent. On coarse hats of wool, worth only 65½ cents per pound, the specific duty imposed is equivalent to 96 per cent. ad valorem, but on the finer qualities, costing $2.15 per pound, the duty is only a little more than 58 per cent. In the schedule relating to cotton goods we find that plain bleached cottons, worth on the average 12.4 cents per square yard at the place of production, are subject to a duty of 44½ per cent., while bleached cottons, worth 14.3 cents per square yard, are taxed only 35 per cent. Printed or colored goods, worth 14½ cents per square yard, are taxed over 88 per cent., but if they are worth over 25 cents per square yard, which includes all of the very finest and very best goods of that character, they are taxed only 35 per cent. On jeans, denims, drillings, &c., bleached and worth 14.3 cents per square yard, the duty is nearly 45½ per cent., but on the same kind of goods not bleached or colored and worth 21.2 cents per square yard, the duty is less than 33 per cent.

If we turn to the schedule relating to the metals we find the same general rule, or rather violation of rule, prevailing. One kind of band, hoop, or scroll iron, worth 2.3 cents per pound, is subject to a duty of 65½ per cent., while another kind, worth exactly the same, is taxed 54½ per cent. Cut tacks, brads, and sprigs, worth 4.2 per thousand, are subject to a duty of 59½ per cent., but if they are worth 17 cents per thousand they are only taxed 17½ per cent. Halter-chains, trace-chains, and fence-chains, articles of necessity and in common use among the farmers of the country, worth 4.3 cents per pound, are taxed 58½ per cent.; but smaller and finer chains, worth nearly 6 cents per pound, are taxed 51 per cent.; while the most highly finished and costly of all, worth 10½ cents per pound, are taxed 35 per cent. Iron wire, worth 3½ cents per pound, is subject to a duty of nearly 71½ per cent., while wire of the same kind, but of a different size, worth $1.08 per pound, is taxed less than 19 per cent. Bars, &c., of steel, worth 14½ cents per pound at the place of production, are taxed less than 34½ per cent., while railway bars of steel, worth only 1.6 per pound, are taxed over 76½ per cent. Steel wire, worth 3½ cents per pound, is taxed 65½ per cent.; but if it is worth 27.3 cents per pound it is taxed less than 23 per cent.; and the most costly and valuable of all, worth 42 cents per pound, is subject to a duty of a little over 27 per cent. The finest quality of salt imported, worth 3 mills per pound, pays a duty of less than 40 per cent., while the coarse salt in common use for preserving meats, feeding cattle, &c., and worth only 1 mill per pound, is taxed a fraction less than 64½ per cent. The finest and most expensive carpets imported into this country, worth $2.24 per square yard, are subject to a duty of 50 per cent., while druggets, bockings, &c., worth 40 cents per square yard, are subject to a duty of nearly 96½ per cent., and carpets, worth 68 cents per square yard, pay a fraction less than 76 per cent.

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

Mr. CARLISLE. Certainly.

Mr. CANDLER. What is the duty on wool, on the raw material which enters into the manufacture?

Mr. CARLISLE. I am unable at this moment to state the duty on the different classes of wool. The gentleman from Massachusetts is very well aware of the fact that the duty is regulated according to the class of the wool. The gentleman will allow me to say that he seems to misunderstand the purpose of this part of my argument. I am not now making an argument to show that the duties on these goods are too high, although I think they are far higher than they ought to be. But my only purpose at present is to show the unequal

rates of duties on the different classes of these goods, in order to establish my proposition that there is a discrimination against labor and those who are obliged to live on the wages of labor.

Mr. CANDLER. The rate of duty runs from 50 to 90 per cent.

Mr. CARLISLE. I will soon come to consider, in a general way, the effect of the tariff on different articles, and then we will inquire why it is that our friends from Massachusetts are so sensitive upon the subject of the duty on raw material, especially when, according to the gentleman from Iowa, [Mr. KASSON,] a duty on the manufactured article actually reduces its price.

I have stated only a few of the many instances in which the present extraordinary tariff discriminates against labor and against those who are dependent upon the wages of labor for the means of subsistence, and I submit them without comment for the consideration of gentlemen who believe that a revision ought to be postponed. Let them stand if you will, gentlemen, until the tide of public opinion rises so high as to sweep them all away, without discrimination between the good and the evil in the system. Under this tariff the rates of duty run from less than 10 per cent. all the way up to 780 per cent.; from revenue to protection, and from protection to absolute prohibition. Considerably more than two-thirds of our annual importations are subject to these various rates of duty, the average on all dutiable goods being, for the last fiscal year, nearly 43¼ per cent.

For what purpose and for whose benefit are these enormous and unequal rates of duty to be perpetuated, even for two or three years longer? I need not enter upon an exposition of the financial condition of the Government to show that there is no longer any public necessity for the large revenues annually collected from the people, because that is generally admitted, and your committees are all at work, some of them endeavoring to devise means to prevent so much money from coming into the Treasury, and others considering various projects which have been referred to them to take as much as possible out of the Treasury.

But it seems that revenue is not the principal object for which taxes are to be imposed upon the people, and many of the gentlemen who advocate this bill are candid enough to tell us so. They tell us that under the constitutional power to "lay and collect duties," &c., it is entirely competent and proper for Congress to lay duties which are not to be collected, but which will be the means of prohibiting, either wholly or partially, the importation of certain articles, and thus prevent the Government from realizing revenue from that source; and this they contend is justifiable upon the ground that it is the duty of the Government to use its taxing power for the purpose of fostering certain kinds of industry. I am one of those who believe that the power of taxation can be legitimately employed only for public purposes, or, in other words, that the object of all taxation should be revenue—revenue only, if you please—but if, with this primary object in view, the taxes or duties can be so adjusted as to aid our industries without imposing any burdens upon the people beyond what otherwise would have been necessary, there is nothing in the policy advocated by those who demand a reform in the tariff to forbid their encouragement or protection to that extent, and I think it can be demonstrated, so far as facts and figures can demonstrate any proposition upon such a subject, that such a policy would afford all the protection that any legitimate and well-conducted industry needs in this country.

Mr. KASSON. Let me ask the gentleman from Kentucky, then, whether he admits the policy of protection is a legitimate one in the adjustment of the tariff?

Mr. CARLISLE. I say that the duty and the power of the Government extend only so far as to impose a tax for the purpose of raising revenue for public purposes. But I hold at the same time that no tax or duty can be possibly imposed without affecting to a greater or less extent some or all of the industries of the country; and for my part I would rather help them than hurt them.

Mr. KASSON. I think the gentleman hardly appreciates my point, which was, whether he admitted the principle of protection as right in the adjustment of the tariff to any extent?

Mr. CARLISLE. If the gentleman means to ask whether I recognize a principle that would impose a duty above the revenue point merely for the purpose of giving what is called protection, my answer is in the negative. If we were called upon now for the first time to declare a principle or inaugurate a policy upon this subject, I should not hesitate to announce my adherence to that creed which demands the largest liberty in trade, that doctrine which opens the channels of commerce in all parts of the world and invites the producer and consumer to meet on equal terms in a free market for the exchange of their commodities, for I sincerely believe that all commercial restrictions are in the end injurious to the interests of the people.

Mr. WHITE. Let me ask my colleague from Kentucky whether he is not aware of the fact that the hemp-growers of the State of Kentucky have asked for protection on their production of hemp, and the short-horn raisers for protection for their short-horns, and our whisky men for protection on their high wines?

Mr. CARLISLE. If I had time to enter into a colloquy with my colleague I would answer his questions cheerfully upon the single condition that he would answer one or two for me, but it is evident that I will not be able to conclude my remarks within the time limited by the rules of the House, and therefore cannot take time to answer questions unless they are directly in the line of my argument. I believe that prohibitions and embargoes in times of peace, whatever may be their avowed purposes, are inconsistent not only with the first principles of political economy but with the spirit of the age in which we live. The relations of different nations to each other are far different now from what they were a few centuries or even one century ago. The railroad, the telegraph, the steamship, and other improved means of communication and transportation, have narrowed the boundaries of the world, and have almost consolidated all its civilized peoples into one great commercial community. Under these conditions no one nation can long maintain a policy which separates it, even partially, from other nations in matters of trade; or if it does, the resulting injury must inevitably fall most heavily upon its own people. As a general rule people cannot afford to sell where they are not permitted to buy what they need with the proceeds of their sales. To adopt regulations the necessary effect of which is to compel the citizen to sell in one market and buy in another, would impose a great hardship under any circumstances, but it is immeasurably aggravated when he is compelled to sell in a cheap market and buy his necessary supplies in a dear one. This is one of the evils from which the American farmers, and in fact a large part of the American people, are suffering to-day; and it is an evil which this House ought to proceed immediately to correct, so far as it can be immediately corrected without permanent injury to the legitimate interests that have grown up under it.

One of the favorite arguments of those who advocate the present system in this country is, that by building up manufacturing establishments and thus giving employment to larger numbers of laborers a greater demand and better home markets are created for the products of agriculture, and that in this way the farmer is compensated for the temporary increase in the prices of the articles he is compelled to use. This argument is founded on the assumption or admission that it is advantageous to the agriculturists of the country to have a steady and reliable home market in which they can sell their products at remunerative prices. This is undoubtedly true, and therefore if the existing protective system has in fact a tendency to supply the farmer with a convenient home market for a larger proportion of his annual products than was consumed here before that system was inaugurated, then it has, in that respect at least, been beneficial to him. But, on the other hand, if the farmer has been compelled under the protective system to send a larger percentage of his products to a foreign market than he did under the revenue system, then he has not been benefited, but has been injured even according to the arguments of the protectionists themselves. Now, what are the actual facts in relation to this matter? Fortunately we have very full and accurate official statistics showing the production and exportation of our principal agricultural products at different periods in our history, and from them it conclusively appears that under the protective system the proportion of such products forced to seek a foreign market has been very largely increased.

In 1840, when we had a protective tariff, the production of cereals in this country amounted to 615,525,302 bushels, of which there were consumed at home 602,326,353 bushels, and exported 13,199,049 bushels, or 2.1 per cent.

Mr. KASSON. I think the gentleman is mistaken in the statement that we had a protective tariff in 1840.

Mr. KELLEY. The tariff of 1842 was a protective tariff which was substituted for the previous free-trade tariff and which revived the industries of the country.

Mr. CARLISLE. Very well; but, Mr. Chairman——

Mr. KELLEY. The tariff of 1833, if the gentleman will allow me to interrupt him, was undoubtedly protective, but from that time the scale of duties was gradually reduced.

Mr. CARLISLE. What was the amount of the reduction?

Mr. KELLEY. The language of the act was as follows:

From and after the 31st of December, 1833, in all cases where duties are imposed on foreign imports by the act of 14th July, 1832, or by any other act, which shall exceed 20 per cent. on the value thereof, one-tenth part of such excess shall be deducted; from and after the 31st day of December, 1835, 1837, and 1839, respectively, a further deduction of one-tenth of such excess shall be made; and from and after the 31st of December, 1841, a further reduction of one-half of the remainder of such excess; and from and after the 31st of December, 1842, the residue of such excess shall be deducted.

I do not want a free-trade tariff designated as a protective tariff.

Mr. CARLISLE. The average rate of duty in 1840 was over 30 per cent., which I consider protective. In 1870 and 1880 we had a protective tariff. There can be no doubt about that, and I will come to those periods presently. In 1850, after the tariff had been greatly reduced by the act of 1846, the total production was 867,453,967 bushels, of which we consumed at home 851,502,312 bushels and exported 15,951,655 bushels, or only 1.9 per cent. In 1860, when the tariff had been still further reduced by the act of 1857, the production was 1,239,039,945 bushels, of which the home market took 1,216,084,810 bushels, and there were exported 22,955,135 bushels, or 1.8 per cent., showing a decrease with each passing decade. Now, coming to 1870, when we had a high protective tariff, we find that the total production was 1,629,027,600 bushels, of which 1,571,737,179 were consumed at home, and 57,290,521 bushels, or 3½ per cent., were exported and sold in foreign markets. These figures show that from 1850 to 1860 the production of grain increased 45.1 per cent., while the exports

increased only 43.9 per cent., and that under the operation of the high tariff from 1830 to 1870 production increased only 31.4 per cent., while the exports increased 149½ per cent., and they demonstrate the fact that while the increased demands of the home market more than kept pace with the increase of home production during the revenue-tariff period, they fell very far behind during the protective period.

I have not been able to procure complete statistics of the production and exportation of all the cereals for 1880, but in the report on internal commerce for that year there will be found tables showing the production, home consumption, and exportation of wheat and Indian corn, the two great agricultural staples of this country, for a number of years, and from these tables it appears that the percentage of these products which is annually being compelled to go abroad for a market has been rapidly increasing since 1860.

The exports of Indian corn in 1860 amounted to less than one-half of 1 per cent. of the product, but in 1880 they amounted to 6.34 per cent., while the exports of wheat in 1860 amounted to 2.40 per cent., and in 1880 to 34¼ per cent. of the entire product.

Mr. KASSON. I would like, if the gentleman would allow me, to ask him in this connection if the proper way to test the consumption is not to make the calculation on a per capita basis and not the amount exported. And also I would ask the gentleman if he has taken into consideration the increased production of our cereals by reason of the development of agricultural machinery in 1860, which developed agriculture in the West enormously and produced the surplus?

Mr. CARLISLE. In response to the gentleman from Iowa, I will state that I am now simply dealing with an argument which asserts that the protective system itself has created a home market for a larger proportion of our agricultural products than existed before; and I am showing by the statistics that in fact a much larger percentage of such products is now compelled to go abroad for a market than in 1850 or 1860, when we had a revenue-tariff system.

Mr. KASSON. But does that meet the argument unless you take notice of the great increase from the source which I have stated and the surplus arising from the introduction of improved machinery, a surplus which could not be consumed at home or disposed of abroad?

Mr. CARLISLE. I am simply discussing, as already stated, the effect of protection upon the home market, and gentlemen must admit that if, for any reason, the facts do not support the proposition they have advanced their plea for the system, so far as it is based on this ground, must be abandoned. I invite the careful attention of gentlemen to these statements. If they are erroneous in any particular the error can be easily exposed, but if they are correct, then a decent respect for the intelligence of the farmers and agricultural laborers in this country demands that they shall no longer be expected to listen with patience to the home-market theory of the protectionists. Why, sir, Old England, situated four thousand miles from the great wheat and corn fields of the West, consumes annually more of their products than New England, manufacturing New England, situated within our own borders.

Our surplus agricultural products, which were forced by the absence of a home demand to find a foreign market, amounted during the last fiscal year to over $730,000,000, being 82½ per cent. of our total exports, while our manufacturers export less than one-third of 1 per cent. of their product. They have an ample home market for their products at high prices, and too often they have the exclusive and absolute control of it. These agricultural products were necessarily sold in open competition with the products of the poorest paid laborers of Europe and Asia; and yet our farmers are constantly told that they must continue to submit to the exactions of a high protective system as the permanent policy of the Government, in order to enable our manufacturers to compete in the markets here at home with the products of what is called pauper labor in other countries. While the American farmer is sending his surplus products three or four thousand miles to a market, and competing there with the labor of the lately emancipated serfs of Russia, and the half-naked and half-fed swarms of Hindoos in India, whose wages amount only to a few cents per day, gentlemen should not be surprised at his inability to appreciate the wisdom and justice of a system which taxes his clothing, his agricultural implements, his means of transportation and many articles of his food, in order that some other American producer, not more meritorious than he, may be able to conduct his business at a large profit.

Let gentlemen examine all the consular reports and other evidence showing the state of labor in different countries, and they will find that the agricultural laborer in Europe and Asia, with whom our farmers and agricultural laborers are forced to compete, is the worst fed, the worst clothed, and the poorest paid in the world. The wages received by those who are employed in the mechanical and manufacturing industries in the Old World are far higher than the agricultural laborer there can ever hope to earn, and yet we have a system of taxation based upon the theory that it is the duty of the Government to protect one class of our producers against competition with the best paid labor in the world except our own, and to leave another class open to competition with the poorest paid labor in the world. And this is justified mainly upon the ground that the object is to keep up the wages and elevate the character of American labor. So far as this purpose is honestly entertained, so far as it really constitutes the ground upon which any system or policy is supported, and so far as the system or policy is reasonably calculated to promote such a purpose, it must enlist the warmest sympathies not only of every man who appreciates the hard fortunes of those who are compelled to earn a support for themselves and families by the labor of their hands, but also of every man who desires to preserve and strengthen the foundations upon which our system of popular government rests. Ignorant and ill-paid labor is a blight and a curse in any country. It would be a fatal social and political poison in a country like ours. Sir, those who attempt to arouse the apprehensions or excite the indignation of the American laborer by telling him that there is a purpose upon the part of those who advocate a reform in the tariff to degrade him by reducing his wages, depriving him of employment, or denying him any advantage or privilege which he now enjoys, are either trying to deceive him or are deceived themselves. No man or party could avow such a purpose and stand for a moment against the enlightened public sentiment which everywhere prevails on this subject.

I think it is entirely safe to say that while there is a very general feeling of dissatisfaction with the existing system of unequal and unjust tariff taxation, there is no disposition anywhere to strike a radical, much less a fatal blow, at any of the great mechanical or manufacturing industries of the country; nor is it necessary, in my judgment, to strike such a blow in order to afford a reasonable degree of relief to the people. We cannot, as responsible legislators, close our eyes to the fact that under this system, whether it was originally wise or unwise, large and valuable interests have grown up; that great masses of capital have been withdrawn from other pursuits and embarked in manufacturing enterprises, and that labor, following, as it always does, where capital leads, has been to a large extent diverted from its previous channels, and has permanently identified itself with these various interests. In any revision that may be made proper regard should be had for the welfare of these great interests, and they should be carefully considered, not alone, not as something separate and distinct from the other industries of the country, not as the especial favorites of the Government, having peculiar claims upon its bounty, but in connection with every other legitimate interest in the country, all being recognized and treated as equally entitled to our favorable consideration.

The unskilled and unpretending laborer who guides the plow and gathers the harvest is as much entitled to the protection of the law and to the encouragement of the Government as the scientific artisan who has mastered all the mysteries of his craft. Each one of the busy millions who helps to create and distribute the varied products of this wonderful land of ours has an undoubted right to demand an equal participation in all the advantages conferred by the laws of his country; and I repudiate every definition of American industry or American labor which excludes a single honest and useful occupation. Whoever challenges the right of the humblest citizen, whatever may be his trade or occupation, to an equal participation in the benefits conferred by the Government so long as he bears an equal share of its burdens, denies the equality of man; whoever asserts that one class of men or one species of industry has a right to exact tribute from another for its own benefit, or has superior claims upon the consideration of the Government, asserts a doctrine utterly at war with the first principles of our political system. To call such a doctrine the "American doctrine," and to announce it in high-sounding and patriotic phrase, is simply an attempt to hide its deformity beneath a rhetorical and sentimental garb, and will deceive no one who looks beyond the surface.

While there is no party here that would injure labor or impair the security of capital, there always will be, and in my opinion there always ought to be, a party in this country pledged to the establishment and maintenance of a constitutional and equal system of taxation. Whatever measure of encouragement or protection such a system, honestly and fairly administered, may afford to any industry, agricultural, mechanical, or manufacturing, it will be justly entitled to receive; and whoever properly considers the great natural advantages enjoyed by this country, the variety of its soil and climate, its wonderful capacity for the production of food and raw material, the unparalleled ingenuity, enterprise, and endurance of its people and the favorable geographical position we occupy with respect to the other great manufacturing nations of the earth, will be compelled to admit that a policy which gives to these various industries a fair chance to compete with others on equal terms in all the markets of the world is all that any of them need, and all that they ought to demand. Why, sir, we are three thousand miles from any nation that could possibly become, under any circumstances, a formidable rival in our own home markets; and now, if it is to be confessed that with all the advantages I have indicated, with nearly a hundred years of experience and development, and, as the gentleman from Iowa has stated, with a protective legislative policy during a large part of that time, our manufacturers are still unable to supply our own people with the necessaries and comforts of life at as low a price and of as good a quality as they can be procured elsewhere, is it not time to pause and consider whether this protective system is not a failure?

As long ago as 1816, when the tariff act of that year was pending in this House, Mr. Clay, in the course of the discussion, expressed the opinion that in three years articles of necessity could be made as cheap at home as they could be imported, and he advocated the passage of the bill on that ground. I read from the proceedings of the first session of the Fourteenth Congress, page 1272, what he then said on this subject:

> Mr. Clay said that the object of protecting manufactures was that we might eventually get articles of necessity made as cheap at home as they could be imported, and thereby to produce an independence of foreign countries. In three years, he said, we could judge of the ability of our establishments to furnish these articles as cheap as they were obtained from abroad, and could then legislate with the lights of experience. He believed that three years would be sufficient to place our manufactures on this desirable footing and others would not hesitate to enter into the business, because they would look to that liberal and enlarged policy which they might anticipate from the Government at a future period.

Sixty-six years have passed since this declaration was made by the great champion of the protective system, and our manufacturing industries have been extended and increased until the variety, character, and value of their products surpass the wildest dreams of the early protectionists; but we still hear the same arguments, the same appeals, and the same predictions that were made at the beginning. The bill which Mr. Clay then advocated became a law, and remained in force, not merely for three years but for eight years, and then the duties were increased. At the expiration of four years more, in 1828, they were increased again, and from that time until the present, with the exception of comparatively a few years, the protective policy, to a greater or less degree, has been the policy of those in control of the Government. The introduction of labor-saving machinery, the increase of the facilities for transportation, the superior training and education of labor itself, and the wonderful progress made by our people in the useful arts and sciences, have all combined to diminish the cost of production very far below what it was sixty years ago; and yet our manufacturers are demanding more protection now than they did then. The home market, too, has grown to such enormous proportions that smaller percentages of profit on the gross value of the product are more remunerative now than larger ones were at any former period of our history. Under these circumstances it seems to me that if the time can ever come when we are to enter upon a course of legislation which will ultimately relieve the unprotected industries from the burdens imposed upon them for the benefit of the protected ones, and test the capacity of our domestic manufacturers to supply the home trade at fair prices, that time has arrived now, and we ought to take advantage of it.

The *promise* that the protective system would within some reasonable period enable the domestic manufacturers to sell their products to our own people at as low prices as prevail elsewhere has been made so often heretofore, and is likely to be repeated so often hereafter, that it becomes worth while to inquire how far it has had such a tendency in the past, in order that we may form some opinion as to its probable effect in the future. In other words, let us inquire as briefly as possible whether such a system as we now have is beneficial to the great body of the people who are compelled to purchase and use manufactured articles, or only a comparatively small number who have invested their capital in particular enterprises. That the prices of such articles are generally lower now than twenty or thirty years ago is undoubtedly true, but I deny that the protective policy has brought them down. That it has not done so, but that on the contrary it has retarded the process of reduction in this country, is conclusively shown by the fact that the diminution of prices here has not been so great under this system as it has been in other countries, and especially in Great Britain, the country which is constantly held up to us as an example of the evil effects of what is erroneously called free trade. The very object of protection is to increase prices. If it did not have that effect it would be of no possible advantage to the manufacturer, and he would not want it.

We are accustomed to hear some very strange and inconsistent arguments upon this subject from the advocates of the protective policy, arguments which no degree of skill in dialectics can possibly reconcile with each other. We are assured that the inevitable effect of a protective tariff upon an article which is or can be produced at home is to cheapen its price, and at the same time we are assured with equal earnestness that the raw material should be free of duty in order to reduce its cost to the manufacturer and to enable him to use it profitably in his business. In brief, we are told that a duty on the raw material increases its cost to the manufacturer, but that a duty on the manufactured article reduces its cost to the consumer. [Laughter.] When the consumer demands a reduction of duty he is informed that it would not reduce the price to take it off, but when a duty is proposed to be put upon the raw material it is immediately protested against as imposing an unjust charge upon the manufacturer who is compelled to use it.

Mr. KELLEY. Will the gentleman permit me to suggest that it is raw material which cannot be or is not produced in this country to which that argument is applied?

Mr. CARLISLE. I so stated a moment ago.

Mr. KELLEY. The duty on wool as raw material operates to benefit our farmers, and counts in the ad valorem duty on woolen goods.

Mr. CARLISLE. The gentleman admits, then, that the duty on wool increases the price of the article. [Laughter.]

Mr. KELLEY. I think not, sir. I think it has led to so great a production that the price, notwithstanding the duty, is down.

Mr. CARLISLE. Now, Mr. Chairman, I am glad the gentleman from Pennsylvania has introduced the subject of wool and woolen goods. Whenever a proposition is made to reduce the enormous duty on woolen goods, the gentleman from Pennsylvania very well knows—no one knows better—that we are invariably met with the statement that a large part of that duty was imposed to compensate the manufacturer for the high rates on wool, which is his raw material; that is, to compensate him for a duty the effect of which, according to one part of the argument, is to reduce the price of the article he has to buy. [Laughter.]

[Here the hammer fell.]

Mr. KASSON. I hope there may be unanimous consent that the gentleman's time be extended.

The CHAIRMAN. The Chair hears no objection.

Mr. CARLISLE. Now, sir, wool is produced in great abundance in this country, and can be produced to almost any extent that may be required. During the census year 1880 our woolen manufactures consumed 220,244,269 pounds of domestic wool and only 73,324,812 pounds of foreign wool, and more than one-half of the latter was carpet wool, subject to the lowest rates imposed upon any class of the article.

Mr. KELLEY. And another portion being the finest combing wool, subject to the higher rates of duty.

Mr. CARLISLE. Wool is therefore very clearly one of the articles the cost of which would be reduced by the imposition of a duty, if there is anything in the argument made on that subject by the advocates of protection, and yet none can be found who are willing to try the experiment of reducing the duties on the manufactured product and leaving them on the raw material from which it is made.

Mr. KELLEY. And I hold that the price of woolen goods, quality for quality, is greatly reduced in this country; and when I get the floor I shall take the opportunity to speak upon that point.

Mr. CARLISLE. I hope the gentleman will explain it, because I assure him that it needs explanation.

Mr. HORR. Is the gentleman in favor of repealing the tariff on wool?

Mr. CARLISLE. Not entirely; but there should be a reduction. I assert that no manufacturer, no friend of the protective system, can be found, notwithstanding his constant reiteration of the argument that the duty reduces the price, who is willing to take the tariff off the finished product and leave it on the raw material. In other words, there is no gentleman to be found among them who has sufficient confidence in his theory to subject it to a practical test. [Laughter.] Notwithstanding their assertion that the imposition of a duty reduces the cost, they all want free trade in raw material, whether it be produced at home or abroad, and free trade in labor, no matter where it comes from. [Applause.]

An examination of the subject will show that whenever a general and permanent reduction of prices has taken place it has been the result of causes entirely independent of the protective system. I have already indicated some of these causes. Those who attribute every good thing to protection and charge every bad thing to what they denominate free trade appear to have forgotten entirely that improvements in machinery, the multiplication of the means of transportation, the discoveries made in the arts and sciences, and, in short, the general progress of the human race and the natural and necessary increase of the productive forces, have all contributed to augment the annual store of the world's goods and to reduce their prices to the consumer. If the protective system had never been dreamed of the general result would, in my judgment, have been substantially the same, although it may be true that the products of some particular industry at some particular place, remote from the seaboard or the centers of trade, have been ultimately cheapened by that system. But the question we have to consider is whether general justice has been done and the general welfare promoted by the system.

Mr. KELLEY. I dislike to interrupt the gentleman, but he refers to the general progress of the human race in connection with our development, and I should like to ask him whether that progress has disclosed itself under free-trade influence in Ireland, India, or Turkey, as it has in protected America and France?

Mr. CARLISLE. Why not add Germany and Italy?

Mr. KELLEY. Bismarck led Germany into the bogs of free trade and is now leading her out. Therefore I did not include her because she has not got fairly on her feet in her protected industries. I did not include Italy because until quite recently she has made no attempt at protection.

Mr. CARLISLE. The whole purpose of my argument has been to show that the protective system, as such, has not operated to reduce the prices of manufactured articles. It may be true, and it is true, that some countries have made more progress than others; and it may also be true that here and there you will find a country which has made great progress under the protective system, and you will find other countries which have made equally great or greater progress without that system. But the whole purpose of my argument on this

branch of the subject is accomplished when it is shown that the protective system has not reduced the prices of manufactured products.

One of the most highly protected industries in this country is the manufacture of steel rails, and if the system can be beneficial in any case it ought to have exhibited here its very best results. Protected by law against foreign competition by a duty of over 76 per cent., and protected against all domestic competition by numerous patents, the eleven establishments engaged in that business have had a magnificent opportunity to demonstrate their capacity to supply the home demand at prices prevailing elsewhere, and what has been the result? I select this industry for illustration, not because it is less meritorious than others, but because it has been amply protected, and because it is the favorite theme of those who justify the policy under which it has been carried on.

Here is the report on the iron and steel production of the United States for the year 1880, made to the Census Bureau by its special agent, Mr. Swank, and I shall call the attention of the committee to the effect which this high rate of protection has had upon the manufacture and prices of Bessemer steel rails. Mr. Swank is the secretary of the American Iron and Steel Association, and the editor of its organ, the Bulletin; and it is not unjust to him to say that his report is doubtless as favorable to their interests as he could honestly make it. From this report it appears that the number of hands employed in the Bessemer and open-hearth steel works during the census year 1880 was 10,835; the wages paid amounted to $4,930,349; the amount of capital invested, including all the real estate, was $20,975,999; total cost of material used, $36,826,928; and the total value of the product was $55,805,210. Deducting the total cost of labor and materials from the value of the product there is left the sum of $14,047,933, which is a small fraction less than 67 per cent. on the whole capital invested. It thus appears that while capital retains in its hands, after paying the whole cost of production, nearly 67 per cent., labor received less than 9 per cent. of the value of the product.

Until 1870 the duty on Bessemer steel rails was 45 per cent. ad valorem, but in that year the duty was changed by act of Congress to a specific rate of $28 per ton; and now let us see what has been the effect as to the reduction of prices. Here is a table showing the prices of steel rails in England, free on board, at the usual ports of shipment, from the year 1864 to the year 1882, and the prices of American steel rails in gold during the same years. From this table it will appear that, prior to the year 1870, the English prices of steel rails were falling at the rate of from $5 to $9 per ton per annum, and had reached the rate of $50.37 per ton in that year. During the next year, after the new duty had taken effect here, the average English price increased and was $54.99 per ton. During the year 1872 it was $67.64 per ton, and in 1873 it was $80.05 per ton. Then the general depression in trade began to affect the prices so that they fell to $68.05 per ton in 1874, and have continued to fall, with some fluctuations, until they are now, as appears by the last number of the Bulletin, $31.10 per ton. The price of American steel rails in 1870 was $91.17 per ton, and they went up constantly until 1873, when they reached $103.91 per ton in gold. During the general depression which prevailed in this country from the fall of 1873 to the close of 1878 they continued to fall here until they reached, at the lowest point, $42 per ton in gold, but they are now, according to the authority just quoted, $57 per ton for immediate delivery, being $25.90 per ton more than the English prices, which is only $2.10, less than the amount of the duty. It will also appear from this table that the domestic manufacturer of steel rails has at all times added to the price of his product a very large part of the duty imposed upon foreign importations, and in many instances has gone beyond it. So that in fact the effect of this duty has undoubtedly been to prevent the consumers of steel rails in this country from receiving the full benefit of the reduction in prices which has taken place elsewhere.

Mr. KELLEY. Has not the Government received nearly $20,000,000 on Bessemer rails brought into this country from England?

Mr. CARLISLE. I believe it has during a period of about eighteen years.

Mr. KELLEY. And has not the price of rails steadily diminished? And now let me add another question in this connection: Has not the English market for steel rails, and the demand for these rails which has sprung up in this country, more than duplicated our capacity to produce them? And as the price has fallen there we have extended the works in this country until this year, I believe, as was the case last year, America will produce more Bessemer rails than England.

Mr. CARLISLE. I have already shown the effect of the duty upon the price of rails here, and have quoted authority which will not be disputed, showing that the price of steel rails in England was being reduced year by year at the rate of from $5 to $9 per ton previous to 1870, when the new duty was imposed in this country, and that then the prices there and here began to increase and continued to increase until the great depression in the trade, which began in 1873. I cannot attempt to take up the various other highly protected manufactures in detail to show that in all of them our experience as to the effect of the system upon prices has been substantially the same as in the one to which I have called attention.

My friends and colleagues on the Committee on Ways and Means, the gentleman from Illinois [Mr. MORRISON] and the gentleman from Virginia, [Mr. TUCKER,] have both discussed this subject with great ability in speeches made here in 1876 and 1878, in which they supported their arguments by reference to a large number of protected articles, and I refer gentlemen who desire further information on this subject to those speeches. They have never been answered and I think cannot be. Their investigations of the subject demonstrated the fact that as a general rule the domestic manufacturer of protected articles adds nearly the full amount of the duty to the price of his product, and thus compels the consumer to pay a bounty to him instead of a tax to the Government.

But it is sometimes argued that even if it be admitted that the imposition of a high rate of duty increases the price of the domestic product, still it is better to submit to it than to abandon protection, because in that event some other manufacturing country, as England, for instance, will throw large quantities of its goods upon our markets and sell them at extravagantly low prices, until our own establishments are all ruined, and that, when this has been accomplished, prices will be raised even higher than under the protective system. My objection to this argument is that its premises have never been established. It is based entirely upon two assumptions, neither of which has any semblance of fact for its support. In the first place it is assumed that an abandonment or material modification of the protective system, as distinguished from a revenue system, would inevitably result in the destruction of the manufacturing industries in this country; and in the second place it is assumed that there would be no rivalry or competition for our trade; that all the manufacturing nations of the earth, except one, would stand quietly by and permit that one to take exclusive possession and control of the American markets and put prices up at its own will and pleasure. The first of these assumptions will be disposed of, I think, when I come hereafter to consider the questions of labor, interest, and taxation, which are the only elements in the cost of production that can reasonably constitute grounds for the alleged inability of American manufacturers to compete with their foreign rivals. As to the second assumption, that England or some other country would monopolize our trade and control our prices, it may be safely asserted that such a thing never has been done in the markets of any independent country since international commerce existed, and it never can be done while the great highways of the earth and sea are free to all nations.

The markets of a politically dependent country, such as Ireland or India, might be seized and controlled by the dominant power, and all others might be excluded from them; but no league, combination, or confederacy could possibly be formed that would give to one nation the exclusive right to trade with fifty millions of wealthy and prosperous people, living under an independent government of their own. Such a prize would be far more valuable than all the mines of precious metals now known to mankind. What do we see going on all around us to-day? We see a great commercial war raging all over the civilized world, a war for the possession of the markets in every country where there is anything to sell or anybody to buy; and this contest keeps the prices down except in those places where local or municipal regulations such as protective tariffs, licenses, and tonnage dues keep them up. The ports of China and Japan, after being closed for ages against the armed navies of the world, have been literally forced open and kept open by the adventurous spirit of commerce as it passed around the earth in search of new markets, and the result is that although the manufacturing industries of those far off Asiatic countries are almost in their primitive condition so far as the use of machinery is concerned, their people are supplied with American and European fabrics at reasonable prices, and, no matter what the theory may be, there is no reason to believe that the fact will ever be otherwise. The highest rate of duty imposed by the Chinese Government upon any class of cotton goods is 5 per cent. ad valorem, and the highest in Japan is 6 per cent., and even these rates, which would be spurned as insignificant by American protectionists, apply to a very small number of articles. This is about as near absolute free trade as any country can approach without a total abolition of all duties, and yet no one nation can seize upon the markets of China and Japan and put up prices as it pleases. But it is unnecessary to dwell on this subject. Every gentleman who has given a moment's thought to it must know that our markets can never be controlled by any one nation, and that therefore the apprehensions of gentlemen who think otherwise are entirely groundless.

If our manufactures really need protection at all against foreign competition in our own home markets, it is proper to inquire why they need it and to what extent they need it, and I think such an inquiry, fairly conducted, will conclusively show that the present rates are far higher than any circumstances could justify. But it is constantly asserted that the present rates of duty on manufactured goods must be maintained for the protection of labor in this country, and I desire to say a few words on that subject before considering the interests and necessities of the manufacturers themselves. After a very careful examination of the statistics of labor and wages in all the mechanical and manufacturing industries at the different census periods and under the various tariff systems, I think the advocates of protection may be safely challenged to prove that their policy has

been beneficial to the laboring-man. Let us see how his interests have been affected.

In the census year 1860, when the average rate upon all dutiable goods was 19 per cent. ad valorem, and the rate upon all goods, dutiable and free, less than 15 per cent., there were employed in all the mechanical and manufacturing industries in this country, consisting of more than six hundred different branches, 1,311,246 hands, whose wages amounted to $378,878,966; the capital invested was $1,009,855,715; the cost of material was $1,031,605,092, and the total value of the product was $1,885,861,676. Labor received a little over 20 per cent. of the value of the product. In 1870, after nearly ten years of high protection, the number of hands employed was 2,053,996, and the wages paid amounted to $775,584,345; the capital invested was $2,118,208,769; the total cost of material was $2,488,427,242, and the value of the product was $4,232,325,442. The excess of the product over the total cost of labor and material was $968,313,855, which was 45.7 per cent. on the whole amount of capital invested. Labor received only a little over 18 per cent. of the value of the product, nearly 2 per cent. less than in 1860.

Mr. KELLEY. Will the gentleman permit me just there to throw out a suggestion that in the latter instance capital paid for the steam-engine and the machinery, and they were not drawing wages? That will debit the one account and credit the other.

Mr. CARLISLE. Certainly. The machinery is a part of the capital, and the bone and muscle and skill are parts of the man; and I undertake to show here simply what proportion of the joint product they each receive under the two systems.

The full statistics of the manufacturing industries of the United States for the census year 1880 are not yet completed, but we have in Mr. Swank's report, before alluded to, the figures which I have already stated, from which it appears that, taking the iron and steel industries all together, the percentage of the product received by labor was 18.7, while there was left in the hands of capital, after paying all the costs of labor and material, a sum equivalent to 21.57 per cent. upon the amount invested. It appears that the average annual wages of each employé, including what is called the administrative force, such as clerks, superintendents, foremen, &c., who receive large salaries or high wages, was $397.51, being a weekly average of $7.57, or $1.26 per day. In the manufacture of woolen goods, in 1880, the average annual compensation per hand for labor and services of all kinds was $293, being $5.65 per week, or 93½ cents a day. In this industry, labor received only 17.7 per cent. of the product, while there was left in the hands of capital over 35 per cent. upon the investment. It appears, from the statistics of the cotton manufactures, that in that industry the average annual pay of the employés was $242.89 each, or $4.67 per week, being 78 cents per day; that is, the employés, skilled and unskilled, in this protected industry, including, as in the other cases, all the administrative force, receive as a weekly compensation for their services just 27 cents more than our consular reports show as the weekly wages of the unskilled agricultural laborer in poor, downtrodden Ireland, which, my friend from Iowa says, has been ruined by free trade.

In the production of pig-iron in 1880 labor received only 14.3 per cent. of the value of the product, while in 1860 it received 21.7 per cent., and in 1870 17.9 per cent. In the manufacture of nails and tacks, during the year 1870, labor received only a small fraction over 16 per cent. of the value of the product, whereas in 1850 it received 23¼ per cent., and in 1860 24¾ per cent.

But the relation of the cost of labor to the product of the manufacturing industries of the country and the effect which the protective system has had upon it, if in fact it has had any effect, can be ascertained better by presenting this subject in another aspect. Let us take all the manufacturing industries in 1850, as reported in the census, and we find that the hands employed numbered 966,969, and the total wages paid were $236,745,858, or $244.83 in gold, or its equivalent, to each hand. In the year 1860 there were, as before stated, 1,311,246 hands employed, and the wages paid were $378,878,966, or $287 in gold, or its equivalent, to each hand, while in 1870 the hands employed were 2,053,996, and the wages paid amounted to $775,584,345 in currency, being an average of $358.12 to each hand; but the currency was worth, according to the reports from the office of the Secretary of the Treasury, only 85.6 cents to the dollar, so that the $358.12 in currency was equal to $306.55 only in gold. It appears from these figures that the increase of the annual wages of each hand in gold was 18 per cent. from 1850 to 1860, during what is sometimes denominated the free-trade era, while from 1860 to 1870, the period of the highest protection we have ever had in this country, the increase was a little less than 7 per cent.

But let us see whether there was in fact any actual increase of wages in the year 1870 over the wages of 1850, and how the real substantial interests of the laborer in the manufacturing establishments of the country were affected. In the report of Hon. H. C. Burchard, Director of the Mint, laid before us at the beginning of the present session of Congress, we have a table showing the prices of the various articles in common use among the people for a period of fifty-six years, from 1825 to 1880, both inclusive. And from this table and one that follows it in the same report it appears that the prices of the necessaries of life were 32.8 per cent. higher in gold in 1870 than they were in 1850; that is, it appears that it required in 1870 $132.80 in gold to procure for the laborer and his family the same quantity of the necessaries of life that could have been procured for $100 during what gentlemen call the free-trade era, twenty years before.

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

Mr. CARLISLE. If the patience of the committee is not exhausted, I shall cheerfully yield to any gentleman who desires to ask questions.

Mr. HASKELL. The gentleman says that in 1870, under the protective tariff, the necessaries of life, which are the productions of the American farmer, were 33 per cent. higher than in 1850 under a low tariff.

Mr. CARLISLE. I did not state that the prices of agricultural products had increased 33 per cent., but that the prices of all the necessaries of life, taken together, had increased nearly to that extent.

Mr. HASKELL. I thought the gentleman did.

Mr. CARLISLE. I did not state anything in relation to the productions of the American farmer considered separately, but I referred to all the necessaries of life.

Mr. HASKELL. The necessaries of life are those which the farmer produces, and which the gentleman says were 33 per cent. higher in 1870 than in 1850.

Mr. CARLISLE. I did not undertake to state how much agricultural products alone had increased in price. There are other necessaries of life in this country besides bread and meat. It appears therefore, Mr. Chairman, that the purchasing power of the laborer's wages in 1870 was only $230.76 as against $244.83 in 1850, so that he really received $14.07, or nearly 6 per cent., less than when he was nominally paid a smaller amount of wages. I have here the statistics of labor and wages in all the various branches of mechanical and manufacturing industries for the three census periods mentioned, and if time would permit could take them up in detail and show substantially the same result in each, but this brief statement which groups them altogether is sufficient to show the general result. In some of them the wages were actually better in 1870 than in 1850, both as to amount and purchasing power; but taking them altogether, which is the only correct method of ascertaining the general effect of a policy, the result appears as I have stated it.

The gentleman from Iowa asked the question during his remarks, why it is, if the protective system is not beneficial to the laboring classes of this country, that so many people are coming here annually from the old countries in Europe? The fact is, Mr Chairman, that the wages of labor in the protective countries of Europe are lower, much lower, than in England, and that a larger number of people are coming here from those countries, according to their population, than are coming from England.

But the question might be answered by asking another. If the protective system is so beneficial to labor, why is it that the laboring classes and the enterprising young men of New England are deserting the protected industries of that section and going by the thousands to engage in the unprotected industries of the great West? Is it because there is a duty of about 40 per cent. on the cotton goods and an average duty of over 60 per cent. on the woolen goods produced in New England? Or is it because there is a duty of less than 13½ per cent. upon the wheat and less than 9 per cent. upon the corn produced in the West? Not at all, sir. It would be as erroneous upon my part to claim that this perpetual movement of population from New England to the West is to be attributed solely to these causes as it would be upon the part of gentlemen on the other side to insist that the thousands of people who are annually coming from the overpopulated countries of Europe to seek homes and employment on our shores are actuated by any considerations relating to our tariff system. It has no connection with the subject, and they do not stop for a moment to consider the rates of duty imposed by our laws upon imported goods.

There are many considerations which influence people to leave their native countries and come to America, but among them all our tariff system is the last that would suggest itself to the mind of the emigrant. Free institutions, cheap homes, equal social and political privileges, opportunities for the acquisition of wealth and for intellectual development, are attractive to civilized men all over the world, and if the circumstances surrounding them at the places of their nativity deprive them of these advantages they will naturally seek them elsewhere. Wages are generally higher here than in Europe, and they ought to be higher. It seems to me, Mr. Chairman, that there is a strange confusion of causes and effects in many of the arguments which we are accustomed to hear on this subject. To say that the protective system increases wages, and to say at the same time that protection is necessary in order to compensate for this increase, is simply to assert that the system requires protection against its own consequences. The truth is that the difference which has always existed, and must always exist between the rates of wages here and elsewhere, constitutes the principal ground, and about the only plausible ground, upon which protection can be asked. It is not the result of protection, but it is the ground upon which you ask protection, gentlemen.

Now, let it be conceded, Mr. Chairman, that the domestic manu-

facturers may justly claim such a discrimination in their favor in the adjustment of duties upon manufactured goods imported into this country as will compensate them for the difference between the rates of wages which they are required to pay for labor and the rates paid in competing foreign countries, in order to place them, in this respect, upon an equal footing with the foreign producer in our home markets; and then let us inquire to what extent the discrimination would have to be made in order to accomplish this. In the first place, however, it must be remembered that a discrimination which simply compensates for the difference in the cost of labor still leaves the domestic manufacturer a large advantage over his foreign competitor. The mere cost of transporting the foreign product to our markets, with the cost of ocean insurance and other charges, constitutes, without the duty, a large measure of protection, and this protection increases as the distance of the home market from the seaboard increases.

But, passing over this important consideration, let us see what is the rate of duty necessary to equalize the cost of production, so far as the wages of labor constitute a part of that cost; and in making this inquiry I shall include the cost of all the labor employed in the production of the finished article, beginning with the material in its crudest form. Our protectionist friends sometimes complain that we confine our statements to the cost of the labor necessary to convert the material from its last preceding form into the finished product, and that we omit the cost of the labor necessary to convert it into the various other forms through which it has passed. I think it can be clearly shown that in all cases where a separate and distinct duty is imposed upon the article at its various stages of manufacture, as for instance a duty upon iron ore, another upon the pig, another upon the bar, and so on to the last stages of manufacture, it is entirely correct when considering the last duty to consider only the cost of labor entering into the last manufacturing process, because the duty upon the previous forms or stages fully protects the labor represented by them; but in order that there may be no possible ground for complaint, I will include the cost of all the labor from the very beginning and compare it only with the duty imposed upon the finished article. Let us take for illustration a familiar article, merchant bar iron, an article in relation to which we have the most authentic evidence showing the cost of labor in its production.

According to the statistics of the production of iron ore, as given us by the census of 1880, the amount paid for labor of all kinds was $1.35 for each ton produced. It requires two tons of ore to make one ton of pig iron, so that the cost of labor in the quantity of ore necessary to make one ton of pig iron is $2.70. According to the same authority, the blast-furnaces in the United States produced during the last census year 3,781,021 tons of pig iron, and paid for services of all kinds the sum of $12,680,703, or $3.35 for each ton. It takes 1.3 tons of pig to make one ton of bar iron, so that the total cost of labor in the pig necessary to produce one ton of bar is $4.35. The various products of the rolling-mills are so intermingled in the census reports that it is impossible to ascertain from the tables what it costs for labor to produce a ton of merchant bar iron by itself, but during the present session of Congress, when the committee appointed by the New York tariff convention came before the Committee on Ways and Means, they were accompanied by a gentleman who stated that he was the president of the Amalgamated Iron and Steel Workers' Association of the United States, a labor organization; and, in response to a question put by me, he said that the amount paid to labor for making one ton of merchant bar iron was $13. Accepting that as a correct statement, we have the following figures:

Cost of labor in two tons iron ore	$2 70
Cost of labor in one ton pig iron	4 35
Cost of labor in one ton bar iron	13 00
Total	20 05

Now, Mr. Chairman, the duty on merchant bar iron under the existing law is $33.60 per ton, or $13.55 more than enough to pay the cost of all the labor expended in its production from the time the crude material leaves the earth until it is sent from the mill as a finished article. And, besides this, there is a duty of 20 per cent. on the ore, equal to $1.10 for two tons, and a duty of $7 per ton on the pig, making the aggregate duty upon all these forms of product $43.80.

Mr. KELLEY. I would inquire of the gentleman whether he has not omitted a large class of labor involved in the transportation of the materials to the points of consumption and distribution, the coal, the lime, &c.? I simply submit the question whether he has not made an omission there.

Mr. CARLISLE. Of course there is some labor expended in the transportation of the material to the market, as there is in the transportation of all other productions to the market. There is also some labor expended in the production of the coal and other material used in the manufacture of these various forms of iron; and if the gentleman could furnish me with correct figures on that subject I would cheerfully include them, because the cost of such labor in a single ton of bar iron is so inconsiderable that it would not affect the general result of my argument to any appreciable extent.

Those who advocate a high protective policy on the ground that it is necessary to enable the manufacturer to pay the increased cost of labor in this country have never claimed, so far as I know—and certainly they cannot prove—that the difference between the cost here and in England is more than 50 per cent.; that is, the cost of labor here in a ton of bar iron being $20.05, is $6.68 more than it is in England, and in order to enable the manufacturer to pay this he is protected at the expense of the consumer to the extent of $33.60, or more than five times as much. It appears, therefore, that 19.8 per cent. of the duty is required to pay for the difference in the cost of labor, and that 80.2 per cent. is appropriated to capital.

It seems to me that if anything connected with this subject can be demonstrated these figures, which cannot be successfully disputed, demonstrate the fact that the argument which we have heard so long and so often in favor of the present protective duties as a necessary support to certain kinds of American labor is without any solid foundation. When it is shown that less than two-thirds of the duty will pay for all the labor and less than one-fifth of it will pay the entire difference between the cost of labor here and elsewhere, gentlemen must certainly look for other grounds upon which to sustain their policy.

Mr. HEILMAN. I reckon the gentleman is more familiar than I am with the manufacture of bar iron in his city. Will he tell me how many manufacturers of bar iron have made fortunes in his city? Mr. Phillips, the largest manufacturer in his city, was well-nigh insolvent, though he did business to the amount of millions annually. What is the fortune he has made with this protection?

Mr. CARLISLE. I might ask the gentleman, if it is true that the manufacturing industries of this country failed, what benefit has the protective system been to them? [Laughter.]

Mr. HEILMAN. I will include the manufacturers in the city of Cincinnati. Of the iron manufacturers in Cincinnati, how many of them have made fortunes under this protective system?

Mr. CARLISLE. I have no inclination to go into a discussion of the private affairs of Mr. Phillips or of the corporation which succeeded him; but I am somewhat familiar with the affairs of that institution.

Mr. HEILMAN. I think you are.

Mr. CARLISLE. I will make this general statement, however, that for nearly thirty years, including about seventeen years of low tariffs, that establishment prospered and made money. But when the original proprietors died and it went into the hands of men who had less experience in the business, and when the great depression in the iron trade came on it failed, notwithstanding the high protective tariff.

Mr. HEILMAN. There are a great many others of the same kind. [Laughter.]

Mr. CARLISLE. A great many others. And I believe that one of the inevitable effects of this protective system is to encourage inexperienced and incompetent men to embark their means in these enterprises, not only to the injury of the great body of other manufacturers who are carrying on legitimate and well-conducted establishments, but to the injury of the investors themselves. Under this system periods of depression necessarily occur by reason of the extravagance, mismanagement, and overproduction which it encourages, and then the accumulated earnings of years in the hands of laborers and proprietors alike are swept away almost in an instant.

Mr. HEILMAN. That is a very grave charge.

Mr. CARLISLE. It is true nevertheless.

Mr. HEILMAN. The gentleman, I know, is familiar with the iron question, and I would like to ask him——

Mr. CARLISLE. I have answered the gentleman's question. A great many of these manufacturers have failed, and a great many of them will continue to fail, under the protective system, or under a revenue system, or any system that can be devised. All of these various kinds of business are at all times subject to the vicissitudes of trade, to the law of supply and demand, and to all the other causes which affect the profits realized by the industries and upon the commercial transactions of the country.

I desire to say at this point that while these interruptions are not at all disagreeable to me, what I propose to say to the committee during the remainder of my time consists mainly of the presentation of facts and figures which cannot be so well understood unless considered in a connected form. Gentlemen therefore will oblige me by not interrupting me more than is necessary. Besides this, I have already trespassed so long upon the patience of the committee that I feel it incumbent upon me, in justice to the committee and to myself, to bring these remarks to a close at as early a moment as possible.

Mr. Chairman, the only other grounds commonly relied upon in support of the existing system are that protective duties are necessary in order to compensate for the alleged difference between the rates of interest and taxation here and in other countries, especially in England, which is the great seat of manufactures, whose competition is most to be feared. Let us examine these grounds. At my request a statement has been prepared at New York, under the supervision of A. S. Hatch, esq., of the firm of Fiske & Hatch, showing the average commercial rates of interest at the banks and in the open market for the years 1880 and 1881 at London, Paris, Vienna, Berlin, Amsterdam, Brussels, and St. Petersburg, and the open market rates at Frankfort and Hamburg, and from this statement, which I will append to my remarks, it appears that at London, taking bank discounts

and loans in the open market, the average rate for 1880 was 2½ per cent., and for 1881, 3 $\frac{3}{16}$ per cent.; at Paris, in 1880, it was 2⅜ per cent., and for 1881, 3 $\frac{1}{16}$ per cent.; at Vienna, in 1880, it was 3½ per cent., and in 1881, 3¾ per cent.; at Berlin, in 1880, it was 3⅝ per cent., and in 1881, 4 per cent.; at Amsterdam, in 1880, it was 2¾ per cent., and in 1881, 3 $\frac{5}{16}$ per cent.; at Brussels, in 1880, it was 3 $\frac{1}{16}$ per cent., and in 1881, 3⅜ per cent., and at St. Petersburg in 1880 it was 5 $\frac{13}{16}$ per cent., and in 1881, 5 $\frac{15}{16}$ per cent. From the Financial Review, for the present year, an annual publication devoted to banking, commerce, and investments, I find that the average rate for call loans at New York in 1880 was 4.9 per cent., and for commercial paper 5.3 per cent.; average, 5.1 per cent.; for call loans, in 1881, 3.8 per cent., and for commercial paper, 5 per cent.; average, 4¾ per cent.

Now, if we take the very highest rate for the two years at New York, which is our financial center, and compare it with the very lowest rate in the financial centers of Europe, it will be found that 2½ per cent. covers the entire difference in interest; but in order to avoid any possible ground of complaint I will assume that the difference is 3 per cent. The question then is, what rate of duty can the American manufacturer fairly demand in order to compensate him fully for this difference in the rates of interest? The statistics show that in 1850 the annual products of all the mechanical and manufacturing industries in the country exceeded the whole amount of capital invested more than 90 per cent.; that in 1860 the excess was over 86 per cent., and in 1870 over 99 per cent. But in order to make a proper allowance for any excess in the amount of capital that may be required here over the amount of capital that may be required in the same industries elsewhere, let us assume that the average annual products of these industries exceed the capital invested only 50 per cent. Assuming this as a basis, then a rate of duty which enables the manufacturer to add 2 per cent. to the price of his product gives to him the additional 3 per cent. on the capital invested. Thus, capital being $100,000 and product being $150,000, 2 per cent. on this last sum is $3,000, which is equivalent to 3 per cent. on the capital.

It is thus shown, Mr. Chairman, that a rate of duty equal to 2 per cent. ad valorem is all that any industry in this country can reasonably ask on account of the difference in the rate of interest here and abroad.

As to the rate of taxation, the advantage is on the side of the American manufacturer as against his English competitor, and he needs no protection whatever on that account. There was a time, perhaps, during the war, when heavy internal-revenue taxes were imposed on the gross values of manufactured products, that the rate was against our producers, but it is not so now.

On this subject I beg leave to read from a speech made in this House by Hon. H. C. Burchard, on the 4th of June, 1878. Mr. Burchard then said:

To my surprise, I found that taxation is in our favor. In this country the subject of taxation is often spoken of. I often see it discussed in the papers. They say that on account of the high taxation in this country we must have a high rate of tariff. But taxation here is not higher than the taxation in England. Our national, local, and municipal taxation added together does not equal that of England, either per capita or per dollar of its wealth; but, to the contrary, the taxation is much greater in England than in this country. I have figures here that I have taken from the American Almanac, and I find that the taxation in this country, national, State, local, and municipal, as given by the census and latest returns, is much less than the national, municipal, local, &c., taxation in England.

The true value of the real and personal property of the United States in 1870 was reported by the Superintendent of the Census to amount to $30,068,518,507.

The taxation of the United States for the last years obtainable is, (American Almanac, 1878:)

National revenue	$279,000,587
States taxes	49,760,934
Local taxes, (census 1870)	212,540,223
Total	531,301,744
Per capita, (population 44,000,000)	$12.10
Per cent. on wealth	.01¾

A late valuable speech of the distinguished gentleman from Pennsylvania, Mr. KELLEY, contains a paper read by Mr. Ernest Seyd before the British Society of Arts, which presents the following statement of the wealth of the United Kingdom:

England's amount of wealth—assets.

1. Lands, say	£2,000,000,000
2. Houses, say	1,200,000,000
3. Movable household goods, say	600,000,000
4. National debt, £800,000,000, (not to be added)	
5. Railways, public works, &c	800,000,000
6. Active capital of £900,000,000, of which in goods	400,000,600
7. Currency, £170,000,000, (less bank-notes current, £22,000,000)	148,000,000
8. International wealth	1,100,000,000
Total	6,248,000,000

Which equals $31,240,000,000. The taxation of the United Kingdom is, national, $392,825,180. The local reported for England in 1873 was $121,475,665 on a population of 23,860,000, or $5.09 each, equal on population of kingdom to $172,000,000. Per capita on 34,000,000, $16.60. Per cent. on wealth, .01¾. The burden of taxation is therefore in favor of the American as against the English manufacturer.

Nothing can be added to this statement except to bring the figures down as near the present time as possible, and in doing this I give the gentlemen who differ from me the benefit of the statement that taxation in the United Kingdom has decreased per capita since 1873.

I assume, too, that local taxation in the cities, towns, and counties in the United States remains the same per capita as in 1870, when there is every reason to believe that it has been materially reduced by the extinguishment of debts and the funding of loans at lower rates of interest.

The local taxation in the United States in 1870 amounted to $212,540,223, or $5.51 per capita on a population of 38,558,371.

The same amount per capita in 1880, on a population of 50,155,783 makes	$276,358,364
State taxation in 1880	56,379,679
Customs duties collected	186,522,064
Internal revenue	124,009,373
Total	643,266,480

This is $12.80 per capita on a population of 50,155,783. The statistics of wealth in the United States, taken by the Census Bureau in 1880, have not yet been compiled, but the best estimate that can be made shows the total value of real and personal property to be about $43,300,000,000. On this basis taxation was 1.37 per cent. in 1880.

Now let us turn to Great Britain and see what the amount of taxation was there per capita and on wealth at the same time. The local taxation in Great Britain for the year ending March 1, 1874, as appears from the Statesman's Year Book, was £29,265,595, or $146,327,975, being $4.55 per capita on a population of 32,124,598. The same amount per capita in 1880, on a population of 34,505,043, makes the sum of $156,998,245.65.

The customs and excise duties for the year ending March 1, 1880, were £66,842,103, or $334,210,515, making a total of $491,208,760.65. This is $14.53 per capita, or $1.71 more than in this country. The aggregate wealth of Great Britain in 1878 was £6,248,000,000 according to Mr. Seyd; but according to the estimate of Mr. Giffin, in a paper read before the Statistical Society of London, it was £6,643,120,000. The average of these two estimates is £6,445,560,000, or $32,227,800,000, in 1878. Mulhall, who however is not very good authority, states that the wealth of the United Kingdom increased less than 2 per cent. during the whole decade from 1861 to 1871, but assuming that it increased 2 per cent. in two years, which I think is a fair estimate, the total wealth in 1880 was $32,872,560,000. On this the taxation was 1½ per cent.

Now, sir, the result of these investigations as to the extent which the cost of labor and the rates of interest and taxation affect the total cost of production in this country, as compared with others, shows very clearly that any rate of duties on imported goods which will enable the Government to collect the amount of revenue it must have from that source will secure to our manufacturing industries all the protection they can possibly need. Our manufacturers therefore are in no danger from any policy that is likely to be inaugurated at this time, or at any time in the near future. They ought not to complain if our legislation is so directed as to give them equal opportunities, and equal advantages with all the other industries of the country.

It is no part of the duty of the Government to use its powers for the purpose of giving advantages to any particular interest over another; but in legislating upon subjects which come within the scope of our power and duty, the best policy is that which will most rapidly develop and utilize all the productive forces of the country. There are many ways in which this can be done without violating any principal of good government or doing injustice to any part of the people. One of the most efficient means of stimulating production is to increase the facilities for carrying on trade and commerce, because men will not produce if they cannot profitably dispose of the products of their labor. Every restriction upon trade has, therefore, to a greater or less extent, a tendency to diminish production and to prevent the distribution of the comforts and necessaries of life among the people. We are all agreed, however, that a certain amount of revenue necessary for the support of the Government must be raised by the imposition of duties upon imports, and so far as such duties may have a tendency to interfere with a free exchange of products, the consequences are unavoidable. But the interference should not extend beyond the actual necessities of the case. Unnecessary restrictions destroy markets, ruin commerce, and, as I have said, impair and diminish production. Artificial inflations of prices, no matter how they may be accomplished, reduce the demand, arrest consumption, oppress the poor, and ultimately paralyze the productive power of the country. What, then, is the true policy of legislation upon this and all kindred subjects? I think that a policy which gives to all a fair chance in the great contest for wealth, and for social and political distinction, is the only one that will fully develop the material resources of the country and awaken all the energies of its people; and more than that, it is the only policy consistent with the principles of free government. We are not without the benefit of experience upon this subject, not English experience, but American experience.

There never has been such a period of general prosperity and growth in this or any other country as that extending from 1850 to 1860, when we had, not free trade, but a tariff for revenue with such incidental protection as necessarily resulted from the imposition of

moderate duties upon imported goods; a tariff under which the average rates during the whole period on all dutiable articles were less than 23 per cent., and on free and dutiable only 19 per cent. It was the golden era in our history notwithstanding the financial disturbance in 1857, from which the country recovered in a single year. Agriculture, manufactures, commerce, the arts and sciences, the social condition of the people, and the advance in population and aggregate wealth, made such progress as has never been made before or since. There have been other periods when particular or special industries, fostered by law at the expense of others, have temporarily prospered to an extent beyond the general average of the decade I have named, but grouping all our great interests together, and viewing them as the common possessions of the whole people, we can find nowhere else in all the history of industrial progress a period so well calculated to arrest the attention of a legislator who desires to promote the welfare of the whole country.

Mr. Chairman, it is our duty to legislate for all, and not for a part; to encourage all if we can, and to injure none if we can avoid it. Such a course will develop every industry of the country, do justice to all its people and demonstrate to the world the wisdom and beneficence of the free institutions under which we live. We have now an opportunity to enter upon such a course, and we ought not to let it pass away from us.

I owe the committee many apologies for the unusual length of my remarks, and profound thanks for the patience with which it has listened to them. [Great applause.]

APPENDIX A.

Year.	Price in England, free on board.	English price.	Price of American steel rails in gold.	Difference in price.	Rate of duty.	
					Per cent.	Per ton.
	£ s.					
1864	17 12	$85 65	$148 50	$62 85	45	.....
1865	16 7	79 56	127 50	47 94	45	.....
1866	14 10	70 56	117 50	46 94	45	.....
1867	13 10	65 70	113 28	47 58	45	.....
1868	12 12	61 32	105 00	43 68	45	.....
1869	11 6	54 99	97 38	42 39	45	.....
1870	10 7	50 37	91 17	40 80	45	.....
1871	11 6	54 99	91 18	36 19	.....	$28 00
1872	13 18	67 64	98 43	30 79	.....	28 00
1873	16 9	80 05	103 91	23 06	.....	28 00
1874	13 2	68 75	85 76	17 01	.....	28 00
1875	9 2	44 28	59 75	14 97	.....	28 00
1876	6 12	32 12	44 97	12 75	.....	28 00
1877	6 0	29 20	42 08	12 88	.....	28 00
1878	5 5	25 55	42 00	16 45	.....	28 00
1079	5 10½	26 88	48 25	21 37	.....	28 00
1880	7 1½	34 36	67 50	33 14	.....	28 00
1881	6 10	31 53	60 00	28 47	.....	28 00
1882	6 7½	31 10	57 00	25 90	.....	28 00

B.—*European rates of discount per cent. per annum*, 1880, *and* 1881, *distinguishing the minimum rate (for two and three months best bills) prevailing at the national banks and also in the open market.*

[Compiled from the London Economist Weekly Reports nearest the first of the month.]

Cities.		First of months, 1880.												First of months, 1881.											
		January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Average.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Average.
London	Bank rate	3	3	3	3	3	3	2½	2½	2½	2½	2½	2½	2½	3	3½	3	3	2½	2½	2½	2½	4	4	5	5	3⅝
	Open market	2⅞	1½	2¾	2½	3	2⅜	1⅞	1⅞	2⅛	2⅛	1⅞	2⅛	2⅛	2⅜	3⅜	2½	2⅜	2⅜	2⅜	1⅞	1¾	3¾	3⅜	3⅞	3¾	2⅝
Paris	Bank rate	3	3	3	2½	2½	2½	2½	2½	2½	2½	3½	3½	2½	3½	3½	3½	3½	3½	3½	3½	3½	4	4	5	5	3⅛
	Open market	2⅜	2½	2½	2⅜	2¼	2¼	2¼	2¼	2¼	2¼	3¼	3¼	2⅜	3⅜	3⅜	3⅜	3⅜	3	3¼	3¼	3¼	3⅜	3⅞	4	4⅛	3⅜
Vienna	Bank rate	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
	Open market	3⅝	3½	3½	3	3	3½	3½	3½	3½	3½	3⅞	3½	3½	3⅜	3⅜	3	3	3	3⅜	3⅜	3½	4	4	4	3⅞	3½
Berlin	Bank rate	4	4	4	4	4	4	4	4	4	5½	4½	4	4½	4	4	4	4	4	4	4	4	5	5	5½	5	4⅝
	Open market	3¾	2⅞	2½	2½	2⅞	2⅜	3¼	2⅝	3⅜	4⅞	3½	3½	3⅜	3⅜	2½	2	2⅜	2⅞	2⅜	3½	3½	4⅜	4⅝	4⅝	4⅜	3⅝
Frankfort	Bank rate																										
	Open market	3¾	3	2⅝	2⅝	3⅜	2¾	3⅛	2¾	3⅜	5½	3¾	3½	3½	3⅞	2¾	2	2⅜	3	3	3⅜	3⅛	4½	5	5	4¾	4
Amsterdam	Bank rate	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	4	4½	3½
	Open market	3	2¾	2½	2⅜	2¾	2¾	2¾	2¾	2⅜	2⅞	2¼	2¼	2⅜	2¾	2⅜	2⅜	2¾	2⅞	2¾	2⅞	2¾	2⅞	3	4	4½	3
Brussels	Bank rate	3½	3½	3½	3½	3½	3½	3	3	3	3	3½	3½	3½	3½	3½	3½	3½	4½	4	3½	3½	4	4½	5½	5½	4
	Open market	2⅜	3½	3	3	2⅞	2¾	2⅜	2⅜	2⅜	2⅜	3¼	3¼	2⅞	3¼	3¼	3½	3	4	3⅜	3⅜	3⅜	3⅞	4½	5½	5½	3¾
Hamburg	Bank rate																										
	Open market	3½	3	2¼	2½	2¾	2½	2¾	2⅝	3¼	4⅝	3⅞	3⅜	3	3⅜	2¾	1⅞	2½	2⅞	2⅜	3½	3	4⅜	4¼	4⅜	4⅜	3 7/16
St. Petersburg	Bank rate	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
	Open market	6⅛	6	6	6	5¾	5	5	5⅛	5	5	6	6¼	5⅝	6¼	6	5¼	5	4¾	4½	4¾	5¼	5½	5½	6	6¼	5 7/16

Chinese Immigration.

SPEECH

OF

HON. EDWARD K. VALENTINE,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. VALENTINE said:

Mr. SPEAKER: There has been no question before Congress since I have been a member of the House that has attracted more attention than the one now under consideration. Unusual attention has been accorded the gentlemen who have spoken on the pending bill, and I am glad, Mr. Speaker, to note this fact, as the step about to be taken in the adoption of this measure is one that attracts not only the attention of this country, but that of a civilized world. Should this bill become a law a distinctly new departure will be taken by the United States; a limitation will be placed upon the coming to this country for specified purposes of a class of people from a foreign nation now at peace with us and maintaining with us commercial relations by treaty stipulations.

While, Mr. Speaker, it must be admitted that the passage of this bill is a new departure on our part, I yet insist that the object sought thereby is not a new one in the policy of this Government. The Government of the United States from its very foundation has maintained a policy of protection to its laborers and its material industries by levying a tax upon importations of goods from foreign countries. This method has been found beneficial to the whole people, and sufficient amply to protect our laboring classes from the effect of foreign cheap and pauper labor. Now we are called upon to deal with the pending question in a fashion much the same. While England and other European countries have contented themselves with sending agents and gold into this country with a view of influencing our citizens to the adoption of free trade, China with its 450,000,000 souls has pursued an entirely different course. China makes no complaint at our tariff laws, (she has but little to sell in our markets,) but she sends by the thousands her pauper, uneducated, and antagonistic laborers to compete directly with the laborers of this country. And this—the protection of American industry from an unfair and inimical competition—is, as I understand it, the question to be met and acted upon by this House in the consideration of this bill.

The question of the exclusion of the Chinese from this country is not a new one. It has been agitated for several years, and it had grown to such importance in 1880 that both, ay, all, political parties found it necessary to place a plank in their platforms upon the question—a plank in sympathy with the protection of labor, a plank in sympathy with the idea of restricting the immigration of the Chinese. A bill on this subject passed both Houses of the Forty-fifth Congress, but met with a veto from the President for the sole reason that it was in violation of existing treaties between this Government and the Chinese Empire. Since that time a new treaty has been entered into between China and this Government touching this subject, namely:

ARTICLE I.

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or

suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers, who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith such measures will be communicated to the Government of China. If the measures as enacted are found to work hardships upon the subjects of China the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

From the language of this treaty it will be seen that we have the right to "regulate, limit, or suspend," but not the right to prohibit. It is argued by gentlemen that the provision of this bill which suspends the coming of the Chinese laborers for twenty years is in violation of this treaty. It will be observed that the treaty requires that the suspension be reasonable. What is reasonable? What may seem reasonable to us may not seem so to the Executive, and what may be determined as reasonable by the United States may seem unreasonable to the Chinese Empire. Amendments are pending to suspend for ten and for fifteen years. If either of these should be determined as more reasonable than twenty years, I shall be content, and vote for the bill. But to my mind twenty years is not unreasonable.

One of the grandest of the ideas that constitute the policy of this Government, an idea adopted early in our history and maintained to the present day, is encouragement to immigration. For more than a century we have stood with outstretched arms, bidding the rich, the poor, the down-trodden of every nation welcome to America. To the farmer we have promised freedom and a home, to the artisan, the mechanic, the laborer, freedom and good wages. In return all that we have asked has been that he should obey our laws, that he should help us maintain the liberty of our institutions, and that he should contribute his share to the securement of the education of his own and his neighbor's children, that the stability and the perpetuity of our Republic might be assured. Should we ask these things of the Chinese, who is there audacious enough to say that we would receive them? In our invitation to the foreign-born we do not wish to favor those of one nation to the exclusion of another; but when the immigrant has arrived here, we desire that he become a citizen of America. We cannot consistently invite to citizenship a race of aliens who can assimilate neither our thoughts nor our customs. Such a race is the Chinese. The thirty years of their coming and going has demonstrated this.

Nearly all of the Chinese in this country are upon the Pacific slope, a large majority of them being in the State of California. It is therefore the people living in that locality who are most directly interested in this bill, and in the interpretation to be placed upon the word "reasonable." Every one here, those opposed as well as those who favor the bill, admit that the nature and habits of the Chinaman are such that he can and does labor in this country at wages wholly inadequate to the support of our own laborer. Therefore the Pacific States and Territories are deprived of that immigration which other portions of the Union are enjoying. Suppose the amendment offered by the gentleman from Iowa [Mr. KASSON] to suspend for ten years shall prevail, what will then be the effect upon the immigration to the Pacific States? The laborer who desires there to better his condition, to make for himself and family a home, to educate his children, will be deterred from so doing by reason of the shortness of the suspension, rightfully arguing the uncertainty of future legislation, and the probability of his being brought in competition with this servile pauper labor about the time he has gained a foothold and an opportunity. No, Mr. Speaker, when we consider this term of suspension in the light of the facts and the duty we owe the people of the Pacific States, we certainly must say that twenty years is not unreasonable.

It is argued by some gentlemen that the passage of this bill is wholly unnecessary, that we have not too many laborers in the United States, that there are not too many in California. Now, Mr. Speaker, I agree that there are not too many laborers in this country, but I insist that there may be too many of a certain class. I refer to servile labor. This country has had a sufficient lesson upon the question of servile labor. It has cost us so many valuable lives and so much of our treasure to get rid of one class of servile labor that no really patriotic citizen can tamely submit to even an approximate repetition.

The gentleman from Ohio, [Mr. TAYLOR,] speaking upon this subject a few days ago, referring to Chinese cooly labor, said:

How is it that this labor is injuring anybody? The truth is, as I apprehend, that these men come here not to stay. I do not suppose that they intend to assimilate, that they intend to make this their home. I am inclined to think that the statement of the gentleman from California [Mr. PAGE] was correct, when he said that if they did desire to become naturalized it was for the purpose of carrying on their business more safely. I am inclined to think and am informed and understand the fact to be that these men are selected from the families to which they belong—and they are lovers of families in China—one of a family is selected to come here and earn something and carry it back and better himself and his family. Now if he does that, is he doing this country any harm?

My answer to that question is, yes. He who doth the humblest of its citizens harm doth harm the country. The American laborer, be he native or foreign born, is expected to, and does, maintain a family. He educates his children. He pays cheerfully his tribute to the support of local, State, and national Government. He supports our churches, our institutions of education and charity. More than this: he stands ready at all times to defend his country against its enemies even to the sacrifice of his life. With all these duties of citizenship and civilization heavily upon him, is it fair, is it just, is it reasonable to compel him to compete with a race of men who can have none of his responsibility, who can appreciate none of his patriotism, and to whom his comparative refinement is a matter neither admired nor understood? The gentleman from Ohio further says, "Protect labor by a tariff against the foreign laborer. That is right." And so I say. I agree with the gentleman in this particular. I believe it to be the duty of the American Congress so to protect the industries of this country that the laborer may be enabled to secure for himself and family a living and an education, fitting them to perform their part of the duties required of the citizens of a great republic.

But, referring to the Chinese laborer in this country, the gentleman further said, "He comes here and sells his labor, which is worth twice as much as he gets for it." And then he proceeds to argue that this is right, humane, and just to our citizens; that the pauper labor may be brought from a foreign land in bands, in hundreds, in thousands, and placed in direct competition with our own citizen labor, without infringing upon the latter in even the slightest degree. I am at a loss to understand how the gentleman can harmonize these two statements. I utterly fail to do so. He argues that it is right to protect the American laborer against the foreign laborer by the imposition of the tariff, and then proceeds to the conclusion that it is right to permit this foreign laborer to come here to compete, leaving family at home, carrying back money earned, never contributing to the support of our Government, and at no time possessing a desire to become one of us. I say exclude such a class, from whatever country they come or propose to come. The gentleman further said:

My own district—and in that respect I am not unlike other gentlemen here, some of whom I see are sympathizing with this bill—my district is full of men that work in the mines and that work in the mills. Do I suppose that these Chinese in California interfere with their labor? Go and ask them what they think of my wish in that regard.

Now, sir, suppose some enterprising Yankee should go to England and hire five or ten thousand laborers for a term of five years, procuring their services so cheaply as to enable him to underbid the present employés in the mines and mills spoken of by the gentleman as being in his own district. Suppose that these temporary immigrants had left their families in England and intended living here only during their employment, having no lot or sympathy with us or our institutions. Suppose that their coming displaced an equal number of the gentleman's constituents, who were compelled to lose their employment or to work for an amount wholly inadequate to the support of their families and the education of their children. What would be the wish of the honorable gentleman in that event? What would be his duty to his constituency then? What would be his duty to the country as a Representative in this House? How many better immigrants of the laboring classes would seek homes in his district? And yet, Mr. Speaker, should this state of affairs exist there to-day it would be utterly unworthy of a comparison with the terrible state of affairs now existing in California and other Pacific States.

Imagine, if you can, two rooms 10 by 25 feet, 7 feet high; two rooms which constitute the interior of a house with a flat roof, covered with clothes-lines. On one side of the partition that divides one room from the other seven Chinamen are at work laundrying clothes; on the other side are a dozen of them, some asleep, some cooking their rice, some awaiting their turn in the laundry-room. These people labor in squads of seven, and when one squad leaves another goes to work, so that they utilize every hour of the day, and every day of the week. This picture is hasty and incomplete; but so far as it goes it is a faithful representation of the labor and the laborer you are asking the intelligent men of this country to compete with.

But the gentleman from Ohio says, "Do not hire them if you do not desire them to stay."

Among the encomiums that can be placed upon the commercial life and characteristics of this nation, there is none more beneficent than the assertion that capital and labor are here entirely free. Capital is free to offer, labor free to accept or reject. There is no compulsory wage, there is no compulsory wage-earner. So long as this freedom can be maintained our comparative peace and prosperity will

be guaranteed. Can this freedom be sustained by the introduction of Chinese labor? Competing against degradation, can the American mechanic or artisan place his labor upon the market with the faith that he will receive a civilized price for it?

Mr. Speaker, this question of capital and labor is an old and embarrassing one; it is a question upon which we may be called to legislate in many ways. In all our legislation let us seek so to ally the one element and the other that a mutual support will be guaranteed. For capital it may be said that it is heartless, that no legislation is needed for its protection, that it exists to enlarge itself, that it will purchase labor at the lowest possible price. So long as this capital finds in the market naught but intelligent labor this nation may fairly count upon prosperity; but when this capital searches out and employs servile and degraded labor the equilibrium is destroyed. My friend says, "Do not hire them;" capital says, as it will forever say, "We shall secure the cheapest labor possible." What will the gentleman do? Will he introduce a bill prohibiting capital from employing servile labor? He will then destroy the freedom of capital. Will he propose to regulate the wages which the Chinaman shall receive? He will then destroy the freedom of labor.

There is only one way. The gate, it seems to me, must be closed. Commercial sense demands it, patriotism demands it, civilization demands it, charity demands it. We can legislate now to prevent an evil which, once introduced, I fear no legislation could eradicate. It is our opportunity to do justice to the American laborer, and injustice to no one. It is our opportunity to secure to our labor respectability and to its posterity education and refinement. It is our opportunity once more to guarantee to every poor man and to every poor man's boy a great and glorious possibility of power and nobility and renown.

Chinese Immigration.

SPEECH

OF

HON. DANIEL ERMENTROUT.

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. ERMENTROUT said:

Mr. SPEAKER: The debate on this bill has taken a wide range, involving the origin, characteristics, and history of races; involving much of sentiment and glittering generality. Parallels have been attempted to be drawn between the Mongolian race as it exists here and alien races on other soils; notably and in two instances, by gentlemen who have addressed the House, in the case of the Moors in Spain and their expulsion. No such parallel can be justly drawn, because the conditions are not similar. The Moors acquired Spain by conquest for purposes of empire. They went there to stay, taking with them their household gods. They were a race cast in an entirely different mold from the cast-iron mold of the Chinese. The civilization of the Chinese has been so hardened by the baking of thousands of years that all the forces of all other civilizations have failed to make any impression upon theirs.

He who will read in the pages of Irving's Conquest of Granada of Moslem wealth, valor, and intelligence, of the chivalrous gallantry which prevailed between the sexes, and of the luxury that was common among them, will conclude that he who mentions them in the same breath with the degraded cooly or the still more degraded being exhibited in the stalls of Chinese prostitution in San Francisco has read history to little purpose. We are called on to face no such results as followed the expulsion of the Moors from Spain by the operation of this bill. It does not call for expulsion; it is a bill to exclude a servile class from further entering into competition with American labor on our own soil. As has been so often said, 30 per cent. of the adult male population of California are of these laborers. What is their contribution to the permanent material, social, moral, and political prosperity of the country compared with that of all other classes in equal degree of immigrants to this country? Not a drop in the bucket. As against the 9,000,000 other laborers in the land it is impalpable. The fruits of their labors are hoarded and transplanted to their homes in China; even the bones of their dead find no abiding place but there, and there are their hearts also. They buy no lands here, they beget no children here, they build up no homes here, and without these all history teaches us love of country can take no firm root in the bosoms of any people.

These causes, inherent in the Chinese themselves, would be sufficient reason for the bill. But more. Of all duties devolving on the legislature of a free nation none is more imperative than the elevation of the social, moral, and political condition of those who earn their living by manual labor. The emancipation of the negro slave knows no higher justification, in its moral aspect, than the elevation of labor. Why? In this free country to elevate labor is to elevate the national character. It is to elevate ourselves. The men who in this country have done most good in their day and generation, who have risen to the highest eminence and left the deepest impress in its better sense upon America, yes, upon all humanity, have risen mainly from the ranks of humble toil. To-day the country, as the logical and natural growth of that sentiment, is full of large and powerful organizations, having for their cardinal principle the elevation of labor. Over-zealous individuals may adopt wrong methods and act inopportunely in the enforcement of such object. But the underlying thought is right.

I affirm that no sincere lover of American liberty will hesitate to cut out of our system and our national, moral, political, and social life any and every thing that prevents the workingman of this country from advancing to knowledge, from securing to him the fruits of his labors, whether they be more leisure for mental improvement, enhanced social advantages, benefits, and privileges, or more personal and family comfort. For these things this Government, all legitimate government, was ordained by the Almighty. These alone make it worth loving, defending, perpetuating.

Now, let loose upon the American adult male population 30 per cent. of Mongolian adult males. You who live away from the Pacific slope take this home to your State, your city, your township, your school district. You will then realize somewhat the loud call that comes to us from the Golden Gate. Not alone from the Golden Gate, but from every toiler in America, for such a calamity is not only possible, but probable, if this immigration is allowed to go on, fostered and protected by law.

The existence of the Morey letter, about which so much has been said, is proof that it voiced the opinion of somebody. It will not do to deny that there are large and influential interests in this country, represented by individual as well as corporate capital, which would go to any length they dared to employ their labor without dealing directly with the worker himself. This opportunity is afforded in the Chinese cooly system. It is a contract system for letting out the labor of convicts and slaves. They say the Chinese Empire will be insulted by the passage of this bill. No just grounds exist for this. The arguments of the gentleman from Maryland [Mr. MCLANE] and of the gentleman from Virginia, [Mr. TUCKER,] in my judgment, are conclusive that this bill does not violate either the spirit or letter of the treaty in the clause providing that the limitation or suspension of Chinese immigration shall be reasonable. A suspension of twenty years is reasonable, because necessary, in the unanimous judgment of a community which has had experience. The permission to suspend was the act of the Chinese Empire in the most solemn form known to the law of nations.

There is therefore no ground for being insulted, but if insult must come, I prefer that the whole world should be insulted rather than the free citizens of America. I believe that in voting for this measure we are protecting the people upon whom the country must rely for its protection in war and prosperity in peace. We are not only obeying the dictates of the highest American statesmanship, but that divine instinct of self-preservation implanted in every human bosom, which is above all statesmanship; which is ever a truer guide for the national conscience than the metaphysical abstractions of political sentimentalists.

Army Appropriation.

SPEECH

OF

HON. HENRY L. MOREY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 5, 1882,

On the bill (H. R. No. 5559) making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes.

Mr. MOREY said:

Mr. SPEAKER: I have proposed an amendment to this bill providing for the payment of the Morgan raid claims, in accordance with the findings of the commissions appointed by the States of Indiana and Ohio to examine and report on the same. I claim, sir, that this ought to be done, and that these particular claims growing out of that expedition ought to have been paid long ago, and that they ought now to be paid without further unnecessary delay. Any legislation that will facilitate and hasten the transaction of the public business, and which at the same time conserves public and private rights, is desirable, and ought to receive the favorable consideration of this body. The amendment which I offer is, I submit, of that character, and ought to be adopted.

The Government ought to deal justly with its citizens and mete

out speedy and inexpensive justice to its people. Those who contributed their substance to its defense ought not to be made weary with waiting for that which is justly due to them by every consideration of justice and equity. Nineteen years have passed since John Morgan, the famous guerrilla chief, made his great raid through the States of Indiana and Ohio, sending terror before him, plundering as he went, and leaving disaster, ruin, and loss to many of the citizens of those States in his wake.

The officials of both those States, as well as their citizens, were confronted by an emergency that demanded every sacrifice by the individual citizen and prompt, vigorous, and aggressive action by the authorities as well. The exercise of all the powers incident to a state of war and demanded by the presence of a great and impending danger were justly invoked to ward off the imminent peril that confronted the people, the State, and the Government itself. Those who contributed their property, their horses, cattle, hay, and corn, or of whatever kind, to expel the foe from our soil and defeat the objects the raid was intended to accomplish in behalf of the confederacy, the Morgan raid claimants, ought to be reimbursed for their losses, and they ought to be reimbursed at once, as soon as the same can be done consistent with justice both to the Government and the claimants themselves. The amendment I propose, in my judgment, will accomplish that end.

The expedition of John Morgan compassed results which, if attained, would have tended to change the whole course of the war, to add to its horrors, especially to the North, and to postpone that triumphant end of all hostilities in favor of the Union to which all patriotic citizens looked forward so earnestly. During its progress the campaign in Pennsylvania and Maryland, which made Gettysburgh one of the most renowned battle-fields in all history, was had. The whole world looked to the issue of that battle between the two great armies of the North and South in the East. On its issue depended the realization of the bold conception of the confederate generals that would have transferred the seat of war from Southern to Northern soil, and would have visited on our people in the North its countless horrors and disasters and the loss and destruction of property that follow in the wake of an army in the field.

The objects of Morgan's raid contemplated a "counter revolution in the Northwest," to be recruited from the ranks of the Knights of the Golden Circle and Sons of Liberty; the capture of Cincinnati itself, with its immense supplies of Army stores and equipments; the prevention of re-enforcements being sent to our armies and the disheartening of the friends of the Union throughout the North by invading her soil and bringing the armies, with all the horrors that follow in their track, to her doors. The States of Indiana and Ohio were not prepared with organized forces to meet and resist this invasion. Nor did the United States have within reach forces for that purpose. The public safety was in the hands of these people; the public defense depended upon them. The militia were called out, and such United States troops as were available were ordered to the scene of action. Volunteers were called for, and Morgan had no sooner crossed the Ohio River than he was both confronted and pursued by the Union forces and volunteers thus collected together. Cut off from his base of supplies, it was necessary that he should forage in the country. That was his object and his purpose. He intended that the loyal citizens of Indiana and Ohio should provide his command with good horses, not jaded and worn out by long and hard campaigning; that the scanty supplies of his soldiers should be replenished from the granaries and bins of her people.

The property of the people who lived on the line of his march was taken not only by Morgan and his men to enable him to press on in his intrepid and daring undertaking; it was taken everywhere by our own Government and by the State militia to enable them to harass, hinder, and delay him and in the end to capture or drive back his force, which threatened not only the homes and the property of those who resided in those counties through which he took his course, but the safety of the whole people and the interests and good of our whole country. The sacrifices of these people were for the whole country. In Indiana property of her citizens was taken or destroyed by the confederate forces to the amount of $331,288.17, and in Ohio the amount of property taken by the confederate forces or destroyed by them was $428,160. These great losses sustained by our people fell with crushing weight upon some, and were grievous and burdensome to all who sustained them. They have not been reimbursed to the losers except in a few cases. Where the United States were shown to have recaptured the lost property and to have had the benefit of it, the claimants were repaid by the Government.

This large amount of property taken and destroyed by the enemy in these two States in their great raid, aggregating more than three-quarters of a million of dollars, is a contribution, a patriotic sacrifice, by patriotic citizens, to the common defense in which all were interested and the benefit of which all enjoyed alike. A large amount of this great loss was for horses taken from our citizens by Morgan, and which were actually captured back by the United States forces and appropriated and used by the Government, and for which the owners have never been paid because the particular claimant is unable to furnish the proof that his particular animal was so recaptured and appropriated by the Government.

But, sir, all men knew—because it is history—that a mere remnant, a mere handful of Morgan's men, escaped capture. But a few horses were taken by them back into Kentucky. Morgan's horses and Morgan's men were captured by our troops, and the horses that Morgan took from our people were taken in turn and used by our own troops. They, too, ought to be paid for, because the Government in the end got the use and benefit of them.

While it may be true that the Government will not reimburse its citizens for property captured or destroyed by an enemy in time of war, it certainly will not hesitate to pay the owner for that property if it afterward captures it from the enemy and appropriates it to its own use.

But, sir, I only refer to their greater losses by the act of the enemy to impress upon this House a sense of its duty, of its imperative obligation to reimburse its citizens for the property which the Government itself took from them in its extremity; and in its effort to overthrow and capture the enemy whose daring had enabled him to conceive and attempt to achieve results which would have been fraught with disaster to the people of the North, and would have greatly retarded the Union cause. Since, sir, we cannot have pay for the property taken by the confederate forces, or destroyed by them, let me invite your attention to the amount and value of the property taken by the Union forces in pursuit.

In the State of Indiana the United States and State forces took property of its citizens to the amount of $82,286.31, and in the State of Ohio the United States and State forces took property of the citizens amounting in value to the sum of $148,057.

Why have these claims not been paid? Is there any good reason why they have not? Is there any good reason why they should not now be paid? Sir, I think there is not. They cannot be said to be excessive. The aggregate of all losses both by confederate and Union forces is less than $1,000,000. Morgan is said to have had more than six thousand men north of the Ohio River. They were veteran soldiers on the march. There are many men on this floor whom experience teaches how difficult it is to stay the progress of a column of armed men. Many times their number were called into service and equipped to retard and pursue him, and, sir, when we consider the vast number to be mounted, and the vast amount of supplies to subsist the pursued and the pursuers, the small aggregate of their claims must, sir, be an evidence of their justness and moderation.

But, sir, when we turn from a consideration of their aggregate amount, and consider the small aggregate of claims for property taken by the Union forces, and the remarkably small amount of each individual claim, it must be apparent that there is every reason to consider the Morgan-raid claims just and reasonable.

I will, sir, call attention in detail only to those of my own State, which was the greater sufferer. In both States commissioners were appointed to investigate these claims, to hear testimony, to ascertain and find the fact and amount of the respective losses. These commissioners were appointed in 1864 in Indiana and in 1865 in Ohio, I believe. And, sir, their investigations and settlements were made with a view to the payment of these claims by the respective States.

The gentlemen composing the commissions were men of high character and ability. They had the interests of their States to protect, as well as to do justice to their citizens, and there can be no question that it was fairly done, and that their findings are entitled to the fullest weight and credence. The claims allowed by the commission in Ohio are as follows:

County.	No. of claims.	Aggregate.	Average.
Butler	34	$5,691	$168 60
Clermont	164	20,929	121 50
Clinton	2	256	128 00
Warren	1	85	85 00
Hamilton	154	20,094	130 50
Other counties in the State where losses occurred	1,324	101,002	76 29

In Ohio especially, and I think in Indiana, the commission adopted the rule in fixing the valuation of the property taken to fix it no higher than the value given in by the owner for taxation in the spring before the loss. And to carry this rule into effect, I am informed, the tax returns were brought before the commissioners for that purpose. This testimony was taken while the facts were fresh in the memory of all parties. Their reports were made years ago and are a part of the public records.

My amendment to the bill provides that their findings and reports shall be taken as correct and that the claims be paid. It has been suggested that the size of the individual claims in the counties of Butler, Warren, Clinton, and Clermont, which are in my district, are larger than the average of claims in the other counties in Ohio. This, sir, can be accounted for by the two facts that in those counties we raise the finest horses and produce the most conscientious of men; men who can stand the tax test.

But, sir, the experience of the Quartermaster-General in dealing with these Morgan-raid claims has corroborated the correctness of the work done by these commissioners. I am told that in nearly every case passed on by him his allowance has been in accordance with the allowance made by them, or nearly so. But, sir, these claims should be so settled on the score of economy. The average value of

all claims allowed by the commission in Indiana is less than $90. In Ohio it is about ninety dollars. Now, sir, the expense of investigating these claims by the Quartermaster-General averaged the last year about forty dollars to each claim; the year before it was about thirty-five dollars. The expense to the claimants is about the same. It has been stated, I believe during this debate, that the expense to the Government of settling claims through the Quartermaster-General's Office is about 55 per cent. of the claims.

These claims are of small amounts. The claimants are scattered through nineteen counties in Ohio, and I am unable to say in how many in Indiana, in the line of Morgan's march.

About half of them have been paid in nineteen years, at a cost to the Government and the claimants equaling in the aggregate the claims themselves. When will the balance be paid at the rate we are proceeding?

In the bill passed at the present session of Congress appropriating money to pay such of these claims as the Quartermaster-General had examined and allowed, during the last year, were included but three claims from my district, and it suffered greater loss by that raid than any district in Ohio or Indiana.

Is it not economy to settle these claims at once, to say nothing of the justice of their payment. They were ascertained by the States that then expected to pay them. Conservative and just men passed upon them, and every principle of right and justice demand that their payment should not be longer delayed.

Chinese Immigration.

SPEECH
OF
HON. WILLIAM M. SPRINGER,
OF ILLINOIS,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. SPRINGER said:

Mr. SPEAKER: In the few moments' time allowed me it would be impossible to consider or even refer to all the provisions of this bill. The first section, in brief, provides for the suspension of the immigration of Chinese laborers into this country for twenty years. It has been asserted by gentlemen on the other side of the House that this suspension is unreasonably long and is in violation of the spirit of the treaty recently executed between this country and the Emperor of China. That treaty provides that the Government of the United States might suspend but not prohibit Chinese immigration, but that the suspension should be for a reasonable time. Who is to determine the question of what is reasonable? Manifestly by the very terms of that treaty that question is remitted to the Congress of the United States. We are clothed with authority to determine that question for ourselves. Why suspend Chinese immigration at all?

We hold that such immigration not only tends to degrade American labor, but actually endangers the peace, safety, and perpetuity of the Government itself. If such immigration is attended, or may be attended, with such consequences, I hold that a suspension of it for fifty years, or even a hundred, would be reasonable, and if I should vote for any amendment of this bill it would be to make the suspension for a greater number of years even than are provided in the bill under consideration; but the bill having passed the Senate, and not desiring that it should return to that body, and its immediate passage being demanded by the almost unanimous voice of the people of the Pacific coast, I shall do nothing to retard its immediate passage, hence will vote against all amendments, however specious they may be, preferring the bill as it is to the hazard it may encounter by sending it from House to House on trivial points of difference. This bill should be passed at once. Every member opposed to the immigration of the Chinese into this country should vote against all amendments to it and insist upon its passage in the form in which it now stands.

The gentleman from Iowa [Mr. KASSON] has pointed out certain sections of the bill as requiring onerous conditions in reference to passports, and has offered an amendment striking out all the provisions of this bill upon the subject of passports and authorizing the President after conference with the Emperor of China to prescribe the conditions upon which passports shall be issued. I am opposed to this amendment. Every government should exercise for itself its discretion as to the issuing of passports and as to the presence of aliens in its midst. I am opposed to conferring this power upon the President in consultation with the Emperor of China or any other emperor. The provisions of this bill in this respect will work no hardship to those who desire to comply with the law. It may be some inconvenience to those who desire to evade it, and as the law will only be a terror to evil-doers and can work no hardship to those who seek in good faith to observe its provisions, I shall vote for it as it is.

My colleague from Illinois [Mr. TOWNSHEND] has referred to the position of the two great parties of the country upon the question of Chinese immigration. It is unnecessary for me to restate the positions which he has announced. I agree with him fully upon that subject. The Democratic platform pledges the party to the amendment of the Burlingame treaty, and declares in favor of prohibiting Chinese immigration. There is no room for misunderstanding this platform. Contrast its clear-cut, unmistakable provisions with the platform upon this subject adopted by the Republican party at the Chicago convention in 1880. That platform declared in favor of reasonable and humane restrictions, and deals in "glittering generalities" upon the subject, enabling every one to place his own construction upon it; and hence, I am not surprised that more than one-half of the Republican members of this House apparently will vote against this bill, and insist that they are standing upon the Republican platform, while the other half, led by the gentleman from California, [Mr. PAGE,] will support the bill, insisting that they alone are standing upon the platform of the party. Gentlemen upon that side of the House may differ as to the construction of their platform; I am not amazed at it. It looked both ways upon this question, and the party in this House is voting both ways upon it.

The distinguished gentleman from Pennsylvania [Mr. CURTIN] has drawn the lines finely upon this bill so far as its effects upon American labor are concerned. Those who desire to secure the greatest protection possible through the law-making power to American laborers must vote for this bill. But there is another, and I think more conclusive, reason for excluding Chinese immigration from this country. The honorable gentleman from Ohio, [Mr. TAYLOR,] the successor in this House of the late President of the United States, General Garfield, sounded the alarm, as he called it, to other immigrants who sought homes in this country. His warning does not apply, and I trust that the great tide of immigration from Europe which has been pouring in upon us will not be lessened in the least by the warning which he has given.

We welcome European immigrants. They come among us for a very different purpose from that which actuates the coming of the Chinese. We have room to spare for all the peoples of Europe who may seek homes among us. Some come to us fleeing from the oppressions of arbitrary power. Let them take refuge under the ægis of our Constitution and free institutions; and I especially welcome at this time and invite to our shores the Hebrews who are fleeing to-day from the most outrageous persecution which religious fanaticism ever devised. Let them come to America. We will open our stores, our shops, our broad fields for their labor. They come leaving home and nationality and everything behind them. Henceforth they are of us and for us. They will add to our wealth, to our numbers, to our greatness. Their children will be American-born citizens. They themselves will soon comply with our naturalization laws, and renouncing all allegiance to every prince or potentate, will take upon themselves the obligations of American citizens. Their destiny will be our destiny. Their earnings will contribute to our national wealth, and their arms will be raised with ours at any time in the future when our country may be assailed, for the purpose of defending our institutions against all enemies, foreign or domestic.

In the late war, in fact in all the wars in which our Government has been engaged, naturalized citizens have been in the front ranks in the heat of battle, and have rendered as valiant and important service in the defense of the Government as those who are native-born. Consider for a moment what would have been our condition to-day if we had excluded European immigration? We do not desire to exclude, but, on the contrary, will welcome it as one of the most important elements of our growth and future greatness. But contrast this immigration with the coming of the "heathen Chinee." I will not dignify it by the name of immigration; it is an invasion. The Chinese come among us as aliens; they remain among us as aliens; they accumulate their earnings as aliens and send them back to an alien soil; they despise our institutions; they are ignorant of our laws and evince no desire to understand them; they mock at our religion; they yield only a nominal obedience to the authority of our Government, and remain as perfectly under the jurisdiction of China as if they continued upon her soil; they assimilate with us in nothing—neither in religion, in language, in nationality, or in our hopes and aspirations for the future weal of our country. Their coming among us is the coming of strangers to live upon our substance and draw wealth from the privileges they enjoy, only to return again to their native country.

Let this immigration continue, and what will be the result? There are 450,000,000 of their countrymen behind them. Twenty millions of them could be precipitated upon our soil within the twenty years covered by the provisions of this bill. We have but 50,000,000 of our own people; unless we stop this invasion the Chinamen may in time be the most numerous race upon the continent. History may then repeat itself in our country. The nations which have preceded us and which have passed into history in a great many instances lost their existence by just such immigration as this. Instance the invasion by the Goths and Vandals of the Roman Empire; of Great Britain by William the Conquerer; the immigration of the Spanairds and and Portuguese into South America, and of Cortez and his followers

into Mexico; the immigration of the pilgrims and the Huguenots into this country, before whom the Indians then occupying the land have gradually disappeared.

From all these lessons of history we are admonished that the further immigration of the Chinese into this country is dangerous to the existence of our civilization and the institutions of our country. I might cite a still more striking example of history in the present dominating power in China itself. The original Chinese Empire was limited on the west by the great wall built for the purpose of protecting the empire against the invasions if not the immigration of the Tartars and other peoples in Middle Asia, but the great wall was inadequate; the Tartars came down in hordes and occupied the land. Soon they became the dominating class and seized upon the Government itself, and the Chinese cue or "pig-tail," the characteristic of the conquering race, is now the insignia of honor of Chinamen everywhere. Shall we allow the Tartar and the Mongolian to continue their eastern march until what is now called the United States of America shall disappear from the map, and the empire of new China take its place? Do we hesitate, then, about suspending such immigration for twenty years? Do we stand here quibbling about whether it should be for five, ten, or fifteen years instead of twenty? I hope not. Let us make it twenty years. At the end of that time we can make it twenty years more, if those who then occupy the seats in this Congress shall deem such further suspension necessary.

Gentlemen upon the other side of the Chamber have extolled the virtues of the Chinese, have pointed out the fact that they are skillful, quick of apprehension, and faithful in the performance of contracts. I will not enter into a discussion of the comparative worth of Chinese civilization and intelligence with our own. The more you claim of virtue, the more you claim of skill, of intelligence for the Chinaman, the more I fear him and deprecate his immigration. It is enough to know that they are intelligent enough to have well-defined convictions as to their own institutions, and believe them to be superior in every respect to our own.

They will not yield their convictions. They regard us as the barbarians, and only live among us to sap wealth from our resources and strengthen their power as an alien colony in our midst. Suffice it to say that I am satisfied with the superiority of our civilization, with the superiority of our institutions, with the superiority of our people as a race over them. And I hold the interests of our own people and the preservation of our own Government as the first and highest duty of every American citizen, and especially of the representatives of the people.

Chinese Immigration.

"Shall principles be subservient to policy?"

SPEECH

OF

HON. A. A. HARDENBERGH,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 16, 1882,

On the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. HARDENBERGH said:

Mr. SPEAKER: Within the shadow of the Dome which surmounts the Capitol in which we are to-day assembled the chosen representatives of earth's greatest of republics, quiet in their demeanor, generous in their hospitality, accredited from the eldest to the youngest of civilizations, may be found, not more than a score in all, the members of a legation awaiting with keenest anxiety yet greatest forbearance the result of our legislation as to the present and future interests of the Occident with the Orient.

It is a strange and wondrous story, novel in human history, because through all the ages its counterpart was never known, as the pathways of human progress have been written slowly yet certainly amidst all the mutations of human governments since "peace on earth and good-will to men" was proclaimed as the sequence of His mission who came to gather in the higher and holier service of brotherly love the nations that so long had wandered from its precepts, and to bind to a common service for the welfare of humanity the noble and the peasant, the freedman and the slave. These accredited representatives, but three of whom are at all conversant with the language of our empire of freedom, while they know not yet what your decision may be, find themselves in strange contrast with the embassies of other nations, whose real sympathies are not as greatly with our own as theirs whose hopes and prayers and purposes breathe no words of a real kindness, yet upon whom we are accustomed to look as the admirers of our civilization and our progress.

When in the Forty-fifth Congress it was my duty to take issue upon the bill then pending, to restrict the immigration of the Chinese, it was my privilege to say that that bill was one which must attract the attention of the entire country from the novelty of its provisions and the sweep of its effects. Never before had it been found necessary to prohibit immigration to our shores, whether from the Orient, whose civilization dates back thousands of years anterior to our own, or from those of Europe's shores who, weary with the exactions of despotism, seek a refuge under the more genial influences of the institutions of freedom. The question embraced within the bill is simply this: Is freedom incompatible with any race, and may it not extend its all-conquering arms to every condition of man?

With us the dread arbitrament of war has lifted to the dignity of freedom more than four millions of a race who were born to servitude, and we have given them welcome to all the purposes and pursuits of citizenship, and in its sequence we have witnessed the astounding fact of a representative of the "despised race" occupying temporarily the Vice-President's chair in the Senate of the United States! Shall we argue from this that our institutions are not adapted to every phase of our common humanity? If it be true that the boundless continent is ours, for what is it ours I ask you—in part for freedom and in part for serfdom, or ours for humanity? Sir, in the brief lifetime you and I have seen, we have been the witnesses of prejudices founded upon nationality and upon creed.

They ran their brief career, but found no lodgment in the popular heart, for they were contrary in spirit to the great principles which underlie the structure of our Government. By the passage of this bill we violate our treaty obligations and confess our inability to maintain the cardinal principles ingrafted in our Constitution. The spectacle at least is strange. Fifty millions of freemen, bound by the ties of a common interest, founded on liberality and progress, must now announce to the world, as "they enter upon their second centennial, that one nation, and that the eldest of the earth, must be forever excluded because our institutions are inadequate to their presence among us."

Sir, I have an affectionate regard for my brethren of the Pacific coast. I have studied their interests as connected with legislation during my service here. California has many for her inhabitants who left their homes and firesides in New Jersey to aid in laying the foundations of that wondrous State, and have since won honors from her people and written their names in boldest characters upon the history of her development and her progress. Yet for all this I cannot, even for California, give consent by my voice or my vote that any single portion of my country shall close its ports to the wanderers of earth, no matter from what clime they may come or beneath what sky they may chance to have been born.

The flag that floats on every ocean, and is swept by every breeze, commanding a world's respect as it finds a greeting in every port of the Occident or the Orient, should never be made to confess by any act of ours that while it was the emblem of freedom the limits of that freedom were circumscribed, and the majority of the race in the height of our progress be refused protection beneath its ample folds. The scene to-day is, as I have said, the most wondrous of history. Fifty millions of freemen, bound in the ties of thirty-eight sovereign and independent States, call us to the performance of an imposing duty. Oceans only are our boundaries, and the broad sweep of our young yet all glorious empire, confronting the monarchies and despotisms of earth, is known and feared of all men. Upon the sky itself seems written the story of our progress as connected with the welfare of humanity.

Mark you, Mr. Speaker, a page of its history, whatever its earlier civilization, beyond the hour when here the Indian warrior wooed and won his dusky mate, beyond the recent unearthed memorials on the western plains which Hayden and King in their researches have unfolded to your gaze, there was evidently a race who trampled these shores unknown to us and to our institutions. What were the almighty purposes which led to their extinction we may not know more than we may why the mastodon of your Smithsonian Institution is now a myth; but this we do know, proved by the world's great history, that that nation which refuses the common dictates of humanity to another, whatever its condition, must pay the penalty of that disobedience to a diviner law, which is but the law of justice and of right.

On the one hand you seek to guard your ports from the incursions of a barbaric race because of a possible interference with labor. Is labor thus to find its apology as it tramples upon the rights of others? Statesmanship finds its greatest duty and its highest privilege as it seeks to harmonize labor with capital, and capital finds only its reward as it finds harmony with honest and industrious labor. By the sweat of thy brow shalt thou earn thy bread was written alike for you and for me. God hath made of one blood all nations of the earth, and he who dares as statesman or as citizen to reverse this decree shall pay the penalty of an almighty wrath. Can this young Republic, proud in her vaunted strength, afford all this? For what was written that sublime Declaration on which her institutions are founded? For what the victories and triumphs of a revolutionary war?

Is there no God in history? Sir, we had one stain left which would not decorate the garland of our magnificent triumph, as beyond the seas we had reared the standard of man's new equality—of freedom's

birth-place and of freedom's home. One cloud on the bright horizon of our fate still remained. For more than eight decades of years we were its apologists, lest the structure we had reared might be shattered. We sought to battle for the shackels of the slave to preserve in glorious harmony the independence of the States, distinct as the billows, yet one as the sea, in harmony with the sovereignty of the whole. Justice, equity, humanity pleaded in vain. Its boundaries, sought to be restrained, were invited to expansion. The utterings of the heart-broken were heard in Heaven, if not on earth.

The immortal years might give record to a nation's wrongs, but they could never smother the prayers of the enslaved, storm-tossed, and tempest-ridden, as from the vials of His wrath were poured out upon the troubled waters the oil of consolation which bade the slave ascend to the dignity of freedom and offered upon his ransom the heritage of liberty. Do you—will you remember its cost? It was argued here in this Hall as a divine institution. Pulpit and platform gave it their acquiescence. States lingered in their confessions; politicians gave it hesitation, yet still went on the struggle, for though slowly yet surely the mills of the gods do grind. Four thousand millions of treasure and a million of human lives were needed in its solution, in that awful, terrible, yet majestic struggle. Earth had known none such since that which gave establishment to the divine decree that of the city which had denied His mission no single stone should be left upon another.

It has been our mission for more than fifty years to seek admission to the ports of China in the interests of civilization and of progress. Christianity knocks at her doors for entrance. For centuries that request has been denied. It now finds acquiescence, and the sublime teachings of Him who died that a world might live find entrance to the walled empire, and the religion of the cross hastens to wondrous achievements. This day, representatives of the empire of freedom and of Christianity, I fear you may close those portals to this Union, gifted by an almighty power, in view of the blessings you enjoy. Contrary to the instructions of the fathers, contrary to the teachings of that sublime declaration which gave announcement to the world of the establishment of human freedom founded upon the lessons of the cross, you now enact that your institutions are a failure and a farce.

Labor will ever assert its own standard in our midst. It knows its own rights because of its intelligence. When we apologize for it we do but degrade it. In the great battles of life the race is not always to the swift nor the battle to the strong—it is to the vigilant, the active, and the brave. Its best protection is found in an honest and economical administration, that its blessings, like the dews of Heaven, may fall alike upon the "high and the low, the rich and the poor, unseen and unfelt, save in the richness and beauty they contribute to produce." Pandering to prejudices will not promote its higher success. Secure by proper legislation its harmony with capital, and as you draw the one by honest confidence from its hiding-place you give elevation and dignity to the other, for you give stability and progress only to your institutions, as you disseminate the wealth of active industry and prevent that accumulation of wealth in the hands of the few, which leads to national weakness and decay. An heir of toil myself, I can have no sympathies disconnected with its protection and elevation.

Let me not be misunderstood. I am opposed to the importation of cooly labor. I would make by law all such contracts void, but I would not close my country's ports to the inhabitants of whatever clime who may seek acquaintance with the institutions of freedom. This bill violating our treaty obligations is an admission to the world of our weakness, not our strength, of our fears and not our hopes, and cannot receive my sanction. While England holds within her dungeons dark, without a trial and without excuse, the citizen who claims my country as his home, I will not say to the unoffending wanderer from China, "Depart from us for this wrong you have never sought to commit." I will violate with you no treaty obligations. The rather would I give you a lesson that a nation of freemen can respect their promises.

It has been pronounced here that sentiment is but the bugbear of our action. Be it so, but remember that through all the ages sentiment has ever been the underlying power which has decided the destinies of man. It was sentiment when corruption and extravagance had shorn of its strength the nation which had achieved the conquest of a world, which hurled the Goths and Vandals upon her capital and gave to Alaric the title of her conqueror. It was sentiment which sought to rescue from infidel hands the Saviour's tomb and swept over Eastern Europe into Asia the Crusaders with an avalanche. That same sentiment of wrong meted out by a nation whose forms were meant for justice might embolden across the Kamschatkan Sea, from a nation of 470,000,000, a reserved force of one-tenth their number that might crush your institutions upon the Pacific coast and rear upon their ruins an altar, dedicated to that humanity and to that justice which your boasted civilization has denied them.

In the vindication of human right I will know no party. I cannot believe that the generous constituency which thrice has honored me with a seat upon this floor will disapprove my vote. I cannot give by my vote to England a commercial trade which of right belongs to us. I would not consign to Spain, to whom this embassy is alike accredited, the legation which by all the obligations of statesmanship, of solemn treaty, and of that liberal spirit of Christianity which should guide us in all our relations with the nations of the earth, is entitled to its residence here.

Mr. Speaker, in all my service here I have sought to render to those who have honored me with this high commission a faithful, honest service. A party man, that party's choice, I have nevertheless aimed at the welfare of my entire people of the seventh district of New Jersey. Party spirit has had its part in this discussion. Upon the broad principle of human right I know no party. My faith has been nurtured in that school which gave authenticity to the creeds propounded by Jefferson and vindicated by Jackson and his compeers in council. My vote shall be cast against this proscriptive bill.

What if your action here shall close to us the ports of China? What if you find unprotected your citizens who within the limits of its vast empire have found a temporary residence? What if your missionaries whom you have sent as the representatives of every creed to plant the standard of the cross, shall be forced to retire, and the teachings of that volume upon whose sacred pages triumph immortality, be to you forever withdrawn. Give then for your answer to an astounded world that American policy must be regulated by her political degeneracy. My convictions I cannot, will not yield; and if it shall be deemed I have erred, I am ready and willing to make whatever sacrifice this vote may cost.

If we would seek to entitle ourselves to the respect and admiration of the world, we must take no step backward, but rather forward, that shall compel that respect for our national manhood which, except for just cause, shall prevent assaults upon our honor in the imprisonment of our citizens; but proceeding right onward and upward in the march of our great destiny, great in our freedom and free in our greatness, a beacon-light to the struggling nations of the earth—

Till the war-drum throbs no longer,
And the battle flags are furled
In the parliament of man,
The federation of the world.

Government Regulation of Railroads.

When trade is at stake it is your last intrenchment. You must defend it or perish.—*Earl of Chatham.*

SPEECH

OF

HON. ROGER Q. MILLS,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 30, 1882,

On the subject of Government regulation of railroads.

Mr. MILLS said:

Mr. SPEAKER: The people of the United States are calling upon us to exercise the power vested in Congress to regulate their domestic commerce. From every quarter of the country complaint is made against abuses in the management of our railway system. There is scarcely any injury that could be inflicted upon a people more annoying in its nature or more hurtful in its effects than the constant pillage to which their products are exposed when moving along the public highways to the place of exchange. Commerce is a necessity to the human family, and it is a necessity that increases with the growth of their civilization. In the wise economy of nature, the different countries of the world are made to vary from each other in the productions to which they are specially adapted. One yields its greatest products to the labor of the husbandman, another to the miner, and a third to the manufacturer. Each has in its stores something with which to reward the hand of the toiler, something that contributes to the comfort and happiness of the human family. In each when man labors in harmony with the laws of nature he produces the greatest results with a given amount of toil, and his product is always in excess of his own wants; but there is always somewhere in the world some one who wants what he has to spare, and has something to give in exchange for it. It is an unerring law of our being that our wants always keep pace with our capacity to satisfy them. To meet these wants the public carrier has been called into existence, and he is coming and going between the consumer and the producer to-day as he has been through all the centuries that lie behind us.

When we look back along the line of authentic history we see the carrier of the world's commerce keeping fully up with the demand of the product he has been required to transport. The hand of the dial does not reveal more unerringly the progress of the sun as he mounts from the horizon to the zenith than the history of the carrier does the advancing paces of the world's civilization. In the primitive ages the patient and plodding camel was adequate to all the demands of the oriental merchant who traded across the desert. It

marked an advance in Asiatic civilization when the carrier of commerce coasted along the southern borders of the great sea from Tyre and Sidon to Cairo and Carthage. The instrumentalities of exchange have kept pace with the progressive development of the forces of production, and have always been found adequate to the task of transportation. The old modes of transportation pass away with the old modes of production, and the steam-engine makes its appearance with improved machinery for increased production. The steam engine is to-day the king of the highway. It economizes time, shortens distance, and reduces the cost of transit.

It is a law of commerce that as surplus products must be exchanged it is to the interest of both producer and consumer that the exchange should be effected as quickly as possible and as cheaply as possible. The railway, with its auxiliary the telegraph, meets this demand more fully than any other means of exchange ever devised by the ingenuity of man. The wonderful rapidity with which it has grown during the life-time of the present generation is proof conclusive that it answers more completely the demands of commerce than all the other agencies ever known to man. We have to-day in the United States more than 100,000 miles of railway. The rapid payment of the public debt is throwing upon the market vast sums of money that are seeking profitable investment in railroads, and the system is growing larger day by day. The railroads of the United States excel in length of miles all the railroads on the continent of Europe, notwithstanding its people outnumber ours more than five to one. I have no doubt that the internal commerce carried by our railroads and distributed among our 50,000,000 of people is greater in volume and value than that carried by all the railroads of the continent and distributed among its 260,000,000.

Our railroads have wrought a great revolution in the movement of our commerce, but that is not all of the great good they have achieved. They have brought our distant populations into closer proximity—set them face to face with each other—and reunited and strengthened the ties of social and political union. In the light of social and commercial intercourse rendered possible by them we have been made to realize that we are the sons of the same sires, fellow-citizens of the same great commonwealth of States, inheriting the same history, and working out for ourselves and our children the same great problem of free government. Notwithstanding the fierce civil strife through which we have but recently passed, we are to-day by the instrumentality of railroads in a very great measure united in bonds more powerful and more enduring than we have ever been in the past. Our railroads have multiplied our military power by the facilities they afford for the rapid movement and concentration of all the forces of war. With 100,000 miles of railroads ramifying every portion of every State and Territory in the Union, with 8,000 engines daily drawing 13,000 passenger-cars and 600,000 freight-cars through every neighborhood of this vast country, who could measure arms with us on our native soil?

Who can estimate the power of a people who have a hundred thousand miles of commercial highway over which is annually flying more than twenty billions of domestic commerce, and yet able to share from their great abundance provisions to feed and raiment to clothe millions more in foreign lands? But, Mr. Speaker, while we stand and gaze upon this beautiful picture with transports of delight, we are called upon by the people to hear the grave complaints that are coming up from every quarter of the country. It is charged that the management of this power created for the public good is laying its hands in spoil upon the people's products; that it is extorting excessive rates for transportation; that it is discriminating among citizens, imposing heavy burdens on some, and conferring special favors on others; that it is combining its corporate powers to make all efforts at competition impossible of success; that it is manifesting a criminal indifference to the lives and persons of those who are compelled to travel upon its lines; and that large numbers of persons are annually killed and wounded by the neglect to keep its road-beds in proper order and its service in proper discipline. These are grave charges, and it is our duty as faithful Representatives to inquire into the manner of its administration and prevent such abuses by statutory laws.

No people will remain quiet while their highways of travel are habitually obstructed, their lives and persons imperiled, and their property subjected to systematic pillage. No people who are conscious of the power of public opinion will submit in silence while they are made to bear onerous burdens imposed on them for the gratification of the rich and powerful favorites of those who oppress them. To be contented they must be animated by the hope of receiving and enjoying the just rewards of their toil. When disappointed in that, discontent raises its head and speaks without selecting its words or bating its breath. The sense of injustice is keen and irritating, and when abuses have been designated and called by name and are still persisted in without any effort for redress, resistance is provoked and sometimes revolution ensues. We have but to look back to our national origin for the proof of this statement. The blood that was spilled in the riot at Lexington was the beginning of a revolution that followed unjust exactions imposed upon the commerce of the people of the colonies. They complained of the wrongs they were compelled to suffer, but a stupid ministry refused to hear, and the price of their refusal was the loss of a continent to the British Crown.

Following close upon this came another revolution, peaceful in its nature, but it, too, was produced by obstructions and hinderances to the movement of the domestic commerce of the States which the confederation was powerless to prevent. The bond of confederation was rent in twain, and "a more perfect union" was formed out of the dissevered fragments; and it was invested with all the powers necessary to regulate the commerce among the States. To-day they are again subjected to greater abuses than their fathers ever endured, and they are calling upon us from one ocean to the other to exert the power vested in Congress for their protection against abuses by railroad companies. They are in earnest, and they mean to have reform. If this term of Congress refuses to heed their complaints they will send others here who will. Those who are opposed to any interference with the regulations of the railroads contend that Congress has no power to act. If they can convince the people of the United States of that fact, they will very soon do as their fathers did in 1787. They will amend the great charter and grant the power in such clear and unmistakable language that it will no longer remain in the domain of doubt. But there is no necessity for any enlargement of the power now possessed by Congress. Its authority is already full and ample.

I will not take the time to discuss the question of constitutional power. It is not now an open question. Repeated decisions of the highest court have exploded all the doubts that ever invested the subject. That question is ended and that difficulty is out of the way. The Supreme Court have decided that Congress can regulate all commerce taken up in one State and put down in another, and the Legislature of each State can regulate all commerce taken up and put down within its own borders; that the term commerce embraces persons and property, passengers and freight, and that it covers the instrument used in making the exchange as well as the thing exchanged; that the regulation is not confined to the instrumentalities used when the Constitution was made, but that the power keeps pace with the progress of the age and people; that it advances from the horse to the stage-coach, from the flat-boat to the steamboat, and from the railroad to the telegraph, and that wherever there is commerce there is a power to regulate it, and that the power to regulate is a power to fix a maximum charge for carrying freight and passengers. It is perfectly clear to my mind that if Congress does not have the power to regulate the transportation on railroads among the States, and the Legislatures do not have the power to regulate it in the State, railroad corporations do not and cannot have it, because they derive their existence and every power they exercise from national or State legislation. If neither Congress nor the Legislatures have the power, they could not grant to others what they did not have themselves.

It will be seen by an examination of the history of Congressional action that it has been the opinion of our predecessors from the first that Congress had such power, and it was its duty to exercise it. It has repeatedly regulated commerce by enacting laws for its safety and for its cheap and speedy transit. It has provided for the removal of obstructions in rivers and harbors; it has forbidden the erection of bridges over navigable waters; it has prescribed a code of regulations for boats on our rivers and vessels on the high seas; it has provided for surveys of rivers and harbors that channels of communication may be improved; it has provided for buoys, light-houses, and life-stations to secure persons and property on board of vessels; and it has provided for licensing the safe and condemning the unsafe vessels. It has not only continuously regulated commerce by providing for its safety, its freedom, its dispatch, and its immunity from illegal interference, but, under the impression that the people of the United States had some interest in their public highways, it has been granting public lands and public money from the very beginning of our Government to aid in the improvement of public highways.

We have given more than a million acres of public land to aid in the construction of military wagon roads. We have given more than 4,000,000 of acres to aid in the building of canals. Would Congress have done this if they believed these were not public highways but the private property of individuals? If the public had no interest in canals and roads and Government had no power to regulate the safety of the people's products passing over them, why should the people's land be given in aid of their construction? The Federal Government has given 296,000,000 acres of the public land to aid in the construction of railroads, and the State of Texas has added to that over 35,000,000 more. Why was this immense donation of the people's lands made to aid in the building of railroads if not for the benefit of the people's commerce? In addition to the donation of land, the Government has expended over $60,000,000 of public money in improving rivers and harbors; over $9,000,000 in improving canals; over $17,000,000 in improving wagon roads, and over $100,000,000 in aid of railroads; and yet it is contended that the public have no interest in them, but that they are the private property of the corporators.

The area of public lands granted by State and national legislation to railroad corporations is twice as great as the settled area of the thirteen colonies at the time of the Revolution; greater than the settled area of the whole country at the time of the second war with Great Britain, in 1812, and greater than all New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, and Minnesota. All these States, giving homes to more than 20,000,000 of people, contain an area of less than 280,000,000 of acres, while the lands given

away to railroads is over 300,000,000 of acres, and yet the public have no rights that the companies are bound to respect. Of the lands granted directly to corporations over 15,000,000 of acres have been sold by them at an average of $5.28 per acre. It is rising in value every day, and it will not be beyond a reasonable estimate to value their whole grant at $5 per acre. The railroad property of the United States for the year 1881 is valued by its owners at $4,500,000,000. When we remember that the public have given them in lands $1,500,000,000 and not less than five hundred millions in money, bonds, and other gifts from Government and people, their own investment represented in the gross sum will not exceed two and a half billions, and not less than five hundred millions of that is fictitious or watered stock.

The New York Central at one time watered its stock over $53,000,000, the Erie over $70,000,000, and the Union and Central Pacific over $90,000,000. What amount the other corporations have increased the nominal value of their stock is not known to the public. But it is known that that policy has prevailed to a very considerable extent in the railroad management of the United States. The $2,500,000,000 of their own investment brings them an annual net income of $255,000,000, or more than 10 per cent. clear profit on their investment. If we include the amount of their donations from Government and people, watered stock, and all other additions to their capital, their net earnings, over all expenses, is more than 5 per cent. And these figures are from their own report. What other industry in this country employing large capital makes anything like such profit? Large money-holders are anxious to-day to secure Government bonds at 3 per cent. Our 4 per cent. bonds are at a premium of 20 per cent.

What profit do our farmers make? I have had this subject investigated. I have conferred with the best informed, and the highest estimate given me is 3 per cent. profit. It is the greatest of all our industries. It has more wealth invested, it employs more people, it produces and sends to foreign lands 85 per cent. of all our exports. It is the chief support of all our trade at home and abroad; and yet it seems to be regarded as a legitimate object for plunder by American statesmen. The manufacturer plunders him by compelling him to pay two prices for what he gets from others. The railroads plunder him by compelling him to pay two prices on the carriage of what he sells and buys. The American Congress is to-day resounding with importunate appeals for protection to American industry; but those beautiful words have no application to him. Bending like Issachar under the enormous burdens piled on his back by others, he is looking anxiously for a deliverer. His emancipation must be found in the ballot—

> A weapon that comes down as still
> As snowflakes fall upon the sod,
> And executes a freeman's will
> As lightning does the will of God.

So eager was the desire of our people to push forward and build up our system of railway communication, that we might have the benefit of quicker and cheaper transit, that they disregarded all precautions, and aided and encouraged by most liberal bounties its growth and development throughout all parts of the country. The people, through their Federal Government, State governments, counties, cities, towns, and individuals, have contributed lavishly to swell the coffers of the companies. All of this extraordinary effort was expended, as it seems, under a vain delusion that they were contributing to open up commercial highways for the public good. The railroads have become so extensive, so wealthy, so powerful, and all the elements of their strength are so easily concentrated that they have concluded to declare their independence of all power of supervision and control and test the strength of the people. The boldest of these corporations, and the most reckless in its management, is that one that has received from the people a gift of more than forty millions of acres of land and $64,000,000 in bonds, that are to-day worth $75,000,000, upon which the Government has already paid them forty-five millions in interest, and will pay over a hundred before it is done.

In the complaints made of the management of our railroads, it has been shown that they have exerted their power of regulation most ruinously in many sections of the country. At railroad centers they adopt one of two extremes. They will combine if that is possible and keep up high rates of transportation. If that policy is not adopted they will try the other extreme, a ruinous competition, until the stronger freezes out the weaker, and then rates will go as far above what is right as they went below during competition. To make up for these losses incurred in the process of freezing out, the local shipper who lives along the line and has no choice of roads, but is bound to use the one upon which he lives, is charged double and triple to enable the company to make good the losses sustained by the war of the stronger against the weaker. The local shipper is made the insurer against all losses sustained by the struggle. This imposes upon him an extortionate tax and one from which he ought to be relieved, and relieved by the Government.

My colleague [Mr. REAGAN] in the last Congress stated on this floor that the charge for a car-load of freight from Saint Louis to Galveston by way of Palestine, a distance of 871 miles, was $60, while from Palestine to Galveston, 201 miles, less than a fourth of the way, it was $90. From Saint Louis to Galveston the charge is seven-tenths of a cent per ton per mile, while from Palestine to Galveston it is 4½ cents per ton per mile, or more than six times as much as the haul from Saint Louis to Galveston. Can any one see any principle upon which such a charge can be justified? Can any one doubt the propriety of Congress interposing to prevent so flagrant an injustice when within its jurisdiction? This is not an exceptional case. It is symptomatic. It is an indication of disease throughout the whole system. The small shippers along the line are made to bear burdens enormously disproportionate to those borne by the larger shippers on long hauls and from competing points. This is a great wrong and works a great injury. It is an injury not only to the person paying the charge but to the whole community, whose business is also injured by the discrimination; for persons having commodities to ship will haul to the competing point when accessible in order to get the low rate, and will sell and buy in that market to the injury of the business of their own neighborhood. Men who settle upon a line of road, build houses and invest their capital in business relying upon the facilities for transportation afforded by the road at their doors, find their business destroyed or materially injured by the discrimination against them and in favor of the competing point.

The Representative from Nevada in the last Congress gave us some startling facts about the management of the great line that passes through his State to the Pacific. He showed us by the receipted bills of the company that the charge for a car-load of coal-oil from New York to San Francisco, 3,400 miles, was $300; to Reno, 3,094 miles, $536; to Winnemucca, 2,925 miles, $716; to Battle Mountain, 2,865 miles, $750; to Palisade, 2,813 miles, $780; to Elko, 2,781 miles, $800. In every instance the rule was observed—the shorter the haul, the higher the charge. And in every instance the charge included the whole through rate from New York to San Francisco and back to the place of destination. Elko, a station 619 miles nearer to New York than San Francisco, is charged $500 for a car-load more than San Francisco. But this is not all of the iniquity, though it is enough. The discrimination is made against the commodity, as well as the place and person. A car-load of machinery from New York to San Francisco is charged the same as a car-load of oil—$300; but a car-load of machinery to Reno is charged $282 more than a car-load of oil to the same place. A car-load, whether of one or the other, is fixed at ten tons of 2,000 pounds each. Does it not require the same amount of steam to haul each? Does not each produce the same wear and tear of machinery? Then why these arbitrary distinctions? Is it because a car-load of machinery is more valuable than a car-load of oil, and will bear more? Is it simply the result of the universal law to charge all the traffic will bear? Or have the directors of the road and the manufacturers in San Francisco entered into an agreement that no manufactories shall be built on the line of the road, but everybody west of the mountains shall be compelled to pay tribute to the monopolists of San Francisco? If the road can afford to haul a car-load of machinery to San Francisco, a distance of 3,400 miles, for $300, why cannot they haul a car-load to Reno, 306 miles nearer, for $300 instead of $818?

I see in a San Francisco paper that this road has entered into a contract with the large sugar refiners in that city to put a rate of 2 cents a pound on refined sugar from New York, which is prohibitory. This is another tariff for protection. The result of this is that the sugar market west of the mountains is a monopoly. The Government, through that disreputable swindle, the Hawaiian treaty, permits a sugar monopoly at San Francisco to import Hawaiian sugar free of duty, and refine it and sell it 2¾ cents per pound higher than the sugar imported into New York that pays a duty of 65 per cent. Under that sham the Government gives to these San Francisco refiners about two millions of the people's money every year. The people of California are paying to-day 2¾ cents per pound more than we pay in the East. Now, by the combination of this line with the sugar refiners the people on the Pacific slope and the Southwest must buy their high-priced sugar or do without. This company is not in such financial distress that it is compelled to commit such an act of extortion. They have received in clear profits since their commencement $157,917,632.52. Their profits last year were over $21,000,000. Fifty-three per cent. of their entire earnings were net. Their average rate per ton per mile for carrying freight was over 2 cents, while the average rate of the trunk lines going west from New York was under 1 cent per ton per mile. The whole of the incorporators when it started were not worth over $150,000; they are now worth over $200,000,000.

With all this immense wealth, nearly all of which was given them by the Government, they are yet so poor and needy that they must extort every dollar they can, in every way they can, from the people who are compelled to use their road for the transmission of their commerce.

Are not these facts sufficiently appalling to awaken Congress to a sense of its duty to a plundered and enslaved people? Is it not enough to call into exercise the power reposed in us to make these outrages impossible in the future? Such wholesale pillage of whole States and communities has never been known in all history. The pillage of Sicily by Verres, of Rome by Crassus, and of India by Hastings and Clive shrink into the dimensions of petty larceny when compared with the rich spoils of the transcontinental robber. He cannot say like Clive, when called to account before the bar of the English Commons, that considering his opportunities he was aston-

ished at his moderation. In answer to the complaints of the people, the proprietors of this road boldly maintain that this highway is their private property, and that they have a vested right to use it and abuse it as they please. They denounce the people of the United States and their representatives as communists because they express a desire to have the highways of their commerce made to serve the purposes for which they were created at such an enormous expenditure of public treasure. If they are wise in their day and generation they will address themselves to the correction of the gross abuses of their management, and cease to provoke fifty millions of people to a trial of strength.

Let us return from the Sierra Nevadas to the Alleghanies and look upon another high-handed and heartless outrage in the plunder of the people of the oil region of Western Pennsylvania by the five confederated trunk lines running out from Portland, New York, Philadelphia, and Baltimore. This case has been mentioned in this House before, but that shall not deter me from bringing it again before the eyes of an insulted people and invoking from their Representatives the full measure of the condemnation it deserves. In a number of counties in Western Pennsylvania a large body of people have hitherto found profitable employment in taking oil from the great reservoirs in the mountains and shipping it to domestic and foreign markets. The published price for carrying oil to New York from the place of production was $1.40 per barrel, nearly twice its value. But a special rate was given to the Standard Oil Company at 85 cents per barrel. At the great difference in the cost of carriage between the oil company and all others, it was simply impossible for any one to compete in the market with the favorite of the roads. This great industry, that had given remunerative employment to so many willing laborers and comfort to so many homes, found itself confronted with threatened destruction.

Before abandoning all hope of relief from the peril in which the combined corporations had placed them they resolved to make an effort to reach their market by a different channel. They purchased the right of way over the land between their locality and Williamsport, a distance of one hundred and four miles, and laid down a six-inch pipe to make connection with the Reading Railroad at that point. The Reading road was willing to afford them facilities so that they could reach the market and still compete with the trunk line favorite. On the 1st of June, 1879, they were ready to begin the movement of oil to market. On the 4th of June by previous call the representatives of the trunk line and their protégé met at Saratoga and again reduced the charge of transportation for the oil company from eighty-five cents to twenty cents per barrel, and fearing lest that would not be sufficient to strangle the effort of their victims to save their property which they had dedicated to destruction, they again reduced the freight to fifteen cents per barrel, and then again to ten cents, while to all others they kept the rate at $1.40 per barrel. They were determined that the Standard Oil Company should have a monopoly of the market. They were determined to blast with bankruptcy every agency that interposed to rescue them from the destruction to which they had devoted them. Like the serpent of the sea they drew their coils around the bodies of their wretched victims, and, lifting their heads on high, hissed away with ominous warning every one who had a heart to feel or an arm to strike.

Is not this cruel and barbarous deed enough to kindle indignation in every bosom not lost to every feeling of humanity? Why do we hesitate and doubt and debate? Why are measures of relief strangled in committee? Are we here the representatives of the people who created this Government for their protection, who give their blood as the price of its ransom in war, and support it with the tithes of their toil in peace, or are we here the servants of railroad corporations? If we are in fact the representatives of the people, let us act like faithful men and discharge the duty that is pressing upon us and remove from their shoulders the burden that is breaking them down. From every point of the compass, north, south, east, and west, the mutterings of discontent are coming to us. But if there were no other complaints in all the broad land, and this one stood all alone in the solitude of its unenviable notoriety, it is enough, and more than enough, to cause us to interpose the authority of law to prevent such impositions upon the people in the future. Many evils will present themselves as railroad power extends and develops that will require the attention of the Federal and State Legislatures. They will have to be treated as they arise. We can see far enough into the problem now to satisfy us of the existence of evils that require present remedy.

Among these the first in importance is the excessive rate charged for transportation. To remove this, Congress ought to prescribe a maximum rate of charge both for passengers and freight. Any attempt at regulation that falls short of this will be found wholly inadequate to remove the evils of which the people complain. The other remedies proposed seem to me to be only dallying with the question, without meeting it boldly and overcoming its difficulties. The injury complained of is excessive charges for transportation; the remedy for that, and the only remedy for it, is to prohibit it and to enforce the prohibition by adequate penalties. The malady is too serious to be treated with salve and liniments. It is constitutional and must be eliminated from the system. Railroad companies must be required to carry freight and passengers at fixed maximum rates, and reasonable rates. In case of freight the rate of charge should be fixed by the amount and distance it is carried, and in case of passengers by the distance they are carried. The rates now charged both for passengers and freight is beyond all reason. The amount of the annual net earnings of the roads proves this to the satisfaction of all fair-minded men. The rule of the companies is to charge "all the traffic will bear." They extort from the people every cent they can get without injuring their own business. The adoption of such rule of charge is the declaration of the right of pillage. That is of itself enough to call for the interposition of Government to arrest it and prevent the continuance of the wrong. Railroad companies should be paid, like all others, the reasonable value of their service. As they are public corporations, created by government for public purposes, unable to live an hour or exercise a function without public authority, it is the right and duty of the representatives of the public to determine what is the reasonable value of their service, and prohibit them by proper penalties from exceeding the rate when so prescribed.

Before this controversy is settled that issue will have to be determined; and before that is done the people will have to measure arms with the railroad power and decide who is the stronger of the two. With a Congress willing to act there is no difficulty in reaching the desired result. There are two ways by which it can be done. It may be done under the power to regulate commerce or it may be done under the power to lay and collect taxes. Of the two I prefer the latter, because the power is plenary and the remedy can be made thorough and complete. Under the former the power to regulate commerce does not reach State commerce, while the power to tax reaches everything but land and persons. Let Congress classify all roads into first and second class roads for the purpose of taxing their gross earnings as it formerly did. Let it exempt certain roads from payment of taxes, as it exempted certain incomes under the same law. Let all roads that transport passengers at a rate not exceeding 2½ cents per mile, and freight at a rate not exceeding 1 cent per ton per mile, and do not discriminate between persons and places, but charge all according to the amount and distance carried, be classified as first-class roads and their gross earnings exempt from taxation. And all roads that charge more than 2½ cents per mile for passengers, or more than 1 cent per ton per mile for freight, or discriminate in charges against persons or localities, shall be classified as second-class roads and taxed 20 per cent. of their gross earnings. This tax would make all the roads in the United States first-class roads.

This is a legitimate way of removing that evil, and it will prove as effective as it did with the wild-cat banks when their circulation passed away under the 10 per cent. tax imposed upon it by Congress. Would the rate given pay the companies a reasonable profit on their investment? I am satisfied it will be more than fair. The companies of course will not be satisfied with anything that limits their charge. They want to continue to exact "all the traffic will bear," and that is precisely what I do not want them to be permitted to do. Many roads in the United States do not charge that rate, either for passengers or freight, and yet they make large profits. The roads from New York, Boston, Philadelphia, and Baltimore to the Western cities do not charge that rate, while our roads in the South charge double that rate, because there is no competition to prevent it. By the census reports of 1880 the average annual rate charged in the United States for local freight was 1.6 cent per ton per mile, and through freights 1 cent per ton per mile, and the average rate of charge for passengers was 2½ cents per mile. It will be seen that the roads that have active competition must have come very considerably under these rates to bring down the average from 5 cents per mile for passengers in Texas to 2½ cents per mile in the United States, and the freight charge of 4 and 5 cents per ton per mile in Texas to the average of 1.6 cent for local, and 1 cent for through freight in the United States. When we look at some of our Texas roads and see that over 50 per cent. of their entire earnings are net, we see a broad margin for reduction of charges. But it is said that local freights cost more than through freights, because the cars are not unloaded and are kept and detained by the shippers. This is justifying one wrong by another. It is the duty of the companies to have warehouses sufficient to accommodate their business, and to load and unload their own freight as all other common carriers do, and to charge for keeping the freight of their customers as other warehousemen do. They impose that duty on their customers, and then make that imposition a justification for excessive charge.

If this regulation is not adopted I will cheerfully vote for my colleague's bill, but I will do so with the conviction that it is only the half-way house on the line of march. This may be all that we can get now. In fact I think it is more than we can get. But if the people are true to themselves they will get the full measure of redress before many years. If they are not true to themselves they must endure the suffering.

There is another gross abuse that must be corrected. Congress is paying railroad companies more than twenty times as much for carrying the mail as they charge individuals for carrying the same amount of freight. Some weeks ago I called at the Post-Office Department and selected at random forty-four railroad routes, in every part of the country, and requested the officer in charge to give me the rate of pay per ton per mile for carrying the mails on these roads.

He tabulated the statement and gave it to me, and I had it printed in the RECORD of the 22d of February. By this statement and the table from Poor's Railroad Manual, published with it, and the statement from the Census Bureau which I have given above, it will be seen that while the railroads are receiving from individuals an average rate of 1 cent per ton per mile, they are receiving from the United States 27½ cents per ton per mile for carrying the mails.

Is there any good reason why the Government should pay twenty-seven times as much for carrying its freight as individuals pay? I called the attention of the House to these figures when we were making the appropriation to pay railroads for carrying the mail. I called the attention of the gentleman who had charge of the bill to the fact and asked him to give the House the reason for the very considerable difference in rate of pay. The only reply I received was that I was wide of the mark. That answer will not do. The statement I made was the statement of the official records of the Government. It was given to me in writing by the officer in charge of those records. The figures are true and cannot be disputed, wild as they may seem. The facts are as stated and it is a wrong that must be corrected. The pay of railroads for carrying the mail is far beyond the value of the service rendered and ought to be very greatly reduced. The roads to which the Government has granted lands are directly subject by their charters to Congressional regulation in the amount of pay for carrying the mails. Their charters require them to carry "at such price as the Congress may by law direct." Notwithstanding the Government has given the Union and Central Pacific road and its branches a land grant worth $200,000,000, and over a hundred millions in money, they are paying it and its branches, on an average, over 60 cents per ton per mile for carrying the mail when its average rate for freight to individuals is 2½ cents per ton per mile, which brought to them for the year ending June 30, 1881, over $29,000,000. Their net earnings over all expenses was over $21,000,000 for the year 1880, the Government contributing to that end by paying them nearly $1,200,000 for carrying the mail. How much further is this plunder of the public Treasury to go before the people will call a halt?

There is one other point to which I wish to invite the attention of Congress. During the census year 1880, there were 403,153 persons in the employment of the railroad companies of the United States. Of that number 2,460 were killed and 5,658 were wounded. The total casualties of the year were 8,118. What is to become of the families, the wives and children and dependent relatives of this large number of persons annually slain in the employment of the roads? What is to become of the still larger number who lose arms and legs and are otherwise disabled? What is to become of those dependent upon them? Are they all to be thrown upon the charity of the world? This is but one year's list of casualties. What the total for the last twenty or thirty years is I know not, but whatever it is it is growing greater day by day, and their condition demands the serious consideration of Congress. The Government takes care of those who were dependent upon its fallen and disabled soldiers, and it is right that it should; and I know no good reason why railroad corporations should not take care of the dependent relatives of those who lose their lives and those who are disabled in their service. They receive their injury in the company's service and in the line of their duty, and too often by reason of the neglect of the company to keep its road in proper repair. They have a much higher claim on the company than on the public. They cannot be aided by the national or State government, and they have a claim somewhere, and in my judgment their claim is upon the companies, and it is a just one, and should be enforced by law. We cannot turn away from this question. It will not down at our bidding. Turn as we may it will confront us and demand a response. My answer is that the roads shall be required to take care of them; to keep a pension-roll and bear upon it the name of its dead and disabled employés and those dependent upon them, and pay them a pension as the Government now pays to the dependent relatives of those slain and the disabled in the line of duty while in its service.

If the whole eight thousand casualties required the payment of $8 per month to each it would only be a charge of three-quarters of a million per year, while the net profits of the road are two hundred and fifty-nine millions per annum. This is the statement of their earnings as they give it. It is probably much larger than that, but if the amount required of them to keep up their annual pension-roll was three times as large, it is still small compared to their net earnings; and more than that, it is just, and they should be required by law to pay it.

Before any considerable reform can be had on this or any other subject of legislation, the public will must be made manifest. It must speak, and speak in terms that admit of no evasion. The reason, and the only reason abuses have fastened upon the administration of government is that the public will has either been asleep or upon some distant journey. The people of the United States have been by the direction of adroit but false leaders watching each other to prevent some imaginary evil, while the money-changers have erected their stalls in their capital and bartered away the public liberties for gold. A large number of the presses are but subsidized mouthpieces of the allied money rings that have taken possession of the Government. The press is the channel through which the people communicate with each other. It is the highway over which information travels. It is the crucible where the truth and the falsehood, the real and the sham, the gold and the dross, are tried by the fire of free, full, open discussion. So impressed was our fathers of its importance as an instrument for the preservation of a free and prosperous people, that they planted its liberty on the Constitution and threw their bulwarks around it for its defense. In those days the proud motto it carried at its mast was:

> The people's press the people's rights maintain;
> Unawed by influence and unbribed by gain.

Now, how many influential papers do we see daily advocating monopolies, defending abuses, and exerting all their abilities to mislead the public and lull all its apprehensions, while the grossest enormities are being perpetrated in the name of the public welfare. The people must use extraordinary diligence to inform themselves, and when they have determined what is best for the common welfare they must speak with earnestness. They must call out the men who aspire to represent them, and require them to pledge conformity to the wishes of the constituency. They must declare in their primary meetings that they demand reform; that they demand the emancipation of their commerce, foreign and domestic, from the ruinous pillage to which it has been subjected for years; that they demand reduction in taxation and reduction in the expenditures of Government; that they demand that the public treasure gathered by taxation shall be expended in an honest and economical administration of Government and payment of the public debt; that the earnings of the masses shall not be taken from them under special pretexts and given to swell the fortunes of a few. They must attend their public meetings, take the proper interest in their public affairs, and make their representatives understand that they intend that the Government shall be administered for the public welfare, and not used as an instrument for public plunder.

The Permanent Development of the Northwest.

It is a greater credit to know the ways of captivating nature and making her subserve our purposes than to have learned all the intrigues of policy.—*Glanville.*

SPEECH

OF

HON. M. C. GEORGE

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 30, 1882,

On certain memorials from the Legislatures of Oregon and Washington Territory and petitions from citizens thereof relative to the improvement of the Columbia, Willamette, Snake, Yamhill, Cowlitz, Umpqua, Alsea, Siuslaw, and Coquille Rivers, Yaquina and Coos Bays, and of Port Orford for a harbor of refuge.

Mr. GEORGE said:

Mr. SPEAKER: In submitting these memorials and petitions from the Legislative Assembly of the State of Oregon and the Territories of Idaho and Washington and the citizens thereof, I desire to accompany the same with some remarks on the permanent development of the northwest portion of these United States.

The memorials presented relate to the improvement of the Columbia River at its mouth and along its length and that of its tributaries, and the harbor entrances at Coos Bay, Yaquima, Coquille, Alsea, Umpqua, and Siuslaw, and the harbor of refuge at Port Orford.

Of these I shall speak consecutively; but first a few general thoughts concerning this section of country and the policy of improving its natural thoroughfares.

The great Northwest embraces all of Oregon and the Territory of Washington, and such portions of Nevada, Idaho, Montana, and Utah Territories, and of British America, as are drained by the Columbia River and its tributaries, and contains nearly 300,000 square miles—a grand scope of country greater than Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Ohio, Indiana, and Illinois, where nearly twenty-three million of people reside. Let this section of country have the facilities for acquiring population such as Colorado and other Western States now have, and which we shall shortly possess, and give us the same ratio of recent growth as Colorado, then in less than twenty-five years we will have a population exceeding that of the vast scope of eastern country, to which reference has been made. Put your finger on a map northwest of Chicago, pass it thence easterly to include Detroit and Toledo and Cleveland and Buffalo and Montreal and Boston; thence follow down the coast and include New York and Brooklyn and Philadelphia and Baltimore; thence westerly and include Cincinnati and Saint Louis; and then to Chicago again, and although you have outlined a scope of country which includes all the great cities of America save New Orleans and San Francisco, and an area where over twenty-three million of people reside, yet you have traced a

country only about seven-eighths the size of the great Northwest of the Pacific.

The area of the State of Oregon is equal to all of New England and two-thirds of the Empire State thrown in. Those have a population of nearly seven and a half millions, with fifty members in the House of Representatives; and were our State settled as thickly as Massachusetts, we would have over twenty-one millions of people, or a number equal to more than two-fifths of the present population of the whole of the United States.

Our State is larger than the great States of New York and Pennsylvania combined, and is much larger than either Ohio and Pennsylvania or Indiana and Illinois laid side by side. Oregon is half as large as France, about twice as large as Old England, over six times as large as Switzerland, about eight times the size of Holland, and nearly nine times as large as Belgium. Were Oregon settled as thickly as Ohio, our population would be over seven and one-half millions; or as Pennsylvania, we would have over eight and one-half millions; or New York, over ten millions; or Switzerland, over thirteen millions; or France, about eighteen millions; or Holland, about twenty-seven millions; or our mother country, England, probably over fifty millions, or as many as are now in all of the United States of America. These facts are almost startling. Such are comparisons for the State of Oregon, only. What, then, would they be for the whole of the basin of the Columbia or the great Pacific Northwest? Gather together all there is of England, Scotland, Belgium, Holland, France, Denmark, and Switzerland, where over 85,000,000 of people dwell, and it does not equal the water-shed of the Columbia and its tributaries. And all those countries have their mountains and timber and their barren and waste lands and are growing, increasing, and developing yet, and will continue for ages to come, notwithstanding heavy annual depletion from emigration. Such being our condition as to size, the question naturally arises, "are we of the Northwest capable of furnishing sustenance and

PROSPEROUS, HAPPY HOMES

for the teeming millions of the future?" I unhesitatingly answer that we are. Why not? Our soil and climate are as good as theirs, if not far better, on an average. The three essential conditions exist: first, a climate warm enough to ripen crops and secure the comfort of man and beast; second, a soil of natural fertility; and third and last, sufficient moisture to render the soil productive. Our climate is that of a happy medium, neither too hot nor too cold—a priceless favor conferred by those strong thermal currents from the equator, laving our shores as far north as Alaska—our northern latitude, insuring us cool summers, and these currents supplying our winters with warmth, and the happy combination circling about our snow-capped mountains, wafted to and fro by the breezes of the sea, giving us in midsummer our delightful weather and our cool and refreshing, invigorating and sleep-producing nights.

The climate of our coast is governed by the Pacific Ocean, the prevailing westerly winds modifying the heat of the summer and the prevailing southerly winds tempering the rigor of the winter. Eastern people can scarcely realize these facts, for our center line of latitude is that of cold, northern Maine. Never during my residence in the Willamette Valley of over a quarter of a century do I remember of passing through as severe a winter as I last year experienced, after the 10th of January, in the city of Washington, a point six degrees south of our latitude. While our children were gathering the bright and beautiful spring flowers and the blossoms of peach, pear, and cherry trees were turning into green and growing fruit, the children of the East were perched on sleds, muffled for the dreary, cutting cold, coasting down the hills and inclines of the streets over the icy frozen snow. Cast your eyes over a climatic map exhibiting the extreme northern line of wheat production, for instance, and you will find that while on the eastern shore it touches near the mouth of the Saint Lawrence, at latitude 50°, with us it runs over six degrees farther north and beyond the most northerly point, in British America reached by the Columbia River.

The truth is we often but little realize our vast advantages. If our ocean navigation is perchance prevented by ice from connecting with our railroads for a few days of an occasional year we regard it a terrible stroke to our commerce; yet your great eastern cities, with scarcely an exception, are frequently frozen in, your boats and ships ice-bound at your docks for weeks or months, and many of your trains snow-bound on the land.

AS TO FERTILITY OF SOIL,

were comparison to be made, we might select the rich agricultural State of Illinois. Yet our Northwest has from three to four times the fine open wheat-land of that State, and a much better average yield; and take our soil throughout and it will be found superior to that of either Ohio, Pennsylvania, or New York, while no one could think of comparisons with rocky New England. The truth is there is little land in our vast region that is not good for something, either adapted to wheat, barley, oats, hay, pasture, fruit, vegetables, timber, mining, or something else.

Where is there a State that can equal that magnificent crescent-shaped wheat belt crowding upon the foot-hills from The Dalles, around the great bend of the Columbia to the Yakima and beyond? This, with a few other contiguous valleys, as estimated by the efficient supervisor of the census of our State, will produce a surplus of wheat that will require over seven hundred ships annually to carry it to a foreign market, and this, bear in mind, is but a small portion of our entire wheat-producing area, and our foreign export wheat trade is springing up, as it were, by magic. Only thirteen years ago Colonel John McCracken, of Portland, shipped the first direct cargo to Liverpool, and the wheat men of that great mart noted the shape, size, and weight of its grains with astonishment, and wondered from whence it came. Should the farmer of our country ever discover coming from the thresher such wheat as many eastern farmers place on exhibition as choice samples in the Agricultural Department, he would almost regard his crop as blighted, and his season's work as lost.

Hon. Philip Ritz, of Washington Territory, in a letter to the able and venerable member from Georgia, [Mr. STEPHENS,] in 1878, while speaking more generally of the great billowing sea of rolling hills now covered with bunch grass, and known as the Plains of the Columbia in Oregon and Washington, said:

I have gone over this great body of wheat country in several directions, and have estimated it carefully by townships, by sections, and by acres, and, having left out a fair proportion for rough land suitable only for grazing purposes, and estimated the wheat yield at a low average for that country, I find the ultimate capacity of these great plains for the production of wheat to be fully 100,000,000 bushels per annum.

Or enough to load nearly 1,500 ships.

Farming has but just commenced in this country; yet last year there was 1,000,000 bushels of surplus. And to show the capacity of the soil it is only necessary to state that it is not uncommon for large fields to average forty, fifty, and even sixty bushels per acre; in some instances one hundred bushels per acre have been grown. This yield may seem incredible to many, but nevertheless it is a fact, and what is more remarkable, there has not been a failure of a crop for twenty years where the land has been put in proper cultivation and seeded in good season. Another very remarkable fact about the soil is that the same fields have produced uniformly the same great crops for twenty years in succession without any fertilization. This led to an analyzation of the soil, which shows it to be composed of the very elements that will produce the most perfect crops of wheat in abundance and in unlimited succession.

It is very largely made up of volcanic ashes and carbonate of lime, the proportions being almost the same as the great wheat-fields of Chili and the island of Sicily and the country bordering on the Bay of Naples, which has been the granary for Southern Europe for ages and has furnished Rome with wheat for more than two thousand years. These facts, with a mild and healthful climate, render this country of great commercial importance.

Let me give you a single instance of rapid and surprising development, for such has been the order of things especially in the supposed unproductive region of Eastern Oregon and Washington. Ten years ago a certain tract of 2,300 acres near Walla Walla, now owned by Dr. Blalock, would scarcely have sold for ten cents per acre. This year its average yield of wheat was 35 bushels per acre, and on 1,000 acres of it 50,000 bushels were raised. Samuel Edwards, on land near by, harvested an average of 71¼ bushels of 62 pounds weight from 30 acres. But a few years ago the wheat product of Oregon was put down by statisticians under the head of "miscellaneous." In 1880 the census revealed our State as ahead of twenty-one others and standing seventeenth on the list of States in quantity and first in quality, and yet it to-day is but in its infancy in this industry. Our wonderful growth is illustrated by the following figures:

OREGON.	*Bushels.*
1860	1,820,278
1870	4,659,654
1880	12,951,009
WASHINGTON TERRITORY.	
1860	230,737
1870	554,549
1880	4,122,358

The existence of the third and last requisite—sufficient moisture to render the soil productive—I believe is generally admitted, at least in the Willamette Valley, where the web-foot nickname given us indicates our abundant blessing in this particular. While these

THREE PRIME CONDITIONS

exist in the great Northwest, we find it also adapted to the operation of those three laws which sway human existence, to wit, love of life, desire for health, and passion for wealth—for there life can be most prolonged, health best secured, and wealth most easily acquired. Through our climate we avoid the heat and attending evils of scorching eastern suns and the extremes of cold, chilly, and desolate winters—the mortality reports showing this to be the healthiest section of the United States. Our rich and diversified industries afford fine opportunities for wealth, and "diversity is certainty."

We know that our climate is health-giving and harvest-producing, having been attested by many of us for thirty years past without failure. We know that the natural resources are as valuable and as various as its area is vast, thus adapting it to multiplied industries and modes of living.

Our climate and our productions vary. This is a great advantage. Southern Oregon is different from the Willamette Valley in many respects, and the Puget Sound country varies widely from Eastern Oregon. In fact, no two sections, valleys, or localities are entirely similar, and our varied productions will soon be carried along the slopes and fertile valleys of our sea-coast and the lines of our rivers and railroads all over our country, passing from one climate to another, giving us not only the easiest and cheapest facilities of exchange, but also the diversity of want and supply most favorable to commerce, and rendering each part dependent on the other; and the Columbia River and its tributaries, as a grand continuous and natural system, rami-

fies this vast space of territory in connection with and aided by our ever expanding railroad system.

FRUIT-GROWING, WHEAT-RAISING,

grain-producing, lumber-making, iron-smelting, coal-mining, stock-raising, ship-building, wool-growing, fishing, commerce, manufacturing, and general agriculture, are some of the great industries in which we can lead, and the elements of our present and future prosperity. These resources are given us by a bountiful Creator, and to develop them is the work of our people: rich soil, fine climate, an intelligent population, an internal capacity to develop a home market, and splendid facilities for foreign ones in the future.

We of the Northwest are on the great line and latitude of imigration. From New York and Boston westward the line extends, and for years the leading growth of this nation has been along this extension, increasing in regular ratio towards the West, until it reaches the rate of nearly 300 per cent. in a decade in Kansas, over 300 per cent. in Nebraska, over 400 per cent. in Colorado, and nearly a thousand per cent. in Dakota. None of these sections can possibly equal this great Northwest in all of the essential elements for prosperous and contented homes, yet they lie along the line of railroad communication and they thrive. While we are on the natural line of immigration and commerce, yet this railroad communication does not reach us; it deflects to the south, and our sister, California, has reaped the harvest, and only by our people turning out of their direct line and running the gauntlet of the enticing blandishments of all the other States and Territories across the continent, and undaunted by the direful forebodings of the ocean voyage and the reported awful danger of crossing the "dead-line"—the Columbia River bar—have we been able to secure immigration, isolated as we have been.

Our country has had to depend for her population upon two classes of immigrants—one composed of those brave and hardy pioneers who took their lives in their hands and for many months endured the fatigue and dangers and deprivations of the long, lonesome, weary journey across the "plains," over the deserts and the wild region of the savages to people the far Northwest. Over thirty years ago my father, with his family, made that journey from Ohio to Oregon, carrying him who now addresses you, and who had been so fortunate as to have been born in that now famous "land of statesmen" and "nurse of office-holders."

The other class of immigrants of whom I have spoken are those who, since the completion of the transcontinental or overland railroad to California, have made the journey to San Francisco in the cars, and thence up the coast to this Northwest by ocean steamers.

Yet, notwithstanding all these difficulties and disadvantages now shortly to be removed by direct railroad communication, we have made a decade growth of about 100 per cent., while the average increase of the United States, in their wonderful development, has been but 30 per cent., and, strange as it may seem, we have grown as rapidly in proportion as our sister State, California. The truth is that all these States and Territories along the belt—Kansas, Colorado, Nebraska, Wyoming, Utah, Dakota, and California—have received large immigration to which we were entitled and would have secured with railroad communication.

BUT ALL THIS WILL BE CHANGED

in the nigh future. With the completion of the North Pacific, with direct connection with the Union Pacific, over eight hundred miles, principally of sea-voyage, will be saved, and then over two-thirds of the fifty millions of people of these United States will be a hundred miles nearer us than to any other portion of the Pacific coast region, and from five to six hundred miles nearer the rapidly-growing Japan and China trade. Three great means of access we shall have within two years—the Northern Pacific, the Union Pacific, and the Southern Pacific, three great transcontinental competing roads.

Immigration will follow these lines of rail, according to an unvarying rule of both the Old and the New World. The stream of commercial development of the United States, and for that matter the world, is between the thirty-eighth and fifty-fourth parallels of north latitude, the severity of the American Atlantic winter driving it far south in the east, and the mildness of the climate on the Pacific, under the influence of the warm ocean streams, allowing it to go to the northward, as like causes along the European coast have done with the Old World; and this great stream of commerce, making allowance for the climatic and other influences of the interior of our country, will center through our great Northwest on or about the forty-fifth or forty-sixth parallel. The steady tread of man as he advances or emigrates has in all ages been along lines of latitude, rather than longitude. In America the natural channels to carry man and his trade—the rivers—the Ohio, the Missouri, the Mississippi, and their tributaries, run southward. Vast mountain ranges lie along their sides, and it would seem that trade and emigration would flow in that direction. The mutual trade or exchange of the products of the colder with the warmer climates would seem to require it. But man, in his obedience to some other and higher law or circumstance, leaping all obstacles, bridges the rivers, tunnels or scales the mountains, builds roads of steel or iron, or digs canals, and carries himself and his trade east and west, and along these man-made channels has flowed the mighty stream of commerce.

It was estimated, a few years since, that more than four times the commerce crossed the great bridge at Saint Louis than passed up and down the Mississippi River underneath. If rivers

RUN EAST AND WEST

like our Columbia, which bursts through one of the great mountain barriers, commerce will undoubtedly follow them; but if they run north and south the great commercial line hitherto has crossed them. We of the Northwest are along this line, on this belt of latitude, or rather, this somewhat isothermal line around the world, along which the tides of commerce and progression, enlightenment and civilization have ever been rolling. In the United States along this line centers our most dense population, and here we find all of our really great cities. Along this belt are printed all the great newspapers of America and the world, and growth and wealth and prosperity ever attend it. Tracing this belt to Europe, we find it embracing the most enlightened, creative, conquering and progressive nations—such as England, France, and Germany. It is the great highway of nations, and along this line "the star of empire" has taken its course. This channel emigration pursues in America with but little deviation, and while toward the southward it could find a more mild climate, richer soil and more luxuriant growth of delicious fruits and vegetables, emigration hitherto has not gone there, neither has it come from such countries in the Old World. In the last decade nearly 3,000,000 emigrants landed in the United States, and of this number only 50,000, or but one-sixtieth part, came to the Southern ports, and the overwhelming percentage of those arriving at Boston or New York drove irresistibly onward toward the West and Northwest. The great growth of Eastern cities is among the more northerly ones, and increases as you go westward. Boston, Chicago, Cleveland, Toledo, and the more northern towns have excelled Baltimore, Cincinnati, St. Louis, and the more southerly. Indianapolis has doubled in ten years, and so has St. Paul, and Minneapolis is four times as large as in 1870. All this seems to be in pursuance of immutable laws of nature and the universe. The aggressive, ever stirring, conquering people are advancing along these lines.

Now behold our favorable position, situated as we are on the line of commerce around the globe. Take for instance our more southern navigation to China and Japan. From various causes it comes as far north as the forty-sixth parallel opposite the mouth of the Columbia, and then bears to the westward throughout the voyage. By the new overland railroad route by way of Granger and Baker City, Portland will be many miles nearer Chicago, Saint Louis, and New York than San Francisco, and the transcontinental route to Japan and China will be at least five hundred miles shorter via the Columbia River than by the old way of San Francisco. Along this line of progress and growth there is rolling onward toward us of the Pacific a ceaseless tide of immigration, an irresistible stream pouring over the plains of Kansas, Nebraska, Colorado, and Dakota, and rolling rapidly toward the golden sunset of the west. It is coming, coming, and when the flood-gate barriers are opened by the hand of capital and labor and avenues of steel have united us with the East, who can tell what the grand future has not in store for the Northwest? While speaking of growth by immigration westward, I have been struck by the novelty and force of an idea advanced by an able and well-informed writer and an old pioneer of Oregon. He says:

IF OUR PILGRIM FATHERS

had landed at the mouth of the Columbia or the Golden Gate, instead of Plymouth Rock, can any man believe that their posterity would ever have settled the country east of the Rocky Mountains as long as they could get land enough here to keep them from starvation? The terrible cold, the excessive heat, the frightful hurricanes, the long winters, and the thousand and one other "drawbacks" over there would have turned back the tide of immigration from this coast as long as there was ground enough here for a man to stand on. Providence wisely ordered that in settling America the most uninviting part of it should be settled first, and settled by a people whose austere manners, rugged constitution, and rigid theology better harmonized with the discouraging features the New World presented than they would have done with more delicate organizations reared on this coast. The Pacific coast was reserved for an improved posterity.

But as the latter portion of the feast is generally the best, so, indeed, "Time's noblest empire is the last." How different would have been their situation had our Pilgrim Fathers landed in the Northwest instead of Plymouth Rock. There an abundance would soon have blessed their labors, while at Plymouth Rock their lot was one of danger, starvation, and exposure, and many were the lives lost amid the fearful rigors of New England winters. On the Pacific their cattle could often have grazed the year around without food from the hand of man, while through famine and cold they perished on the Atlantic. The dangers, difficulties, and exposures of the pioneer who settled that northwest country were all in going across the continent; but in New England their troubles began upon their arrival. Again, it took a hundred years and more for them to surround themselves with many of the blessings and comforts of life which were realized by our northwest pioneers in the brief space of a few years.

RESOURCES AND PRODUCTIONS.

As people come our country develops and our productions increase. Even now we are a very great producing section. Wheat is one of our greatest staples, and its production has increased nearly fourfold in the last ten years. Our surplus is sent abroad, and while we demand cheap transportation our policy is also to build up our home markets and to encourage the presence of manufactures in all possible, legitimate ways, thus retaining our productions, as far as possible,

like healthy blood to circulate throughout our body-politic, giving health and vigor to every part.

We are unusually endowed with facilities by nature, as abundance of the raw material for building or manufacturing can be supplied, and the power is everywhere available, in the thousands of water-falls and streams and the coal and wood for fuel, unexcelled by any State in the Union.

The superintendent of census in our State estimated that our area of good timber on the Pacific Northwest, which only grows on the best of soil, capable, when denuded of its timber, of producing anything, exceeds that of Michigan, Wisconsin, and Minnesota, the great lumber-producing region of America; and he further calculates that the day is nigh at hand when our lumber industry will reach the figures of the pineries of the Upper Mississippi and the lakes.

Over many acres of our rich lands are forests of yellow fir, cedar, pine, spruce, hemlock, and in smaller quantity oak, maple, cottonwood, ash, dogwood, and alder. The fir is the staple, both in the quantity and the uses to which it may be applied. It is successfully used for the construction of large and durable ships, for houses, furniture, fencing, and heat, and for other purposes of civilization. Cedar in sufficient quantity exists to supply the demand for material calculated to withstand the moisture of the climate. The bark of the hemlock is of excellent quality for tanning, and is used for that purpose. For wagons and farm implements the oak is in use, much of which is as firm and elastic as the oak obtained in other countries.

The cottonwood, found in large tracts along the streams, makes good rails, and is a source of industry for the manufacture of barrels. Staves of this wood are sent by the ship-load to San Francisco. Elegant and durable furniture is made from our maple alder, fir, and ash.

In every portion of the wide extended territory west of the Cascades may be found huge firs, as high as from two hundred to three hundred feet, and straight as the line of a plumb.

Chestnuts and walnuts, rivaling those found elsewhere in size and fullness, have been grown by cultivation, and most of the trees growing in the forests of the Atlantic States will thrive in the Pacific Northwest if transplanted.

Underneath these extensive forests and rich soil in many places are valuable coal-mines and iron-beds which will soon be brought into requisition, and vast smelting works and forges and rolling-mills will light the darkness of our nights and roll the iron bands that shall bind our various sections together and us with our sister States. With the presence of the skilled laborers and artisans drawn from abroad consuming our flour and our beef and our vegetables, with all the advantages of home markets, quick returns, and high prices, and avoiding the annual drain upon our country's producing capacity and money supply, saving all unnecessary cost of transporting our products abroad and our imported manufactured articles, we can then not only become independent in fact and mutually advantageous to ourselves, but we can even turn the scales, and, availing ourselves of our superior situation, naturally become the manufacturers for others, drawing their raw material from them and returning the manufactured article. The importance of this policy none can overestimate.

Be this as it may, to-day the subject of great interest to us is that of sufficient and cheap transportation—facilities for carrying our people and their products, and of cost when carried. Commerce follows two great competitive channels, the

NATURAL WATER-COURSES

and the artificial railways; and while private capital will build the latter, to the General Government alone our country looks for the improvement of our water transit—our rivers and our harbors. The development of a new country depends much on the cheapness of its transportation. Freights and fares should be regulated with regard to the cost and risk of the service rendered, and not upon the fatal opposite principle adopted by greedy, avaricious, and little minds, of how much the producer can stand and yet live and produce. When such a dangerous policy prevails the people justly become agitated and restless, and restraining legislation is demanded, and serious conflicts between the government and the powerful creatures of that government become imminent. So the part of true political wisdom is to pursue such courses as time, experience, and reason have repeatedly suggested. The uniform lesson has been that water-ways are the natural competitors of railways—not that they always carry the trade, but that they compel the railways to keep their rates of charges within due bounds. Take illustrations from the East. Four wealthy, powerful trunk lines of steel rails run from the interior to the seaboard of the Atlantic, possessing, with others, a power of forming a vast "pooling" combination to control the rates of

THE CARRYING TRADE

and keep them uniform; yet, notwithstanding, there is a periodical rise and fall in their charges. However much we may regard railways as masters of the situation who may raise their rates at pleasure in the winter when all the water-ways are frozen, yet, as spring opens the free lakes and the Erie Canal—that crowning work of De Witt Clinton—yes, even days and weeks before, as they compete for the carrying of grain which they know will soon have an opportunity to go by a free water-course, down tumble the rates. It is not near so practical a question to the producer to know whether a water-way does carry the products when parallel with railways as to know that it can carry them. This very fact keeps rates within reasonable bounds, and with far greater potency than all other powers combined. The lakes and the Erie Canal affect not only the parallel lines, but also all lines to the seaboard, to Boston, Philadelphia, Baltimore, and elsewhere as well as the route to New York; for although these several points have no direct water communication with the West, yet, as they are competing points, a fall in freights to one affects all. Then again, competition with the Mississippi River, more especially since the improvement of its mouth, affects nearly the whole of the interior. It regulates the cost of transportation on all the railroads to the seaboard (now far cheaper than ever before known) and increases their direct export trade; and so will the improvement of the water-ways of our great Northwest—the Columbia River, the Snake, the Clearwater, the Willamette, the Umpqua, and their several tributaries, together with our harbors at Yaquina, Coos Bay, and Port Orford, and our small rivers.

The grand sweep of the regulating and competitive influences which the opening up of all these rivers and harbors would produce could scarcely be overrated, and it would be felt the year round, as our rivers are seldom closed by ice, and never for a sufficient length of time for the effect to be serious. The Columbia River moves along its course of over 1,200 miles with a mighty and irresistible stream, cutting its way through the Cascade Mountains—a continuation of the Sierra Nevadas, over which California has to climb. When it is improved, it will be a great, broad, open, deep and free highway for the use of all, and its influence cannot help but be grandly beneficial. A free river and a deep and safe channel to the sea and over the bar is and should be the policy of the Northwest.

IMPROVEMENT OF THE MOUTH OF THE COLUMBIA—THE RIVER OF THE NORTHWEST.

An expenditure of a moderate sum upon its entrance will insure a wonderful improvement, and will render it better than the harbor entrance of any great American city. Nature has revealed in its history a most significant lesson.

Ages ago its mouth was like a great bay, reaching from the bluff-bound Washington Territory line to the bluffs south of Clatsop Plains. The prevailing and strong winds, during most of the year, along the coast, come from the south or southwest. This has caused, for the greater portion of each year, a strong shore current of water which carries sand and silt up the coast to the northward. The effect has been to fill in what was once a bay, and to build up, through the long lapse of time, the low, sandy bottom now known as Clatsop Plains. The presence of vast quantities of shells and the remains of sea-life everywhere in and on the plains, and the numberless sand dunes are some of the strong corroborating facts demonstrating this growth. The effect of this action has been to deflect, as the sand plains grew, the channel or channels of the mouth gradually over toward the north bluff bank. In the course of time a natural limit for the plains was reached; but the same causes have continued to operate under the surface of the water, and a still further submarine spit growth has resulted, and has, through succeeding years, formed what is now known as Clatsop Spit, and which still has a constant growth in the same general direction, under water.

It will be seen that this regular growth under the unvarying law is a great natural aid to the improvement of the river entrance, for it is a primary proposition among engineers the world over that the width of the mouth of a stream should be so regulated that it shall bear a proper ratio to the volume of water discharged, and it is a principle of common sense, as well as of science, that the narrower you make a river's mouth, so long as you do not unduly impede the necessary flow of water, the further out into the ocean the inevitable bar will be, the farther down it will be to it, and the deeper will be the channel-way through it. The reason is manifest: a good strong current will overcome the opposing elements of the sea and carry the sand and silt much farther out into the ocean, and cause a much deeper channel through this deposit, acting on the principle of the nozzle placed on the end of a hose. It is this principle which gives to the Golden Gate its good name. There the bluffs on each side, a mile only apart, insure a straight channel out to sea, with the bar, like a half moon, reaching around from shore to shore, and seven miles out in the ocean to where the center and most forcible part of the current cuts through the bar—through the center of this half moon—and there, through the cut, it is thirty feet deep at low water, without change or variation. Widen the passage-way of the Golden Gate, and thus lessen the force of the current, and the bar will form nearer in and the channel through it will shoal. Widen it still more, and ill-defined shoals and crooked and shallow channels would be the inevitable result, and the well-merited reputation of the Golden Gate would then be gone, never to return until the gate-way could again be narrowed.

But to the history of the mouth of the Columbia. This narrowing process nature is constantly carrying on. Our first knowledge comes from the plat made by Broughton, under Admiral Vancouver, who visited the Columbia in 1791. Its claim to accuracy in some respects is disputed; but this much is certain, that Clatsop Spit had grown out until there was but one channel, straight to the sea, with a bar of the same general half-moon shape as at the Golden Gate, with twenty-seven feet at low-water through its center and between five and six miles out to sea. This with an average rise and fall of tide of over seven feet gave over thirty-four feet on the "bar," as it is called. Clatsop Spit had grown until there were but two miles between its

end and the opposite bluff, Cape Disappointment, and there was no Sand Island. No additional survey was made until forty-eight years later, that of Sir Edward Belcher, in 1839. During this time the spit continued to grow, and in all human probability, as it narrowed the passage-way, still continued to improve the depth over the bar.

But another cause had ere 1839 entered as an important factor. This long and growing spit had acted as an ever-increasing under-surface dam against the waters of the mighty Columbia. As it extended northward, driving the channel before, much surface water escaped over it, until at some period between those surveys of 1791 and 1839, when possibly with an unusual flood-tide and a consequent vast body of accumulated back-water in the river, and perhaps a storm combining, the ebb breaking over this underlying spit cut a new channel or swash across it, and two channels to the sea had formed instead of one, the part of the spit cut off becoming what is now known as Sand Island, and the splendid work of nature for years was destroyed in a brief period. Like a good tree that had sent forth its limb and borne thereon its blossoms and grown its fruit until the limb had become so long and so heavy that it broke—the work of time was gone, only to be renewed by slow and steady growth again, and instead of one straight channel, with twenty-seven feet at low tide, two crooked channels, since known as the north and south channels, with probably twenty feet of water, was the result. But nature again renewed her work of building up the spit. The same great, powerful agency which produced this growth caused Sand Island to move also in the same direction; but the combined effect of this force and the river channels deflected the course of Sand Island a little inward, much more so than the spit. This process continued until Sir Edward Belcher made his survey of 1839.

The movement of Sand Island, together with the peculiar conformation of Baker's Bay and Cape Disappointment, had in the meanwhile the effect to swing the north channel around from its former westerly direction and turn it southerly or down toward the south channel. The growth of the spit was forcing or throwing the south channel in a more northerly direction, so that when Belcher surveyed it he found much of the water of the south channel flowing over into the north channel, with a bar at the point of junction of twenty-one feet at low water; but in the thus strengthened north channel, and nearly three miles further to sea, there was about twenty-four feet. Clatsop Spit had probably been cut off about a mile and one-half back, and in 1839 and 1841 Sand Island, the portion cut off, still blocked the entrance-way of the river.

The next survey was by Admiral Wilkes, in 1841. In the mean time a very rapid growth of Clatsop Spit of nearly half a mile had united completely all the waters of both channels at the point of junction seen on the map of 1839, and the increased force of current gave a bar between four and five miles out at sea, with twenty-six feet at low water. This map shows the same relative northerly movement of Sand Island, although the island was still in the entrance-way between Cape Disappointment and Point Adams.

We now arrive at a more variable period, revealed by the next survey in 1851. Clatsop Spit shows another growth of a few hundred yards; but the middle sand bank, or Sand Island, which in 1841 occupied more than three-fourths of the mouth of the river between the cape and the spit, and which had hitherto much the same effect in narrowing the channel-ways as an extended spit, had moved inward until but little more than one-half of the intervening space was occupied by it, and, being elongated in the direction of its general course, had again caused two bar channels instead of one. The successive surveys from then until now disclose the continuous operation of this great, powerful agency—southerly winds and currents—a constant growth of the spit and the steady movement inward of Sand Island. This has not, however, improved the bars or channels, for Sand Island has still parted the waters, causing two channels, and as the island has moved from the mouth of the river nearer to Baker's Bay it has thus widened the passage-way of the mouth far more than the growth of the spit has contracted it. As a result, the maps all show crooked, shallow channels amid shifting sands, and displaying successive changes in depth, width, and direction at the freak of every wind or tide or storm. This is the period that has given to the Columbia bar its bad name.

The inward movement of Sand Island has caused a gradual shoaling of the north channel before it.

Lately the slow and more northward advance inward of the island and the growth of the spit have again had the effect to cause a swash from the south to the north channel, somewhat similar to that of 1839 and 1841, which gives assurance of some better entrance, at least temporarily.

Colonel Gillespie, the able and competent engineer in charge, seeing the danger of Clatsop Spit swashing off again as it grew out; seeing how nature was constantly building up a bank and narrowing the entrance, and realizing the necessity of preserving and sustaining the spit and building up and maintaining a bank thereon; in other words, as nature sent out its limb from the tree and grew its heavy cluster of fruit upon it, to support it, prop it up, and maintain it, recommended the erection of a strong pile-dike or jetty along upon the inside of the spit, with piles sunken by hydraulic process and inlaid with mattresses and stones between, dumped from a tramway thereon or from scows, thereby not only strengthening and maintaining the spit from ever breaking off again, but also turning into the proper place to aid in its proper work the vast body of water now wasting its scouring force over the spit, thus utilizing all the scouring capacity of the ebb tide and without interfering with the flood. The sand would fill in and back up around the jetty until it would be one solid, immovable, and durable wall forever, the immense body of fresh water protecting the wood from the teredo until the packing sand insured its complete protection. Colonel Gillespie thought that eight thousand feet of pile-dike would be sufficient, which, however, if not, could be extended at will. This work, he estimated, would cost but $430,000, and he recommended it all to be made at one appropriation, and urged the expenditure with great earnestness. He stated in his report that he had no doubt but that the maintenance of a deep-water channel was dependent upon the building up of Clatsop Spit, and the holding of it in position where it now is.

General Wright, Chief of Engineers, referred this recommendation to the advisory board of engineers in New York, which, however unintentional on the part of this able and distinguished officer, was like sending it to its graveyard. This learned board in their report reviewed the history of the mouth of the Columbia, yet probably through lack of careful personal examination of the locality and personal observation of the phenomenon, did not realize the deep significance of that history—the operation of the powerful forces and principles which I have attempted to outline—at least I find no reference to it in their report. They state "that the growth of Clatsop Spit has unfortunately been associated with a great deterioration of navigation over the bar;" and that "the present extent and position of Clatsop Spit" (alluding to its running north and south) "constitutes a hurtful feature of the outlet; and that it would be a beneficial change if it were set back in the place which it formerly occupied, in a direction nearly west."

It seems surprising to me that a learned board, called upon to advise the Chief of Engineers of the United States, and who pass in judgment upon the plan of a Government engineer of character and standing, who had been three years in personal charge, supported by able and experienced assistants, (all personally familiar with the locality and surroundings,) should have been so mistaken in their facts and so misled in their conclusions; for, while it will readily be admitted that in 1841, when there was twenty-six feet at low water and a good channel, that Clatsop Spit did not, in its main body, extend so far north as it does to-day, when we have crooked channels and much shallower water; yet this fact should not have misled the board, for Clatsop Spit had then been broken off and the part broken off—Sand Island—formed still a part of the general extension of the spit, serving, as I have before stated, as an extended spit toward the opposite bluff, blocking the passage-way of the mouth of the river and narrowing the channels on each side thereof until the aggregate channel-way was only about one mile in width, on a line from the spit to the bluff, whereas to-day along the same line, although the spit has grown much further, yet the old part of the spit cut off—Sand Island—having moved inward from the entrance, the mouth of the river in channel-way is a half mile wider than then. Neither have the channels come together beyond as they did then, to thus unite their scouring force upon the bar on the outside.

While the spit has constantly grown, the gain in thus narrowing the river mouth has been lost through the moving inward of Sand Island from the entrance-way. At that time Sand Island occupied more than three-fourths of the intervening space between the spit and the opposite bluff; but to-day, after the lapse of forty-one years, scarcely one-fifth is occupied by the now elongated middle sands.

The great cause before referred to, while building up the spit and causing its constant growth toward the opposite bluff and to that extent narrowing the river's mouth, has also driven Sand Island further into the widening river, and thereby out of the entrance-way, and thus really widened the mouth, and therefore the facts referred to by the board on examination strengthen Colonel Gillespie's plan. These facts show conclusively that the growth of the spit has by no means been the cause of the deterioration of the entrance bar, but that the deterioriation has been caused by the widening effect on the mouth by the inward movement of Sand Island, and that had the growth of the spit not occurred the condition would have been that much worse.

Again, the aggregated channel-way of the mouth of the Columbia is not only now divided all the way out to and over the bar, thus destroying much of its otherwise united force on a single cut through the bar which it possessed in 1841, and much of its water now wasting over the spit, but it is also to-day one-half mile wider on account of the inward movement of Sand Island.

Then, again, take the Vancouver survey of 1791, when the Columbia had the best channel and bar ever known, thirty-four feet at high water, and one straight channel to the sea. Clatsop Spit, before it had broken off, was then nearly one mile longer than it is to-day, and therefore one mile nearer the opposite bluff, and its sand was piled up much higher than now. How, in the face of these facts, the board could say that the growth of Clatsop Spit had been associated with a deterioration of the bar, or how they could advise that it be "set back" is more than I can comprehend. With all deference and earnestness I submit, even to secure the same situation we had in 1841, that it would afford no remedy whatever to set back the spit and thus widen the entrance unless Sand Island be "set

back" to narrow it. But, inasmuch as the great, overpowering forces of nature, the southerly winds and currents, have moved the spit and the Sand Island forward for years or ages, forces which will continue for all time to come and long after the distinguished board shall have been gathered to their fathers, I respectfully submit that it will require something more potent than a board of engineers in the city of New York, however able, to "set back" either of them.

The board speak of returning Clatsop Spit to its former position, "in a direction nearly west," and all through their report assume that Clatsop Spit in 1841 ran east and west, instead of north and south, as it really did. They evidently have confounded the bar in the maps of 1841 and 1792 with Clatsop Spit, when they are entirely different—Clatsop Spit being the accumulation of sand-growth, caused by the southerly winds and currents, and the bar being the great half-moon bend of sand and silt which settles from the river water or is thrown up by the ocean tides at the points where the two forces meet and spend themselves in part against each other. This is ever the result the world over—a belt of sand wherever a strong river current meets the tidal forces of the ocean. The bar, then, like all other well-defined bars—like the present one at San Francisco, for instance—was in the form of a great elongated half moon, an elliptic or bow, whose ends touched the shores on each side of the mouth.

At the Columbia in 1792 and in 1841 the bow, or, more properly speaking, the bar, existed, one end touching Cape Disappointment, and curving out in the ocean the other end touched Clatsop Spit. As well say that Cape Disappointment then extended out west as to say that Clatsop Spit did. As well confound the bar and Cape Disappointment as the bar and Clatsop Spit. Simply because they both were composed of sand and touched each other should not mislead a board of engineers. Therefore when the board say that Clatsop Spit should be set back and placed east and west, they not only, in my judgment, advise the impossible, but would put it back where it never was.

If a sand bank is desired out there, running westerly as it did in 1791 and 1841, let us aid and sustain nature in building up Clatsop Spit until the river currents are so driven to the northward as to wear away enough of the submerged portion of Sand Island, and a deep single channel washes out to sea, over a bar seven miles or more out with twenty-six, twenty-seven, or thirty feet of water at low tide, and we shall have the sand belt, but not till then; yet it will be the bar and not Clatsop Spit. This is the true idea for the Columbia. We want but one bar channel and then we will have a good one.

As the plans of Colonel Gillespie were disapproved, it becomes a matter of interest to learn the assigned reasons. They were:

First. That the pile-dike "would be too short to effect the purpose." Very well, I answer, then extend it.

Second. But they say, "If extended far enough to be effectual it would consolidate Clatsop Spit in position and extent," just what is needed, "and constitute a hurtful impediment to a future improvement of the channels."

How sound this conclusion is let an intelligent and deeply interested people answer; for there can be no reasonable doubt, in view of the history of this great river, or the foregoing facts which I have carefully taken from the maps of the Engineer Department, but that our policy should be to support and maintain Clatsop Spit as its growth proceeds, and that the protecting pile-dike should be extended accordingly.

There need be no fear of the spit growing too far. There would be if it were growing toward the inner bay, for then the same troubles might arise as have arisen at other points on our coast; but as it is growing northward directly toward the bold bluff of Cape Disappointment (and the pile-dike and river current would prevent it doing otherwise) it will force the current of the Columbia over until stopped by the bluff, when no encroaching sand-spit can endanger the channel, as the powerful current itself at the right place and unable to go beyond would let the sand-spit come just so far and no farther. The current force of this river is very powerful. To give some idea of what the Columbia can do in a "freshet," I quote from a letter from Professor W. D. Lyman in a recent Scribner:

> During the flood of last summer the Columbia rose at Umatilla about forty-five feet; at The Dalles, fifty-one; at the Upper Cascades about sixty; while at Portland, twelve miles from the junction of the Willamette and Columbia, the former was backed up to a height of twenty-eight feet above low-water mark. At Vancouver, where the ordinary width of the Columbia is a mile and a half, the flood extended to a width of six miles. To give some idea of the immensity of waters ensuing from the snows of our great western mountains, I might add that at The Dalles the mass of water superimposed on the low stage of the river was fifty-one feet thick, a mile wide, and moving at the rate of nine miles per hour. For several days it rose at the rate of an inch an hour. Its hourly increase was therefore enough to make a large creek, while its daily increase was just about equivalent to such a river as the Hudson.

I believe it to be true that the Columbia River carries off a volume of water almost equaling the great Mississippi. It has been estimated that the volume of water in the Spokane, a river that empties into the Columbia, at Spokane Falls about seven hundred miles from the mouth of the Columbia, is greater than that of the Ohio at Cincinnati. Though not so wide as the Mississippi the channel of the Columbia, fed by the rains of winter and the melting snows on mountain ranges in summer, is of great average depth and its current rapid and strong. And this mighty stream, freer from sediment than any other American river, flowing out of one mouth only, (and not a half dozen,) would form a grand, deep, straight channel, with a bar, as I verily believe, in time ten miles out at sea, with abundance of water to float any vessel over it in almost any weather. As it is now, vessels not of the largest draft are at times detained for weeks—even months—awaiting water enough to pass out with their cargo. And this brings me to the last objection, and that is:

Third. The idea of the board that no improvement of any kind was necessary—which by the way was equally incorrect. Let me quote the following dispatch, which I clipped, recently, from the Bulletin of San Francisco:

> The Eureka, which arrived here [Portland] yesterday, reports eighteen vessels off the Columbia River bar. Twenty vessels, loaded and cleared, are lying in the harbor ready to cross out;

and this dispatch is but an illustration of what is frequently occurring at this point. The loss of the Great Republic is a significant illustration of another evil closely allied with the present condition of the bar. While not wrecked on the bar, and aside from all consideration of carelessness, yet a straight channel to the sea (which is always the counterpart to a good bar when the body and current of the water is sufficient, as they are in the Columbia) would have saved the noble vessel whose hulk now rests on Sand Island to attest the dangers of crooked channels immediately inside as well as over the bar.

From a list of vessels foreign-bound crossing the Columbia River bar from June, 1881, to January, 1882, carefully compiled by the Astoria Chamber of Commerce and presented to Congress to-day, it will be seen that of eighty-six vessels, drawing from fifteen to twenty-two feet and having a total value of nearly seventeen million dollars, sixty-five were detained from one to forty-two days, and that the total direct loss thereby for demurrages of vessels and interest on cargo amounted to $45,413. This list omits the large coasting trade in steamships and sails to all points between Puget Sound and San Francisco, neither does this include the loss for detention of vessels coming in over the bar, some of which have been compelled to wait outside as long as thirty days at a time.

From the same detailed statement it appears that in the last four years the loss from wrecks on account of crooked channels and lack of water on the bar, simply, and not counting the costs to other vessels for repairing damages caused by striking on the bar, has amounted to $518,724.

In addition to the above I have just been advised by the president of the Astoria Chamber of Commerce of the complete wreck of the bark Corsica, of eight hundred and sixteen tons, drawing nineteen and a half feet, while being towed out over the bar, March 1, the vessel having struck seven times and become a total wreck; loss of vessel, $32,000; cargo of wheat, $46,838; total, $78,838. He adds:

> The Reporter lately came in with railroad-iron after lying off the bar forty days.

The larger class of vessels loaded with railroad material for the Willamette Valley and Columbia Basin have been compelled to go to San Francisco, and thence to be lightened in smaller coasters, or to Puget Sound, and thence transmit across the land by railroad at largely increased expense. And yet the New York board thought, nearly two years ago, that no improvement was needed, but time has proven otherwise. Why, Mr. Speaker, the commerce of the Columbia suffers now, all told, enough in one year to equal the entire amount asked for by Colonel Gillespie.

On this whole subject my personal knowledge of the locality and careful investigation induce me unhesitatingly to declare my belief that the three gentlemen in the city of New York constituting the board were wrong and Colonel Gillespie was right; and the engineer in charge still stands by his recommendation, and the people of the great Northwest stand by his report.

It will be seen by any one who takes the trouble to examine the maps of the barred harbor entrances of leading maritime ports the world over that the Columbia is peculiar to itself. Its capacity for permanent and great improvement is far greater than that at New York, or the mouth of the Mississippi, or the Delaware. While San Francisco has much the deepest water over its bar of any leading port in the United States—thirty feet at low-water, and probably a mean rise of four feet more—yet the Columbia River once equaled it, and can be made to equal it again. How much more might be done no one can determine; but this much is certain, that more fresh water scours out over the mouth of the Columbia River than over any other single bar in the United States. Nature is gradually doing the work for us, and all we have to do is to confirm and maintain her work. Clatsop Spit, in its growth, is to-day in constant danger of again breaking off. Let the work of improvement be commenced immediately, for delays are dangerous.

In thus contracting the channel and throwing the bar or sand deposit far out into the deep ocean, unlike many other prominent places where improvements are being made, the sand deposit will be constantly subject to cross or littoral currents which greatly assist in wearing away and removing the bar deposits. These strong shore currents, I am informed, do not exist at the South Pass of the Mississippi, nor at New York where Sandy Hook and Long Island deflect them away, nor San Francisco, where the bar (fortunately not in need of the scouring force of these currents) is eight miles inside of a line from Point Reyes to Pescadero Point.

President Hayes, in one of his messages, after visiting this wonderful country and learning of its necessities, earnestly recommended

the permanent improvement of the channel at the mouth as an "urgent need." It is the present inlet and outlet of nearly the whole of the Northwest; and in urging the importance of the improvement of the mouth of the Columbia let me say that it is the only river in this great commercial Republic which will receive at favorable periods a deep sea-going vessel one hundred and twenty miles into the interior.

I shall now try to give some idea of the present and prospective

COMMERCE OVER THE BAR;

and, first, as to the growth in my own State alone:

Comparing our productions in the year 1880 with those of 1870—during which time our population doubled nearly—we find that in 1880 we produced nearly twelve million bushels of wheat, an increase of over fourfold; and the last year it was estimated at nearly fourteen million. We have nearly doubled in the last two years. Was anything like this ever known before?

In 1880 we produced nearly four and one-half millions of bushels of oats, a twofold increase; of barley, nearly nine hundred thousand bushels, over fourfold increase; of wool nearly six million pounds, or nearly sixfold increase. During the same time our manufactures nearly doubled.

It is, however, in wheat production, as seen, that we excel. These figures give us over seventy bushels to each inhabitant. Our preeminence in this respect is seen by comparison with the rate per inhabitant generally in this country, that being about eighteen bushels; in the Middle States a little over three bushels, and in New England about one-fourth of a bushel. This immense yield is from a small fraction of our tillable soil only, and even the whole of Oregon is but a small fractional part of the grand section—the Northwest. A memorial to Congress presented from the Washington Territorial Legislature estimates in eastern Washington alone a wheat capacity of 42,000,000 bushels annually. As the late Bishop Haven said, in the Zion's Herald:

It is a great country, and should I express my mind fully about it I would be suspected of writing in the interest of some railroad company or land speculators.

Take the salmon industry: while it was said that the English commissioner agreed to surrender Oregon "because a country in which a salmon does not rise to the fly could not be worth very much," yet on the river there are thirty-five canneries which during this last year packed for export 540,000 cases, worth over $2,700,000. On my way here, standing on the deck of the steamship California, which by the way had to wait two days to get over the bar, Mr. Lienwebber, a prominent citizen of my State, informed me that $785,000 gold coin had been paid out that season to fishermen for fish caught in the waters within the range of our vision.

The immense tonnage of the Columbia, present and especially prospective, calls for increased facilities for shipment; larger vessels, deeper draft, more tonnage capacity. Our coasting trade with San Francisco employs iron steamships, every few days, of over 2,000 tons. The average draft of our grain fleet to Europe is probably eighteen feet, but these are often delayed to the great annoyance and expense of all interested therein. The voyage is so long that economy requires the largest and deepest vessels which we cannot now procure. Even if they could not carry a full cargo up the river after entering, should they desire to ascend as far as they could go they could transfer or lighter, as heretofore, in part; and on return to Astoria could finish cargo, and thus materially benefit the transportation interests of the people. You of the East whose capital is doing so much to develop our country are deeply interested in all these matters. Your people who contemplate emigration are also. The commerce of the world is concerned. It is of the greatest importance that your vessels and the ships of the world can safely reach their destination in our Northwest, and safely and profitably depart. These ships last year carried out over that bar, in value, over $14,000,000 of exports. What will it not be in the development of the nigh future? Another thought: improve the river and large steam vessels will take the place of sail, and instead of the greater proportion of vessels coming in ballast and charging higher rates through lack of cargoes, large immigration will follow on these lines, thus not only diminishing the cost of wheat carriage but causing the upbuilding and development of our country.

On entering the Columbia we find the prosperous and rapidly growing commercial seaport Astoria, a distributing point for a vast scope of country teeming with all the grand elements of present and future wealth. Here is the center of the vast lumbering and salmon interests, and vessels entering generally lighter for the up-river passage, and complete cargo on return. The improvements to be made above the shipping point of Astoria are generally classed as those of the

LOWER COLUMBIA AND WILLAMETTE.

The present principal distributing point for this northwest country, generally, is Portland, Oregon, over one hundred miles farther inland, at the head of ship navigation. From this point northward to Puget Sound, excepting a small gap soon to be completed, the North Pacific Railroad extends. Southward the Oregon and California and the Oregon Central Railroads traverse the Willamette Valley, and will soon connect with the Central Pacific to San Francisco. From this point easterly extends the Columbia River through the gateway of the Cascade Mountains, along which the Oregon Railway and Navigation Company has nearly completed a railroad which forms part of the line of the Northern Pacific, and extends on easterly through the fine wheat lands of the fertile valley of the Walla Walla, and crosses the Snake River into the rich but undeveloped valley of the Pelouse; and the Northern Pacific, branching off northeasterly almost to the line of British Columbia, extends on toward the Eastern States. With this line of the Oregon Railway and Navigation Company will soon connect the Oregon Short Line, which extends off in a southeasterly direction to the Union Pacific Railroad. To this distributing point most of the ocean vessels for the Columbia River ascend and descend with whole or part cargoes. Over this distance, by some conveyance of water or rail, by river or ocean craft, all the imports and exports coming or going through the mouth of the Columbia for the immense area of the northwest beyond this distributing point, must go, and the cheaper it can be carried the better. Experience suggests that deep-draft ocean vessels propelled by steam carry their foreign cargo up and their return cargo down, or such portion of cargo as the depth of water in the river permits, cheaper than by any other method of conveyance; and every facility for transmission by deep-draft vessels inures to the benefit of every producer and consumer whose freight passes over this distance and route.

It is claimed that wherever transportation, interstate and foreign, is carried part way by water and part way by land, deep-water transportation, being the cheapest, will be utilized as far as possible, and that commercial towns or the points where exchange is made from one method of transit to the other will be as near to the producer and consumer on the line over which the freight must necessarily pass as it is possible to secure reasonable water-carriage, and that another immutable law governing transportation is that ocean-going vessels, urged onward in competition by the capital of commerce, will crowd as near to the great body of producers as possible, and that for these reasons New York outgrows Boston, Philadelphia thrives one hundred and twenty-six miles inland, so does New Orleans. Montreal, six hundred and twenty miles from the ocean, excels Quebec. Chicago is another great illustration. Hamburg, the great maritime city of the continent of Europe, is 60 miles up the Elbe from the ocean; Bremen is 40 miles inland; Calcutta, 80 miles; Canton, 80 miles; Glasgow, 21 miles; London, 60 miles; and Baltimore is over 200 miles inland.

Be that as it may, we know that great towns and many of them are the outgrowth of great countries. They are the great distributing points for trade and commerce, and advantages for one equally inure for the benefit of the other, and whatever helps one builds up the other. The greater portion of vessels that come into the Columbia River have cargoes for producers and consumers beyond Portland, and load with cargoes from the same section, and those people interested demand every facility for cheap transportation. It will be interesting to know also that the channel-way is almost entirely through mud bottom, and I believe no loss of vessel has ever occurred. The obstructions are at Hog's Back, Walker's Island Bar, St. Helen's Bar, Mouth of Willamette, Post-Office Bar, and Swan Island Bar. To remove these obstructions we have two systems: annual dredging and contraction, protection or other devices for permanent improvement, or a combination of both, which seems more reasonable. The system of dredging has been resorted to in Glasgow until the Great Eastern can float where formerly was only a channel of 3½ feet. Also at Montreal, where 31 miles of continuous dredging changed a channel of 10 feet in depth to 25 feet, and vessels now carrying from 3,000 to 4,000 tons of freight daily ascend where formerly those of 400 tons were compelled to lighter. This was done at the immense cost of $1,200,000, but it allowed deep vessels to ascend cheaply 160 miles further; and where only 129,000 bushels of wheat were shipped from Montreal before the work commenced, in 1879 nearly ten and one-half million bushels were shipped from that port. To-day to insure a channel 100 feet wide and 20 feet deep at low water in the lower Columbia and Willamette, as estimated at my request by Captain Powell, engineer in charge, only 137,418 cubic yards of mud and sand over an aggregate distance of 14,400 feet, or 2¾ miles, will have to be removed. Vessels are now constantly annoyed and always have been by these bars, and compelled to lighter both ways at great expense. That the importance of this ocean traffic may be fully realized, allow me to present a few interesting facts:

The value of imports to Portland for the years 1880 *and* 1881.

Country.	1880.	1881.
From England	$311,664	$431,257
From Australia	15,902	24,234
From Hong-Kong	84,808	137,234
From British Columbia	13,533	10,213
From Hawaiian Islands	60,198	26,690
Total	486,160	639,318

The freight exports from Portland during the year 1880 of wheat were 1,762,515 bushels; in 1881, 4,076,508 bushels; of flour, in 1880, 180,663 barrels; in 1881, 374,480 barrels.

This wheat and flour was exported principally to England and Ireland, and to Belgium, France, British Columbia, Hawaiian Islands,

and Hong-Kong, besides large amounts exported on board the fine iron steamships which run to San Francisco, now every four days, and there reshipped as California wheat, the amount of which I have been unable to learn. San Francisco being now a better entrance, ships prefer to come there, and we transfer much of our foreign exports down to that port, thence to be reshipped abroad, all of which can be saved by improving the Columbia Bar and lower river.

Vessels entered at the port of Portland.

Owned by—	1880.		1881.	
	No.	Tons.	No.	Tons.
Americans	9	7,011	13	10,440
Foreigners	40	35,619	114	98,941

Vessels cleared from the port of Portland.

Owned by—	1880.		1881.	
	No.	Tons.	No.	Tons.
Americans	32	26,913	29	27,073
Foreigners	48	39,611	118	101,689

This shows a great increase in the last ten years, as in 1871 only eleven foreign vessels were cleared. The coastwise arrivals in 1881 were 139; tonnage, 236,604. Clearances, 99; tonnage, 202,382.

Portland in 1864 did the first work on this improvement. It built a dredge-boat, and after using it awhile turned it over to the Government. The city has now imposed a tax upon its citizens of $34,000, to be expended by the Government in this important work. The entire estimate of the Engineer Department for present plans is $133,000, three-fourths of which they calculate can profitably be expended this ensuing year—a very small sum compared with the benefits to be derived, and the interests of the immense section concerned demand its expenditure.

By comparing the rates of ship charters and adding to the difference charges for lighterage, it seems that on wheat alone, owing to these delays and difficulties on the way to the sea, during the last year our wheat producers lost upward of a quarter of a million dollars.

As the freight of the Willamette Valley and Eastern Oregon and Washington has to pass over this channel-way, it cannot escape the tribute these bars levy, and the only safety lies in their removal.

CANAL AND LOCKS AT THE CASCADES.

One of the most important public works now in progress in this country is the construction of locks around the Cascades of the Columbia River. It is one of the keys which unlocks the great bars to the wonderful development of Eastern Oregon and Washington and large portions of Idaho and Montana, also of a portion of British Columbia, about half the size of Oregon, rich in mineral, timber, and agricultural wealth, whose trade will naturally flow into our borders. Look at the situation. A high, rough, mountain range traverses the western coast of these United States from Mexico on the south to the British Possessions on the north. This range is known as the Sierra Nevadas in California and as the Cascade Range in Oregon and Washington, dividing as it does the great Northwest into two sections of territory, and thereby excluding the greater of these sections from all connection with the Pacific seaboard.

Now, Mr. Speaker, mark this, that at only one point along this extensive mountain barrier is there a gateway between the great interior section and the Pacific Ocean. At this one point, on the boundary between Oregon and Washington, the Columbia River—freighted with the waters of the immense water-shed of the eastern section, waters from Wyoming, Nevada, and Utah from the south, and Montana and British Columbia from the north and Idaho from the east—breaks in its onward progress through this mountain range on its way to the deep water of the ocean. But while nature has done this much, the course of the river is obstructed by rapids at the Cascade, a place about half way through the pass. Around these rapids the Government is now constructing a canal, with lockage extensive enough to carry the largest-sized river steamers.

The Government engineers estimate that they can profitably expend $750,000 this ensuing year, all of which should be appropriated. Within two years at this rate the river at this point could be opened for navigation for the busy period of the year, and the grand gateway thrown open for the free passage of commerce. As in a great funnel centering at this opening comes the trade from the North Pacific down from Northern Montana, and from the Union Pacific from Wyoming on the south, while almost due north railroad surveyors are now looking for a line from the grain fields of the Yakima along the mountain foot-hills and down the Klickatat or White Salmon River to the gateway, and soon railroads will be extending almost due south from The Dalles along the Des Chutes and the John Day Rivers, gathering the trade even to the California and Utah line. Easterly along the Columbia River and now almost continuously through the mountains extends the Oregon Railway and Navigation Company's road on the southern side, while on the northern side from The Dalles east the Northern Pacific will ere long be built.

Open the barrier and allow freight to reach The Dalles, that thriving distributing point east of the mountains, and even the wagon freighter could meet the river boats, for the freight will then be through the mountains. There the steamers from the seaboard towns could tap the region where great activity in railroad building already prevails, as it is easy to build railroads above The Dalles, though very difficult below. From the gateway in the mountains, like diverging rays, extend most of the roads in operation or process of construction, and this is largely true on both sides of the mountains, for last year over three hundred and fifty miles of railroad were built in the Northwest, and this year nearly five hundred more will be completed. The Columbia, however, is the great artery either to carry the trade and commerce or to regulate the cost of transportation, and the policy that wise foresight demands is the opening of a deep ship-channel as far up as possible, and a channel for the largest-size river craft for the remainder. This policy not only develops the country but also necessarily all cities—distributing points—along its line. The Erie Canal not only was one great factor which made the Empire State but New York City also. So with Chicago to a large extent was the Illinois and Michigan Canal, connecting Illinois River with Lake Michigan; so with Toledo was the Wabash Canal from the Wabash River to Lake Erie, and so with Cleveland was the Ohio and Erie Canal. All the testimony taken before the Congressional committees this and previous Congresses shows conclusively that the great competition which the railroads cannot overcome is the grand system of natural and artificial water-ways in this country.

Even the great trunk lines of the East in all their ramifications are governed by the quantity moving and the price of freight upon the lakes and Erie or Welland Canal or the Mississippi River. See what effect the opening of the water communication through the Mississippi had upon the transportation interests of the grain-growers of the West. First, the direct export of wheat abroad from Saint Louis, by way of New Orleans, was increased from a merely nominal amount in 1876 up to nearly sixteen million bushels in 1880; and, second, the cost of that transmitted by rail to New York was reduced nearly one-half.

In England various parliamentary committees have reported that the most effective competition with railroads comes from water communication both natural and artificial.

I mention it as a very significant fact that the Pennsylvania Railroad Company, probably one of the wealthiest and most skillfully managed railway corporations in this country, now controls through purchase and lease nearly four hundred and fifty miles of canal navigation; and not only have they deemed it wise and business-like to buy these competing canals but also, as many heavy, bulky articles could thereby be more cheaply transported, they have greatly enlarged, improved, and are now using these canals. So the day will come when the bulky wheat of the grain fields of the plains of Eastern Oregon and Washington and Idaho will float by barge or steamer down the Columbia to tide-water.

Mr. Nimmo, jr., in his valuable report on the internal commerce of the United States, says that where water competes with rail it is the real governing force in regulating rates for bulky, heavy freight, like wheat, for instance, although on many other articles the effect is hardly appreciable.

The following facts show the direct importance of artificial water-ways or canals in the carrying trade. The grain receipts of New York were:

Receipts by—	1876.	1878.	1880.
	Bushels.	*Bushels.*	*Bushels.*
Canal and Hudson River	31,766,400	62,561,600	71,089,815
Rail	59,047,953	85,350,079	95,414,822

But the indirect benefits in controlling railroad rates are very much greater, and it must also be borne in mind that the Erie Canal boats only carry to-day about two hundred and forty tons each, and the canal is only open on an average two hundred and twenty days in a year.

This canal was originally constructed by the State of New York, at a cost of $7,602,000, with a capacity for boats of seventy-eight tons burden. It has subsequently been enlarged at a total cost of $44,000,000. The total expenditures thereon for construction, maintenance, repairs, with interest to the year 1866, were $140,430,953. The total receipt from tolls up to that date with like interest amounted to $181,828,604, leaving a direct net profit from the Erie Canal of $41,397,651. The indirect profit to New York and to the great West has been absolutely incalculable.

The transportation interests of the people of Eastern Oregon, Washington, and Idaho, connected with the improvement at the Cascades, is already great and rapidly growing. This last year, as near as I have been able to learn, the surplus crop of wheat that was compelled to seek its market through this pass has been about 112,000 tons. During the fiscal year ending June 30, 1881, the total freight

from and to the city of Portland in river steamers was 268,045 tons. To give an idea of the wonderful increase constantly going on since, allow me to state that during last July it was 38,590 tons, as against 16,058 tons the same month the year previous, and during August 63,521 tons, as against 22,714 tons; September, 58,578 tons, as against 25,656 tons; October, 81,179 tons, as against 30,230 tons, or a total of 241,758 tons, as against 94,658 tons for the like period the year before, or a growth of nearly threefold in one year.

So rapid has been the increase of products to be transported, so much more so than the increase of facilities, that for several years there has been a perfect blockade of freight at busy seasons when it has to be transferred at the portages.

The importance of water communication through this gateway and the competitive effect it will have cannot well be overrated. To-day a gigantic and powerful corporation controls all rates and fares through this outlet. The charges for transportation service over and along this river and around its portages have hitherto been excessively burdensome upon the production and consumption of this young and sparsely settled country. This immense burden the people of Eastern Oregon, Washington, and Idaho have long borne, and these pioneers who are settling that vast territory are entitled to have opened the grand water highway which the God of nature has given them. They are entitled to the benefits of cheap transportation and to the development which it will bring. Nor do I believe that it is not to the interest of all engaged in transportation that this river be opened, for we observe elsewhere that one of the inevitable results of water lines is the incidental increase in traffic by rail. One of the most prosperous railways in the United States is the one which for five hundred miles competes along the banks with the Erie Canal and the Hudson River. The competing rates develop the productions and consumption of a country, and the railway makes greater profit on increased freight at lower rates. The business developed by water lines creates traffic in articles requiring speedy transport and articles that can bear rail rates. The railway passenger traffic is solely benefited by the growth of the country. While, therefore, free rivers directly benefit the entire section, the railroads competing share in the general prosperity, and wise foresight on the part of railroad management must see this result.

The present plan is to secure low-water transportation during the busy boating season, generally lasting about six months, by completing the present lock and canal and the utilization of the natural river bed up to the foot of the present lock by the removal of reefs and projecting points, which plan can be easily adapted to an all-the-year-round system subsequently. It has received the unqualified approval of an able board of engineers, composed of such competent and distinguished men as Colonels Stewart, Williamson, Houston, and Gillespie, and General Weitzel. This last-named engineer had charge of the improvements on the locks at Louisville, on the Ohio, and also those around the falls at Saint Mary.

It should be mentioned that with commendable wisdom, in view of the continued enlargement of other canals demanded by increased traffic, these locks are being constructed with sufficient capacity probably for all time to come.

The low-water plan can also be adopted with equal success at The Dalles as at the Cascades, and be equally utilized as the high-water plan progresses. The river can be improved by blasting, and the removal of rocks for about twelve miles to the foot of Celilo Falls, where low-water locks can be constructed.

Captain Powell, Lieutenant Price, Captain Poe, and myself, with others, on the 23d of September, 1880, ascended in an ordinary steam ferry-boat to the Big Eddy, four miles above The Dalles, without difficulty.

The Dalles is over two hundred miles from the sea; beyond we have good all-the-year navigation on the main Columbia nearly two hundred miles, and in connection with Snake River the navigable water extends to Lewiston, Idaho Territory, and thirty miles beyond, making in all 369 miles of navigable water before any obstruction is reached; and with the exception of various places which are susceptible of improvement along the course of the river, through a country at present almost entirely unsettled, there is navigable water nearly six hundred miles further, and reaching nearly two hundred and fifty miles into a rich and fertile region of British America; and, Mr. Speaker, these miles count, the Columbia River being without the numerous curves and crooks of the Mississippi, which in a general course distance between Saint Louis and New Orleans of about seven hundred miles, or a little more than the general course distance from the Columbia River Bar to where the river crosses the British line, measures about twelve hundred miles in crooked river channel.

It will doubtless be interesting to know in this connection that a valley route has been made by nature from the Pacific toward the Atlantic—the route adopted by the North Pacific Railroad—and that along this line two of the great rivers of the country rise together and, flowing in opposite directions, cut through all mountain barriers, and empty respectively into the Pacific Ocean and the Gulf of Mexico. Mr. Ritz, to whom reference has hitherto been made, informs me that within the distance of one step he has been able to drink from springs whose waters respectively run to the east and to the west. Near this place, to accomplish mining purposes, the head waters of the Missouri have actually been turned into the Clark's Fork of the Columbia—the waters of the Gulf of Mexico into the Pacific Ocean—and it may not be visionary to predict that the day may come when, through the discoveries of engineers' surveys and the plans of engineering skill, water-way transportation may along this line unite the products of the Gulf with those of the Pacific.

THE UPPER WILLAMETTE AND YAMHILL RIVERS

drain the Willamette Valley, a valley larger than Vermont or New Hampshire, nearly as large as Maryland, larger than Massachusetts or New Jersey, nearly three times as large as Connecticut, five times the size of Delaware, and ten times as large as the State of Rhode Island. Were this valley populated in proportion to the valley of the Ohio it would have 550,000 people; or the valley of the Susquehanna, over 725,000; or the Merrimac River, 1,076,000; or as the Hudson or the Delaware Rivers, over 2,000,000; and were the valley settled as thickly as Massachusetts, it would support 2,500,000 people. This is the heart of the present settlement of the State. Oregon has already expended several hundred thousand dollars in opening the Willamette River by canal and locks to navigation at certain stages of water, from Portland as far up as Eugene City, one hundred and seventy-two miles by river. From this valley this last year by river and rail over 111,110 tons of freight were transported. The General Government, during the last ten years, has made small annual appropriations to improve various bars and places, namely, at Rock Island, Polalley, Yamhill, Union, Beaver, and Lone Tree Bars, McCloskey's Chute, Eola Bar, Rocky and Humphrey's Rapids, Long Crossing, Buena Vista, Fickels, Pine Tree, Bruce's and Stewart's Bars, and Half-Moon Bend, and other places, and to remove snags which accumulated along the heavily timbered river from annual freshets. The Engineers' Department recommend an appropriation of $10,500—a very moderate sum, indeed.

YAQUINA BAY,

the outlet of the Yaquina River, drains one of the finest fruit-growing and stock-raising regions of the Northwest. The hills, gradually drooping from the coast range to the ocean, were once covered with immense forests, which years ago were destroyed by a desolating fire, giving boundless range for stock of all kinds, with undergrowth sustenance for winter without need of other feed, while the sunlight and air have chemically improved the naturally rich soil until it has become an inexhaustible field for fruit, grass, and vegetable productions. The valleys are all fertile and rich in native clover and other grasses. The best dairy region in the United States will sometime be developed in these coast-range valleys. In the bottoms fine green timber give employment to the mills, while croppings of coal and other minerals indicate the presence of untold wealth.

While upon the subject of forests allow me to refer, generally, to our great resources in this respect. These coast-range forests embrace an area of about seventeen million acres; and this is at least equal to from ten to twenty times as many acres of the best timber lands of Wisconsin or Michigan or Pennsylvania. It is, to the Pacific States, a richer source of future revenue than all our mines have been in the past or all our grain fields of the present. The rainfall of the Pacific States reaches its maximum in these mountains, which, with the fogs and mists of the sea, account for the astounding growth of the forests.

The Central Oregon Pacific Railroad is now in process of construction. This railroad, connecting the Willamette Valley with the Yaquina, was originally started through contributions to the extent of $30,000 from the people of the valley interested. The plan and purpose of the road is to extend across that valley tapping the Oregon Central and Oregon and California Railroads, and crossing the Willamette River, thus utilizing as far as possible its navigation and these roads as feeders. The one hundred and thirty miles to be built this year will reach and pass the Willamette Valley, and give an outlet to counties which produce a large proportion of the wheat crop of Oregon, and of the wool, cattle, lumber, and fruit which are now staple exports. It is to be extended over the Cascades into the heart of Eastern Oregon—the pasture of the present and the grand granary of the future—and on eastward nearly six hundred miles to intersect or meet a transcontinental line running westward. The completion of the plan would insure a direct outlet to all those central and productive portions of Oregon, with all the advantages of competitive influence. Its importance would be very great. When the harbor is improved and this road built, it will be a direct competing line with all other lines now controlled by a single corporation; and the less the Government appropriates to open the harbor the longer this competition will be delayed. To complete the proposed plan for the harbor improvement will require $415,000. By appropriating $200,000 this year and a like sum next year the improvement can be completed in two years. In view of the building of this railroad from the inland to the sea, the first one hundred and thirty miles of which will be at a cost of $25,000 per mile, or $3,250,000, it is obvious that the question presented to Congress is not one of expenditure to benefit a locality merely. As the $400,000 will evidently be appropriated in continuous sums within the next few years, would it not be the part of wisdom to complete the work promptly rather than delay relief?

This road is being built on the faith in the improvement by the

United States of the harbor entrance at the mouth of the bay. The people of the Willamette Valley in the interior counties have expressed through the press and by public meetings and otherwise great interest in this work. I have in my hand long lists of subscriptions in aid of this improvement.

There is one channel straight to the ocean and whose bar is much protected by an outward reef some distance to sea. The heavy seas at this point come from storms far out on the ocean and are from the west, and the reef on the outside breaks the force of those waves. A safe entrance can be effected either to the north or south of the reef. In addition there are two more channels—one very small, to the north, and one quite large, to the south; the one to the south opening in depth by the prevailing hard southwesterly winds of winter, and, varying in depth with their severity, affects of course the middle channel, it shoaling as the south channel opens. During the last summer, owing to the absence of these winds, the south channel nearly closed and the middle channel opened to nearly twenty feet at high tide. The plan of improvement is to close the south channel entirely and permanently by a jetty 2,500 feet long on the south side of the entrance, and thus utilize over the middle channel the scouring capacity of this entire distance of waste water. The present bar evidently is underlaid with soft sand rock projecting from the headlands of the north side, and at present covered with sand which the proposed improvement will doubtless scour away, when the ledge can easily be removed by blasting. From personal observation I have no doubt of success. After passing over the bar the channel is about twenty-four feet deep to Newport, and from three hundred to six hundred feet wide, and is never obstructed by ice.

To the northward a short distance is the projection of Cape Foulweather, where, on the south side, an ocean vessel of any draft can load during the calm of summer months, and where, on the other side, a safe harbor of refuge from winter storms could be afforded with a reasonable expenditure. Fifty thousand dollars has already been appropriated by Congress for the work at Yaquina. The memorial of the last Legislature of my State petitions for $200,000. The engineer in charge asks for $60,000 for this year. On the faith that Congress would continue the improvement, the railroad company have already purchased steel rails, the duty upon which amounts to $168,644, and during the present year will probably amount, all told, to over $420,000. Thus it will be seen that the improvement is really not costing the Government a dollar, even if the full sum required be appropriated. Not one dollar of this duty would come into the Treasury, except on the belief that the harbor will be improved so that shipment can be made and the railroad thus utilized. The General Government can well afford to expend this duty-money on this improvement.

COOS BAY AND COQUILLE.

This section abounds in natural resources of almost every variety. In area it is nearly half as large as Connecticut, much larger than Delaware, and is twice as large as Rhode Island, where 276,000 people reside, and in richness of soil and salubriousness of climate is unexcelled by any country. Immense tracts of the finest fir, ash, spruce, myrtle, oak, and cedar abound along all the many streams that empty their waters over the entrances of Coos Bay and Coquille River. It has been estimated that the area of land covered with timber suitable and available for manufacture into lumber in the vicinity of Coos Bay alone cannot be less than 100,000 acres, and this land will produce from 100,000 to 200,000 feet to the acre.

One mill at Marshfield cuts 60,000 feet of lumber per day, or 1,000,000 feet per month. It employs 40 men and disburses $8,000 monthly for logs and labor.

One stave factory at Empire City uses upward of 1,500 cords of stave bolts per year. Ship-building is also a leading industry. Coos Bay has already established a reputation as the principal ship-yard in Oregon; in fact, it may be said to be the only point in the State at which the construction of vessels has assumed the form of a regular business. Over fifty vessels of all classes have been constructed here, and although some of them have been in active service for many years they are still in a good state of preservation, showing less signs of decay than vessels of the same age built elsewhere. This fact is so apparent that it is now generally admitted that the timber in this region, for ship-building purposes, combines in a greater degree the qualities of strength, durability, and bouyancy than the timber of any other locality known. The quantity of timber here adapted to this business is practically inexhaustible, and the timber suitable for spars is of such a superior character and so plentiful and easy of access that when a larger class of vessels are able to enter the harbor, the fleets of the world may be supplied with spars from the forests of Coos Bay.

The vessels constructed there are rated A 1, and it is safe to assert that there are no better vessels afloat than those which compose the fleet now plying in the coal and lumber business of the bay, the best of which were built there. Some of these vessels are twenty years old, and are still doing good service and apparently as sound as ever. The ship Western Shore, of about two thousand tons capacity—the largest vessel built on the Pacific coast—which was launched from the North Bend ship-yard, ranked as a superior sailer as well as a staunch and serviceable vessel. It is also now well settled that the cost of ship-building there is a small per cent. less than at the eastern ship yards for vessels of the same capacity. From these considerations it is reasonable to conclude that this important branch of industry is still in its infancy. Fifty-three vessels have been built at Coos Bay, with a total tonnage of 23,200. From the earliest settlement of the coast of Southern Oregon the port of Coos Bay has ranked second only to the Columbia River in the amount and value of its exports.

The following table will be of interest:

Year.	Value of coal and lumber exported.	Value of other exports.	Total value.
1871	$367, 697 50	$17, 517 50	$385, 214 00
1872	315, 167 75	22, 640 00	337, 870 75
1873	385, 230 00	21, 179 00	406, 409 00
1874	351, 137 00	19, 253 00	370, 390 00
1875	380, 110 00	23, 751 00	403, 861 00
1876	471, 116 50	24, 070 00	495, 867 00
1877	445, 270 00	23, 000 00	468, 170 00
1878	440, 000 00	22, 000 00	464, 000 00
1879	400, 000 00	22, 000 00	422, 000 00
1880	380, 500 00	19, 000 00	399, 500 00
1881	440, 500 00	23, 000 00	463, 500 00
Total	4, 976, 727 75	237, 410 50	4, 616, 781 75

The record of arrivals and departures of Coos Bay shows a steady increase from the time when business was first opened there till 1876, at which time the coal market of San Francisco became flooded with coal from Puget Sound and foreign ports. This coal being carried in a larger class of vessels than that from Coos Bay, and at a correspondingly lower rate of freight, reduced the price of coal and caused a falling off in the commerce of this port.

While vessels of thirteen feet draft and under have no difficulty in taking cargoes, except from temporary delays caused by rough weather, such vessels cannot compete with those of greater capacity in the coal trade, and unless their harbor is so improved as to accommodate a larger class of vessels their trade in coal cannot increase, and nothing but the superior quality of Coos Bay coal for domestic purposes will prevent its suffering total annihilation.

The small depth of water on the bar caused the Henryville, Eastport, Utter City, Newport, and North Pacific mines (representing a capacity of about eighteen hundred tons daily) to almost totally suspend operations for the last four years, and they are still shut down with the exception of the Newport and Eastport mines, which have commenced shipping since the depth of water has been increased by the present improvement; the increase in depth being, as reported to me by Captain Littlefield, local engineer in charge, from six to eight feet already, which he believes can be made permanent by the extension of the jetty. The Southport mine, however, shipped regularly all the time, having chartered a steamer for the purpose.

The quantity of coal that is conveniently accessible to the waters of Coos Bay is almost incalculable. Within ten miles there are not less than 75,000 acres of good coal land, which will produce from the strata generally worked 450,000,000 tons of coal. This is an estimate of the production of only one seam, while in some parts of this coal field there are known to be as many as six workable veins. The area of lands known to contain coal, but not fully prospected, lying in the vicinity of the bay, may be estimated at 250,000 acres, and at no great distance east a vein of eleven feet is reported, and said by persons who have tested it to be of a superior quality, suitable for the manufacture of gas and use in the foundery or forge.

With such improvement of the harbor as is now contemplated, the coal of Coos Bay can successfully compete with any other part of the world.

Fine beds of coal have been discovered also in the Coquille Valley, about sixty miles from the mouth of the river. Along this stream the cedar abounds. This makes the best of finishing lumber, selling at San Francisco at $50 per thousand feet. Here there are splendid forests of myrtle, a very hard and fine wood for furniture, of beautiful colors and capable of a very fine polish. Logs can be run down the river for one hundred miles. It is navigable for river craft about forty-six miles. Naturally there are no shoals or ripples in this stream, but in some places the drift has caused dams that have overflowed the finest of farming land, doing extensive damage. Many snags have settled along the river bed and have impeded navigation seriously, and should be removed. From personal observation I believe that a few thousand dollars would be of great assistance to the commerce of the river. This is their only available outlet. As near as I can ascertain, about 400,000 bushels of grain were produced along the Coquille Valley last year, and their new industry, salmon fishing, after supplying enough for local requirements, furnishes upward of two thousand barrels for export.

One of the most significant facts, that should be taken into connection with the improvement of the entrances to these fine, rich sections of our State, is that by an easy grade through these sections a direct outlet to the sea is afforded for all of that fine scope of country, in size equal to Massachusetts, Connecticut, and Rhode Island, known as Southern Oregon.

From Roseburg much of the surplus products of that section are now shipped by railroad to Portland, a distance of two hundred miles, and thence by river and ocean around to San Francisco. The

distance from the navigable waters of Coos Bay to Roseburg, tapping the Coquille Valley, by a route perfectly practicable for a railroad, is eighty miles. The opening of railroad communication on this route would practically place Umpqua and Southern Oregon, a fine grain and fruit producing region, within one-half their present distance from San Francisco. The distance by way of Portland (the route by which all exports and imports from that region for San Francisco are shipped) is about eight hundred and seventy-five miles; while from the same point by way of Coos Bay the distance is only four hundred and fifty-five miles.

Though a railroad is already projected on this route, and its construction is only a question of time, the proposed improvement of Coos Bay entrance would hasten its completion and greatly enhance the benefits that would be derived from it by residents of the interior as well as of Coos and Coquille.

The commerce of Coos Bay now furnishes regular employment for two steam-tugs in towing over the bar, and there are six small steamers employed in carrying passengers and freights on the bay and its tributaries. If the improvement already commenced be completed the business of the bay will be increased fourfold within five years, thus adding permanently to the wealth and prosperity of the State and nation.

For some time past vessels at both Coos Bay and Coquille have been subjected to the annoyance, expense, and loss of long detentions on account of the conditions of the bars. Where the coal business is so large, representing investments of millions and unlimited capacity, and valuable lumbering interests, employing many men and maintaining lines of steamers and sails, great suffering and loss is consequent upon every detention. The large amount paid for towage and the unavoidable delay and risks caused by the present bars render freight so high as to reduce the value of their industries very considerably, and absolutely prohibits the production of perishable articles for export altogether.

The trouble with the bars at these places comes from nearly the same cause, namely, an encroaching sand-spit from the south caused by the sand blown by the winds of the summer. These sand-spits have driven the channel at Coos Bay and at Coquille over toward the bluff rocks of the south side, the contour of which is such as to render what was before a straight and direct channel to the sea tortuous in the extreme and of unnatural contraction, and more especially at Coos Bay, at one time turning the outer channel almost parallel with the shore line and thus shoaling it and greatly destroying its usefulness. Through the operation of these causes at Coos Bay the ebb force of the waters of South Slough and the bay proper have largely neutralized each other and thus weakened the scouring force. The object of the improvements at these places is to so direct the ebb as to cut off these spits and again give straight channels to the sea.

At the Coquille the Government has already appropriated $10,000 and the engineers recommend $25,000 for this year, and the citizens have raised and expended about $3,000. Over 865 linear feet of jetty have been built and from a private letter from the engineer in charge I learn that much good has already been accomplished. He is clearly of the opinion that there is no river entrance from Port Orford to Yaquina so susceptible of cheap and easy improvement as the Coquille.

At Coos Bay the sum of $70,000 has been expended by the General Government and the estimate by the engineers for this year is $60,000. The citizens of Coos Bay have contributed of their private funds toward stripping the *débris* from the stone quarry in the rear of the jetty, and Captain Littlefield has employed the winter months most economically in piping and sluicing off the sand, dirt, and gravel at a cost of only one cent per cubic yard, which work, if deferred until dry weather, would cost the Government $1 per yard. The high tides prevailing remove the washings to the sea and leave the ledges of rock bare for blasting. Citizens who thus contribute of their means are deserving of recognition.

Since the engineers commenced these works I am informed that at both Coquille and Coos Bay they have ascertained the existence of rock foundations for the jetties where it had been supposed there was only sand, and therefore that the cost will not be near the sum originally estimated. These Government works are urgently demanded by the interests of commerce, and I hope and ask that this Congress will appropriate the amounts recommended.

HARBOR OF REFUGE AT PORT ORFORD.

At present there is no harbor between San Francisco and Puget Sound where a vessel can enter in the heavy southern storms of winter, when three-fourths of the disasters along our coast occur. A harbor of refuge is therefore a commercial and maritime necessity and of great national importance. Under an act of Congress the board of engineers for the Pacific coast have twice, after careful deliberation, decided that the $150,000 appropriated by that act should be expended at Port Orford in the construction of a marine asylum for ships. Its central location, midway from San Francisco to Puget Sound and in the extreme western portion of the United States, and on the track of all vessels going up and down the coast; its freedom from prevailing northwest coast fogs, protected as it is by the projection of the Coast Range Mountains immediately to the north; its ample roadstead and deep water, good bottom and splendid facilities for obtaining material for construction—all these remarkable peculiarities combined to influence the final decision of the board in its favor. It is already designated on the United States Coast Survey as the best and most capacious summer harbor on the coast.

Not only will the proposed expenditure provide for a harbor of refuge, increasing in capacity with each appropriation for extension of the breakwater, but it will benefit the general public and the entire Pacific coast by opening up the richest of coal, iron, lumber, and agricultural sections. A practicable route by easy grades has been surveyed for a railroad from Port Orford through to the Coquille Valley, and thence to Roseburg in the heart of the Umpqua section of Southern Oregon, and I am informed that the route is also practicable into Rogue River Valley or down the coast and into the State of California. In fact its proximity to the State line makes the location of this harbor of great advantage to Northern California. The commerce of the Pacific coast is rapidly increasing, as the following figures, in addition to those heretofore given, show:

Arrivals and departures at San Francisco.

Year.	Arrivals.		Departures.	
	Vessels.	Tons.	Vessels.	Tons.
1880	2,729	834,634	2,758	845,380
1881	3,049	960,347	3,045	956,189

This is coastwise commerce only. The growth of shipping from the Columbia has been given, and that of Puget Sound has increased over 100 per cent. in the last year. Owing to the prevailing winds and currents much of the Asiatic commerce for San Francisco passes up near this point going and returning.

It will thus be seen that the prosecution of this work, at least to the degree of making one of the several harbors probably needed in time along this coast for its rapidly growing and soon to be immense coasting trade, becomes a national necessity. Our Government should wisely look forward and provide for our ever-increasing wants.

We must not only take into consideration the present commerce but its probable growth ere any harbor can be made ready in the due course of time generally taken to complete great public improvements.

A number of vessels have been wrecked that could in all probability have been entirely saved had a harbor of refuge existed at the time at Port Orford. I might instance the cases of the Star King, the Western Bell, the Grace Darling, where seventeen persons perished, and the sad loss of the Brother Jonathan, with her two hundred human lives. The great majority of vessels lost have been south of this point, and the prevailing winds would have doubtless enabled many to have reached an asylum for ships at Port Orford.

The last Legislature of the State which I have the honor to represent upon this floor, by unanimous vote, memorialized Congress for immediate and ample appropriations for this work.

THE ALSEA

is an exceedingly rich and productive valley, isolated almost entirely from other sections—a mountain barrier on one side and an ocean on the other. The tide ebbs and flows about fifteen miles inland. A small appropriation for the removal of rocks and obstructions and for other improvements will be of great assistance to the people. The spruce forests here will prove of great value. There are also immense bodies of cedar, cherry, maple, ash, alder, and fir. Valuable lead mines exist along the coast. Over 60,000 bushels of grain were produced last year. The memorial presented asks for the sum of $10,000. The opening of this settlement and the consequent sale of the public lands would reimburse the Government for the amount required to improve the river.

THE UMPQUA RIVER

for seventeen miles between Scottsburgh and Gardner affords the only means of transportation. Except over the bars at Brandy Island, Echo Island, and at the mouth of Dean Creek, there is plenty of water at low stage to meet the necessities of the commerce of the river, and to remove these obstructions and the Fisk Rocks just below the steamboat landing at Scottsburgh, and provide for buoying the river below Gardner, and for essential surveys, the sum of $12,000 was last year recommended by the Engineer Department. This expenditure, in my judgment, would result in a permanent beneficial improvement.

SIUSLAW RIVER.

I also present a large petition from the citizens of Siuslaw Valley, asking for a survey and mapping of the bar at the mouth. This is a rapidly-growing settlement, in a fine agricultural, stock-grazing, and timbered country. Vessels drawing thirteen feet can ascend the river for twenty-five miles from the ocean, and there are no sandbars or snag obstructions to the head of tide-water, thirty miles from the mouth. Their request is reasonable and should be granted.

Now, Mr. Speaker, I have referred as briefly to our special interests as possible. It will be noticed that our public improvements are principally external, rather than internal. They concern largely the shipping of the world by affording it increased facilities in its search for our products. While there are rivalries among us, they are only those of young, vigorous athletes, and the more they wrestle for trade

and commerce the greater will be the growth. Within the scope of the coast range of the Pacific Northwest we find on the east the great commercial centers of Boston and New York and Philadelphia and Baltimore, each the better for the competition from the others, and we we have room on the Pacific for ample ambition in this direction.

All our rivers and harbors should be improved. The practical bearing of the policy of improving our grand system of water-ways and harbors draining every portion of the Northwest and carrying its volume of production and trade toward the seaboard, as an extension of the great belt and latitude of commerce, development and immigration, is fraught with the most promising consequences to the nation at large.

Our coast in one respect is not as highly favored as the Atlantic; our harbors, both barred and otherwise, are not so numerous; our coast range of mountains, in close proximity to the sea, turn only the small and short streams over our bars, and their scouring capacity has to be increased by governmental improvements, and our limited harbors should be improved as rapidly as possible.

A LIBERAL POLICY

should be pursued, and the improvements, like the foundations of lasting and powerful structures, should be strongly and deeply laid, and permanent—a liberal policy not only to our Pacific coast rivers and harbors, but I stand ready to join hands with all men of progress on the policy of liberal internal improvement and development throughout the length and breadth of the land. That man or that party that stands in the way of the permanent development of this country will go down before the onward roll of American progress. From every part of this great land comes up the cry for increased facilities for cheap transportation. The people demand it and they will yet be heard in no uncertain tones. Why, Mr. Speaker, in our last year's river and harbor bill for the whole of these United States we scarcely excelled the sum which France, only one-fifteenth the size in area of the United States, expended in a single year, on one only of her rivers—the Seine—between her capital and the sea.

The policy of internal improvements has governed all the progressive nations of the earth. In the case of France, just mentioned, liberal governmental aid has been given to all important avenues of transportation. Public facilities for interstate exchange gave her the wonderful recuperative power recently exhibited after the Franco-Prussian war left her lying bleeding and prostrate. As the United States is greater in territory than France, so is this same policy the more important to our national development. With our Atlantic on the east and Pacific on the west, with our lakes on the north and our Gulf on the south, and all their various tributary streams—with our great Mississippi and its Missouri and Ohio and numerous other streams ramifying the interior of this country like so many national veins and arteries for the flow of commerce—what a grand and comprehensive system it presents for future growth and greatness. I believe in the policy of using the public revenue—the money of the people for the benefit of the people, and my firm conviction is that a judicious expenditure of the public money for improvements calculated to cheapen and facilitate the trade of this great country by developing its commerce, stimulating its productions, and increasing its wealth does not thereby add to our taxation but rather actually diminishes the burden of our people.

The General Government has given liberally of its means and of its public domain to build up gigantic railroads, owned and enjoyed by private individuals, and now it should in duty bound expend its means to improve our water-ways and supply competitive influences for the benefit of the public. Congress under the Constitution has power to regulate commerce among the several States, and it can do it most effectually by a liberal improvement of our vast system of water-ways, and thus to a large extent obviate necessity for national regulation of interstate commerce or for State or national authority exercising their undoubted supremacy over corporate monopolies in the exercise of created functions in matters of public concern.

On the Pacific our hope is that our ocean traffic may improve, under wise national aids toward ship-building, the improvement of refuge harbors in the interest of commerce, and through probable changes in the manner of ocean transportation. Steam is rapidly driving the sail from off the seas. Capital is proposing to carry our surplus products, under the advantages claimed for shorter and quicker routes, either by way of Wilmington in Southern California, thence by rail to Galveston, and on to Liverpool or Queenstown by steamer, or by way of the contemplated Darien, Nicaraguan, or Tehuantepec route—that destined pathway of nations where Raleigh, over three centuries ago, told his queen were the world's gates. The dream of three centuries we hope soon to see realized. Then will the grain of the Pacific be thousands of miles nearer its market, and the products of the basin of the Columbia can then be mutually exchanged with those of the valley of the Mississippi. I feel that a bright future awaits the shipping producers of the Pacific Northwest.

Mr. Speaker, progress and development seem to be the order of our country and our age. Within the life-time of the gray-haired about me many of our most useful inventions have been perfected—telephones and fire-engines, gas and electric lights, sewing-machines and steamships, photographs and telegraphs, and the whole of our great railway systems. Great has been the growth of the new world, but its grandest progress has been in these United States of America. The thought at first seems almost incredible that not six of the generations of the sons of man, counting them by the Bible age of threescore and ten, have passed away since Columbus parted the veil that hung before this continent and unlocked our golden gates that the banner of civilization and progress might be borne herein. May the progress of the future be as grand as that of the past, and may contentment, happiness, and prosperity ever be the lot of the good people of this land.

Tariff and Tax Commission.

SPEECH

OF

HON. GEORGE W. JONES,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 11, 1882,

On the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. JONES, of Texas, said:

Mr. CHAIRMAN: The bill under consideration assumes the constitutionality and expediency of a protective tariff. The policy of protection is old and familiar, but is now presented under conditions greatly to the advantage of its advocates. So much so, its opponents hardly know where to make a stand or what practical issue to join. A national debt, in round numbers $1,900,000,000, must be provided for. Our annual expenditures have increased from millions to hundreds of millions. It is estimated that pensions will aggregate 1,000,000,000 in the next twenty years. One-half of this sum comes of the arrearage pension act, for which the soldier and taxpayer are alike indebted to the Democratic party. No one can question its paternity. It was passed by a House largely Democratic. But in apology for the Democrats it may be said that, charged by the Republicans with rebel sympathies during the war, and suspected of indifference toward the Union soldier, it was necessary for them to refute the slander and repel suspicion by a signal display of devotion to the Union and of gratitude to the soldiers for saving it. And the act has the merit of disinterestedness, for it is well known that Democratic partisans share but little in its benefits.

Without further statement of the situation it is apparent that our annual expenditures for the next twenty years will probably average $350,000,000. The present tariff yields in round numbers $200,000,000, and the excise or internal revenue $137,000,000. It is generally agreed that excise is odious to the American people and bearable only so long as imperious necessity extorts it. Already we have a bill on the Calendar to put it in process of extinction. No one thinks seriously of resorting to direct taxes. What, then, shall be done? We must increase the revenue by tariff or diminish the expenditures or in part do both, or else have recourse to some financial element not now employed. Have we such resource? I think we have. The credit of the Government wisely utilized and economically devoted to the use and benefit of the whole people is as potent to relieve in peace as it was to serve in war. But if we so employ it we shall supersede national banks, lessen the necessity for tariff, and thereby weaken the argument for protection. This touches the perpetuation of the national debt and incidentally banks and protection.

The debate has taken a wide range, and free trade and protection have been ably and exhaustively presented in all possible phases. Yet, when we come to analyze and compare notes and collate arguments, the practical difference is not discernible. The elaborate and exhaustive speech of the distinguished gentleman from New York [Mr. HEWITT] is admittedly standard authority on the free-trade side. On page 21 of his speech he says:

Thus it is apparent that a tariff with incidental protection and a tariff for revenue only are in effect identical and are convertible phrases.

This is the conclusion reached after a thorough survey of the whole field. Further on he says:

I have thus established my fourth proposition, which is that a tariff designed to produce an adequate revenue on the average of years will give all the protection which American industry needs.

Page 20:

Now, if it be conceded, or can be demonstrated that these rates are sufficient to compensate for the difference in the wages of labor, we have simply to apply them in order to meet the demands of those who insist and concede that the tariff must afford adequate protection to American labor.

* * * * * * *

Now, the only time when the competition of foreign products is to be dreaded is when prices are low and foreign nations seek to flood our market with their surplus products. At such times it is the part of wisdom to preserve our home market for our own industries, if possible.

Page 18:

But the difference in wages does exist, and there are branches of industry which

cannot be carried on without an equivalent compensation in the form of protective duties or of a bounty from the public Treasury.

Page 19:

It will be sufficient for me now to say that as between Great Britain and the United States the rate of wages on the average is about 50 per cent. higher here than there.

Page 17:

Happily, in considering the situation, we are relieved from all the necessity of discussing the vexed question of free trade or protection. That question, important as it is, is not now involved in the work before us. I have already pointed out that interests have grown up under the existing tariff, which has lasted for twenty years, of such a vast and complicated nature, and employing such a large proportion of our population, that any interference which would tend to dislocate industry, that would be likely to impair its efficiency, and not advance the substantial elements of its prosperity, growth, and increase, would not only be an act of folly but would produce results so disastrous to the whole community that no party or set of men who might undertake it would be sustained by the popular approval, but would be consigned to oblivion at least for a generation.

It thus appears that all this debate is a war of words so far as Democrats and Republicans, as such, are concerned. Both affirm that the tariff must be sustained to meet the necessary expenditures of the Government and so long as maintained the duties shall be so adjusted as to afford adequate protection to American industry. It follows, therefore, that so long as we shall have a high tariff it will be protective. No one can reasonably doubt that in the revision of the tariff interests affected by it will combine and prevail to have the duty so adjusted as to afford all the protection that may be demanded.

Now, Mr. Chairman, I do not deny the potency of legislation, but I question its constitutionality and deny that it is just to tax one section or industry to protect or enrich another. The power to levy and collect taxes, lay import duties, &c., is qualified by the object contemplated, and that is to raise revenue for the support of the Government. Discrimination for protection violates the spirit of the Constitution and works injustice to those on whom the burdens fall. The tariff ought to be revised in the interest of revenue and for the relief of industries which it now oppresses. I oppose the bill. It means delay and protection. Our late census returns afford all necessary statistical information, while the reports of the Treasury show the workings of the present tariff. Why delay, unless to give politicians time to hedge and class interests time to consolidate power? Is it necessary for Democrats to have time to repeat their rôle on the currency?

Is it now on the tariff as it formerly was on questions of currency, that Democratic constituencies are not agreed, and that there is great danger of demoralization and fatal disintegration if the questions involved be fairly and squarely presented before the party machine shall have prepared them to acquiesce? Why evade responsibility or shirk duty? All are agreed that the tariff should be revised. The Democrats said so during the last Congress, and though they had control of both Houses did nothing. The Eaton bill passed the Senate but died in the House.

Delay is all the protectionist wants. The present tariff works to suit him. Neither side proposes to resort to any other method or resource for raising revenue. In fact, the gentleman from New York, [Mr. HEWITT,] as if to atone for something in the past and to dispel all doubts and fears of his Democratic friends for the future, goes out of his way to attack and ridicule inconvertible currency, the only real and effectual resource to the people against banks, protective tariffs, and capitalized combinations. On page 8 he says:

In the absence of any legislation the work of production will proceed in a natural channel, and all that legislation can by any possibility do will be to divert labor and capital from the direction which they would have taken under natural laws. I feel it necessary to make this statement because many persons who have not given much reflection to this subject seem to think that there is some potency in legislation which can add value to the forces of nature. This fallacy underlies a great many of the propositions which are made in regard to money as well as industry. It is the key to the flat-money delusion, and it is the explanation of the mistake which is made by those who advocate protection for the sake of protection.

Now, collate this paragraph with those already quoted and it would seem that the gentleman is afflicted with the distemper he attributes to others. In the same breath as it were he denies the potency of the law to protect and invokes its power to protect and sustain "interests grown up under the existing tariff of such a vast and complicated nature," &c. What flat contradiction! Which side is he on? But he is not crazy. There is method in his madness. On page 23 he says:

I am absolutely in favor of the abolition of the duty on wool, and I am confirmed in this view by the opinion of the largest wool manufacturers in the United States. If the wool-growers have removed from them the burdens of the extra price they pay on everything they consume they will receive ample indemnity for any sacrifice they may make in the reduction of the duty on wool.

Special benefits to the manufacturer and general blessings to the producer. God bless the wool-grower in Texas; but the Government must take care of the manufacturer in New York.

And such is the doctrine of the great Democratic champion on this floor. It is the key to his speech. Free trade for the farmer and producer, and protection for the manufacturer and capitalist. Nor was that gentleman purposeless in his satire on the people's money. On page 12 he says:

The resources of the country have been overstrained and exhausted by the expenditures of the war, and by the delirium of an inconvertible paper currency which produced an unnatural exhilaration in the industrial system.

On page 15 he says:

We may conclude that the benefits of a sound currency are now so fully understood that nothing short of the exigencies of a great civil conflict, apparently and happily now impossible, will ever be permitted to disturb or banish the metallic money of the Constitution and of the fathers. But we shall not again experience the stimulus which was given to confidence and enterprise by the resumption of specie payments. That work is done, and, as I hope, with the coming decision of the Supreme Court in regard to legal-tender issues, will never be encountered again.

No doubt the gentleman is confirmed in this view by the opinion of the greatest bankers in the United States. Such is the language of the hard-money Democracy of to-day. How different from that of the soft-money Democracy of yesterday! But the party has been drilled, and the people have been drilled; and now the mask is thrown off and the wolf in sheep's clothing is discovered. Formerly we were told that the financial disasters of 1872, 1873, 1874, 1875, and 1876 were produced by contraction and the manipulations of the currency by the money-dealers; and that the only remedy for their cure and prevention was for the people to resume and exercise their right to control the volume of money, to guard against inflation and contraction, securing stability in volume adequate to the money needs of the country, thus maintaining steadiness of value and protecting alike creditors and debtors against contractions and inflations. Now we are told that the people never had such power, and that the forthcoming decision of the Supreme Court will forever dispel the delusion. It may be that the machine drill has done its work so effectually and the national banks have so thoroughly consolidated power as to render resistance futile; and it may be that all who attempt resistance shall sink beneath the turbid billows of obloquy.

The signs of the times may not be as auspicious as could be wished, but the Greenbacker has an important advantage not heretofore held, and that is a fair, square issue with the Democratic party. There is no middle ground. The Greenbacker affirms the constitutional power and its practical efficacy to make and regulate money. This the Democrats and Republicans deny. The Greenbacker affirms that this power wisely and patriotically exercised would enable the Government to turn much of the current expenses and national debt into paper currency, whose serviceableness as money would support it in circulation without interest, answering all demands for paper currency, thus superseding the necessity for national banks and reducing the demand for taxes and tariff. This the Democrats and Republicans deny.

In support of the views of the Greenbacker, in the discussion of the bill to facilitate the refunding of the national debt in the Forty-sixth Congress, I said:

In any condition of the Government financial legislation in its nature is of vital importance. Money is the life-blood of civilization, and its equal and uniform circulation is as essential to equity and prosperity as that of the natural blood to health and enjoyment of life. It pervades every governmental function and permeates the entire body-politic. Whatever affects it reaches every condition and interest in society.

On the 1st of February, 1880, our national indebtedness aggregated $2,188,191,000, a sum quite equal to one-sixth of the entire stock of gold and silver in the world.

To provide for the payment of this immense debt consistently with the national faith, and yet distribute its burdens equitably, and so as to have them rest as lightly as possible upon the productive industries of the country, is the paramount problem in American politics. In our endeavors to solve it in the interest of the whole people we cannot guard too well against empiricism on the one hand and temporizing conservatism on the other, and yet bring to the subject that courageous surrender of the mind which the gravity of the duty demands. Fortunately for the country the questions involved in the proposed legislation received appropriate consideration and treatment by the Forty-fourth Congress, as will be seen by reference to the Report of the Silver Commission, volume 1, page 1:

"IN THE SENATE OF THE UNITED STATES,
"*March* 2, 1877.

"Mr. JONES, of Nevada, from the monetary commission created under the joint resolution of August 15, 1876, submitted the following report:

"The commission created under the joint resolution of August 15, 1876, submit the following report:

"The resolution creating the commission and defining its duties was as follows:

"'*Resolved by the Senate and House of Representatives*, That a commission is hereby authorized and constituted, to consist of three Senators, to be appointed by the Senate; three members of the House of Representatives, to be appointed by the Speaker; and experts, not exceeding three in number, to be selected by and associated with them, with authority to determine the time and place of meeting, and to take evidence, and whose duty it shall be to inquire—

"'First. Into the change which has taken place in the relative value of gold and silver; the causes thereof, whether permanent or otherwise; the effects thereof upon trade, commerce, finance, and the productive interests of the country, and upon the standard (of) value in this and foreign countries;

"'Second. Into the policy of the restoration of the double standard in this country; and, if restored, what the legal relation between the two coins, silver and gold, should be;

"'Third. Into the policy of continuing legal-tender notes concurrently with metallic standards, and the effects thereof upon the labor, industries, and wealth of the country; and

"'Fourth. Into the best means for providing for facilitating the resumption of specie payments.'

"The commission as organized consisted of Messrs. John P. Jones, Lewis V. Bogy, and George S. Boutwell, of the Senate; Messrs. Randall L. Gibson, George Willard, and Richard P. Bland, of the House of Representatives; Hon. William S. Groesbeck, of Ohio, and Professor Francis Bowen, of Massachusetts. George M. Weston, of Maine, was appointed secretary.

"The sessions of the commission were held in the city of New York until the reassembling of Congress in December last. They have since been held in the city of Washington.

"Immediately after the creation of the commission circulars were issued to bankers, publicists, and commercial men in this country, and to eminent financial authorities in Europe, and (through the State Department) to the representatives of the United States in foreign countries. These circulars contained interrogatories which were intended to elicit the widest possible information upon all topics cov-

ered by the resolution of August 15, 1876. The chambers of commerce in the leading cities in this country were invited to furnish, and did furnish, lists of the persons most likely to be able to give information.

"A large number of persons appeared before the commission, who were orally examined. In addition numerous written papers from various sections of this country were received in answer to the circulars of the commission. These papers, as well as the oral testimony taken down by stenographers, are reported herewith.

"Our ministers abroad have exhibited a patriotic and intelligent zeal in collecting official and other information in the countries to which they are accredited. The documents which they have furnished are very valuable, and some of them not attainable except through official applications. Some of our ministers have added able and interesting original papers. All these documents and contributions are herewith submitted.

"The commission are much indebted to the Secretary of State for his prompt and courteous co-operation in facilitating their communication through his Department with our ministers abroad. They are also indebted to the Bureau of Statistics, which promptly and courteously furnished all the information asked for.

"Several gentlemen in Europe, eminent as financial authorities, have addressed communications to the commission, which are among the submitted papers. One of these gentlemen, M. Cernuschi, appeared personally before the commission and furnished important and valuable information, which will be found in the reported testimony. The thanks of the country are due to him and to the other distinguished citizens of foreign nations who have made these disinterested efforts in the elucidation of a question important to the welfare of mankind."

It thus appears that the commission in purpose and work embraced finance in its widest range. And surely the thanks of the country and of mankind are due the commissioners for the very able, exhaustive, and disinterested investigation and elucidation of the questions covered by the resolution creating the commission. And certainly the information obtained and the conclusions reached could not be more strongly commended to the consideration and acceptance of their countrymen.

"Germany and the United States demonetized silver in 1873. * * * Manifestly, the real reason for the demonetization of silver was the apprehension of the creditor classes that the combined production of the two metals would raise prices and cheapen money unless one of them was shorn of the money function. In Europe this reason was distinctly avowed."—*Report of Monetary Commission*, page 4, volume 1.

Such is the language of the commission. It is bold, direct, and unequivocal. The information furnished is of the most important character. It establishes two propositions:

First. Demand and supply, the exclusive factors of value, govern money value; and hence whatever diminishes supply or prevents its increase benefits the creditor classes and money-holders by raising the purchasing power of money and augmenting the value of credits. On the contrary, whatever diminishes demand or increases supply benefits the debtor and wealth-producing classes by raising prices and diminishing the value of credits. Classes naturally take sides in accordance with their interests.

Secondly. The dangerous influence which the creditor classes and money-holders exercise upon financial legislation.

To these forces the commission refers the origin and success of the scheme of demonetization soon after the discovery of gold in California and Australia:

"At that time gold promising the more abundant yield was selected for demonetization. The creditor classes and those having fixed incomes boldly demanded it in order, as they frankly avowed, to protect themselves against the anticipated rise in general prices. Under their appeals several nations in Europe, notably Germany and Austria, in 1857 demonetized gold. It is probable that the movement in that direction would have become universal in Europe but for the resistance of France. It was changed, at least as early as 1865, into a movement for the demonetization of silver. * * * But this change from demonetizing gold to demonetizing silver was more of form than of substance. The object aimed at by both was through a disuse of one of the money metals to protect the creditor classes and those having fixed incomes against a fall in the value of money and a rise in general prices. This is the pith and marrow of the monetary discussions of the last twenty-five years."—*Report of Monetary Commission*, page 15, volume 1.

Yes, and it is the pith and marrow of the money question of to-day. The same motives and interests actuate creditors in demanding the demonetization and abandonment of paper money as influenced them in demanding the demonetization of gold or silver, one or the other, as fluctuating supply affected their interests. The cause is clear, the reason plain. Whatever diminishes the demand for money by supplying its uses and taking its place checks its rise and diminishes its value.

In the language of the commission:

"It is the limitation of the quantity of money, without any reference to the cost of its production, that regulates the value of each unit of money, whether fiat or metallic. In the case of fiat money the limitation is imposed by law. In the case of metallic money it is imposed by nature. The effect of limitation upon the value of money is precisely the same in both instances. In the one case the limitation is regulated by the wisdom and justice of man; in the other, it is regulated by the variable and uncertain obstacles which nature opposes to the production of the metals. The value of money, of whatever kind, is measured by the cost of obtaining it after it has been produced, and not by the cost of its production, and this value is indicated by the general range of prices."—*Report of Monetary Commission*, volume 1, page 35

The hard-money theory that nothing but gold and silver can be money photographs a dismal future for mankind.

"The gold yield of Australia and California was at its maximum in five years ending with 1856. The aggregate production of both metals was also at its maximum during the same period. Since then the combined annual production of the two metals, instead of augmenting, has diminished."—*Ibid.*, volume 1, page 14.

"It is true that new sources of supply may be discovered, but it is improbable that new sources equally prolific will ever be discovered, and it is only barely possible that they will be discovered and made available within any near period. It has been said that, 'unlike agriculture, there is but one crop in a mine;' and it may also be said that the greater the number of mines and gold fields worked out, the less chances there are of finding new ones."—*Ibid.*, page 15.

"An increasing value of money and falling prices have been and are more fruitful of human misery than war, pestilence, or famine. They have wrought more injustice than all the bad laws which were ever enacted."—*Ibid.*, page 10.

"If metallic money becomes insufficient, by reason of demonetization of either of the precious metals, or from any cause, one of two things must happen:

"The commercial, industrial, and numerical progress of mankind must be arrested, and if the decrease of money shall be a continuing one and cover a long period of time it must end in an absolute check to progress and possibly the destruction of existing social and political institutions. Or, what is most probable, relief would be sought in an extension and perpetuation of existing systems of inconvertible money, which owe their origin to the pressure of expanding population and commerce against the restrictive bounds of a stationary and perhaps declining aggregate supply of the two metals.

* * * * * * *

"A shrinkage of money and falling prices always have had and always must have a tendency to concentrate wealth, to enrich the few and to impoverish and degrade the many. This tendency is subtle, active, and portentous throughout the world to-day."—*Ibid.*, pages 24, 25.

The alternative thus presented is—

INCONVERTIBLE PAPER MONEY.

It is the horn of the dilemma to which the logic of events has brought us, and on which hang not only the existing social and political institutions of our country, but the hopes of freedom and equality throughout the world. Thanks to the commission for the issue so sharply, so plainly defined; and since there is no other escape from the inexorable logic of demand and supply, surely the philanthropist and patriot will not hestitate to explore the alternative in all phases and bearings.

This is what the commission did, and after the most thorough, philosophic, and exhaustive investigations, reached the conclusions expressed in the following passages of the report, volume 1, page 9:

"There can never be practically two money standards whose units of account differ in value in any country at the same time. It is all-important that the value of the standard should be unchanging. It is not important that the material which represents the value should be unchanging. It is of little consequence of what the material consists, if it be portable, divisible, and indestructible, or, if destructible, that it can be replaced with facility. There should never be any hesitation in changing the material of money for the purpose of maintaining its value undisturbed."

This passage embraces two fundamental and vital propositions:

First. There cannot be two money standards differing in value; in other words, if there be two differing in uses, or the one based on the other, the superior absorbs and controls the inferior, and by its own volume exclusively regulates value, and hence bank-notes and Treasury notes not full tender do not affect the value of money. They produce contractions and expansions at the bidding of the superior, but in their subserviency to their superior, are always guarded against any diminution of this power. Upon this point I repeat the language of the commission, volume 1, pages 6 and 7.

The two metals together fill but scantily the measure of the money needs of the world, and they can only fill it upon the condition that both are money in the fullest sense; and nothing is such money if it be restricted in its legal-tender function.

* * * * * * *

On pages 36, 37, 38, and 39 this subject is elaborated by the commission, volume 1, page 36:

"Prices, notwithstanding the use of banking expedients and credits, governed by the volume of money.

"It is sometimes maintained that a compensation can be made for a shrinkage in the volume of money by an increase of such banking expedients as checks, bills of exchange, and clearing-houses. These expedients are now resorted to, and, because profit is found in their use, always will be availed of to the utmost possible extent. It is manifest, therefore, that, whatever the proportion or percentage they bear to the volume of money, it cannot be increased except through an increase in that volume. And it is as manifest that, when the volume of money is diminished, these expedients must diminish, and prices must fall in a corresponding ratio. Money is the primary and governing force, whose functions cannot be suspended by any device whatever, and whose volume or existence does not depend on banking expedients, while these expedients grow out of money and could not exist without it."

This proposition is so plain and so universally attested by experience that it is deemed unnecessary to add further in its demonstration. Its importance, however, cannot be overrated. It accounts for the partiality of the creditor classes and those controlling money for bank and Treasury notes without the legal tender, and their abhorrence for fiat or full legal-tender paper money. Secure behind the "obstacles which nature opposes to the production of the mines," if they can only maintain the metallic basis, decreasing volume assures their triumph and rule.

EFFECTS OF A DECREASING VOLUME OF MONEY.

"While the volume of money is decreasing, even although very slowly, the value of each unit of money is increasing in corresponding ratio, and property is falling in price."—*Report of Monetary Commission*, volume 1, page 53.

It is estimated by the commission, as a consequence of increase of demand in excess of supply, that from 1809 to 1848 money increased in value 145 per cent., volume 1, page 55:

"A loan of money made in 1809, if repaid in 1848, would have been repaid with an addition of 145 per cent. in the purchasing power of principal and interest, besides all the interest paid. Those who have loaned money to this Government since 1861 have already received nearly as much in the increased value of their principal as in interest, and all the probabilities are, in respect to the 4 per cent. thirty-year national bonds now being negotiated, if they are redeemed in gold, that more profit will be made by the augmentation in the value of principal than through interest. Indeed, the signs of the times are that the bonds of a country possessing the unbounded resources and stable institutions of the United States, payable in gold at the end of thirty years without any interest whatever, would, through the increase of the value of that metal, prove a most profitable investment. * * * A shrinking volume of money transfers existing property unjustly, and causes a concentration and diminution of wealth."

The second proposition embraced in the passage quoted from page 9 is so fundamental and pivotal and so vehemently decried and furiously denounced as humbuggery by the creditor classes as to deserve special consideration.

"We are apt to believe what we most desire to believe." The creditor classes will naturally seek to persuade themselves and convince others that the proposition is fallacious, for if its truth be established they will be stripped of pretense and forced to avow the real motive of their opposition to paper money, or else yield to the cause of justice and humanity. The proposition assumes that the money material is not of itself money, but becomes such only when indued by law with the functions of money. It discards the theory that money is wealth. It accepts as true the views of the inconvertible-paper or fiat-money school, which are very fairly stated by the commission:

"The views of this school are that utility, accompanied by limitation of quantity, is the basis of exchangeable value. That this utility may either depend upon such intrinsic qualities as would render the thing possessing them valuable to man in isolation as well as to man in society, or upon such intrinsic, artificial qualities which society may confer upon any article, however intrinsically valueless by endowing it with the power of performing the money function. That the evident fact that this function does not inhere in and cannot be conferred on any article so as to make it either valuable or useful to man in isolation, while it is essential to the very existence of society demonstrates that money value is not derived from the useful, intrinsic qualities of the material upon which the money function may be conferred. They also call attention to the facts that the usefulness to the individual of any article depends solely upon the intrinsic qualities which it may possess, and is not at all diminished by its existence in unlimited quantity, but that money, on the contrary, becomes entirely useless unless its quantity be limited. They conclude from these facts that the money value of the material of which money is composed rests solely upon the purely artificial and extrinsic qualities conferred upon it; that this value is inseparable from society, and grows out of its need of and demand for an instrument of valuation and exchange.

"They maintain that money is not in itself wealth, but a set of counters for computing and exchanging wealth, or, as was said by Bishop Berkeley, 'a ticket entitling to power and fitted to record and transfer this power;' and that 'it is of little consequence what materials the tickets are made of.'"—*Report of Monetary Commission*, volume 1, pages 40, 41.

Such are the views of the Greenback party. The argument may be reduced to

a syllogism: things equal in uses are equal in value. Articles endowed with equal money functions are equal in monetary uses. Therefore, paper and metal of equal legal tender are equal in monetary value.

Mr. Justice Strong, of the Supreme Court, delivering the opinion of the court in the legal-tender cases, (12 Wallace, page 543,) uses the following language:

"Making the notes legal tenders gave them a new use, and it needs no argument to show that the value of things is in proportion to the uses to which they may be applied."

The views of the metallic school are stated by the commission with equal fairness:

"The especial merits claimed for this system are, that its workings are entirely automatic, that the money value of the commodities upon which it is based depends upon their useful intrinsic qualities and is measured by the average cost of their production, and that their volume depends upon the yield of mines, and not upon the caprice of legislation. They claim that the province of the Government is not to create money, but to coin it, and thereby give to it the best authentication of purity and weight."—*Report of Monetary Commission*, volume 1, page 39.

This theory rests upon two fundamental propositions:

First. Money is of itself wealth, and

Second. That it is limited to the wealth of the mines.

These propositions, if true, involve the gravest considerations.

It needs no argument to show that society cannot exist without money, and it is equally plain that those who own and control money govern society; so that those who own and control the mines hold the key to the power that rules all nations, and are themselves virtually the masters of mankind. This cold-blooded theory assumes that nature denies the creative power to man, as something above his capabilities, especially those of the masses of mankind, but has endued gold and silver with this divine creative attribute, and hid them in the recesses of the earth, to enrich and enoble the lucky finder, and to give him power and dominion over the earth and all things therein. This doctrine is doubtless pleasing to those who have gold and silver, and whose credits and incomes entitle them to gold and silver. It subjects labor and wealth in all other forms to their pleasure, not to say caprice. It teaches that the natural tendency of civilization is to a moneyed aristocracy, the perfection of political science. This may be delightful to those who expect to be of the aristocracy, but appalling, indeed, to those whom it condemns to drudgery, penury, and want. After careful investigation and thorough examination of the arguments in support of this theory, the commission reached the conclusion stated on page 29, volume 1:

"The demand for the precious metals as commodities is believed by many to be still essential to their general and ready acceptance as money. If this is true, it is a misfortune. The happiness and prosperity of the world, if not wholly dependent upon, are largely influenced by the steadiness of the value of money, which cannot exist without steadiness in its volume. The demand for the precious metals as commodities is fitful and irregular, and always affects the volume of money in the most injurious direction—that of decreasing it. History shows that a deficiency of money is more probable and more to be feared than an excess, and this deficiency is caused in a great measure by the insidious and constant encroachments upon the precious metals of other demands for them than as money. When the magnitude of the world's interests and equities, which rests on steadiness in the value of money, is contrasted with the comparative unimportance of the uses of the metals as commodities, it becomes apparent that the subjection of the value of money to disturbance from the demands for gilded signs and looking-glasses, for bangles and breastpins, is an evil which the benefits derived from such uses but poorly compensate."

This argument to a fair and unprejudiced mind is overwhelming and conclusive; but to a mind obscured by prejudice or biased by interest it may be as "sounding brass and tinkling cymbal." "A man convinced against his will is of the same opinion still;" and it is felt that there is but little hope of reaching the head or heart of one who cannot or will not understand the difference between the tool and the uses served by it. It certainly requires no argument to show that the tools which serve equally the highest uses of which either is capable are always equal in value, the lesser uses being merged in the greater. Who would contend that a horse is unserviceable for the plow because not suitable for the turf? Who could think that the woodman's ax is unserviceable and valueless because the metal of which it is composed is not capable of being used as a surgeon's knife? But, driven from the field of argument, the votaries and myrmidons of Mammon arrogate to themselves the prerogative of defining the views and purposes of their opponents. They are always sure to make them so extravagant as to render them ridiculous. They proclaim aloud that fiat money has no basis, and is therefore valueless; whereas, like gold and silver coin, it rests on the obligation of the Government to receive it in payment of all public dues and the fiat of the Government making it a legal tender in payment of private debts, without which gold and silver would cease to be money.

The basis is broad indeed, covering the present and prospective wealth (including the gold and silver) of the people of the United States. It is the credit of the Government, co-extensive with the demand of the Government upon the people for support, and with the people's need for a medium of exchange. It anticipates the revenues of the Government, and, like bonds, is bottomed on taxes. In the case of bonds the Government collects the taxes and pays the creditor. In case of fiat money the holder collects the taxes and pays himself. The bonds bear interest. Fiat money by its serviceableness as a medium of exchange supports itself, thus relieving the people of the taxes necessary to carry the bonds, and at the same time furnishes them a circulating medium equal to gold and equally serviceable as a medium of exchange, and thereby saving to the people the wealth which they would otherwise have to give for a medium of exchange. Experience attests what reason demonstrates. The first $60,000,000 issued by the Government during the war, and made of tender equal with coin, maintained par throughout the war. The act of May, 1878, modifying and virtually repealing the resumption act of 1875, fixes permanently in the volume of money $346,000,000 of our present greenback circulation.

In the language of the chairman of the Committee on Banking and Curreney, [Mr. BUCKNER,] "it cannot be withdrawn, redeemed, or destroyed."

"THUS FAR GREENBACKS CONQUER."

From the 1st day of January, 1879, it became absolute money—that is, a legal tender in all payments; since which time it has commanded a slight premium over gold owing to its greater convenience, its uses being equal. Thus, by a single act of Congress, $346,000,000 of our national indebtedness was virtually extinguished and 346,000,000 of money equal to gold added to the wealth of the nation. Contraction was partially arrested, and as a legitimate consequence the country has experienced corresponding benefits.

During the year 1879, the Treasury received more than $40,000,000 of gold and silver in exchange for absolute fiat money; and yet it is trash, and those who advocate it lunatics!

The question here thrusts upon the mind, Why not profit by experience, yield to the demands of patriotism, monetize the credit of the people, and extinguish instead of refunding any part of the national indebtedness?

[Aside: the creditors will not let us; it would ruin our party.]

The pretense that it would be repudiation can avail nothing, for recent experience shows that the creditors will not only receive it but greatly prefer it, even to coin—especially silver. Besides, if issued and placed in the Treasury, coin in exchange for it would accumulate much faster than it would be required to accommodate capricious creditors. Certainly the Government can enter the market and purchase the bonds, just as any bank in Europe or America might; of this there can be no doubt. And such being undeniably the case, there cannot possibly arise any trouble between the bondholders and the Government. The bonds are in the market and being sold daily.

Sir, this pretense is too transparent to hide the mighty power that will scruple at no pretext and hesitate at nothing that will serve to obstruct or baffle any attempt to utilize the credit of the nation for the benefit of the whole people.

Why, sir, if the Government were to monetize its credit and pay off its indebtedness, the effect on credits and incomes would be much greater than if Australia and California were to open anew their mines and add two billions to the volume of gold and silver. Interest prompts the contest, and its magnitude gives gage of the desperate struggle. It is not enough to overcome resistance; the motive for it must be extinguished.

But the creditor classes insist that Congress cannot constitutionally make anything but gold and silver a tender in payment of private debts. If this be true, what a powerful fortress for them! For if the power be annihilated, then the control of the money volume is in their own hands. This is indeed a momentous question, for without this power we can hardly be esteemed an independent nation.

"It is one of the admitted advantages of our present system of irredeemable paper that it shelters us from the recurring demands for gold by the Bank of England. The London revolution of 1866, when one of the banking-houses (Overend & Gurney) went down with liabilities of $90,000,000, was scarcely felt here. With a currency of gold, or paper convertible into gold, we should feel instantly every change in Europe, and especially in England."—*Report of Silver Commission*, volume 1, page 115.

In the Hipburn-Griswold case, (8 Wallace, 615,) Chief-Justice Chase delivering the opinion of the court:

"It is not doubted that the power to establish a standard of value by which all other values may be measured, or, in other words, to determine what shall be lawful money and make a legal-tender, is in its nature and of necessity a governmental power. It is in all countries exercised by the government. * * * Making the notes legal tenders gave them a new use and it requires no argument to show that the value of things is in proportion to the uses to which they may be applied. (Supreme Court United States, 12 Wallace, 543; 12 Wallace, 567; Justice Bradley concurring.) I do not say that this is a war power or that it is only to be called into exercise in times of war; for other public exigencies may arise in the history of a nation which may make it expedient and imperative to exercise it. But of the occasion when and of the times how long it shall be exercised and enforced, it is for the legislative department of the Government to judge. Feeling sensibly the judgments and wishes of the people, that department cannot long (if it is proper to suppose that within its sphere it ever came) misunderstand the business interests and just rights of the community.

"It would be sad, indeed, if this great nation were now to be deprived of a power so necessary to enable it to protect its own existence and to cope with the other great powers of the world. No doubt foreign powers would rejoice if we should deny the power. No doubt foreign creditors would rejoice. They have from the first taken a deep interest in the question. But no true friend to our Government, to its stability and its power to sustain itself under all vicissitudes, can be indifferent to the great wrong which it would sustain by a denial of the power in question, a power to be seldom exercised, certainly; but one, the possession of which is so essential, and it seems to me, so undoubted."—*Report Silver Commission*, volume 1, page 569.

"The actual and legal money of the United States is now, and has been since 1862, paper issued by the Government. It owed its origin to exigencies growing out of civil war and to the belief that it was necessary for the preservation of the Government. The law authorizing its issue has been decided by the highest judicial tribunal to be warranted by the Constitution. It owes its value to the demand of the population of the country for money and not to the indefinite promise to redeem it in coin."—*Ibid*, page 104.

After a careful review of all the authorities the Secretary of the commission [Mr. Weston] sums up the conclusions reached on page 187, volume 1, as follows:

"There must be admitted to be some hazards in making the concession which the precedent of the legal-tender paper of the civil war, and the decision of the Supreme Court thereupon compel to be made, that exigencies may arise when it will be 'necessary and proper' for Congress, in order to execute its expressed powers, to force the currency of paper by law. Whatever the hazards may be, there is no escape from them. It is, however, true that the exigency which existed in the only case which has occurred of the exercise of this power, was real, and that the patriotic motives and high intelligence of those who determined that the necessity for it existed are unquestionable. For the future it will moderate if it does not wholly dispel alarms, to remember that sentiment of justice and of respect for private rights are nowhere so strong in this country as among the masses of the people, and that while they have often been the victims they have never been the perpetrators of frauds by means of monetary legislation. * * * If Congress can demonetize silver it can demonetize gold, or both gold and silver, and can monetize any substance or any form of paper. Narrowing money to gold is for the intended, although really doubtful, advantage of creditors."

No clamor was raised, no remonstrance was heard, when Congress exercised this power in the interest of creditors by demonetizing silver, thereby decreasing the volume and increasing the value of money; but now when this same power is invoked to replenish, supply, and restore the equilibriums between the creditor classes and those having fixed incomes on the one hand and the debtors and the wealth-producing classes on the other, unable to deny the authoritative force and conclusiveness of the decision of the Supreme Court, they have not hesitated to assail the Republic in its very vitals by traducing and denouncing the Supreme Court, charging that it was packed after the decision in the Hipburn-Griswold case (8 Wallace) so as to secure the final and conclusive decision rendered in the legal-tender case, (12 Wallace;) notwithstanding the act of Congress providing for an additional member in the Supreme Court was passed more than six months before the decision in the first instance, and notwithstanding the further fact that Mr. Justice Grier, who concurred in that decision, resigned soon after it was rendered and thus created a vacancy that was filled as in ordinary cases.

If the Supreme Court be not exempt a member of Congress cannot expect to escape vituperation and anathema, and the public must expect that no means will be spared to baffle, divide, evade, obscure, deceive, mislead, or divert the people. Every guise in partisanship will be assumed, every pretense worn, and every pretext plied.

The people will be told that money in itself is wealth, and therefore an equivalent in wealth for debt; and therefore it would not be just to compel creditors to receive paper money which of itself is valueless.

This intrinsic-value sophism was exploded by Dr. Franklin, in his reply to the English Board of Trade, in 1769. He said:

"Gold and silver owe their value chiefly to the estimation in which they happen to be held among the generality of nations. That their intrinsic value was not so great as that of iron, a metal in itself capable of many more benefits to mankind. What makes three pence of silver pass for six? Even here in England it is indebted to the legal tender for a part of its value."

This is indeed very simple; yet many minds, because of custom, do not readily understand it.

A familiar example:

The market value of 412½ grains of silver is eighty-three cents; in money value one hundred cents. Whence comes the difference? Unquestionably it is the obligation of the Government which money implies—to receive it at one hundred cents

in payment of dues. This obligation would be as potent to raise one grain of silver to one hundred cents. The value is derived not from the material but from the money function which the Government confers upon it. It cannot be unjust to the creditor, because the Government is bound to make it good to him in the taxes and revenues of the Government. The Government to the extent of its liabilities is the creditor of the whole people; and surely no just-minded man will complain that he receives of his debtors what his creditors will receive of him. But obstinacy appeals to precedent, French assignats and confederate currency being shining lights; and yet how little worth. Analysis discovers the absence of credit, the substance of money.

Were this Government to pass a law making confederate money receivable in payment of all Government dues and a legal tender in all payments it would be at par with gold before the morrow's sunset. But "sophistry cleaves close to hide sin's rotten trunk." Conceding the existence of the authority in the Government and its potential capabilities, our opponents decry against its exercise, assuming that it is fraught with the greatest perils to society, because of the want of virtue and intelligence among the masses of the people. Its exercise in Russia, Germany, and England creates no distrust and excites no alarm, because these are monarchical and aristocratic governments, securely fortified against abuses of the power. We accept the issue. We assert that nowhere in the world are sentiments of justice and respect for private rights so strong as among the masses of the American people.

Sir, are we not the only example in ancient or in modern times of man's capability of conquering without enslaving his brother? Our Government rests on the virtue and intelligence of the people. Every element of disintegration has been eliminated. Pessimists may croak, fanatics rave, and ambition machinate, but the love and valor of the great masses of the people, whom it blesses and protects, will preserve and transmit it to succeeding generations. No government is as solid in its foundations or assured in its existence and perpetuation as ours. Our future is, indeed, auspicious. A wonderful destiny awaits us. Stretching from ocean to ocean, comprising two billion acres of land of unrivaled fertility, varied in climate and boundless in the elements of national wealth and power, our country is destined soon to occupy toward Europe the position of superiority now and so long held by her toward her mother country, Asia. We must needs have financial autonomy. Our increasing population and expanding commerce require the supply of money to be in equal step with demand. Our credit is equal to the requirement; shall we monetize it and meet the demand, or shall we longer continue subject to the demand for gold by the Bank of England, and leave our wealth-producing classes still a prey to foreign and domestic syndicates? The danger of abuse is chimerical. The creditor classes are benefited by increasing demand and diminishing supply. As already shown, credits (bonds) have increased in value 100 per cent. since 1861, thus doubling the wealth of the holders, besides the interest paid. It is estimated by the commission that future bonds will augment more in value than in interest. Therefore creditors will oppose any issue of money. Add to their forces the law-makers. The past is certainly not calculated to excite fears that Congressmen are apt to vote pay back. As money shrinks in volume their pay increases in value.

The influence may not be acknowledged, but it will be felt. Add the entire official corps, State and Federal, and we have an array of forces potent surely to resist supply. On the other hand, debtors will be interested in promoting supply and diminishing demand, whereby the weight of their debits will be diminished. Diminishing supply and increasing demand have often driven them to bankruptcy and ruin, but they have rarely impressed financial legislation. Such are the forces for and against. Between them we have the great body of the people holding the scales. Their only interest is in steadiness of volume, which cannot be maintained without equilibrium between demand and supply. How simple, how natural the equipoise; creditors and debtors acting and counteracting—the people, whose only motive is equity, holding the scales—a tribunal formidable to Shylock only.

Mr. Chairman, these were then my views and such are now my views of the potential wealth which resides in the national credit. I then believed that if utilized as indicated refunding was unnecessary. Experience, observation, and mature reflection confirm that opinion. I now believe that by a proper use of the national credit we can counteract monopolies, abolish internal revenue, reduce the tariff, and supersede national banks.

There is a bill now upon our Calendar to extend national-bank charters expiring during the current year. It is said their circulation amounts to $50,000,000, and unless the bill pass will be retired, producing a corresponding contraction, from which it is gravely apprehended serious derangement of values will ensue, injurious to commerce and hurtful to the general welfare. What a commentary upon the banking system? Who is safe with such power lodged in the hands of capitalized combinations? Why not let it retire and replace it with United States currency? The present national-bank circulation is estimated at $364,000,000. What formidable power in hands interested in its abuse! Can contract or expand at will, and always wills to do so whenever opportunity offers to speculate upon the people, to whom it is wholly irresponsible.

Let us for a moment glance at the system. Five persons associate themselves together and present their agreement with a United States bond at the Treasury, and thereupon become a national bank. The Secretary of the Treasury receives their bond on deposit, and delivers to the bank without charge for material, printing, or engraving, 90 per cent. of the value of the bond in national-bank notes guaranteed by the Government, made receivable for all dues except customs, and a legal tender for all public payments except interest on the public debt. No wonder they are as good as gold. Bottomed on the credit of the Government, and by its fiat made money, they are inevitably at par. The Government receives and pays them out as coin, and gives them general circulation throughout the United States. And yet their friends daily deride fiat money and boast of their superiority as currency. The Government pays semi-annually the interest on the whole amount of their bond, less 1 per cent. per annum tax on circulation; so that if the bond be for $100,000 the bank receives $90,000, still owns the bond, receiving the interest thereon, and has a clear gain of $90,000. In other words, the bank is out $10,000, and yet receives interest on $100,000; so that if the rate of interest be 4½ per cent., allowing 1 per cent. per annum tax, the bank realizes 35 per cent. interest on the $10,000 balance of the bond. Any wonder that we have Jay Goulds and Vanderbilts and millionaires springing up as if by the magic of Aladdin's lamp!

Nor is it a marvel that this formidable power now controls and directs the two great machine parties that have so long divided the people. Both resisted awhile. The Republican was the first to yield. The Democratic resisted obstinately, but the overwhelming pressure at Cincinnati compelled a surrender at discretion. The wonder is that the people have so long submitted to partisan leadership, and acquiesced in the rise and growth of this mammoth power. Our country so abounds in the elements of wealth and the ready means of easy thrift and livelihood, that the people can increase and prosper despite almost anything in the power of Government to impose. But how long they will do so can be foreseen only by those who can calculate the duration of prejudice and the force of "pride of antecedents." Congress could easily establish a safe, stable currency, and could without the least risk of inflation of values issue one or two hundred million dollars annually in payment of current expenditures, and thus lighten so much the burdens of taxation.

The Government circulates $364,000,000 of its credit for the benefit of national banks. Why not for the people? Paper money is important if not indispensable to the commercial requirements of our country. The existence of banks affirms it. The currency should be safe and stable—guarded against fluctuations in value. The Government alone can provide such currency and give it general circulation throughout the United States. That the Government can do so no one in his senses will deny. Whether it shall be done in the interests of the people or for the benefit of associated capital is the only question, and the people alone can decide it. Money is power; whoever wields it rules. It is the highest prerogative of sovereignty. It belongs to the people. It is for them to say whether they will resume and exercise it for themselves and posterity, or abdicate by acquiescence in its possession and enjoyment by private institutions, called national banks.

Tariff and Tax Commission.

SPEECH

OF

HON. SAMUEL W. MOULTON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 11, 1882,

On the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. MOULTON said:

Mr. CHAIRMAN: The bill to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws now under consideration is an anomaly in the history of our legislation.

The second and third sections of the bill explain its object and scope, and are as follows:

SEC. 2. The President of the United States shall, by and with the advice and consent of the Senate, appoint nine commissioners from civil life, one of whom, the first named, shall be president of the commission. The commissioners shall receive as compensation for their services each at the rate of $10 per day when engaged in active duty, and actual traveling and other necessary expenses. The commission shall have power to employ a stenographer and a messenger; and the foregoing compensation and expenses to be audited and paid by the Secretary of the Treasury out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. That it shall be the duty of said commission to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff, upon a scale of justice to all interests; and for the purpose of fully examining the matters which may come before it, said commission, in the prosecution of its inquiries, is empowered to visit such different portions and sections of the country as it may deem advisable.

The nine persons to be appointed are to be selected by the President. The President is known to be in favor of a high protective tariff, has heretofore been connected in an official capacity with its operation and the collection of duties under the present exorbitant law. He has never in any practical way recommended the reform of the present tariff, and we have every reason to believe that he is in full sympathy with the desires and wishes of the protectionists upon this question.

We may assume that the persons to be appointed to frame a tariff bill will be in accord with the protectionists, and that the result of the labor of the "nine" will be a one-sided *ex parte* report for the advantage of the power that appoints and controls them.

No one for a moment can suppose that any fair presentation of the tariff question will be made by the commissioners. The protected manufacturing monopolies will receive consideration, but the rights of the laboring classes, the toiling millions, will go unheeded and uncared for.

The reformation of the tariff lawfully and properly belongs to the representatives of the people in Congress. The interests of the people are confided to Congress. The members are elected by the people whose wants and interest they are supposed to understand certainly

much better than any nine persons selected from a particular class and who are not elected by nor responsible to the people for their acts.

Besides, the report when made would be of very little service to this or any succeeding Congress. From the manner of the appointment of the commissioners and their known bias in favor of protection and against a tariff for revenue sufficient only for the public expenses, no honest revenue reformer would place any confidence in any conclusion the commission might come to; and the work of reformation of the tariff would have to be performed by Congress at last.

This discussion from the beginning has taken a much wider range than the scope of the bill under consideration. All the speakers who have preceded me have discussed the questions as though the tariff was really under consideration and to be passed upon now. And I must say that the discussion has shown in many of the speakers a thorough and comprehensive knowledge of the whole question in all its philosophic and economic conditions.

This knowledge that a large number of the members of Congress in both Houses have shown to possess on all the phases of the tariff question demonstrates that no commission is necessary to furnish Congress information on any branch of the question. In my judgment the only object of those who advocate a commission is delay and to indefinitely postpone the greatly-needed reformation.

Every government possesses the inherent right to raise revenue from its people for its maintenance. Without this power no government could exist; but this power should only extend to legitimate public expenditures limited by law. In absolute monarchy and despotism the people are taxed at pleasure, and the power is only limited by the desire of the ruling despot. Happily this is not our form of government.

Under the Constitution of the United States, article 1, section 8, it is provided that Congress shall have power to lay and collect taxes, duties, imposts, &c. This power has always been construed as limited to the wants and necessities of the Government and for public purposes only. This was the understanding of the fathers, and the Supreme Court of the United States has decided accordingly whenever the question has been presented to that tribunal. In the case of The City of Topeka, 20 Wallace, pages 665, 666, 667, 668, the general question was considered, and it was decided that a tax could only be levied for public purposes and not for any particular individual, class, or interest. This decision is a very instructive one and properly defines the limitation on the taxing power, and explodes the idea of the protectionists that one class of the people may be taxed for the benefit of another.

This case originated as follows, as is stated in a very able review of it:

In 1872 the Legislature of Kansas passed a law authorizing counties and towns of that State "to encourage the establishment of manufactories and such other enterprises as may tend to develop" such county or city by the direct appropriation of money, or by the issue of bonds to any amount that the local authorities might consider expedient; and under this act the city of Topeka created and issued its bonds to the extent of $100,000, and gave the same "as a donation," a majority of voters approving, to an iron-bridge company, as a consideration for establishing and operating their shops within the limits of the city. The interest coupons first due on these bonds were promptly paid by the city out of a fund raised by taxation for that purpose, but subsequently, when the second coupons became due, and the bonds had passed out of the possession of the bridge company by *bona fide* sale to a loan association, the city meanly repudiated its obligations, on the ground that the Legislature of Kansas had no authority under the constitution of the State to authorize the issue of bonds, the interest and principal of which were to be paid from the proceeds of taxes, for any such purpose as the encouragement of manufacturing enterprises. Legal proceedings to enforce payment were thereupon commenced by the bondholders in the United States circuit court, and judgment having been there given for the city, the case was appealed to the United States Supreme Court, where with only one dissenting voice (Judge Clifford) the judgment of the lower court was affirmed, the opinion of the court and the principles upon which it was based being given by Mr. Justice Miller. From this opinion attention is asked to the following extracts, reference being made, for the benefit of those who desire a more complete statement, to the report in full, 20 Wallace, pages 655-668.

"It must be conceded," said Justice Miller, "that there are rights in every free government beyond the control of the State. A government which recognized no such rights, which held the lives, the liberty and the property, of its citizens subject at all times to the absolute disposition and unbounded control of even the most democratic depository of power, is after all but a despotism. It is true it is a despotism of the many, of the majority, if you choose to call it so, but it is none the less a despotism. * * * The theory of our governments, State and national, is opposed to the deposit of unlimited power anywhere. The executive, the legislative, and the judicial branches of these governments are all of limited and defined powers. There are limitations of such powers which grow out of the essential nature of all free governments—implied reservations of individual rights, without which the social compact could not exist, which are respected by all governments entitled to the name. * * * Of all the powers conferred upon the government that of taxation is most liable to abuse. Given a purpose or object for which taxation may be lawfully used, and the extent of its exercise is in its very nature unlimited. This power can as readily be employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there are no implied limitations of the uses for which the power may be exercised. To lay with one hand the power of the government on the property of the citizen, and with the other bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less robbery because it is done under the forms of the law and is called taxation. This is not legislation. It is a decree under legislative forms.

"Nor is it taxation. Beyond a cavil there can be no lawful tax which is not laid for a public purpose. * * * It may not be easy to draw the line in all cases so as to decide what is a public purpose in this sense and what is not. But in the case before us, in which towns are authorized to contribute aid by way of taxation to any class of manufacturers, there is no difficulty in holding that this is not such a public purpose as we have been considering. If it be said that a benefit results to the local public of a town by establishing manufactures, the same may be said of any other business or pursuit which employs capital or labor. The merchant, the mechanic, the inn-keeper, the banker, the builder, the steamboat owner are equally promoters of the public good, and equally deserving the aid of the citizens by forced contributions. No line can be drawn in favor of the manufacturer which would not open the public Treasury to the importunities of two-thirds of the business men of the city or town."

It would seem to follow from the principles of the foregoing case that taxation of any kind can only be resorted to for public purposes, and that under the Constitution and laws, national or State, a tax for the protection of one class of the community at the expense of another is unwarranted and against the principles of natural justice and right.

The decisions in many of the State courts also fully sustain this doctrine.

The form of taxation for the support of the Government is matter of experience and dependent to some extent upon circumstances, and the wishes and interest of the whole people should be considered so far as practicable.

All taxes should be uniform and just in their operation upon persons and property.

The great objection to a protective tax is its necessary unequal and unjust operation. It is giving to one class what is taken from another.

A tariff is a tax on goods imported from foreign countries or exported to them.

A revenue tariff is a tax on foreign importation of goods for the purpose of raising the necessary means required to defray the expenses of the Government.

On the hypothesis that a tariff is to be the instrumentality to raise the revenue for the support of the General Government, we say that we are in favor of a tariff for revenue, adjusted and arranged in its details with a view to equality in the public burdens, and also to the encouragement of productive industry in our own country as far as practicable, without producing monopolies or giving unjust advantages to any. The proper adjustment of a tariff measure is a matter of detail. Inequalities in the public burdens are to be avoided; monopolies should neither be created nor favored, and unjust advantages should not be given to any in raising the revenues for the support of the Government.

Since the formation of our Government the revenues for the most part up to 1862 were collected by a tariff on imports. This form of taxation our people are familiar with, and when properly and judiciously adjusted to the legitimate wants of the Government affords no grounds of complaint. In 1789 Congress enacted the first tariff law. It was uniform in its operation, and was declared to be temporary only, and was limited to seven years, and the ad valorem duty was only 8½ per cent. In the year following it was increased to 11 per cent. Two years later it was raised to 13½ per cent. The next tariff law was that of 1816, just after the war of 1812. The average rate of duties under this law was 30 per cent. ad valorem. In 1824 there was an additional increase of the tariff to 37 per cent. In 1832 there was a further increase of duties, and with it the great historical event, nullification. Subsequently, in 1833, Mr. Clay introduced his compromise tariff bill, which was a sort of sliding scale of decrease, so that in 1842 the tariff on foreign imports was only about 20 per cent. ad valorem. Under the administration of Mr. Polk there was a further reduction of the tariff.

From Mr. Polk's administration to the beginning of the war in 1861 the tariff was simply one for revenue only. The average duties during that time were 17¼ per cent.; on dutiable goods alone 22½ per cent. One of the important features of the tariff bill of 1846 was that it distinguished between goods that could be produced at home and those that could not, the latter being substantially free. The Morrill tariff of 1862, as was said at the time, was justified by the pressing necessities of the Government; and the people acquiesced in this high protective tariff upon the promise and understanding that when the condition of the country would permit, this tax that has pressed so grievously upon the people and operated so unjustly against the industrial and laboring classes should be modified and reduced so that its operation should be uniform and just to the people of the whole country. But this understanding with the people on this question has by the protectionists and monopolists of the country been wholly disregarded, and instead of a reduction there has been an increase of the tariff on many articles, amounting in some cases to prohibition, as will fully appear by the tables that I shall submit.

There is another important fact that may be stated in this connection. Protectionists, as a sort of excuse for asking for protection, have said and say now that they only desire protection in the infancy of their business, and that as soon as they are fairly under way and able to withstand competition they will surrender the right of further protection. Now, the fact is that in the entire history of protection not one case can be found where the parties protected have ever consented to an abatement of taxation upon the ground that protection had done its work.

The war tariff of 1862 is a good illustration of the fact that the party protected, whatever the circumstances may be, will never voluntarily relinquish any of his rights under the law however unjust it may be to the people. The war tax as we have seen was exorbitant and in many cases prohibitory, ranging from 40 to 200 per cent. ad valorem. No protectionist desires any reduction, and the bill under consideration is for the purpose of further protecting his interest by delay.

The following tables show the tariff upon some of the common articles of use and are here given so that the people may see what the present tariff is, and keeping in view the fact that the consumer pays this tariff in increased prices on what he buys and that this increase of price goes into the pocket of the protected manufacturer. The importer pays the tariff in the first instance, but it is always charged over to the purchaser by adding it to the price.

Articles enumerated.	Rate of duty.	Value per pound, yard, &c., exclusive of duty and freight.	Amount of duty per lb., yard, &c.	Average rate per cent. of duty.
Clothing wools:				
Worth less than 32c. per lb	10c. per pound and 11 p. c.	.237	.126	53.17
Worth over 32c. per lb	12c. per pound and 10 p. c.	.378	.157	41.76
Carpet wools:				
Worth less than 12c	3c. per pound	.112	.03	26.62
Worth over 12c	6c. per pound	.194	.06	30.86
Dress goods:				
Value less than 20c	6c. per yard and 35 p. c.	.169	.119	70.46
Value over 20c	8c. per yard and 40 p. c.	.369	.204	65.81
Blankets, worth 60@80c. per lb.	40c. per pound and 35 p. c.	.682	.638	94.13
Flannels, worth 60@80c. per lb.	40c. per pound and 35 p. c.	.61	.614	100.53
Cloths	50c. per pound and 35 p. c.	1.412	.994	70.40
Clothing, ready made	50c. per pound and 35 p. c.	2.873	1.649	57.42
Hats, worth over 80c. per lb	50c. per pound and 35 p. c.	1.732	1.105	63.86
Yarns, worth 40@60c. per lb	30c. per pound and 35 p. c.	.561	.50	88.49
Leather, tanned	25 p. c.			25.00
Gloves and mittens	50 p. c.			50.00
Other manufactures of leather	35 p. c.			35.00
Cottons, plain bleached, worth less than 20c. per square yard	5½c. per square yard	.121	.055	45.47
Spool thread	6c. per dozen and 35 p. c.	.151	.113	74.62
Earthenware	25, 40, 45, and 50 p. c.			41.93
Silk goods	60 p. c.			60.00
Linen goods	30, 35, and 40 p. c.			35.00
Bar iron:				
Medium size	1c. per pound	.022	.01	45.43
Large and small sizes	1½c. per pound	.028	.015	51.90
Chains, ordinary size	2½c. per pound	.043	.025	58.25
Cotton machinery:				
Iron	35 p. c.			35.00
Steel	45 p. c.			45.00
Horseshoe nails	5c. per pound	.084	.05	59.57
Cut nails	1½c. per pound	.083	.015	17.92
Pig-iron	$7 per ton	22.84	7.00	30.65
Iron rails	$15.68 per ton	44.00	14.00	28.65
Steel rails	$28 per ton	44.00	28.00	55.29
Coarse wire	2c. per pound and 15 p. c.	.046	.027	58.66
Pocket cutlery	50 p. c.			50.00
Other cutlery	35 p. c.			35.00
Steel fence-wire	2½c. per pound and 20 p. c.			
Agricultural implements and machinery	35 p. c.			35.00
Marble tombstones, tiles, &c	25c. per sq. ft. and 30 p. c.	.264	.329	124.69
Fur goods	35 p. c.			35.00
Common window-glass:				
10x15 or less	1½c. per pound	.028	.015	52.38
10x15 to 16x24	2c. per pound	.03	.02	67.05
16x24 to 24x30	2½c. per pound	.034	.025	72.65
Above 24x30	3c. per pound	.044	.03	68.18
Linseed oil	30c. per gallon	.536	.30	55.96
White lead	3c. per pound	.065	.03	46.45
Printing-paper	20 p. c.			20.00
Writing-paper	35 p. c.			35.00
Salt:				
In sacks	12c. per 100 pounds	.30	.12	39.75
In bulk	8c. per 100 pounds	.10	.08	69.00
Refined sugar	4c. per pound and 25 p. c.	.078	.06	64.12
House furniture:				
Finished	35 p. c.			35.00
Unfinished	30 p. c.			30.00
Common soap	1c. per pound and 30 p. c.	.057	.027	47.58
Toilet soap	10c. per pound and 25 p. c.	.379	.195	51.84
Slates	40 p. c.			
Starch, rice and other	3c. per pound and 20 p. c.	.031	.036	114.73
Millstones	20 p. c.			20.00
Varnish	50c. per gallon and 25 p. c.	3.292	1.325	40.18
Vinegar	10c. per gallon	.144	.10	69.25
Lumber, sawed, not dressed	$2 per 1,000 feet	9.745	2.00	20.52
Flooring	$3 per 1,000 feet	12.672	3.00	23.67
Shingles	35c. per 1,000	2.048	.35	17.08
Brussels carpet	44c. per yard and 35 p. c.	1.318	.90	68.38
Rope	3½c. per pound	.143	.035	24.43
Chip hats, bonnets, and hoods	40 p. c.			40.00
Needles	25 p. c.			25.00
Toys	50 p. c.			50.00
Fire-crackers	$1 a box	.815	1.00	122.68
Feathers and artificial flowers	50 p. c.			50.00
Dolls	35 p. c.			35.00
Combs	35 p. c.			35.00
Embroideries	35 p. c.			35.00
Diamonds	10 p. c.			10.00
Buttons	30 p. c.			30.00
Books	25 p. c.			25.00
Wall-paper	35 p. c.			35.00
Clocks	35 p. c.			35.00
Pens, metallic	10c. per gross and 25 p. c.	.333	.183	55.03

	Per cent.
Leather and manufactures of	28.9
Steel and manufactures of	45.5
Earthenware and china	42.4
Glass and manufactures	54.8
Spices	55.0
Salt	48.3
Soap	47.8
Lead	54.8
Sugar	54.8
Wool and woolens	58.8
Iron and manufactures	41.1
Silk and manufactures	59.0
Cotton goods	38.8
Flax and manufactures	33.7
Paper and manufactures	34.1

The following table shows the articles that paid an ad valorem duty of over 80 per cent. and not exceeding 97 per cent., (spirits, wines, tobacco, and perfumery not included:)

	Per cent.
Cleaned rice	95½
Green copperas	83⅓
Meerschaum pipes	82½
Wood and porcelain pipes	87½
Silver leaf	95⅝
Horseshoe nails	93½
Squares, not marked	90½
Steel rails	90
Druggets	88
Balmorals	91½
Blankets not over 40 cents per pound	88⅞
Blankets valued over 60 cents per pound	92
Flannel not over 40 cents per pound	89
Flannel valued over 40 cents, not exceeding 60 cents per pound	91½
Flannel over 60 cents, not over 80 cents per pound	91½
Worsted hosiery valued at 40 cents and not exceeding 60 cents per pound	96
Worsted hosiery valued at 60 cents and not over 80 cents	92
All other woolen goods valued at 40 cents per pound	94
All other woolen goods valued at over 40 cents and not over 60 cents per pound	92
All other woolen goods valued over 60 cents and not over 80 cents per pound	89
Woolen hats valued 60 cents and not over 80 cents per pound	88⅔
Woolen yarns valued not exceeding 40 cents per pound	86⅞
Woolen yarns valued 40 cents and not over 60 cents per pound	92
Woolen yarns valued 60 cents and not over 80 cents per pound	88

The following table is given by Mr. J. S. Moore, showing that the tariff is framed to operate against the poor and in favor of the rich; that the tariff on luxuries used mostly by the rich is comparatively low, while the tariff on many of the necessaries of life is exorbitant:

Rate of duties collected in 1880 *in ad valorem, taken from official returns.*

Articles of luxury:	*Per cent.*
Laces, cords, gimps, and braids	35
Diamonds	10
Embroideries	35
Fancy articles	35
Richest kind of cut glass	40
Jewelry	25
Musical instruments	30
Champagne, in pints	47½
Champagne, in quarts, $6 per dozen	50
Still wines, in bottles	32½

Now, let me place against the above what I deem articles of necessity, and see what duty they paid:

Duties paid in 1880, *calculated in ad valorem, taken from official returns.*

Articles of necessity:	*Per cent.*
Cleaned rice	95½
Epsom salts	78½
Chicory	102½
Spool thread	76⅔
Window-glass, common	from 58½ to 73
Band and hoop iron	75
Boiler-plates	69
Horseshoe nails	93
Locomotive tires	79½
Steel rails	99
Castor-oil	148
Croton oil	136
Paris white	240
Balmoral alpaca	91
Blankets valued at 36½ cents per pound	89½
Woolen hosiery valued at 60 cents per pound	100½
Bunting valued at 23 cents per pound	121

Free trade has been defined to be "the free exercise of human power and faculties in commercial and professional life; it is the liberty of labor in its grandest proportions. It is the freedom of exchange of commodities between man and man irrespective of residence or nationality, unfettered by any artificial restrictions."

A protective tariff is a tax levied for the purpose of protecting parties interested against the competitions of international trade. A tariff on imports protects the home manufacturers by adding the amount of the tax to the cost of the foreign product. A tariff on exports protects the home consumers by checking the exportation, increasing the home supply, and reducing the price. Incidental protection is that which is given by discriminations in the distribution of the tax among the various articles on which the tariff is levied. One product can only be bought with another; that is the universal law of trade.

Now, if we take our productions to a foreign country we get the products of the foreign country in return, and if the foreigner brings his goods here he must take our productions in return. This is exchange, commerce, trade; all parties are benefited. The cheaper and easier his productions are obtained, the greater the quantity consumed.

What reason is there why the people should not buy where they can purchase the cheapest, and sell where they can get the best price for the productions of their labor? The right to do this is fully recognized in the internal commerce of the country. The people have always been jealous of any artificial obstruction to the freest commerce between the States, and have resisted every attempt to impose restriction upon it. Many of the States are remote from each other, and the production, climate, soil, and circumstances of the States are entirely dissimilar. The internal commerce between the States cannot be accurately known, but it probably amounts to over $12,000,000,000 by rail alone, and perhaps equally as large by water and other means of communication.

It has been said that we have no need of a foreign market; that our home market is sufficient for all purposes, and this alone we should look to and protect. Upon this subject, Mr. Philpott, a very able writer, presents the following views:

THE HOME MARKET.

We shall see how protection has kept its promise to give us a home market for our crops. The following table shows the value of the wheat grown in the United States, the value exported, and the proportion exported for the years named:

Years.	Grown.	Exported.	
	Value.	*Value.*	*Per cent.*
1850	$125, 000, 000	$643, 745	½
1860	170, 000, 000	4, 076, 704	2½
1870	350, 000, 000	47, 171, 229	14
1880	425, 000, 000	190, 546, 305	36

We have a home market for only 64 per cent. of our wheat, and depend on a foreign market for 36 per cent. of it, whereas in the old "free-trade times" we had a home market at the very worst for 97½ per cent., and depended on a foreign market for only 2½ per cent. We export fifteen times as large a proportion of our wheat as we did then, and retain only two-thirds as much of it.

Of corn we grew in 1860 $600,000,000 worth and exported $2,400,000 worth, or four-tenths of 1 per cent. In 1880 we grew $702,000,000 worth and exported $53,000,000 worth, or 7½ per cent. The proportion exported was eighteen times as large, after submitting to protection eighteen years in the hope of having a home market for it all. Of provisions we export eight times as much as in 1860, and, although I am unable to give the amount, our home consumption has certainly not increased eightfold. The population has increased only 65 per cent., and we certainly don't each of us eat five times as much meat as we did then. Supposing that the home consumption has doubled, the export has increased four times as fast. The cotton produced, the export, and the amount retained by the "home market" is almost exactly the same for 1860 and 1880, the export being in each case three-fourths of the crop. In 1870, when our agricultural exports were only half what they are now, they amounted to 15 per cent. of "all farm productions, including betterments and additions to stock," as shown by the census of that year. The population, and consequently home consumption, have increased only 25 per cent. in that time, and consequently the proportion exported must be about 24 to 25 per cent. The "home market" covered only about 75 per cent. And half of that the farmers themselves consume, since they are half the population. It has been demonstrated over and over again that the really protected manufacturers are not over 5 per cent. of the population. They therefore furnish a "home market" for 5 per cent. of 75 per cent. of our soil products, or about 4 per cent. of the whole. For this we pay two prices for every rag, and every pound of iron, sugar, and salt we buy, and the result of eighteen years of that policy is that we are more dependent than ever on a foreign market, depending on it for the sale of 25 per cent. of our products, or six times as much as the protected paupers can be induced to take. We get all our prices here in Iowa from Liverpool for our hogs, cattle, wheat, corn, butter, cheese, alcohol, glucose, flour, oat-meal, and walnut lumber. Every important industry we have in Iowa, agricultural or manufacturing, is as utterly dependent on a foreign market as it could possibly be with absolute free trade, and much more so than it was twenty years ago.

Come to look the matter over, the home market is not "nominated in the bond." It is only a verbal promise, like that made to the workingmen. The farmers who paid their money for a home market and the workingmen who paid theirs for an increase of wages neglected to bind the mill-owners in writing or to have the consideration included in the statute. If the workingmen demand higher wages or the farmers better prices they are coolly told to go where they can get them. Is not this just the least little bit one-sided?

The great desideratum of a country which produces, like our own, immensely more than is required for home consumption is a foreign market for its surplus production. This has been the great struggle among nations, and continues to-day among all civilized countries with unabated vigor.

No country in the world has a greater interest in finding foreign markets for our immense productions of every kind than the United States, and no country in the world has done more by vicious legislation, protective and prohibitory restrictions upon trade and commerce to shut out and destroy foreign markets for our surplus productions than the United States. Our present relation with Canada is a good illustration of the effect of this vicious legislation.

The population of the British North American provinces is about five million. The country is contiguous to us on the north; the inhabitants are mostly English-speaking and industrious. Now, if the province were a part of our own country it would be conceded at once that unrestricted commerce with them would be of vast advantage to all parties and no one would be injured. What is the reason why the same result should not obtain, the province merely being a separate territory from our own, not more so than the States are separate from each other, so far as commerce and trade are concerned? That the governments are different can make no difference in matters of commerce.

During the reciprocity treaty with Canada, there being little or no restriction upon trade between the two countries, the exchanges were about $100,000,000 in value.

In an evil hour and by the efforts of the protectionists in 1866, the reciprocity treaty was repealed, and there was a return to the old restrictive policy. And Canada, to protect herself against this exclusive system, has returned to protective duties to keep out our productions from her market. In 1866, when our population was less than forty million, and communication between us and the provinces much less available than now, our exchange, as we have seen was over $100,000,000 per annum.

Now, when we have over fifty million people and greatly increased in wealth and means of communication by rail and otherwise, under the present protective and restrictive policy our exchanges are only about $40,000,000. Without restriction there can be no doubt that our commerce with Canada would be to-day over $200,000,000. But our short-sighted policy of protection has very effectually closed this great outlet and market for our surplus production against us. And the correlative fact may be stated that this policy benefits nobody but the protected manufacturer and monopolist, and is a positive injury to the country at large. It is the dog-in-the-manger policy.

What has been said of Canada may be said with equal truth of Mexico on the south of us. Railroads are now being built from this country into and through Mexico for the purpose of facilitating commerce between the two countries. Mexico is a rich country, and desires to trade with us if she can exchange her productions for ours. The people of Mexico want many of the productions of our country, which are produced in great abundance, and are worthless to us without a market. Our people are equally desirous of obtaining the productions of Mexico, especially those that cannot be produced by us. Everybody can understand that free trade between countries so situated would be of vast advantage to the industrial and laboring classes of both countries, each wanting a market for its own surplus production. But our Government, prompted by the protected classes, has imposed duties ranging from 33 to over 200 per cent. upon products imported from Mexico. Of course this restriction substantially closes the Mexican market against us. Mexico cannot trade with us unless we can take her productions in exchange. This we cannot do, because the high tariff raises the price of the imported articles and no home market can be found. Therefore, by our restrictive policy we surrender the Mexican market to Great Britain under the liberal system adopted by her.

Our entire exchange with Mexico during the last fiscal year was a little over $19,000,000, when, if the restrictive policy were removed and reciprocity of trade were established, the exchanges between the two countries would not be less than $200,000,000. Thus the Mexican market is substantially lost to us and much of the surplus industry of our country is rendered worthless upon our hands.

What has been said of Canada and Mexico is substantially true of our commerce with the South American States. There is a vast country very near us and many of her productions in the shape of raw materials are desired by our people. Many of our productions the South Americans desire. But a protective tariff prevents importation from that country to a very great extent and thereby we are prevented from finding a market there for our exportations, and to the injury of both parties.

Now, under the protective tariff, how and where are we to find markets in which we can dispose of our domestic products? Protection adds to the price of the articles protected nearly to the extent of the rate per cent. of protection. It raises the price of the protected article greatly above the price of the same article in the markets of the world. Of course our manufacturers cannot send their productions abroad and compete in the markets of the world only at ruinous losses.

The consequence of this is that our productions are left upon our hands and without a market and comparatively worthless. This is usually followed by failures, panics, strikes, and great commercial distress, such as we have often experienced under this unnatural system of restraints upon commerce.

One of the remedies for this condition of things is, in the language of Patrick Henry, "to make commerce as free as the winds of heaven." When not handicapped by restrictions we can successfully compete in the markets of the world in everything that is the result of agriculture and in most articles of manufacture in this country. No one denies this except the interested class and those employed by the monopolists to advocate their interests.

The protected class say that unless Government protects us by a tariff and thereby enables us to charge a higher price for our goods we cannot go on and must close our business. Foreign competition must be shut out or we die. Suppose this is true. Upon what principle of justice has the iron, steel, cotton, or woolen manufacturer the right to compel the citizens of the whole country to pay them a gratuity, bonus, or premium to enable them to do business and make enormous profits at the expense of the people.

No one disputes that the tariff that is put upon the foreign article and paid in the first instance by the importer is added to its price, and this the consumer has to pay for the benefit of the protective class.

When a government enacts laws of this character, and compels its citizens directly or indirectly under the guise of a protective tariff or otherwise to contribute to the profit of particular classes, it is infamous and downright robbery.

No people can long be contented under laws of this character. It has been sometimes contended by the protected class that the for-

eigner, whose goods are imported, pays the tariff. A greater fallacy was never uttered. Merchandise is purchased of the foreigner in the open markets of the world and imported here, and the tariff is added to the price; and the consumers, who are mostly the agricultural and laboring classes, pay the increased price to the extent of the tax both on the foreign and corresponding domestic production.

There is another important fact in this connection growing out of the protective system that especially affects the interest of the farmer. The following table compiled from the report of the Treasurer shows the total value of the agricultural products of the country, including petroleum exported for the year 1881, namely:

Value of exported commodities for 1881.

Animals, living	$16, 112, 393
Breadstuffs	269, 933, 744
Raw cotton	247, 695, 746
Fruits	4, 442, 721
Hay	233, 529
Furs, unmanufactured	5, 444, 707
Hops	2, 016, 970
Naval stores	2, 638, 817
Oil-cake	6, 284, 364
Mineral oil	40, 315, 590
Animal oil	1, 151, 774
Vegetable oil	1, 606, 472
Provisions	151, 528, 268
Seeds	1, 062, 786
Tallow	8, 800, 628
Tobacco	20, 868, 884
Spirits of turpentine	2, 414, 719
Hides and skins	883, 787
Rough timber	3, 319, 443
Total	784, 755, 413

Eighty-four per cent. of these exports are carried across the Atlantic in foreign vessels. Now, it is the price of grain and the other agricultural productions in the foreign market that regulates the price of the same productions here. It is the London and Liverpool markets that regulate prices in New York. This is a fact that the protectionist attempts to conceal, and by various false statements attempts to delude the people and have them believe that it is the home market and demand that regulates the price of our production.

The farmer pays the foreigner for freight on his productions to the foreign market. This is necessarily deducted from his profits. Now, freights are enhanced by the fact that by reason of our prohibitory protection laws the ships of the foreign freighter often cross the ocean in ballast instead of bringing a cargo of goods, which but for the high tariff would be brought here, and thereby enable the carrier to lessen his charges for freight.

In addition to this the purchase of ships in a foreign market by an American to be used here is absolutely prohibited under our navigation laws, and we are compelled to surrender the foreign carrying trade to foreigners. This operates greatly to the disadvantage of the farmer, and the prices of his productions are lesssened from 15 to 30 per cent. by reason of his being compelled to ship his merchandise in foreign bottoms, and the high tariff that largely reduces importation, and forces the foreign shipper to come here in ballast.

This system of protection, continued since 1862, together with vicious navigation laws and shipping regulations, has driven our merchant marine from the ocean substantially as to the foreign carrying trade. By reason of the fact that nearly everything that enters into the building of ocean steamers is prohibited by a high protective tariff, it costs nearly double to build such vessels here as it does in England, Wales, Norway, Sweden, and some other European countries.

The following from the New York Post, in a recent number, states this point very clearly:

Not a single ocean-going steamship bearing the American flag runs from the great commercial city of the continent. Here is the hard fact from which we start. This marine destitution exists notwithstanding a restrictive law in favor of American shipping such as is found in no other country. Our protective philosophers have fostered other American manufacturers by high tariffs, but in respect to the manufacture of ships we go a great deal further. We allow foreign goods to come into our ports upon the payment of duties; and they compete with our own industries to this extent, that if the home article cannot be furnished for the cost of the foreign article with the duty added it will be undersold. But we prohibit the importation of ships on any terms whatever. Two things and two things only we do not allow to enter the country from abroad, even under a tariff—ships and indecent books. This rule has been in force about ninety years and still we have no ocean-going steamships. Upon the face of things is it not unreasonable for our correspondent to contend so stoutly for a system which is proved to be ineffectual? If prohibition of this sort has not given us ships, if with prohibition our shipping interests have languished and almost died, what ground is there for a protest against the removal of prohibition as against something that will injure these interests? If the restrictive policy has failed, as it unquestionably has, does not common sense suggest the trial of another plan?

The imports and exports of the United States for the last fiscal year amounted in value to the sum of $1,675,024,318. Of this vast amount there was carried in foreign vessels $1,377,556,017, and in American vessels $568,080,633; 84 per cent. of our entire foreign commerce was transported in foreign vessels, and 16 per cent. only in American bottoms. In the year 1856, 75 per cent. of the foreign exports and imports were carried in American vessels. From that year to the present time there has been a gradual decadence of American shipping, and we have seen that in 1881 there was only 16 per cent. of our foreign commerce carried in American bottoms, and during the last year there was a decrease of over 1 per cent. in the foreign carrying trade by American vessels. We are substantially driven from the ocean. The amount paid by our people for freight and passage money to the foreign carrier is estimated to be 10 per cent. on the gross amount carried. This would make the amount paid by our people the last year to foreigners the sum of $137,755,601. This large sum might and ought to have been earned by our own countrymen. But this sum was wholly lost to us by our erroneous policy of restriction and prohibitory laws; and in this connection we may mention that it has prevented the employment of thousands of our needy citizens in the capacity of clerks, sailors, ship-builders, and laborers, and their places have been filled by foreigners. This is one of the results of the beneficent system of a high protective tariff. This is the feast that American citizens have been invited to by the protectionist and monopolist.

The decade ending with 1861, under a tariff for revenue only, presented one of the best and most prosperous periods of our history. All classes of our citizens were equally protected in their rights. The laborer received his just reward. All our industries stood upon an equal footing and there were no complaints against unjust laws. The revenue was only sufficient for ordinary economic expenditures of the Government, and there was no incentive on the part of the Government to extravagance or profligate squandering of the people's money. But the great battle for equal rights and commercial freedom remains to be fought. This discussion will advise the people of the actual condition of affairs and unjust operation of the present tariff. The agitation of this great question now fairly begun will continue until every free American citizen shall be at liberty to enjoy the fruits of his own labor and dispose of the products of his own hands when and where he may choose, and in any market where he can realize the largest profit, and purchase in any market where he can buy the cheapest.

Army Appropriations.

SPEECH

OF

HON. JOHN P. LEEDOM,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, April 7, 1882,

On the bill (H. R. No. 5559) making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes.

Mr. LEEDOM said:

Mr. CHAIRMAN: The amendment which I had prepared to this bill, and which I had hoped to have adopted, but for the ruling of the Chair on the point of order made by my friend from Wisconsin, [Mr. BRAGG,] is as follows:

That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to receive, pass upon, and settle all claims for property taken and used by the Union forces engaged in opposing or pursuing the confederate forces under General John H. Morgan, while making his raid into the State of Ohio, in July, 1863; and said accounting officers are also directed to receive, settle, and pay for all horses or other property, taken from citizens of said State by said confederate forces, which were afterward captured, retained, and used by the Union Army. An appropriation is hereby made, out of any money in the Treasury not otherwise appropriated, to pay the same. That the said accounting officers of the Treasury shall take and accept as sufficient proof, in all claims so disposed of, the adjudications made by the commission appointed by said State, together with the accompanying proofs, which claims, adjudications, and proofs were filed in the office of the adjutant-general of said State: *Provided*, That all claims not so adjudicated upon may be established as other claims and demands against the United States are now established: *And provided further*, That upon the finding of said commission, or other sufficient proof of the taking of horses, mules, or other property by the said rebel forces, their capture, retention, and use by the Union Army shall be presumed and admitted by said accounting officers, and adjudication and settlement made for the same in the same manner as if said property had been originally taken by the Union forces. That the Quartermaster-General is hereby directed, upon the request of claimants or their attorneys, to turn over to the proper accounting officers of the Treasury all claims heretofore filed in his office for property taken from citizens of said State of Ohio during the said Morgan raid.

This amendment is a measure of such a meritorious nature that our national pride should be shocked at the reflection that it has been so long unattended to. In July, 1863, General John H. Morgan, with a force of rebel soldiers, made his way into the southern portion of Indiana and Ohio, and made that devastating raid upon the almost defenseless people of that section of the country which was productive of so much suffering and wrong.

The gallant men who would have defended their homes were in the armies of the Union, and the handful left there were unable to organize in time so as to cope with their assailants. From all sides men came to the rescue of the invaded people, and pursuing Morgan, attacked his forces, and capturing the leader, demoralized and made prisoners of a majority of his troops.

Along the roadway he had traversed there was desolation. The homes of the farmers were stripped of their possessions; the stock was taken by the followers of one army or another, and a prosperous people, who but the day before had lived with a consciousness that

security and protection would be afforded them by this Government, found themselves impoverished, outraged, and plundered.

The rebels swept on with the captured property, consisting largely of valuable horses, but were intercepted and overtaken, scattered and dispersed by the Union Army, which, in its pursuit of Morgan and his men, had been not far, if any, behind Morgan in appropriating the supplies and horses of the citizens; and the result of Morgan's defeat was the recapture by the Federal forces of most of the property gathered by the confederates. These horses, so taken by the Union soldiers and those falling into their hands by the dispersion of Morgan's men, were not returned to the people from whom they were taken, but retained by the Federal forces and carried with them to the "front" with indecent haste. There was very little, if any, effort made to restore such property to the rightful owners. This matter was capable of easy identification, and the Legislature of Ohio passed an act providing for the appointment of a "commission to examine claims growing out of the Morgan raid." The act of the Legislature required the observance of certain instructions, as follows, to wit:

SEC. 6. Said commissioners shall examine all such claims duly presented and find the amount of loss thereon and whether the claim be meritorious, as, upon the evidence before them, they may deem just and equitable; and they shall keep a full and correct record of the claims presented and of their action thereon; and shall, on or before December 15, 1864, report their proceedings, their finding, and facts upon which each claim is founded, to the governor, separating said claims into the following classes:

First. Claims for property taken, destroyed, or injured by the rebels.

Second. Claims for property taken, destroyed, or injured by the Union forces under command of United States officers.

Third. Claims for property taken, destroyed, or injured by the Union forces not under command of United States officers, with a statement showing specifically in each case under what circumstances and by what authority such property was so taken, injured, or destroyed; it being the object of this act to have a careful examination of said claims, and report as to the nature and amount thereof, but to leave the question of the liability of the State open and undetermined for future action.

SEC. 7. Each claimant for personal property shall prove whether the same was listed in his name in 1863 for taxation in this State, and if so, whether he placed the valuation thereon; and no claimant for the loss or destruction of property so listed and valued by himself shall be allowed a greater sum than valuation.

The commissioners appointed by the governor under said act were Hon. Alfred McVeigh, Major George W. Baker, and Henry S. Babbitt, men of high character and ability. On the 15th day of December, 1864, that commission made its report. It commenced at the point where Morgan had first entered the State, and followed along his trail until they arrived at the scene of his surrender. Public investigation of every claim was made, a high and satisfactory class of testimony required, and this was recorded and preserved. The character of the evidence received appears from the following portion of their report: They say they "have observed scrupulously the directions given. The claimant's affidavit to his own statement in writing was taken in each case. Such witnesses as the claimant could produce were examined as to their personal knowledge of the truth of the statements made by him, and affidavits of persons not present who were familiar with the alleged facts were also received. The examinations were conducted publicly in the most convenient places to be procured by the commissioners, and the claimants found themselves surrounded by their neighbors and acquaintances, who could confirm or refute their statements, as truth and justice might demand."

The following is a "consolidated abstract of claims for property taken, destroyed, or injured during the Morgan raid" through Ohio in 1863, as certified to by Henry S. Babbitt, secretary of said commission:

Number of claims.	Name of county.	Amounts claimed.				Amount of property taken by the rebels and traced into possession of the United States forces.	Amounts allowed.			
		Damages by the rebels.	Damages by Union forces under command of United States officers.	Damages by Union forces not under command of United States officers.	Total amount claimed.		Damages by the rebels.	Damages by Union forces under command of United States officers.	Damages by Union forces not under command of United States officers.	Total amount allowed.
394	Adams	$64,918 71	$9,932 15	$100 00	$74,950 86	$1,980 00	$55,312 00	$8,569 00	$100 00	$63,981 00
101	Athens	14,495 76	2,173 01	609 98	17,278 65	.....	12,867 00	1,951 00	355 00	15,173 00
44	Belmont	446 50	873 25	686 18	2,005 93	.....	419 00	826 00	490 00	1,735 00
256	Brown	28,992 57	8,967 35	.....	37,959 86	1,305 00	25,566 00	7,228 00	.....	32,784 00
35	Butler	.....	4,818 00	666 00	5,484 00	.....	.....	4,075 00	516 00	4,691 00
4	Carroll	1,298 00	.....	.....	1,298 00	391 00	1,221 00	.....	.....	1,221 00
429	Clermont	62,400 08	25,433 02	150 00	87,983 10	1,260 00	55,554 00	20,925 00	.....	76,479 00
2	Clinton	.....	.....	256 00	256 00	.....	.....	.....	256 00	256 00
33	Columbiana	755 00	2,117 57	34 00	2,906 57	100 00	745 00	1,905 00	16 00	2,666 00
3	Fairfield	.....	129 98	262 06	392 04	.....	.....	109 00	131 00	250 00
228	Gallia	17,932 89	9,209 99	697 50	27,840 38	1,126 00	14,922 00	6,313 00	524 00	21,759 00
303	Guernsey	23,941 47	11,157 75	518 12	35,623 34	540 00	21,614 00	9,747 00	336 00	31,697 00
436	Hamilton	62,622 37	25,223 14	126 50	87,973 01	4,445 00	53,646 00	20,529 00	100 00	74,275 00
177	Harrison	8,403 41	8,767 35	17 10	17,187 86	1,190 00	7,460 00	7,821 00	10 00	15,291 00
39	Highland	2,355 89	2,605 25	20 00	4,981 14	.....	2,110 00	2,463 00	20 00	4,593 00
55	Hocking	4,982 80	1,846 70	198 57	7,028 07	.....	4,601 00	1,803 00	159 00	6,563 00
352	Jackson	51,095 12	9,553 37	377 50	61,025 99	1,830 00	45,495 00	8,653 00	349 00	54,497 00
162	Jefferson	16,317 75	8,410 05	31 50	24,759 30	2,090 00	13,571 00	7,050 00	22 00	20,643 00
598	Meigs	47,658 13	17,755 05	633 60	66,046 78	2,615 00	40,979 00	12,491 00	331 00	53,801 00
64	Morgan	4,783 49	1,988 25	304 52	7,076 26	80 00	3,415 00	1,756 00	277 00	5,448 00
91	Muskingum	4,474 64	3,544 22	455 19	8,474 05	385 00	3,881 00	2,831 00	407 00	7,119 80
44	Noble	5,816 01	1,465 11	76 50	7,357 62	145 00	4,729 00	1,323 00	76 00	6,128 00
57	Perry	5,968 03	519 45	230 00	6,717 48	.....	5,186 00	323 00	175 00	5,684 00
226	Pike	46,778 61	8,372 94	168 50	55,320 05	705 00	40,188 00	7,245 00	42 00	47,475 00
10	Ross	.....	907 24	4,149 00	5,056 24	.....	.....	381 00	39 00	420 00
27	Scioto	689 20	1,294 88	199 00	2,183 08	100 00	535 00	1,038 00	106 00	1,679 00
143	Vinton	15,803 49	2,773 70	180 75	18,757 94	265 00	13,777 00	2,567 00	147 00	16,491 00
2	Warren	90 00	111 50	.....	201 50	.....	90 00	85 00	.....	175 00
60	Washington	347 00	2,369 40	2,073 53	4,789 93	.....	295 00	1,738 00	1,218 00	3,251 00
4,375		493,372 76	172,319 67	13,222 60	678,915 03	20,552 00	428,168 00	141,855 00	6,202 00	576,225 00

These claims are now before the Quartermaster-General's Department, but although nearly nineteen years have passed since that report was made, there has yet been no sufficient appropriation made by Congress to pay them.

The authority under which this was made, its manner of proceeding, and its equitable conclusions have elevated these claims to a high and honorable position, so that Congress could at any time with perfect safety have appropriated the amount called for by the report of the commission. We are asking that there may be no more delay in making this just appropriation. The evidence is now on file in the Quartermaster-General's Department and can be transferred to the proper accounting officers of the Treasury, where a brief and simple examination will readily satisfy them of the justness of the claims. These people have waited eighteen long years for the settlement of an obligation as onerous as could be imposed on a government toward its citizens. I hold it to be one of the first duties of a government to extinguish its obligations to its citizens without any unnecessary delay. The Government owed these people protection for their property. It did not extend it, but beyond this when it came into its possession appropriated it to its own use and has never recompensed the citizens who were its owners. The stalwart men of Ohio and Indiana were then gaining their glorious records on the field of battle. Many of them gave up their lives that their little homes and property might be protected from the invader. Was it right that their families and homes should be left unprotected? They have made no complaint beyond asking that the Government recompense them for the value of their property taken.

Since that period this Government has performed no prouder or more honorable work than discharging its obligations to its citizens and soldiers. To the soldier who lost health or limb the Government has displayed its gratitude for his heroic service by endeavoring to compensate his suffering, his losses, and his toil; to the widows and orphans of those who fell in battle it has extended its generosity as well as recognized its obligations to the dead. I insist then, Mr. Chairman, that we should act in this matter. We have already waited too long to do this justice to these people whose property we have consumed; there is no better way to right this wrong than I have suggested in my amendment, for the evidence which will be submitted is of that elevated character which will insure conviction.

Banks and Currency.

SPEECH

OF

HON. GEORGE W. LADD,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 3, 1882,

On the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence.

Mr. LADD said:

Mr. SPEAKER: At the bankers' convention, held at Niagara Falls in August, 1881, one of the able and leading orators of the occasion, George S. Coe, president of the American Exchange National Bank of New York City, spoke as follows:

It is very obvious that the continued reduction of the public debt is fast removing the foundation of the national banking currency, and that the system itself, thus losing its characteristic support, is approaching dissolution.

The advancing price of Government bonds, consequent upon their gradual diminution in volume, and strengthened by a growing demand for the investment of trust funds of every character, has already made the service of issuing currency profitless to banks, weighed down as they are with heavy burdens of special taxation.

With the certain progress of this reduction and absorption of bonds it is evident that the existence of the present system of banking cannot long be protracted, and that very soon some substantial change in the basis of our national currency will be inevitable.

Notwithstanding the social inconvenience which may result from this rapid payment of the national debt, and the consequent disturbance in the affairs of individuals and organizations throughout the country, yet the public sentiment undeniably favors its early and entire extinction. This sentiment, costing as it does the continuance of heavy taxation, nevertheless has too much of national good in it to be repressed. It is public virtue in most emphatic expression. However much the national currency may be regarded as superior to other systems, yet it manifestly will not be perpetuated, if to do it the national debt must also continue. Dependent upon the sentiment of the country upon that issue alone, it is evident that the currency must die. Its days are already numbered. Every fractional advance in the price of Government bonds is a blow at its life—and the march of events everywhere indicates its subversion from the present basis.

The practical question before the country, then, is this: "What currency shall take its place?"

This intelligent exposition of the national-bank currency question, coming from one of the able men, one who has comprehensive views not tinctured with partisanship, is worthy of our profound attention. But for the partisan efforts of a few indiscreet friends of these institutions, we might regard the increasing opposition to funding, together with our great prosperity, had settled forever the question of the practicability of rechartering institutions to issue currency founded upon our bonds, now so rapidly being paid off from our surplus revenue. The national banks of issue were instituted and so generously endowed, mostly as a war measure, principally to create a market for our bonds at a time when necessity compelled the weak to yield to the avarice of the strong in the adjusting of the burdens growing out of the war. When these institutions came to entirely control legislation, which they did in 1869, not for the promotion of our industries, but rather to cut the tree down that bore the fruit, then it was that their days were numbered in the public estimation, and this system only awaited the development of the confidence of the people in the other and now proved superior currency, the United States Treasury note.

The contest has been going on for years. The banks knowing they cannot exist permanently without the withdrawal of the greenback on the one side, and the increasing determination of the people as expressed in Congress on the other that the greenback currency shall not be withdrawn, this contest has now culminated in the exclamation at a late bankers' convention, "What shall the future paper currency of this country be?"

The wisdom of Mr. Coe and the unwisdom of your Committee on Banking and Currency are evident to all—so plain that he who runs may read. Your committee ask for the recharter of the national banks; Mr. Coe says the system "will not be perpetuated if to do it the national debt must also be continued."

We have in our modern politics a word truly significant of those who support out-grown institutions—Bourbonism. Taking the intelligent opinion of the orator of the bankers' convention, Mr. Coe, our committee recommend to us Bourbonism, doubly loaded with death, asking us to adopt that which is dead, and more, to come forward with special legislation to pay its funeral expenses. We are now asked to rejuvenate the corpse of an institution on account of its glorious history, in a contest with the Government for the circulation of its notes—a history which can boast of a record in money-making unsurpassed in this or any other land, in this or any other age, whose track has been strewn with wrecks of business men and industries, only equaled by the destruction of humanity by the first Napoleon, and fortunately now about to share his fate. Comptroller Knox reports as follows:

DIVIDENDS AND EARNINGS.

From the semi-annual returns made by the banks to this office, tables have been prepared, showing the dividends and profits. The following table shows dividends and total earnings of all the national banks for each half year, from March 1, 1869, to September 1, 1881:

Period of six months, ending—	No. of banks.	Capital.	Surplus.	Total dividends.	Total net earnings.
September 1, 1869	1,481	$401,650,802	$82,105,848	$21,767,831	$29,221,184
March 1, 1870.....	1,571	416,366,991	86,118,210	21,479,095	28,996,934
September 1, 1870....	1,601	425,317,104	91,630,620	21,080,343	26,813,885
March 1, 1871.....	1,605	428,699,165	94,672,401	22,205,150	27,243,162
September 1, 1871....	1,693	445,999,264	98,286,591	22,125,279	27,315,311
March 1, 1872.....	1,750	450,693,706	99,431,243	22,859,826	27,502,539
September 1, 1872....	1,852	465,676,023	105,181,942	23,827,289	30,572,891
March 1, 1873.....	1,912	475,918,683	114,257,288	24,826,061	31,926,478
September 1, 1873....	1,955	488,100,951	118,113,848	24,823,029	33,122,060
March 1, 1874.....	1,967	489,519,323	123,469,859	23,529,998	29,544,120
September 1, 1874....	1,971	489,938,284	128,364,039	24,929,307	30,036,811
March 1, 1875.....	2,007	493,568,831	131,560,637	24,750,816	29,136,007
September 1, 1875....	2,047	497,864,833	134,123,649	24,317,785	28,800,217
March 1, 1876.....	2,076	504,209,491	134,467,595	24,811,581	23,097,921
September 1, 1876....	2,081	500,482,271	132,251,078	22,563,829	20,540,231
March 1, 1877.....	2,080	496,651,580	130,872,165	31,803,969	19,592,962
September 1, 1877....	2,072	486,324,860	124,349,254	22,117,116	15,274,028
March 1, 1878.....	2,074	475,609,751	122,373,561	18,982,390	16,946,696
September 1, 1878....	2,047	470,231,896	118,687,134	17,959,223	13,658,893
March 1, 1879.....	2,043	464,413,996	116,744,135	17,541,054	14,678,660
September 1, 1879....	2,045	455,132,056	115,149,351	17,401,867	16,873,200
March 1, 1880.....	2,046	454,080,090	117,226,501	18,121,273	21,152,784
September 1, 1880....	2,072	454,215,062	120,145,649	18,290,200	24,033,250
March 1, 1881.....	2,087	456,844,865	122,481,788	18,877,517	24,452,021
September 1, 1881....	2,100	458,934,485	127,238,394	19,499,694	29,170,816

Total dividends from 1869 to 1881, $550,491,522; total net earnings from 1869 to 1881, $619,703,001; surplus now held by the banks, $128,140,618. This the result of only twelve years of special legislation! It is well known to every intelligent man in this broad land that in the operation of the law but 10 per cent. of the capital employed is furnished by individuals and 90 per cent. by the Government; and if this vast sum was properly divided, the Government or people would have $557,732,701 and the stockholders but $61,970,300. Again, these twelve years have a history which can profitably be used for our guidance in the future. Mr. Speaker, I deny that there is any necessity for the recharter of the national banks.

Truly we live in a wonderful age. Steam upon water and land, the telegraph and telephone have quickened things mightily; rapid transit for business purposes and for political purposes! A dazzled and dependent class wondering with profound amazement at the feats of modernism, yielding and giving up their rights, as our youth do their good sense to the Hindoo juggler!

Neither are we much better, as we consent to the making of a committee on Banking and Currency of eleven, nine of whom recommend the recharter of the national banks under a system which one of its own friends held, only August last, was on its last legs, unless we legislate against the public virtue.

Comptroller Knox, who is so correct in figures but so wanting in candor, says, on page 11 of the bound edition of his report for 1881:

The discussion of the question as to the kind of circulating notes which will be substituted for the national-bank notes if the latter are retired is postponed for the present, as it is impossible to foresee the events which may occur to affect that question within the next few years.

Or, in other words, it is impossible to know at present the gullibility of the country. He evidently regards the system as one to be prolonged but a few years, notwithstanding, professionally, he is and has been a great supporter of these institutions.

Mr. Speaker, from what I have said one might suppose this contest was nearly over; but it is not so. Corporations have many lives. While the people labor in the field and shop capital meets, with one heart, one soul, and one monstrous body, to control our legislation. With a life more lengthy than that of Methuselah, with an existence where a thousand years are but a day, they lay their plans for the infant to be born a thousand years hence, in the establishment of vested rights in imitation of the old countries. Their plans are, that our national debt shall not be paid; that increased expenditures, enlarged appropriations, increased salaries, largesses to the wealthy, who are in the sunshine of favor, waste, and frivolities, shall absorb our surplus revenue henceforth.

The press, the great motor of progress, is largely subsidized, with its vast amount of intellect, to recommend salutary expenditures that will absorb our surplus. The press, which, like our country, had its honest and early struggle with poverty and want, frowned upon by prerogative until it conquered a victory for both—a glorious victory—must it now fall by the embrace of the enemy of its early existence, and die of the disease that wealth brings in its train? If so, let us anchor the country in the safe harbor which its honored pioneers left us, and use its last expiring hours of glory to mourn that its great power could be subsidized by the weak but wealthy idiot who by wealth is enabled to borrow the brains of an opponent to strike down the many to enrich the few, by fostering monopolies "for the thirty pieces of silver," that those who live by special legislation may be continued as a class to feed and fatten on our industries. The courtier is brought into requisition to play his arts upon the weak, so that he who is brought to doubt will soon be damned in the society of designing knaves who infest the capital of your country. Thus are monopolies continued by the people; a

people so dear when they are wanted for use, and so cheaply held by their masters when their wants are supplied.

Mr. Speaker, let us look at some of the arguments used by the friends of our national banking institutions. When it was proposed to enlarge the issue of greenbacks, we were told that trade controls prices and the entire pursuit of business operations depended upon the volume of currency, and that to increase it was a foolish or wicked "inflation." But when other questions came up, that of diminishing the coin part of money by one-half by demonetizing silver, the same persons who deprecate inflation made the discovery that the volume of money is of no consequence and that it may be reduced to any extent without injury. The Comptroller of the Currency in his last report proclaims the new doctrine in the following language: "Coin and currency are but the small change used in trade, checks and drafts as substitutes for money." And he therefore proceeds to adopt and indorse the following language of George H. Pownall to the Institute of Bankers of London, October 19 last:

Blue books full of weighty arguments, all curiously wrought out, to help in the settlement of the great note question. It is clear that the check and the clearing system are the main lines upon which banking is destined to run. Dead theories respecting notes and the right of issue belong to the generation to which they were living verities. To us the living fact is the substitution of a new instrument of credit. For the present generation the improvement of the check and the clearing system, the mechanical details of office organization, those details of book-keeping which save time, are, from the enormous number of documents passing through the hands of bankers, of more weight than the most learned treatise on notes and note-makers.

If this doctrine is true, no reason is visible for maintaining the costly machinery of the office of a Comptroller of the Currency, and none for rechartering national banks. The business of checks and drafts can be conducted just as well, and to any extent, through State banks and private banks, and the only special object of national banks is to secure a currency of notes having a general circulation. If coin and currency are but the small change used in trade, we have an abundance already, in gold and silver coin and existing greenbacks, when all the national banks shall have passed out of existence. Again he says:

The London Bankers' Magazine for November, which has just been received, contains an abstract of a paper recently read by Mr. Pownall before the London Bankers' Institute, from which the following table has been compiled. The percentages of the receipts in the city of New York on September 17 have also been added to the table:

Localities.	Coin.	Notes.	Checks.
	Per cent.	*Per cent.*	*Per cent.*
New York	.55	.05	98.80
London	.73	2.04	97.23
Edinburgh	.55	12.67	86.78
Dublin	1.57	8.53	89.90
Country banks, in 261 places	15.20	11.94	72.86

It will be seen that the proportion of checks and drafts used in London does not vary greatly from that of the same items shown in the receipts of the banks in New York City.

Now, that the vast fabric of modern business has grown beyond the old system of the handling of the metals in exchanges for the legal payment of debt, the one class who deal in large sums by the use of representative money, the bank check and draft, should not forget that the industrial classes, who produce that which renders them able to deal in large sums, have rights which they should respect. Among those rights, they claim to use a representative money, the greenback, as the best and safest yet devised. That in large money centers there is next to no coin or currency used is conceded; and that in such localities they have so little use for currency that it is an instrument only to be used as a standard of value.

In this we find the true inwardness of the desire of capital to strike down one of the metals as a standard of value. By demonetizing silver, one-half of our metal money, they correspondingly lessen that which measures the products of the country, and thereby give to the gold dollar the purchasing power of two dollars of bimetal currency. This cannot be denied if the theory could be carried out. Still more wonderful, those who advocate this do not longer propose to handle gold coin; they ask Government to issue gold certificates for their especial benefit, as more portable and handled with less trouble and danger. Thus it will be seen where their own interests are concerned they are anxious to trust the Government to issue paper obligations.

Now, let me bring the money theory to the practical wants of business life. The man of industry, he who produces five hundred bushels of wheat which takes him from six to seven months of time and labor, is in daily want of currency to pay for labor, materials, taxes, &c. When his grain is ready for market he has expended $400 in currency; he then pays a freight on it, which maintains your railroads; this amounts to $100 more. It is then perhaps changed by the miller into one hundred barrels of flour. When it reaches the merchant in New York the farmer has invested in all $500 in currency, on an average of five months' time. The merchant goes upon change at twelve o'clock, sells the one hundred barrels of flour in thirty or sixty minutes, obtains his pay on delivery, takes a check for $550, this check goes through the bank and clearing-house, pays the merchant's and banker's balances, and no money is required, only the grand confidence.

Mr. Speaker, the question for the country to decide is this: Shall the merchant and the banker who do not use currency be allowed to dictate to the producer what the standard shall be, single or double; what the quality and character of the currency shall be, when it is conceded both are equally safe for circulation? The former, using in his business next to no currency, and the latter, from necessity, using all his land and labor produces.

Again, shall the producer have a voice in legislation for the adoption of an honest currency for the future? I insist that those who claim to use only representative money should not denounce others as being inflationists—those who ask the privilege of having continued a currency which is now conceded has no equal, and which is universally preferred to the metals for general use. Apply the legal principle in evidence, that which is wrong in part is wrong in all, to our existing laws, regulating banks of issue, how will the banks stand?

But a few years since the expansion of credits from the use of representative money, the check and draft, obliged the banks to suspend lawful payments in greenbacks. They bridged over this suspension by certifying one another's obligations, failing from a scarcity to meet their legal obligation in our legal-tender Treasury note.

It is claimed that the present system of banks is superior to all others. This I deny. Under what system of banking ever before devised could a cashier of a bank use up all the assets, stock, deposits, and credits, leaving nothing but stove and desks, as was done in Newark, New Jersey, to the amount of a million? Again, a president of a bank in Boston making away with all the bank had, and as much more, resulting in the loss of millions. In both cases the very intelligent board of directors and bank examiners, it was found, had been bossing "spiritual shadows" for months, while the cashier and president had been dealing in bubbles which happened to burst at noonday, and could not longer be hid.

Only in one particular can it be said that our national-bank currency is superior to any previous bank issue. And this in consequence of the Government's indorsement or its beng bottomed on our bonds. It has its money functions from our Treasury note, and is redeemable in the same. We, as reformers, propose to take the original, divide it in sums needed for use, and retain the real and discard the expensive shadows—the national-bank currency.

"Substitutes," or representative money, as now presented to us by the Comptroller of the Currency, may be classified in the slang phrase of the day:

New York Exchanges, clearing-house ..... 98 per cent. fiat.
The legal-tender silver dollar ..... 12 per cent. fiat.
National-bank note and the legal-tender Treasury note ..... 60 per cent. fiat.

It is conceeded that 40 per cent. is all the metal needed by the Government to keep the greenback at all times equal to coin. Even this is denied by able authority, the Philadelphia American, an able Republican paper, which says:

But the credit of the Government is better than that of a bank, because of its constant command of gold; and this makes the retention of so large a sum as is now in the Treasury quite needless. Thirty per cent. would probably suffice to give all the stability and security needed, as it would take a good deal of time to drain the Treasury of so much gold, in case of an actual run for it, and in that time the gold needed would flow in from other sources.

The credit of the Government being so much better than that of banks, it can extend this money just in proportion as its credit can be extended, and no further. This is conceded. Another able writer uses the following language:

The gold would rarely be wanted for the paper, except to settle adverse foreign balances, as long as the bill-holder is sure he can have it if he wishes it. And the people of the country, if it is their will to have a specie-paying currency, never will fear that the notes of their Government will be dishonored.

Mr. Speaker, we are now brought to the main question. What constitutes the best paper currency; that which is attainable in sufficient quantities, and can always be relied upon, and which will promote the greatest amount of prosperity?

First. We are a silver-producing country, and if we had but confidence corresponding to our resources and energy, we could by the full and free coinage of silver (by placing its coinage on the same footing as gold) soon command the monetary affairs of the world, and provide, in the silver certificate to be issued, for every dollar deposited with the Treasury, a currency that would in part render us always safe from panics. I beg here to quote John Thompson, financial adviser and vice-president of the Chase National Bank:

It is in order here to prove that silver and paper currency, based on silver, is popular with the people. In two years standard dollars have been coined as follows:

TREASURY OF THE UNITED STATES,
Washington, November 10, 1881.

SIR: In reply to yours, without date, I beg to say that the coinage of standard silver dollars at the various mints of the United States up to the 1st instant was as follows:

Mint United States, Carson, Nevada	$3,707,000
Mint United States, Philadelphia, Pennsylvania	45,081,705
Mint United States, New Orleans, Louisiana	13,041,000
Mint United States, San Francisco, California	38,884,000
Total	100,673,705

Very respectfully,

JAS. GILFILLAN,
Treasurer United States.

J. THOMPSON, Esq.,
Care Chase National Bank, New York, N. Y.

By the United States Treasury exhibit of assets and liabilities of November 1, (the same date as the dollar coinage exhibit,) it is shown that $66,576,378 of the dollars are on deposit in the Treasury, but there are outstanding against such deposits $66,327,670 of silver certificates, the Government owning $248,708, and this is scattered in seventeen depositories. On the same day, observe, the following circular was issued:

Circular suspending exchange of silver certificates for gold coin or bullion.

[1881, Department No. 108, Secretary's Office.]

TREASURY DEPARTMENT, SECRETARY'S OFFICE,
Washington, D. C., November 1, 1881.

Until further notice the exchange of silver certificates for gold coin deposited at the office of the United States Assistant Treasurer at New York will be suspended, and Department Circular No. 75, of September 18, 1880, is hereby modified accordingly.

H. F. FRENCH,
Acting Secretary.

I need not adduce more facts to prove that silver certificates are preferred to gold coin, although the present issues are not of suitable denominations, nor are they properly executed for a circulating medium.

The act of authorizing the standard dollar coinage, passed February 28, 1878, by more than a two-thirds vote over the President's veto, orders the coinage of two millions per month, and it permits the coinage of four millions per month. The Treasury Department has coined only the minimum amount. Why is a question which the people will ask ere long.

First. Remove all restrictions on silver coinage; make standard dollars not only for the United States but for every silver-using people, and they are seven-eighths of the population of the earth.

Second. Issue silver certificates against bullion as well as against coin. The raw material, the product of the Rocky Mountains, is ample on which to base the "currency of the future." Panic will never strike nor undermine such a currency.

The better class of emigrants will always take into consideration the currency of the country to which they propose to go. Let us then have a paper currency based on a precious metal for domestic use, and an American coin currency for the outside world. Let England and Germany take our gold, as sure they will when they have the power to do so. The sooner silver and certificates constitute the major part of our money the farther off will be panic and revulsion.

To many of you this discussion may appear to be foreign to the business of this convention. I claim that our industries are interwoven with our money. The pay-roll is to the laborer an indispensable sequence. Besides, the silver interest of this country claims and deserves protection.

I beg to make another currency suggestion. There is a great want of elasticity in our money and currency arrangement. The remedy is simple—let the people have the privilege of taking greenbacks from the Treasury in change for interest-bearing bonds, the bonds to be given back on the return of greenbacks, the Treasury saving interest while the currency is out. This measure would surely ward off panic, and it would also effectually bar the stock and grain gamblers from locking up money.

For this purpose a 3 per cent. bond would bear a proper rate of interest, so that currency would flow out when much needed and return when not required for legitimate business.

To this I have only to add: the country that has a silver currency, which stimulates production, will, by this production, have a balance of trade in its favor, which will bring the gold. As admitted, the gold will go to pay foreign balances; so it will come back when the balance is in our favor. Our producing power returns it. This has been fully demonstrated during the last three years in our trade with foreign countries.

Second. The better the circulating medium is, taking the intelligent notions of the people who take and hold currency as a guide, the larger the quantity will be held in circulation, in the pockets of the industrial classes, for a rainy day. This is the circulation of the kind wanted. I claim that the silver certificate and the legal-tender Treasury note are this to perfection.

HISTORY OF THE TREASURY NOTE.

The first Treasury notes were issued during our war with England, between the years 1812 and 1815; amount, $36,680,794; issued in 1837, $10,000,000; in 1846, $10,000,000; in 1847, $26,122,100; in 1857, $20,000,000; in 1860, $10,000,000; in all before the war, $112,802,894. These notes were generally issued on a short time and on interest, and were used as a currency, bearing interest at rates varying from one-tenth of 1 per cent. to 6 per cent. From February 8, 1861, to June 30, 1880, the whole amount issued by authority of law was 5,811,249,536, as follows:

Treasury loan certificates	$969,992,250
Seven-thirty notes	716,099,247
Treasury notes and certificates of indebtedness	1,074,713,132
Old demand notes, legal tenders, coin certificates, and fractional currency	3,050,444,907
	5,811,249,536

(A part on interest and a part not.)

Whole amount of Treasury notes issued by law	$6,924,052,430
Amount of all outstanding Treasury notes, including legal tenders, certificates of all kinds, and fractional currency	439,398,189
Amount of Government paper	6,484,654,241

Obligations issued as currency paid and destroyed.

With this showing, is it worth while for the capitalist to continue his "scare-crow" to defeat the adoption of the Treasury note as a permanent currency; a currency which, when untrammeled by law, has stood the test of seventy years without one cent of discount? Its money functions were limited to accommodate the banks in 1862 by act of Congress. The expense to the country by this and succeeding infamous acts I will not now allude to; let them be buried with the many wrongs that have come from our late civil war. The Treasury note currency is no modern invention; its parentage is as distinguished as its success has been brilliant.

And so the nation may continue to issue its bills as far as its wants require and the limits of its circulation will permit. Those limits are understood to extend with us at present to $200,000,000, a greater sum than would be necessary for any war. But this, the only resource which the Government could command with certainty, the States have unfortunately fooled away, nay, corruptly alienated to swindlers and shavers, under the cover of private banks. Say, too, as an additional evil, that the disposal funds of individuals to this great amount have thus been withdrawn from improvement and useful enterprise and employed in the useless, usurious, and demoralizing practices of bank directors and their accomplices. In the war of 1755 our State availed itself of this fund by issuing a paper money bottomed on a specific tax for its redemption, and to insure its credit, bearing an interest of 5 per cent. Within a very short time not a bill of this emission was to be found in circulation. It was locked up in the chests of executors, guardians, widows, farmers, &c. We then issued bills bottomed on a redeeming tax, but bearing no interest. These were readily received, and never depreciated a single farthing.—*Opinions of Thomas Jefferson in* 1813; *his Letters to John W. Epps, June* 24, 1813; *Jefferson's Works*, volume 4, pages 40, 41.

The question will be asked, and ought to be looked at, what is to be the recourse if loans cannot be obtained? There is but one—"*Carthago delenda est.*" Bank paper must be suppressed, and the circulating medium must be restored to the nation to whom it belongs. It is the only fund on which they can rely for loans; it is the only recourse which can never fail them, and it is an abundant one for every necessary purpose. Treasury bills, bottomed on taxes, bearing or not bearing interest, as may be found necessary, thrown into circulation will take the place of so much gold and silver, which last, when crowded, will find an efflux into other countries, and thus keep the quantum of medium at its salutary level. Let banks continue if they please, but let them discount for cash alone or for Treasury notes.—*Letter September* 11, 1813, volume 6, pages 199, 200, 201.

Happily, the condition that Jefferson so anxiously sought is soon to occur, and now, without any disaster to business, the golden opportunity has arrived to adopt his time-honored recommendation, which was, charter no more banks of issue. We have only to add to existing law a few lines, made necessary by the surrender of the national-bank currency, gradually, as we pay the bonds which they hold, and authorize the Secretary of the Treasury to issue every month silver certificates or Treasury notes to the amount of all national-bank notes returned to the Treasury and destroyed. This will meet with the approval of an intelligent community, who have so manifestly approbated it by giving the greenback the preference to the national-bank currency, and such frequent and loud calls for the prompt payment of the bonds which have given an occasion for past legislation for the benefit of banks.

The argument of the friends of the national banks that it is not safe to trust Congress to issue money and to regulate the volume thereof, I answer by asking, Is it safe to delegate a power which it is universally conceded exists in Congress, to issue money to those who act without responsibility—to the people—to those who in the exercise of this delegated power act from purely selfish motives? We oblige the banks to deposit in bonds 10 per cent. over the currency given them as a security of their good faith. Congress has done this, and you concede to Congress the power to issue interest-bearing obligations to the amount of outstanding indebtedness. If Congress can do this, why may it not with equal safety be trusted to issue non-interest-bearing obligations in small sums as wanted for business purposes? Again, why not trust Congress to do that directly which you so earnestly ask them to do indirectly? Why oblige them to procure selfish agents without restraint to do that which they can do better and cheaper themselves, and in the doing protect the country, acting as they always must under the restraints of a vigilant people who have so sadly learned that their money matters concern them, even to their existence, as an independent people?

Another argument used against the Treasury note is that it tends to centralization. The framers of our Constitution conceded to the Federal Government the coining of money and the power of making a legal tender for debt, in this language, (article 1:)

No State shall coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debt.

The making the Treasury note a legal tender is no more centralizing than the coining of metal money for a like purpose or the making of laws to regulate commerce between the States and foreign countries, and cannot be compared with that centralization which comes from 2,000 national banks, governed and controlled by the central power, organized for twenty years, with vested powers, whereas Congress has every two years the new voice of the people, and every four years a new Executive dependent on them and of them.

Mr. Speaker, panics in the money market do not come from the issuance of the Treasury notes; directly contrary is the experience of all business men; but they do come from overcredits brought about by the too free use of the substitutes for money, the checks and drafts spoken of by the Comptroller.

In all panics the full legal tender is hoarded as coin is, to protect property from the grasp of the remorseless tyrant who makes the corner in money as he does in other necessaries of life.

Now, let us look at the monetary condition of Europe, and from it take warning. This is necessary, as we have moved a part of European ideas into our large money centers.

I quote from an able article in the Philadelphia American:

Suppose, however, that a nation or a continent go on for years increasing in population, with no substantial additions to the amount of money in circulation. Europe was in that condition during the period from the beginning of our era to the discovery of America. She was receiving no gold and very little silver from any part of the world. Through losses by fire, flood, and shipwreck, through the absorption of the supply in permanent use, the quantity in circulation was steadily decreasing. To this is due much of the wretchedness, dullness, and general inertia

of the Dark Ages. Money is the instrument of association as well as that of exchange. Its absence, isolated from industrial contact, drove the more enterprising into artificial associations of the monastic order in the absence of natural association, kept the lower classes on the level of a poverty which made them weak and manageable, and made the trade of the soldier the only prosperous business, as under the feudal system it required no money to carry it on. Any corner of Europe which could get more than its share of the scanty supply shot far ahead of the rest. Flanders, Lombardy, the Venetians, the Florentines were instances of the political energy which accompanied the possessor of some spare cash.

But, after all, America is not the chief cause of the European difficulty. It is in the European treatment of silver. Far worse for the Old World than any drain the New can make upon her gold supply, is the unhappy policy which threatens to remove the most venerable of the precious metals out of the list of substances used for coinage. Germany and the Scandinavian countries have followed the example of the United Kingdom in discarding it. The rest of Europe has been forced thus to add to its discredit by ceasing its coinage, and thus refusing their people any addition to the amount of coin available for the purposes of association and exchange. For the same reason, America has been obliged to confine its coinage to a limited quantity on Government account, and to refuse it in the payment of international balances. All this mischief is traceable to the bad example of the English Government and the teachings of English economists. These latter never had any just view of the functions of money. They regard it only as the instrument of exchange. They speak of its export as an advantage in that it secures in return commodities "more useful" than itself. They speak of reductions in its amount as producing no more than a limited and temporary grievance. The common-sense instincts of business men have been always against these loose theories. Yet the theorists have managed to control the course of legislation. It is to them, more than to any other cause, that Europe owes her present monetary distress. The new era of depression has them for its true authors. It will not end until experience triumphs over their deductions, and silver is restored to its old place as coined money of the civilized world.

The Bank of England is connected with her bonded system, which has been made perpetual, and which is so strenuously presented to us to imitate. At the last renewal of its charter in 1844 it had £11,015,100 (equal to $55,000,000) of its stock in government bonds. The management of the entire public debt of Great Britain is placed in the hands of the bank, for which it received compensation in 1845 amounting to £93,111, equal to $465,555. For exemption from stamp duty on its notes the bank pays the government for the privilege of banking, for doing the government business, issuing paper money, £180,000; equal to $900,000.

This is the system we have, in part, been copying, without the profit which her government receives. The power of this bank is so firmly fixed that no party can exist which favors the extinguishment of her enormous debt or the reform of her monetary laws. The monetary commission that met at Paris last April was not represented on the part of England by the men of business and industry, but by the aristocratic fund-holder, who wants to lessen rather than increase the metal money of England. And thus it will continue to be, until a revolution occurs, and this her people have not the power to initiate at present. So this commission will fail to accomplish anything but the agitation of the question. This has been done at a recent meeting in England:

A meeting of bimetallists at the Mansion House evidently was one of no ordinary weight and significance. Five foreign embassadors and the governor of the Bank of England united with a great mass of business men in supporting the proposals of the international Paris conference, and demanding the free coinage of silver throughout the world. That twelve hundred people gathered to a meeting which interested nobody except merchants in a large way of business, shows how deep is the feeling in favor of bimetallism among the business classes.

The number of emigrants to this country in 1881 was 720,045, seventy-one thousand more than we have of population in the State of Maine by the last census. Of this, a larger number came from the British dominions than from any other part of the world, about one hundred thousand entering this country from Canada. No cause can be assigned for this excepting our prosperity, consequent upon the partial remonetization of silver, and the continuance of the greenback circulation, with an increasing currency, resulting in a corresponding increase of production. Let me ask, What has transpired in this country for the last twenty years? Have our people, like Rip Van Winkle, been sleeping per chance in the mountains, so that when they awake they can exclaim with him, "How soon are we forgot?" Have they forgotten the great man who called the people around him when monopolies sought to rule, when his voice was heeded from the St. Croix to the father of waters, and the country was saved?

The first bank of the United States was chartered in 1791, with a capital of $10,000,000. The second was chartered in 1816, with a capital of $35,000,000. The bill to renew the charter of this bank was vetoed by the illustrious Jackson July 10, 1832, and the charter expired March 3, 1836. Jackson said in his veto message:

On two subjects only does the Constitution recognize in Congress the power to grant exclusive privileges or monopolies, namely, the power to promote the progress of science and useful arts, by securing for limited time to authors and inventors the exclusive right to their respective writings and discoveries.

But if they (Congress) have other power to regulate the currency, it was conferred to be exercised by themselves and not to be transferred to a corporation. Many of our rich men have not been contented with equal protection and equal benefits, but have besought us to make them richer by acts of Congress.

Again, in his message in 1834, he says:

The bold effort the present bank has made to control the Government, the distress it has wantonly produced, the violence of which it has been the occasion in one of our cities famed for its observance of law and order, are but premonitions of the fate which awaits the American people should they be deluded into a perpetuation of this institution or the establishment of another like it.

What Jackson so justly complained of in 1832 and 1834 of the influence of a bank of $35,000,000 is now magnified nearly two hundred times in 2,155 national banks, having $465,735,685 capital and a surplus of $128,000,000. Every word of Jackson's arguments and warnings is applicable to our condition to-day, and should be treasured by every patriot in the land who is in favor of equal rights and a free government.

Mr. Speaker, the friends of a bimetallic currency and of a continuance of our Treasury notes have before them an opponent worthy of their steel. There is no room for a divided army. Our opponents are one undivided host of corporations marshaled by warriors trained in the schools of European oppression for thousands of years. We must drop all minor differences on local issues, on collateral questions, and unite on the main question, the substitution of the Treasury note for the national-bank currency. From victory here will come that reform which will satisfy all who are honest and in earnest for the best interest of the people. Certainly this is a propitious time for the people to rise and assert their power.

The Washington Post, a liberal Democratic paper, says, in a leading editorial, February 23:

Neither party as such represents devotion to a protective tariff or to a tariff for revenue only. Neither is there practical union in favor of greenbacks or national-bank notes or gold or silver as the currency of the future.

Another prudent class ask for positive proof of the superiority of the Treasury note over the national-bank currency before they will accept our views. Happily we can furnish such in abundance. The national-bank currency did not help fight our battles.

In 1863 these banks had no national circulation, though they were authorized February 25 of that year to issue notes. Under the act of 1864 the circulation was continued as follows:

1864	$31, 235, 270	1873	$347, 267, 061
1865	146, 137, 860	1874	351, 981, 032
1866	281, 470, 908	1875	354, 408, 008
1867	290, 625, 379	1876	332, 998, 336
1868	299, 762, 855	1877	317, 048, 872
1869	299, 929, 624	1878	324, 514, 284
1870	299, 766, 984	1879	329, 691, 697
1871	318, 261, 211	1880	343, 834, 167
1872	337, 664, 795	1881	359, 422, 738

Warwick Martin, of Washington, an able writer on the currency, uses the following arguments:

Upon what are bonds of the United States based? Does the Government give any security for its bonds? By no means. They rest wholly upon the faith of the United States for the payment of both the principal and the interest. Foreigners, who have perhaps never seen the United States, purchase these bonds upon the faith of the nation only. If the faith of the nation fails the payment fails. The nation cannot be sued and the money collected as in the case of a debt against an individual.

Upon what do national-bank notes rest? Upon the faith of the nation that the interest and principal of the bonds upon which their circulation is based will be paid. Also upon the faith of the nation that the legal-tender notes shall be and remain in existence, and legal tender as they were when the banks were induced by the Government to adopt them as a basis of circulation. We see, then, that the faith of the nation is good and sufficient to secure the bonds of the United States, and to cause them to sell at the lowest rate of interest and to secure a national-bank circulation based upon bonds and legal-tender notes; but is not that same faith sufficient to make the legal-tender notes, which were received by the Government in payment of these bonds, and by which the national-bank notes are secured, and in which they were redeemable, reliable "money of the United States?" It is a well-known fact that the faith of the nation has always been kept toward the holders of bonds and with national banks; but it has been in many instances violated toward the legal tenders for the sake of the bondholders and banks.

* * * * * * *

But, we ask, what sustains gold and silver money, excepting the faith of the nation? One dollar of gold is required by law to have in it 23.22 grains pure and 25:8 grains standard gold. This gold must be nine-tenths fine. What assurance has any one that a gold dollar contains this amount of pure metal and this quantity of alloy but the faith of the nation?

J. C. Calhoun said:

I now undertake to affirm positively, and without the least fear that I can be answered, what heretofore I have but suggested, that a paper issued by government, with the simple promise to receive in all dues, leaving its creditors to take it or gold or silver, at their option, would, to the extent to which it would circulate, form a perfect paper circulation, which could not be abused by the Government, that would be as steady and uniform in value as the metals themselves. I shall not go into the discussion now, but on a suitable occasion I shall be able to make good every word I have uttered. I will be able to do more, to prove that it is within the constitutional power of Congress to use such a paper in the management of its finances according to the most rigid rule of construing the Constitution; and that those at least who think that Congress can authorize the notes of private corporations to be received in the public dues are estopped from denying its right to receive its own paper.

T. H. Benton said:

The Government ought not to delegate this power if it could. It was too great a power to be trusted to any banking company whatever, or to any authority but the highest and most responsible which was known to our form of government.

The Government itself ceases to be independent; it ceases to be safe when the national currency is at the will of a company. The Government can undertake no great enterprise, neither of war nor peace, without the consent and co-operation of that company; it cannot count its revenues for six months ahead without referring to the action of that company—its friendship or its enmity, its concurrence or its opposition—to see how far that company will permit money to be scarce or to be plentiful; how far it will let the money system go on regularly or throw it into disorder; how far it will suit the interests or policy of that company to create a tempest or suffer a calm in the moneyed ocean. The people are not safe when such a company has such a power. The temptation is too great, the opportunity too easy, to put up and put down prices, to make and break fortunes, to bring the whole community upon its knees.

Mr. Speaker, if we proposed any encroachments, or an entire new system of currency, time might be required to test its utility. This we do not. As one-half or more of our currency from 1861 has been the Treasury notes, and when received for customs dues have always been as good as coin, and now preferred to coin, it is now conceded

that if for every bank bill returned a greenback was substituted, no one not interested in banks would complain. Yea, more, the entire country would rejoice in a better currency and in the saving of $12,000,000 annually.

The two systems are before us, to stand or fall upon their merits; the day for epithets and denunciations is over. We see there can be no party divisions on the tariff or on free trade or on debt paying; in fact, all questions not relating to our material welfare are soon to be lost sight of, excepting the question of the currency. On this subject parties can divide, for beyond the epithets of hard and soft money, which we have seen amount to nothing—as nothing is meant by such names as now applied—as all are in favor of the representative money—the question then is, Who shall issue money and regulate the quantity? In this there is great significance; on this question parties will divide as formerly, capital and monopolies on one side and the people and their industries on the other; corporate wealth from special legislation against the people and the customers of these corporations.

Corporations, like an inheritance, are armed with means and supported by outgrown institutions which are paraded in new garments to attract the weak and to purchase the wavering, whose real position is that with increasing population and decreasing volume of currency, and that under their control, they can rule in a republic by a system of frauds, intimidation, and violence, such as was resorted to in many States at our late Presidential election.

Those who antagonize this position of capital, men with hope and faith in the future, with expanded ideas corresponding with increasing population and production, propose to increase the volume of currency to meet the demands of business, to raise up and foster industries, to attain for labor those comforts attainable by an honest currency, expanding with our expansion, enlarging with our enlargement, that labor may prosper with our prosperity. This is soft money; soft, because it brings a soft pillow for him who works; soft, because it brings comforts for dear home and education for his children, and leads to that civilization on this continent that was purchased by so many deprivations, and which must and shall be maintained against all monopolies, all aristocracies, and all frauds. Can we maintain principles so manifestly correct without being subjected to losses by the false professions of designing men, who will profess anything for recruits that will maintain them in power? I answer we can, by education and toleration. Remembering that strength comes from association and weakness from exclusiveness, "no pent-up Utica shall contract our power." If we honestly wish for a currency reform we must meet in council with reformers. If we act from convictions, reform will come; if we act from temper, all is lost, for corporate wealth has the power to control the ebullition of passion.

If no charters are now granted there never will be any, and the existing banks will go out of existence just as fast as we pay our outstanding bonds. With this and the next Congress the question will be settled; but not without more or less trouble. Fortunately we have had some experience of what may be expected. The ridicule heaped upon our late Executive, President Hayes, for vetoing the 3 per cent. funding bill, because the banks used the Chinese mode of gongs and bluster to frighten him, will be a warning to the present administration too fresh to be disregarded. We have had enough of weakness and fright to satisfy one generation. Ohio has not been a success in finance if she has been in the holding of office.

Business life and political aspirations are subject to frequent disappointments in this busy world where the principal struggle of mankind is for happiness or for power. The man of industry, who was ignored entirely as a factor in politics centuries ago, who has so rarely nowadays entered the forum as a contestant for political honors, is in the future to take a part in our politics as an opponent of monopolies, with that cool judgment and intelligent patriotism which comes from honest toil; he is to be the independent actor and voter who will rule the State hereafter, while the professional politician is vacillating, like the swinging of the pendulum, from one opinion to another for personal aggrandizement and for wealth. The man of industry who silently but soberly sees the idiosyncrasies of parties will be the balance-wheel to regulate the Republic through his position as the independent voter, interested alone to perpetuate our institutions, which were so dearly purchased as the principal legacy at his command for his children, and of which he is as proud as were the barons of England who forced the Magna Charta from King John.

I have no time to allude to the other great questions, such as the reduction of taxation or the payment of the bonds, and the Post-Office savings-bank for the deposit of the earnings of industry; to the improvement and development of our industries by a low rate of interest and equal taxation; to the restoration of our commerce upon the ocean, which is sure to come, with interest and charges no higher than those in England; to the improvement that will come to us from the prompt payment of our bonded debt, which is a burden more weighty than can be enumerated in dollars, as it carries with it a fraud and a cheat and the exemption of the holder from taxation.

The two systems of money and their substitutes are before us. If conceded to be equally good for circulation, they are certainly not equally advantageous, as one borrows its substance from the other, and, contrary to all previous ideas of economy, pays to him who borrows, rather than to him who lends. If we were legislating for ourselves, should we add to our burdens by such an absurdity? This country is too great, and its industrial institutions too grand, to be longer subjected to the clamor of designing knaves, or to the stupidity of retired decency. The people who took the risk to send us here expect of us legislation that is not obnoxious to the charge of being against the public virtue.

Richard Rumbold, the Scotchman, when on the scaffold in 1685, said: "I never could believe that Providence had sent a few men into the world ready booted and spurred to ride, and millions ready saddled and bridled to be ridden." He was mistaken then. How is it to-day? In 1685 there were excuses for all this want of education and independence; to-day there is none, if those who think alike would vote together, and prove that—

The freeman casts with unpurchased hand
The vote that shakes the turrets of the land.

HOW TO PREVENT A CONTRACTION OF THE CURRENCY.

The following joint resolution was introduced in the House March 20 by Mr. LADD:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of preventing a contraction of the volume of the currency, and for the purpose of supplying any deficiency thereof which may arise from a diminution of the net amount of the national-bank notes, which net amount shall be ascertained by deducting from the amount of the same outstanding the lawful money which may be on deposit in the Treasury of the United States for their retirement, but not including in such deposit the 5 per cent. redemption fund, the Comptroller of the Currency shall, on the first day of each month, report to the Secretary of the Treasury the amount of national-bank notes on that day, and if it is less than the net amount on the first day of January, A. D. 1882, the Secretary of the Treasury is hereby authorized and directed to make good the deficiency forthwith, in either one or the other of the following methods at his discretion: first, by the issue of United States Treasury notes in the form and with all the functions of the notes now in circulation; second, by a coinage of standard silver dollars, to be an addition to and not a part of the coinage of such dollars as directed by the act of February 28, 1878, with the right to issue certificates for all such silver dollars deposited with the Treasury in mode and manner as heretofore provided for by law. And the amount of money necessary to carry this resolution into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

American Forestry.

SPEECH

OF

HON. MARK H. DUNNELL,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, March 9, 1882,

On the subject of appropriations for the Department of Agriculture.

Mr. DUNNELL said:

Mr. CHAIRMAN: The subject of forestry, both as regards the present and the future, is scarcely equaled by that of any other subject coming before us for our consideration and action. I desire to note some of its principal points in order that we may act intelligently upon it.

At an early period, and while Florida still belonged to Spain, the reservation of lands for maintaining a supply of timber for the Navy was proposed, and some feeble attempts at the cultivation of the live-oak upon the Georgia coast were begun.

Later we find applications for grants of land to encourage private enterprise in tree-planting, but no legislation looking toward the supply of timber for future wants can be found till 1873, when the first timber-culture act was passed. This gave a quarter section of land to every person who would plant a certain portion of it with trees. This act, as since amended, is still in operation. There are doubtless many cases where the undertaking has been abandoned; there may be others in which its terms have been evaded and the privilege abused; but there are thousands of young plantations under cultivation and managed in good faith and to the best ability of their owners. Very many of these promise excellent success.

Early in February, 1874, a committee of the American Association for the Advancement of Science brought a memorial from that body to the President, who laid the same before Congress. This memorial urged upon Congress the duty of the Government concerning the cultivation and the preservation of forests. After setting forth the great importance of these supplies, the rapidly increasing use and great waste, and the action taken by other governments under the pressure of necessities that must soon be realized in our own country unless timely provision be made to avert it, the memorial concluded with the recommendation that a commission should be ordered to mature plans calculated to meet the requirements of the subject. This memorial was considered in the House Committee on Public Lands, and referred to a sub-committee to mature and present a bill intended to further the objects set forth in the memorial. I had the honor to

be chairman of the sub-committee, and was intrusted with the bill passed by the Committee on Public Lands for presentation to the House. The bill reported to the Forty-third Congress did not become a law. Early in the Forty-fourth Congress I introduced a bill containing the principal provisions embraced in the former one, and before the close of the first session its vital portion was inserted as an amendment to a bill then pending, in which $2,000 were withdrawn from the moneys appropriated for the purchase of seeds to be distributed by the Department of Agriculture to make the first beginning in this investigation.

The amendment directed the Commissioner of Agriculture—

To appoint some man of approved attainments, and practically well acquainted with the methods of statistical inquiry, with a view of ascertaining the annual amount of consumption, importation, and exportation of timber and other forest products; the probable supply for future wants; the means best adapted to the preservation and renewal of forests; the influence of forests upon climate, and the measures that have been successfully applied in various countries; or that may be deemed applicable in this country for the preservation and restoration or planting of forests, and to report upon the same to the Commissioner of Agriculture, to be by him transmitted in a special report to Congress.

On the 30th of August, 1876, Hon. Frederick Watts, then Commissioner of Agriculture, appointed Dr. Franklin B. Hough, of Lowville, New York, to this duty, and he has since been wholly employed upon this service.

The appropriation of the first Congress was somewhat increased, and since then the sum of $5,000 has been twice appropriated for the services and expenses incident to these duties.

Two reports have been made; the first for 1877, and the second for 1878–'79. Of the first an extra edition of 25,000 copies was ordered. Of the second the Committee on Agriculture in the last Congress recommended the printing of 100,000 copies, together with the reprinting of 50,000 additional copies of the first report. It is proper to state that both these reports are now in stereotype plates. Unfortunately the resolution providing for the print of an extra edition of the second report, and the reprint of the first, as above stated, did not come before the House in season for its action.

The terms of the act under which these reports were made required that the statistics of exportation of timber and other forest products should be reported, and under this requirement a considerable part of the second report is devoted to the statistics which the law demanded. They cover the whole period of our existence as a Government, and in this particular they exhaust the whole subject. These reports have been elaborately reviewed and very highly commended in Europe; and in the international geographical congress, held in Venice in September last, they were awarded a diploma of honor.

In a lengthy review of the first of these reports, by an officer of the Würtemberg forest service, since made a professor in one of the German universities, the writer, after noticing the steps that had been taken from the first introduction of this subject, in 1873, to the date of publication, in 1878, says:

It awakens our surprise that a man not a specialist should have so mastered the whole body of American and European forestry literature and legislation.

In the course of these inquiries Dr. Hough has made extensive journeys in various parts of the United States for the purpose of observing the wealth and the wants of the country in matters of forest supply, and during the last summer he has traveled under an appointment of the Commissioner of Agriculture for the purpose of gaining information concerning the forest systems of Europe. This journey extended through England, Scotland, Denmark, Norway, Sweden, Finland, Russia, Germany, Austria, Italy, Switzerland, France, and Spain, and amounted to nearly 11,000 miles, besides ocean distances.

In the course of this journey he visited about twenty special schools of forestry and the forest administration of every country that he entered. It is expected that his report upon the subjects mentioned in his instructions will be submitted by the Commissioner during the present Congress, but it is not embraced in his third special report already finished but not transmitted to Congress.

It may be safely predicted that the information acquired by Dr. Hough in this extended field of investigation upon these intensely interesting topics will be accepted by the country with eminent satisfaction.

Having thus briefly presented the steps that have thus far been taken in regard to forestry, I wish to present some facts that show the magnitude of the interests which this subject involves and the conditions that they present for our action in the near future. In doing this I shall make no statements that are not supported by official statistics, nor shall I conceal any facts that might tend to modify the conclusions to which these facts directly lead.

TIMBER RESOURCES OF MAINE.

Maine is called the "Pine-Tree State." It bears the white-pine tree upon its seal, and the supplies of that timber were once believed to be inexhaustible. Upon the faith of these expectations, extensive ship-building interests sprung up along its coast, and large amounts of capital were invested in this industry, which in 1855 amounted to nearly 216,000 tons. These native supplies have long since been used up within reach of these ship-yards, so that they have found it cheaper to bring materials from the southern coast and from Canada. In 1879 the tonnage built was less than 43,000 for the whole State, or only about one-fifth part as much as it was about a quarter of a century ago.

The principal part of the timber of that State is now floated down the rivers and cut up into lumber in mills near the coast. One of the principal of these rivers, the Penobscot, drains an immense area of the timber region of the interior, and we have in the records kept by the State inspector at Bangor a continuous statement of the kinds and qualities of timber that has been taken out from that region for fifty years.

The totals are before me in detail, and when summarized in periods of five years, ending in the middle and last of each decade, give feet, board measure, the following average annual results:

Annual average quantities of lumber inspected at Bangor, Maine, by periods since 1832, (feet, board measure.)

Period.	Green pine.	Dry pine.	Hemlock.	Spruce.	Total.
1832 to 1835	.....	.....	.....	.....	44, 926, 299
1836 to 1840	.....	.....	.....	.....	69, 664, 741
1841 to 1845	.....	.....	.....	.....	117, 298, 060
1846 to 1850	.....	.....	.....	.....	181, 689, 076
1851 to 1855	100, 017, 571	15, 371, 149	11, 447, 655	64, 283, 237	191, 119, 613
1856 to 1860	72, 976, 757	13, 180, 829	13, 997, 306	70, 331, 840	170, 486, 731
1861 to 1865	43, 716, 243	11, 614, 139	12, 212, 669	97, 675, 997	165, 219, 048
1866 to 1870	37, 266, 219	9, 954, 360	18, 273, 962	145, 961, 625	211, 456, 166
1871 to 1875	26, 859, 263	6, 667, 538	19, 148, 000	144, 244, 747	196, 919, 548
1876 to 1880	11, 328, 578	6, 046, 979	15, 361, 561	86, 481, 394	120, 228, 513

	Total feet.
Green pine, 1851 to 1880	1, 463, 323, 162
Dry pine, 1851 to 1880	314, 224, 971
Hemlock, 1851 to 1880	454, 705, 768
Spruce, 1851 to 1880	2, 953, 321, 038
Total, 1832 to 1880	7, 300. 153, 671

In nearest millions of feet, board measure, the quantity of green-pine timber inspected at Bangor in 1851–'55 averaged 100,000,000 a year. In periods of five years the annual averages have since gone down to 73,000,000, 43,700,000, 37,200,000, 26,800,000, and 11,800,000. The dry pine has steadily declined during the same period from 15,400,000 to 6,000,000. The hemlock, on the contrary, went up for a time as it came to supply the place of pine; but this has again declined, the numbers by periods having been 11,400,000, 13,900,000, 12,200,000, 19,100,000, and 15,800,000.

The spruce, which, in 1851–'55, was about thirty-six millions below the pine, went up to a much greater figure and remained there for several years, but has within the last five years steadily and rapidly declined with every prospect of its continuing to descend as the supplies have become scarce. The quantities by millions of the spruce in these five-year periods were 64,300,000, 70,300,000, 97,600,000, 145,900,000, 144,200,000, and 86,400,000. Within the last four years immense quantities of spruce have died off, probably from the injuries of insects, upon the upper waters of the Saint John River, Maine, the loss being estimated at over a billion of feet, or more than $10,000,000 at the market prices of this lumber.

Yet with these facts before us we will sometimes meet with gentlemen who, reasoning from what they may see upon their own horizon, tell us that timber grows as fast as it is cut; that there is as much now as ever there was, and that of the supply there will be no end.

We admit that there are now many old fields where the worn-out land has again become covered with a growth of trees that look in the distance like a forest, but when these thickets are entered we soon learn that the timber composing them is not fit for consumption. If let alone and suitably protected they will in time become valuable forests, but it is very unsafe to depend upon these young growths in estimating the existing timber resources of the country.

CENSUS REPORTS OF 1880.

The Census Office has published in a series of circulars the returns obtained by the inquiries of 1880 so far as they relate to the standing timber and the lumber productions of the more important seats of this industry in the United States. These circulars are accompanied by colored maps purporting to represent the areas from which the timber has been principally cut away, and those that remain. The accuracy of these returns has been questioned in some quarters. Indeed there is nothing more difficult than to obtain accurate statistics of a forest that has not been carefully surveyed and explored by experts, and the best that could be expected would be the most careful estimates by disinterested and intelligent persons who were familiar with the business and who had no motives for concealment or overstatement of the result.

THE GREAT TIMBER REGION OF THE NORTHWEST.

Accepting, therefore, these statements as the best that could be obtained, and in the main as correct, let us see what they show of what has been for years called the "great timber region of the Northwest." This region includes the Upper and Lower Peninsulas of Michigan, the northern part of Wisconsin, and the eastern part of Minnesota. It occupies all of the upper waters of the Mississippi and its tributaries and the shores of the upper lakes, and the waters

flowing into them, that furnish any timber for the market or that ever can, except as it may be supplied by future cultivation.

It comprises the region that has for many years supplied with building and fencing material the whole of the prairie region to the south and west of it; that has sent immense quantities of lumber and timber to the eastern markets and to foreign countries, and that is at the present time prosecuting these destructive industries with greater energy than ever before, new mills being erected by the dozen every year, and many of these with a capacity of cutting more logs into lumber every day than the old-time saw-mills could do in a year.

The total estimates for the whole of these three States give the following quantities still standing in the forests and the quantities cut the preceding year:

Timber supply of Michigan, Wisconsin, and Minnesota, as reported by the census of 1880.

States.	Quantity standing in the forests.	Remarks.
Michigan, Upper Peninsula:*		
White pine.....ft. b. m..	6,000,000,000	328,438,000 feet cut in year previous, including 106,482,000 shingles and 34,266,000 laths.
Hard wood.....cords..	124,500,000	Cut, exclusive of fuel and ties, 1,145,100 feet in year previous.
Cedar.....cords..	62,500,000	
Lower Peninsula:†		
White pine, (ft. b. m.:)		
Saginaw, &c.....	7,000,000,000	4,068,773,000 feet cut, b. m., including 2,988,600,000 shingles and 428,445,000 laths cut, exclusive of 36,000,000 staves and 3,330,000 sets of headings.
Lake Huron side.....	8,000,000,000	
Lake Michigan side.....	14,000,000,000	
Total Lower Peninsula....	29,000,000,000	
Hard wood.....cords..	575,500,000	440,944,000 ft. cut year previous, besides 163,821,000 staves and 18,567,000 sets of headings.
Cedar.....cords..	5,000,000	
Hemlock.....feet..	7,000,000,000	
Hemlock bark.....cords..	7,000,000	
Wisconsin:‡		
White pine, (ft. b. m.:)		
Saint Croix River.....	2,500,000,000	2,097,299,000 ft., b. m., cut the year before, including 1,007,039,000 shingles and 348,301,000 laths.
Chippewa River.....	15,000,000,000	
Black River.....	900,000,000	
Wisconsin River.....	10,000,000,000	
Wolf River.....	600,000,000	
Oconto River.....	500,000,000	
Peshtigo River.....	1,500,000,000	
Menomonee River.....	6,400,000,000	
Lake Superior shore.....	3,600,000,000	
Total standing pine.....	41,000,000,000	
Hard wood, &c., in four counties §.....cords..	12,000,000	Cut in year previous, 117,041,000 feet, exclusive of 86,545,000 staves and 7,498,000 sets of headings.
Minnesota:‖		
Standing pine, (ft. b. m.:)		
Rainy Lake and Rainy River.	300,000,000	540,997,000 ft., b. m., including 187,836,000 shingles and 88,088,000 laths.
Shore of Lake Superior.....	800,000,000	
Saint Louis River and tributaries.	1,500,000,000	
Mississippi River and tributaries.	2,900,000,000	
Red Lake River and other tributaries of the Red River.	600,000,000	
Total.....	6,100,000,000	
In the belt of country south of the pine region:		
Hard wood.....cords..	57,600,000	36,884,000 ft. cut the year previous, besides 7,825,000 staves and 547,000 sets of headings.
Total number of feet of pine in the three States of Michigan, Minnesota, and Wisconsin.¶	82,100,000,000	7,035,507,000

* Supply will last 18 + years at rate of year previous.
† Supply will last 7 + years at rate of year previous.
‡ Supply will last 20— years at rate of year previous.
§ In four counties; no estimates of hard woods from other counties; 62,800,000 posts, telegraph poles, and ties of cedar, besides tamrack and spruce.
‖ Supply will last 11 + years at rate of year previous.
¶ Supply will last 11½ years at rate of year previous.

We have here 6,000,000,000 feet of white pine in the Upper Peninsula of Michigan, and about a third of a billion used the preceding year. At this rate of usage the supply will last about eighteen years.

In the Lower Peninsula we have 29,000,000,000 in the supply, and 4,000,000,000 used, or enough at present rates for seven years.

In Wisconsin we have 41,000,000,000, and a consumption of over 2,000,000,000, or a supply for less than twenty years; and in Minnesota 6,100,000,000, and over half a million used, or enough for eleven years.

If we consolidate the whole we find an estimate of 82,100,000,000 feet of standing pine, board measure, and a production of 7,035,500,000 feet of lumber in the last year. The one quantity is contained in the other something less than twelve times.

This guarantee of immunity for a dozen years depends upon the assumption that the production shall continue at present rates and that no forest fires or other casualties shall intervene. Let us see what past experience in recent years will lead us to expect.

TIMBER ON THE UPPER WATERS OF THE MISSISSIPPI.

In Minnesota the whole State is credited with 6,100,000,000 feet of standing pine. The Upper Mississippi is reported as having 2,900,000,000 feet.

The business statements of the Mississippi and Rum River Boom Company for ten years show the following amount of logs, in board measure, as scaled by them:

Year.	Feet.	Increase on previous years.	Decrease from previous years.
1872	146,572,250		
1873	164,743,150	18,170,900	
1874	192,482,520	27,739,370	
1875	149,350,820		43,131,700
1876	178,222,990	28,872,170	
1877	120,368,260		57,854,730
1878	102,479,520		17,888,740
1879	161,245,510	58,765,990	
1880	207,043,320	45,797,810	
1881	215,000,000	7,956,680	
Total	1,637,508,340		

The reporter remarks that in 1876 he ascertained that the logs averaged 218 feet. Two years after they averaged 161 feet, and in 1880, 187 feet, and adds, "One is struck by the large number of small logs in the booms, many of them being no thicker than a man's leg."

Stumpage had increased one-third in a year and a half. In the above table we have in six years a gain, and in three years a decrease from the preceding year. As we understand it, nearly the whole of the above quantities are pine. The other kinds must be relatively small and largely overbalanced by the pine production coming out by other means and used in local supply.

Now, if the census and these trade statistics are both correct, the yield of 1881 was nearly a thirteenth part of the amount standing the year before. The year is spoken of as one of "wonderful prosperity," and at the present time the pineries are dotted all through with lumber camps, and new mills are going up at various points to anticipate the "success" which increased production and advancing prices appear to promise.

The following is a comparative statement of the entire cut of lumber upon the Upper Mississippi during the past ten years:

Year.	Feet.	Year.	Feet.
1872	179,722,250	1878	149,759,500
1873	197,743,150	1879	201,778,725
1874	217,466,520	1880	270,377,230
1875	172,775,000	1881	334,932,503
1876	216,910,900		
1877	150,330,460	Total	2,091,796,238

As to the accuracy of the data from which these statements are made—those of production of lumber are made up from reports and inquiries among the lumbermen at the end of each year, and published as information for their own benefit in the journals devoted to their interest. There is no reason to suppose that in any instance they overrun the truth, but there are many ways in which they may fall short. There are local mills that make no reports, and local demands of which no account is taken. We make no charges against the census with regard to its accuracy, but seriously hope that it may be found in error with regard to the supply. But even allowing these estimates to be too small by half, we would gain but a brief respite under the increasing rates of consumption from the calamity that is approaching.

THE LUMBER MARKET OF CHICAGO.

We know that Chicago is the greatest lumber market of the world; that it distributes the forest products coming to it by lake and railroad all over the prairie country to the south and southwest of it and along the lines of railway to great distances in the interior. The details of these receipts might readily be given, but without occupying time in reading them I may say that they amounted in 1881 to over two thousand millions of feet of pine, and that the total product of the Northwestern States, as reported in the trade, was fully up to the estimates of the census as already given. The single item of sawed lumber received at Chicago in 1881 would lay an inch flooring about fourteen feet wide around the earth at the equator; and the amount manufactured in the three States of Michigan, Wisconsin, and Minnesota during the last year would lay such a floor of more than fifty feet in width.

These are no ideal fancies; they are stubborn facts. They are made up from returns of business collected by those engaged in the lumber trade, and give the results of operations so far as they could be gathered, and if they are imperfect the error is in their falling short of the true amount.

PINE TIMBER OF THE SOUTHERN STATES.

The Census has published circulars and maps giving estimates of standing pine in 1880 and of the production of the year previous for the States of Alabama, Florida, Mississippi, and Texas, which show the following results:

Items.	Alabama.	Florida.	Mississippi.	Texas.	Total.
Feet (board measure) of merchantable standing pine, May 31, 1880	18, 885, 000, 000	6, 615, 000, 000	23. 975, 000, 000	67, 508, 500, 000	116, 983, 500, 000
Feet of lumber cut the year previous	245, 396, 000	208, 054, 000	115, 775, 000	274, 440, 000	843, 665, 000
Years that the standing pine would last at rates of use the year previous	77 —	32 —	207 +	24 +	130 +

These quantities appear large, and the day distant when they will be used up. But we must remember that the lumber business is still in its infancy, and that in many points but a recent beginning has been made in it in this region.

The exportation of hewn timber from Mobile to foreign countries in 1880 was much greater than in any previous year, and 114 per cent. above the quantity in 1879. The sawed timber was an increase of 240 per cent. upon the preceding year.

At the rates of present consumption in the Northwest the whole of the supply above reported would last less than seventeen years; and the years now estimated in hundreds would soon diminish to those expressed by unit figures, under the demand that would be thrown upon these resources for domestic wants and the foreign trade.

THE INFLUENCE OF RAILROADS UPON THE TIMBER SUPPLY.

The vast and rapidly increasing extent of our railroad system, which at the present moment can scarcely be less than one hundred thousand miles, has a most important bearing upon the question of our forest supplies. This effect is not limited to the vast consumption that they occasion in supplying ties and other timber materials for the new constructions and renewals that are constantly going on. These roads are everywhere penetrating the timber regions of the country, many of them being built for the express purpose of getting out the timber that was before inaccessible by the old methods of floating upon rivers or hauling in winter by teams. It is but a comparatively recent period since this feature in lumbering was introduced, and its direct and speedy effect is to hasten the exhaustion of these supplies that were going off too fast for the needs of the present and of the future. The obvious effect of this will be to keep up the supply at the mills so long as there are forests from whence it can be obtained. They will distribute the manufactured lumber over a wider area and to greater distances to meet the wants of regions that have already used up their own forest resources, and they will doubtless extend for a little while the time of apparent "abundance" and of "inexhaustible supply."

But while they are doing this they will be every day equalizing the ruin that must inevitably follow this vast and rapidly increasing destruction, that will happen to the country in the near future, unless seasonable and adequate measures are taken to meet these future wants by extensive and judicious planting and by effectual measures for economizing our remaining supplies. We shall be soon enough admonished of this necessity by the rapidly gaining prices of our timber; but it is not wise to wait for this extremity until it is directly upon us; we should anticipate these wants, for it takes many years for a seedling sprout to become a tree fit for timber and boards.

The duty before us is a most important one, and it presents two principal points for consideration, namely: first, as to how far and in what manner the General Government can withdraw its remaining timber lands from entry under existing laws and place them under regulations calculated to secure the greatest benefit to the present in the use of timber that is now fully mature, and that shall at the same time have due regard to the requirements of the future; secondly, as to how we may most thoroughly impress upon the owners of land the importance of planting, and as to how far and in what manner it is the duty of Congress to encourage this object.

The first of these is a complex question, and one that must be carefully considered in all its bearings before we can adopt a definite policy concerning it. Upon inquiry of the author of this report I learn that he has given the subject much attention, and that suggestions are made as to the measures that may be adopted. Until the report is before us no opinion can be expressed as to the feasibility of these plans, and they may require a further study before action can be had upon the subject. There can be no doubt but that property of this kind under the care of persons who have an interest in its protection, and the law for their support, would be better cared for than if exposed, as it now is, to the plunder of everybody.

The second point is of greater importance, because it affects the whole country and applies everywhere alike to the owners of the land.

We find in our country conditions of ownership that are in general very different from those that prevail in Europe. We have no lands belonging to the Government that are scattered here and there all over the country, to be reserved for timber growth, and cared for by skilled foresters. Our towns, cities, and villages own no lands for common usage; our public institutions have no landed estates that need the special care of Government; we have no great hereditary domains belonging to titled owners, and we have no privileged classes. Almost the whole of our lands, excepting what remain under the care of the General Land Office, belong to farmers in actual possession, under absolute titles that assure perpetual ownership. We cannot require them to plant trees nor prevent them from cutting off their woodlands—at least not under the present state of public opinion; and nothing but sad necessity alone could ever hereafter so change this opinion as to justify and support restrictive legislation upon this subject. We cannot dictate in this matter. We certainly can never plant woodlands upon private property at the public expense, unless in the exceptional and local instances where this becomes a public necessity for the protection of some other interest.

It has been shown by long experience in Europe that timber can be grown with profit upon lands suitable for no other kind of use, and that by careful and intelligent management a permanent supply may be maintained.

It has long since been found that nothing will so effectually restore fertility to worn-out lands as a crop of trees, with the accumulation of organic materials that is constantly forming under them from the air and the soil. It is also proved by the experience of every careful observer that groves of woodland afford protection to the surrounding fields in the cooling and equalizing influence in mitigating the extremes of heat and cold, and by a perceptible and often decided effect in preventing injuries from drought. They afford resting places for insectivorous birds, and thus promote the destruction of insects to the profit of our grains and fruits. They screen us against the hot and dry winds of summer and the sweeping and piercing storms of winter, that are sometimes so severely felt, especially in the prairie regions of the West.

There can be no doubt but that timber can be grown within the United States sufficient for all the wants of its own inhabitants, but we must learn to regulate these wants and to guard against waste. We must diligently study the methods of cultivation that lead to most profitable results, and the kinds of trees that produce the most thrifty growth and the most valuable products.

In short, our first and greatest duty is to impress upon the owners of the land that it is in their interest to devote a portion of their land to the planting of groves of trees. We should establish experiment stations for the careful study of the requirements and capabilities of soils and of different kinds of trees, and we should publish the results of these observations in a form particularly calculated to impress the importance of these measures and to teach the plainest and simplest rules for securing their success.

If we rightly read the signs of the times public attention is already awakening upon this subject, and we should lead this question, and not wait to be driven by it, in whatever measures may appear necessary for the promotion of this object.

In recent journals we see accounts of gigantic monopolies springing up for "cornering" the great supplies of timber still in the hands of Government on the Pacific coast. Should we not "corner" these monopolies in the interest of the Government before we get "cornered" by them?

It would be a difficult matter to adopt any of the systems of forest management found in Europe, because our conditions are very different, and the persons skilled in this business cannot be had; but we might, without these, adopt systems of protection and regulation in the sale of products, to the great benefit of the public Treasury, and we might adopt, upon a limited scale, a system of conservation and cultivation, as they are doing in the English colonies of Australia, that should every year expand in magnitude, as the means of the service allowed, and as the results of the experience might lead.

In this connection we may further remark that success in timber culture depends upon a combination of favorable conditions in soil, climate, and the choice of kinds best adapted to them. In common agriculture if we make a mistake in one year we can correct it in the next, and in a few years of experience can generally ascertain what particular crops and what plan of cultivation are best calculated to secure uniform success.

But in forestry we may lose half a life-time before we learn that some particular kinds of timber would have yielded twice the profit of those that have been growing with indifferent success during this period, and that finally ends in failure. We cannot afford to make mistakes in this matter, and therefore need all the more as thorough a knowledge of the capacity of soils, the effect of climates, and the adaptation of trees to these conditions as science can teach us.

Our first needs are the fruits of experience in foreign countries and in our own, and a widespread and realizing appreciation of the importance of this subject that shall induce the owners of land to adopt effectual measures for economizing the existing timber resources of the country, and to invest for an ample future profit by liberal and judicious planting. We should look upon this great question in the light of political economy, and consider it as we judge of common business transactions when we would desire to learn whether they tend to profit or ruin. The growth of the woodland may be compared to the interest upon invested capital, and where in any country the rate of use is not greater than that of supply such a country may be compared to an individual who has his money safely invested, and is living upon his income. When he spends beyond his receipts his principal is wasted, and if the rate of expenditure is increased his ruin is hastened.

Now, this is exactly the condition of this country upon the timber question: we are using up the capital which nature had for centuries been providing for us in the growth of forests, and we are doing nothing to restore them. Under skillful management the supply might be so arranged that in twenty-five or thirty years for some kinds, and in fifty or sixty years for others, a new crop would be furnished by growth, and if only a twenty-fifth or thirtieth part of the former or fiftieth or sixtieth part of the latter were taken yearly the supply would be perpetual.

But instead of this we are taking a tenth or a twentieth part every year while the growth, under our neglect, is not a fourth part of what it should be where any growth is allowed, and this is exceptional rather than common, for generally the lands cleared are brought under cultivation.

We shall only too soon be reminded of the consequences of this improvidence in the growing prices of lumber, which in some kinds have already doubled within a very few years and which are advancing every day.

These advances may by some be ascribed to speculation, and doubtless to some extent they are, for the speculator never loses a chance to turn a penny in his own favor, it matters not who suffers; but when this advance is steadily going on from month to month and from year to year, at an accelerating rate, it means that the intrinsic value of the commodity that they represent is becoming greater under the combined effects of diminishing supply and increasing demand. It will inevitably lead to the realizing conviction that there is profit in growing timber, and the sooner this is understood and acted upon the better will it be for the country and for the future.

In order that this may be done to the best advantage we want all the light that can be thrown upon it from the experience of other countries, and from researches and experiments in our own, and it is for this very object that these inquiries in forestry are intended.

Tariff and Tax Commission.

SPEECH

OF

HON. PHILIP COOK,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 6, 1882,

On the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. COOK said:

Mr. CHAIRMAN: The Secretary of the Treasury, in his report made to Congress on the 5th day of December, 1881, uses the following language:

> The rapid reduction of the public debt and the increase of the surplus in the Treasury presents the question to Congress whether there should not be a reduction in the taxation now put upon the people.

Again:

> The result upon the public revenue is to embarrass this Department in disposing of the surplus in a lawful way and with regard to economy.

He says the plan which is the most just for giving relief is to reduce taxation and thereby diminish receipts and surplus. Again he says:

> A revision of the tariff seems necessary to meet the conditions of many branches of trade. An equalization of the tariff and a simplification of some of its details are needed.

Such, sir, is a brief summary of the statement of the Secretary of the Treasury; that his Department is embarrassed by the surplus of lawful money in the Treasury; that the "tax upon the people is onerous;" that there should be a "reduction of the tax now upon the people;" that a "revision of the tariff is necessary;" that it should be "revised, equalized, and simplified."

What has Congress done to meet these suggestions of the Secretary of the Treasury, or to relieve the people of this onerous tax? Nothing, sir; absolutely nothing! The people have asked for bread, and we are about to give them a stone. To meet the demands of the Secretary of the Treasury for a reduction of this onerous tax, and to relieve his Department of its embarrassment of a surplus of "lawful money," we have two bills before us, neither of which proposes any modification of the tariff or reduction of taxation. The bill of this House now under consideration simply provides for a commission of nine persons to investigate "the question of the tariff and internal-revenue laws," and to report the result of its investigation to Congress not later than the first Monday in December next.

The Senate bill now on our table is the same thing, except that it requires the report to be made by the first Monday in January next. So that neither of these measures is intended, as advised by the Secretary of the Treasury, to reduce the onerous tax or to revise the tariff. No question of free trade or protection is involved in either. It is simply a question of postponement and delay, not until next January or December, but for two years or more. No member of this House believes for one moment that any report made at the time required would enable any committee to frame such a bill as would be perfected during the short session of Congress. It would be an insult to any gentleman's intelligence to suppose that he believed such a thing possible, much less probable.

I will not violate the rules of this House by charging that the sole purpose of those who have reported these bills, or those who advocate them, is delay and delay only; but, sir, the people who are suffering under this "unequal and unjust tariff," and who are "embarrassing" the Treasury by the surplus accumulated under the "onerous" tax as collected by the Secretary of the Treasury, will charge it and believe it, and, in my opinion, will act upon it. Any system of taxation which extorts from the citizens of the country a surplus over and above its necessities is "onerous," illegal, and at war with the spirit of our people and the genius of our institutions. "Congress shall have power to lay and collect taxes, duties, imposts, and excises," says section 8 of the first article of the Constitution. But for what purpose? "To pay the debts, and provide for the common defense and general welfare of the United States." The Secretary of the Treasury says, above and beyond all these obligations and necessities of the Government, he is "embarrassed" by the surplus in the Treasury. Is the tax, then, not only unjust and onerous, but is it not unlawful to thus seize the property of the citizen and hoard it in the Treasury of the Government?

Sir, since I came into this House the expenses of this Government in every department have been greatly decreased. The public debt has been decreased many millions; the interest has been reduced from 5 and 6 per cent. to 3½ per cent., and but for the action of the Republican party would to-day be only 3 per cent. The Democratic party, coming into power in the Forty-fourth Congress, reduced the annual expenses of the Government some thirty or forty millions. Everything has been reduced except the "onerous" taxation upon the people, and this our opponents seem determined shall never be done if it can be prevented by any device or subterfuge.

By the rules of this House any bill changing the revenue laws goes to the Committee on Ways and Means, and there it perishes. That committee will not or cannot report any measure of relief or reduction of taxation upon the people. It would be a gross insult to the intelligence of the chairman of that committee or any member of it to charge that they do not understand this question of taxation; but the bill they have reported places them in an unenviable position before the country. There is no necessity for delay. Every interest, from the manufacturing of steamships, engines, steel rails, cotton and woolen goods, down to matches, has flooded the desks of members with every fact which their interest or ingenuity could suggest, and if the committee still desires their assistance, in ten days or less there is not a manufacturer in this broad land who would not have its representative here with every fact pertaining to its interest. The only proper, sensible, and just thing for this House to do is to adopt the resolution offered by the honorable member from New York, [Mr. HEWITT,] instructing the committee to report the modifications of the tariff suggested by him. If when such bills are reported any man can show that his business will be destroyed by their adoption, they will never pass. No one on this side of the House desires to impair any industry in our whole country, but, on the other hand, to lighten and equalize the burdens on all.

One word on the internal-revenue system. It is a difficult matter to convince the citizen that he has not a right to distill the fruits of his orchard which rot under the trees, or the grain of his fields which he has harvested. No harsher or more unjust laws of confiscation were ever enacted, or a more brutal or brigandish set of officers ever appointed to enforce them, than exist in the Internal Revenue Department. Property is seized and citizens arrested without warrant or process of law. More than one unarmed citizen of my State has been shot and killed, and when the murderers have been arrested by the State authority they have been taken from the officers of the State by the Federal judges, and the district attorneys required to defend them before United States commissioners. There seems to be no law in Georgia which the internal-revenue officers are bound to respect.

But again, sir, they are so many paid emissaries of the Republican party. Every removal and appointment which has been made in my State in the past three months has been solely with the view to the political influence it would have on parties in the State, and

not as to the fitness or qualifications of the parties for the office. I am myself in favor of wiping out this whole system of internal taxation and returning to the ancient policy of the Government of meeting all its demands by customs duties. There is no such thing as free trade in this country, and never will be while the Government owes a dollar or requires one for its maintenance. Let it return, then, to its ancient and almost uniform policy, and raise whatever is necessary for its support by customs duties, and in doing that let it be so adjusted that every interest and every section will feel alike its burdens and protection. Then and then only will the Government discharge its whole duty to all the people. Let us at once adopt the suggestion of the Secretary of the Treasury and reduce the revenues of the Government to its wants and revise the tariff laws without further delay.

Chinese Immigration.

SPEECH
OF
HON. CYRUS D. PRESCOTT,
OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 17, 1882,

On the bill (H. R. No. 5804) to execute certain treaty tipulations relating to Chinese.

Mr. PRESCOTT said:

Mr. SPEAKER: That we, as the Representatives of the American people, have not only the right of power but of self-preservation, to determine who of the nations of the earth shall be allowed within our borders, admits of no denial, and the claim of the orator or philanthropist that our land shall be thrown open as the common rendezvous of all the world is to forget the past, ignore the present, and lose sight of the future. That the Chinese come here only to glean and carry away is the teaching of the past; that they are the cause of unceasing turmoil, complaint, and discontent is the present condition of our western coast; that this may continue in an increasing degree and extend over other portions of our country is the prospect of the future. Our people, aside from the Pacific coast, are, and by experience must be, but slightly informed upon this great national question. One who has had the opportunity of observation, and whose observation has been specially directed to the solution of the question now before us, thus dispassionately states the situation, and from the best information I can obtain I adopt the same as the basis of my action upon this question. He says:

The fact is that the Chinese seem in all essential things to be about such human beings as we are, different from us only as men of the same race might differ who had been from birth subjected to the influence of widely different social environments. But this is a difference which is of as much practical moment as a difference in natural capacity—a difference so wide as clearly to distinguish Chinese immigration from any which has previously set upon our shores.

Between the various European peoples from whom our population has been drawn, there are differences of race, language, customs, and religion. Yet these differences are trivial as compared with the differences between the Chinaman and European. The European peoples belong to the same primary subdivision of the human family, their languages are derived from the same parent stock, their religions are but modifications of the same great creed, their civilization is essentially one, and their customs, methods, and habits of thought have even in their variations a family likeness.

Differences between Europeans are as nothing when compared with the wider differences which separate the Chinese from the European. The only immigration we have ever received which in point of difference can be compared with the Chinese is that which in the early days of American settlement was brought by the slave trade. But the negro, as landed from the hold of the slave ship, was merely a naked barbarian. He had everything to learn, but had little to unlearn. The difference between the negro as he came among us and the Chinaman as he now comes among us is like the difference between the child ready to imbibe whatever he is taught and the full-grown man whose habits are formed. The Chinaman is not a simple barbarian but a civilized man of a civilization to which ours is but a thing of yesterday.

The Chinese have a written language, a literature, codes of manners and of morals, national and religious traditions, arts, beliefs, customs, and habits of thought which have been perpetuated for centuries through immense masses of people. Of all the wrong impressions concerning the Chinese there is probably none more erroneous than that widely diffused in this country that they are conscious of their own inferiority and seek but to learn of us. That those who come among us recognize our superiority in the mechanical arts is doubtless true. But this is not the direction in which Chinese ideals lie, and their feeling toward us is probably akin to that with which the scholar, proud of his learning, might recognize the superior physical strength of a porter or coal-heaver, or the impoverished descendant of a noble family might regard the money-getting ability which had placed wealth in vulgar hands. It is doubtful, indeed, if the European mind, and especially the American mind, can fairly comprehend that veneration for antiquity which leads the Chinese to regard the "outside barbarian," for all his steamships, and railroads, and telegraphs, and iron-clads, as a barbarian still. Western civilization looks to the future for its ideal of perfection; that of Chinese civilization is in the past. Now, it is not merely that the greater the difference in language, customs, and habits of thought, the greater the difficulties of assimilation between different peoples brought into contact, but the greater the difference the less powerfully do assimilative forces act, for the greater are the tendencies, both attractive and repulsive, to the formation and maintenance of separate societies in which the peculiarities of each are perpetuated.

Chinese immigration differs from European immigration in being practically non-assimilable. That in course of time, should their immigration continue, the Chinese would bring women and permanently settle, just as they have permanently settled in parts of the East Indies, there can be little doubt; but from all appearance and experience this would not be because they had become Americanized, but because a permanent Chinese community had been here founded.

The healthful life of every social or political organism depends upon the assimilation of its elements. Even differences in language, religion, customs, or traditions, which are as nothing when compared to the differences between the Chinese and our own people, are sources of discord and danger when they perpetuate themselves in the same community. But the immigration of the Chinese in any considerable numbers into a country like the United States means not only a population separated by the widest gulf instead of a homogeneous people; it means the attempt to blend two diverse civilizations in the same social and political organization. It means not merely the introduction of a non-assimilable element, with all the jealousies and hatreds and conflicts and dangers which experience shows hence arise, but the introduction of an element which even in its effect upon our own people tends most powerfully to intensify dangerous tendencies.

The social and political dangers with which the Republic is already menaced spring from the growing inequality in the distribution of wealth—the same cause which, as the long course of history shows, has everywhere brought destructive conflicts or slow decay, and turned the prosperity born of free institutions into anarchy and despotism.

The effect of Chinese immigration is to strongly increase the tendency to the unequal distribution of wealth, and at the same time to make remedial measures more difficult. The experience of California already shows that Chinese immigration means the introduction of an element into our political and social life which is as capable of arousing violent passions as negro slavery. Even were there no other objection to the Chinese than the fact that the opposition which their presence arouses among the laboring classes leads them to lose sight of all things else, and to blindly follow demagogues, it would be a sufficient one. The ethical considerations which are so often urged against any proposition to shut out Chinese immigration have no force when the real character and effect of that immigration are understood. A conscientious individual may fully recognize his duty toward his neighbor and yet see that to bring under the same roof with his own family a family of totally different habits would be to demoralize instead of elevate, and to produce quarrels and ill-will where there should be harmony.

And so may one fully imbued with that higher patriotism which regards the whole world as its country and all mankind as brethren see clearly that such an admixture of peoples as is involved in any considerable Chinese immigration to the United States would be to the degradation of the superior civilization without any commensurate improvement of the lower, and that, regarded from the highest stand-point, it would tend to check the general progress of the race, not to advance it. It is not merely the supreme law of self-preservation which justifies us in shutting out a non-assimilable element fraught for us with great social and political dangers, but a regard for the highest interests of our race. It is not that national vanity against which the philosopher should carefully guard, but the obvious fact, which it were blindness to ignore, that European civilization as developed on the freer field of the American continent represents the highest advance yet made by humanity, and that upon the great Anglo-Saxon Republic of the New World devolves in the era now opening the leadership of the nations. What civilizing influence she will exert upon other peoples depends on her own civilization, her maintenance of ground already gained, and her solution of problems which grow in gravity with the progress of development and the increase of wealth.

Whatever will introduce into the life of the Republic race prejudices and social bitterness, whatever will reduce wages and degrade labor and widen the gulf between rich and poor, it is our duty to guard against, not merely for the sake of the Republic, but for the best interests of mankind. It is easy to hold fast a door which, once fairly opened, it may be impossible to shut; it is easy to prevent a movement which, once it gathers way, may prove resistless; and unless we are quite sure that the largest possible influx of Chinese could work no harm, it is the part of wisdom to take the side of caution. The enormous possibilities of an immigration which, with the advance in steam navigation, may be drawn from four hundred million people, among whom the struggle for existence is so intense that large numbers perish annually from sheer want, and the fact that these immigrants retain all their essential habits and characteristics, make the question, in its final aspect, nothing less than that of a Mongolization of America.

Believing this to be a fair and impartial statement of the situation of this question at this time, I favor the trial of restrictive legislation within such reasonable bounds as shall fully keep good faith with the treaties between our Government and China. But in our haste so to do we should not fail to provide that all the acquired and reserved rights of the Chinese now within our borders should be fully protected.

Those now in our land have the right of citizenship, but section 14 of this bill strikes down such right. If they had not such right, why this enactment? This section is evidence of its existence. The circuit court of the district of California, in the matter of Ah Yup, in 1878, held they were not entitled to become citizens of the United States by naturalization, because Mongolians were not "white persons," under the provision of the Revised Statutes of the United States, which reads, "The provisions of this title shall apply to aliens being free white persons," &c. If that decision is the law of the land then section 14 is wholly unnecessary. But it should be remembered that when the statutes were first revised, December 1, 1873, the word "white" was omitted, and February 18, 1875, in the second revision, the word "white" was first inserted. Prior to this date it may be that many of the Chinese now here, and reserved from the effect of this bill, filed their first papers preparatory to naturalization; before the time expired for application for the second papers the word "white" was inserted. Will it be held that thereby they lost their acquired right to naturalization? If they did not, then this act is intended to annul such right, and prevent obtaining and consummating the same, and that is its sole effect. If this acquired right could be so annulled by a specific act, and if this act is not unconstitutional, will it not invite the veto of the President as in conflict with the last treaty stipulations with China?

Under the Burlingame treaty of 1868 it is provided in article 6 that "Chinese subjects visiting or residing in the United States shall enjoy the same *privileges, immunities, and exemptions in respect to travel or residence* as may there be enjoyed by the citizens or subjects of the most favored nation." It will be seen the grants of the Burlingame treaty are "*privileges, immunities, and exemptions in respect to travel or residence.*" By the treaty concerning immigration concluded November 17, 1880, it is provided in article 2:

Chinese laborers who are now in the United States * * * shall be accorded all the *rights*, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

The word "rights" is now added, and the restriction to "travel and residence" is stricken out. To what nation of Europe do we not grant a right to naturalization? Does not this new treaty give all Chinese now within our borders the right of naturalization which this bill strikes down, and that in the face of the fact that within a few weeks we have provided for a Representative of California upon a fraction of 93,269, of which 75,132 are Chinese now to be disfranchised, and in fact making the additional member of Congress so given her the Representative of only 18,137, which by the ratio of the last Presidential election would be a Representative to California for 3,446 voters?

We gave these Chinese a Representative last month; let us not this month disfranchise them. If we have the physical power we cannot afford as a nation to wrong the humblest, although he be called a "heathen Chinee."

*I desire that an amendment be accepted that will provide for this very objectionable feature of this bill, although I believe their rights, so attempted to be affected, will be fully sustained by the tribunal which will still stand between them and the attempted injustice of this bill.

Utah Contested-Election Case.

SPEECH

OF

HON. AMBROSE A. RANNEY,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 19, 1882,

On the Utah contested-election case.

Mr. RANNEY said:

Mr. SPEAKER: The committee were all, save one, agreed in this, that contestant was duly elected and returned and entitled to the certificate of election at the hands of the governor, instead of Mr. Campbell. It has been proved satisfactorily that he was a naturalized citizen, over twenty-one years of age, and for many years a resident of Utah. It is conceded that he therefore possessed all the qualifications prescribed by the acts of Congress and the statutes of Utah as the conditions of eligibility. By an examination of these acts and statutes it will be seen that the organic acts passed by Congress (Revised Statutes, section 1860,) provide that the qualifications of voters and of holding office shall be such as may be prescribed by the Legislative Assembly of each Territory, subject to certain restrictions as to citizenship and age; and that the statutes of Utah, approved by Congress, (Compiled Statutes of 1876, p. 87, 88,) have prescribed qualifications accordingly in conformity thereto; and that contestant in his person answered all these requirements of law.

Section 1862 provides in effect that "every such Delegate shall have a seat in the House of Representatives, with the right of debating but not of voting."

In this state of the facts and the then existing statutes it appeared to me that the right of contestant to a seat followed as a conclusion of law; and that the question of "final right" submitted to the committee was thus determined and their duty under the resolution of submission discharged.

It appeared, however, in the record that contestant was a polygamist, and it was claimed and held by a majority of the committee that this was a disqualification and should exclude him from the seat as an unworthy person; while others, including myself, held that this was a fact affecting the personal character of the contestant and furnishing only a ground for expulsion, in accordance with the practice of this House, and as was determined after full consideration and mature deliberation in the Forty-third Congress in the case of Maxwell *vs.* Cannon.

Since the report was made, however, an act of Congress has been passed and approved by the Executive which expressly provides that a polygamist shall not be eligible for election to, or entitled to hold, any public office of trust, &c. And if this act applies to the present contest and disposes of it, the questions of law which divided the committee become of no consequence save as abstract principles or in so far as they may affect the validity and operation of the eighth section of this act in the future. I may be permitted to say that so far as I am concerned I believe the new act does apply to this case, and that Mr. Cannon, being a self-confessed polygamist, must be denied his seat. As I felt bound by the statutes as they stood before, so I feel bound by the provisions of the new act, with this difference in feeling only: before, I obeyed the behests of duty alone; now, my pleasure and duty concur.

I do not propose to discuss the evils of polygamy. That discussion has been had and exhausted; and we are all agreed upon that point. The sentiment of the country is against it, and should be. But I believe that the moral and religious people who feel so strongly about it would not have asked this House to violate the statutes themselves in order to rebuke others for doing that thing. They are a law-loving and a law-abiding people I believe, and they with me will rejoice at the change made in the law.

Can there be any serious question about the application and effect of the act referred to and approved March 23, 1882? It reads:

SEC. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to, or be entitled to hold, any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

It has taken effect now. It says in effect that a polygamist shall not be entitled to hold the office of Delegate. Contestant is not yet inducted into office, and stands as a petitioner before this House asking for a seat, with no certificate entitling him to one, *prima facie* even, and we have only to deny his request. The act does not require any conviction for a criminal offense in order to work the disqualification provided; but the proof needs only to show that contestant practices or maintains the lawfulness of polygamy in order to make him out a polygamist, according to the ordinary meaning of that word as defined by Webster. The same state of things, confessed in the written admission of record, must be presumed to continue to this time in the absence of any proof to the contrary, according to a well-settled rule of logic and of evidence, and the rule does no violence here because the polygamous relations admitted are of a permanent character. It reads as follows:

I, George Q. Cannon, contestant, protesting that the matter in this paper contained is not relevant to the issue, do admit that I am a member of the Church of Jesus Christ of Latter-day Saints, commonly called Mormons; that, in accordance with the tenets of said church, I have taken plural wives, who now live with me, and have so lived with me for a number of years, and borne me children. I also admit that in my public addresses as a teacher of my religion in Utah Territory I have defended said tenet of said church as being, in my belief, a revelation from God.

GEORGE Q. CANNON.

The admission was given as proof in the issue raised, to be used for the purposes of this contest until ended, and an amendment of the law meanwhile so that polygamy becomes a disqualification instead of a cause for expulsion, cannot be properly held to diminish its effect as proof. All prior irregularity in the introduction of this issue into the contest may be waived and the previous proceedings now adopted by the House. I do not see how it can be justly contended that any vested rights of property are destroyed. For I take it to be well settled, or if not as sound law, that a public office is not property but only a trust or privilege, and is subject to legislative control, unless some constitutional provision is in the way. Whether it would not have been more fair and wiser to allow a Delegate elected under the law as it stood then to serve out his term is not now an open question, as no such reservation or exception is incorporated in the act.

Contestant seems not to have been disposed to heed statutes of this class, for after the act of 1862, making polygamy a crime, he appears to have married his fourth wife in defiance of the same. So we can hardly be said to be harsh in not waiting to see whether he is disposed to yield to the law as amended. If he would not obey that statute he is not likely to heed the new one.

I grant that those who assent to the doctrine of the majority of the committee do not need this new statute, and may do as they please even now. So far as I am concerned, however, this disposes of the present contest, and I am ready to vote for the resolutions pending. But before doing so, I wish to say that I dissent still, and if possible with more firmness of conviction than ever, from the views of the majority so far as they hold that Congress cannot by a statute define or prescribe the qualifications for Delegates, and that this House has power when that is done to disregard the same and fix them themselves, admitting or rejecting the elected in their discretion and for any reason deemed sufficient in every individual case.

And I will add, with all respect for my honored associates, that I regard their doctrine as contravening all authority and precedent, unsound in principle and mischievous in practice.

Objection is made, or intimated, that the new act is *ex post facto*. But the objector must have forgotten that the inhibition against that class of legislation relates only to laws affecting crimes. It is said that statutes must be construed as prospective only in their operation, unless they are clearly designed to be retroactive. I admit the rule of law to be so. But the eighth section is prospective so far as it says that a polygamist, &c., "shall not be eligible for election," but when it says "or be entitled to hold," these four words bring the present case within its scope. If the Delegate was in his seat the words would have their prospective effect the same as if "hereafter" was in it. Under the act an occupant would be required to vacate his seat. Much more can we say that an applicant shall not be permitted to take a seat which he could not rightfully hold. Whether it be harsh to unseat a man who has been duly elected under a prior law the requirements of which he answered is not the question. That was an argument proper to be urged against the bill before it became a law.

* This section 14 was stricken out in the Senate.

It was urged in the Senate and a vain attempt made to amend it in that regard on the expressed construction that otherwise it would exclude a Delegate already elected.

The whole policy of the act was to strike a blow upon the institution of polygamy, and that presently, on the theory that the evil was present and pressing, and that it was a case demanding an effectual and severe remedy. The subsequent sections of the act indicate an intention that incumbents of office are to vacate at once. The intention is plain that the act should take effect now. It is not necessarily by way of punishment and a pain or penalty, giving it the nature of a bill of attainder, as is urged, but only adds another disqualification, like saying that a Delegate should be a man of good moral character, and if not he must vacate his seat. It may be partly by way of rebuke to a vicious institution, it is true, but may properly be regarded only as a safeguard for the good of the office and the Territories. Congress is supreme in a case like this, and may exercise an arbitrary power if it wills. The whole contention made by our friends upon the other side against the doctrine of the majority of the committee is that Congress has power to fix qualifications, and that statutes passed for that purpose are binding on this House. And so far I agree with them. But, strange to say, when another statute has been passed in the same line of legislation, fixing another qualification, they proceed to attack that, and say they will not heed it, resorting to arguments which seem to me less tenable than the grounds assigned by the majority of the committee as an argument to get rid of the effect of the prior statute.

Every statute passed by constitutional authority is binding on this House and the courts as much as on the humblest citizen, as is admitted in the views of the chairman, and if the statutes fixing the qualifications of Delegates have the force of law, this House has no right to disregard them nor any part of them. The power of Congress to erect Territorial governments and secure the right of representation by the creation of the office of Delegate, and providing that he shall have a seat in the House of Representatives, is not denied but conceded by the majority. And if this is conceded I do not see why it does not follow, as surely as night follows day, that the general power conferred to create the office and to regulate the election of a Delegate embraces within its scope as one of its natural and proper elements an authority to fix the conditions of eligibility, such as citizenship, age, and residence. They are a part of the needful rules and regulations of the office the same as they were when fixed in the Constitution for full members.

But if this concession is not accepted by the House, and any member is disposed, as strict constructionist or what not, to contend that Congress had no power under the Constitution to impose by statute the presence of a Delegate upon this House or any future House if they do not wish to receive him, whoever and whatever he might be, that is quite a different question, and if maintained it would lead to the result reached by a majority of my associates. This question, sir, is not new, and the committee could hardly find warrant for maintaining such a proposition. It was suggested and urged by Mr. Swift in the Third Congress, when James Madison was a member of the House, and voted down. It was involved in a contest for a seat by a Delegate in the Fourteenth Congress, when Daniel Webster was a member of the House, and the rights and position of a Delegate as a member or otherwise were discussed, and found no favor.

It appears that the celebrated ordinance of July 13, 1787, provided for a Delegate to Congress with the same rights as given now; that it was in force under the confederation when the Constitution was adopted; and one of the first things done in the First Congress was to adapt it to the Constitution, (1 Stat., 50, ch. 8,) with no demur or pretense that its provisions conflicted with it in any respect. In the act of March 3, 1817, the office was further regulated, without any such claim being made, and made applicable to all present and all future acquired Territories. The provisions of the said ordinance, the other ordinance relating to the Territory south of the Ohio River, the said statutes, and all others amendatory or supplementary, have been observed and kept to this day as securing rights and not as "persuasives" on this House.

In three cases of contested elections, which occurred in 1850 or thereabout, in matter of Doty *vs.* Jones, Messervy, and Babbitt, respectively, the whole subject was elaborately examined and considered in three several reports, written and presented by Mr. Strong, then a member of the Committee on Elections in this House, and since a distinguished and able judge for so many years upon the bench of the United States Supreme Court, and now in honorable retirement; which said reports, as adopted, show that the right of a Delegate to a seat rests upon the Constitution and laws of Congress, and not on any discretion of the House alone.—(1 Bartlett.)

It is true that a distinguished member from my own State, E. R. Hoar, in the Forty-third Congress, in the case of Maxwell *vs.* Cannon, expressed himself as troubled in mind on the question, and raised a query on the subject by a pointed suggestion. But after the same had been answered in the discussion by other legal gentlemen he did not attempt to maintain his suggested position, and we are left to infer by his silence and the subsequent action of the House that his doubts were removed, or certainly that they got no lodgment in the minds of the members of the House very generally.

If contemporaneous interpretation, acquiescence, and long-continued practice for nearly a century, with an unvarying line of numerous and uniform precedents in election cases in this House, amount to anything as evidence upon the proper construction to be put upon the Constitution, we have them all here in a marked degree. They are very potent, and it will take a bold lawyer to gainsay the doctrine which they indicate.

But besides, and in addition to all these, we have decisions of the Supreme Court of the United States which lead to the same result in legal effect. It cannot now be denied that Congress has a supreme power over the Territories, both those which existed at the time when the Constitution was adopted and also those subsequently acquired. That power is conferred expressly by, or inheres in, the Constitution, and has no restriction save what wisdom and good faith impose and of which Congress itself is the sole judge. It is best stated in the opinion of Chief-Justice Waite in National Bank *vs.* County of Yankton, 101 United States Reports, 133. It must be apparent to all that unless the acts of Congress impose upon the House a reciprocal obligation to receive the Delegate and give him a seat, they can in nowise be said to secure to Territories the right of representation. The representative principle is embodied and inheres in the very theory of this Government, and to assert at this late day that it cannot be granted by Congress and secured to the people of the Territories in the limited and qualified form appearing in the original ordinance of July 13, 1787, and in all the organic acts since, is to predicate what will, or should, get little credence or favor.

When it is asserted that a Delegate exists *ex gratia* only, it is belittling the office, unless we add that it is by the grace of Congress and not of the House alone. It is hardly just or fair to call it grace when we consider what this country did and said about the right of representation when they were themselves colonies of Great Britain. The people embodied its principles in the very spirit and letter of the Constitution, and have acted them out ever since, and it is too late now to go back on them in reference to our Territories, which are part of the domain of this country. That this House has heretofore regarded the statutes fixing the qualifications of Delegates as binding upon them is apparent when we look at the various attempts which have been made at different times to change them so as to disqualify a polygamist, and all without success until the present session. Even now, if the doctrine of the majority is sound, the present act obtained after so long a struggle and hailed with so much joy throughout the country, and which does that thing, is nugatory as law and not binding as a rule of the House. It was wholly unnecessary for the purposes of this contest. It will come up to plague the friends of this act in the future and serve to hoist them, as by their own petard, in the possible event of a change occurring in the political complexion of the majority.

I beg leave to notice one other phase of the views of the majority; for they do not agree altogether among themselves. Some of them concede all that I have claimed in regard to the power of Congress and that this House, in judging of the election, returns, and qualifications of Delegates, is acting under the clause of the Constitution relating to members. In order to reach their result they have resorted to an apparent popular idea as to what "judging of the qualifications" means, to wit, that the House has a right in each case to say what they shall be and abridge or enlarge those prescribed by the Constitution or the statutes. While the main report does not assent to this doctrine so far as members are concerned, but admits that the House cannot add to or take from the qualifications fixed by the Constitution for them, yet it contends that the statutes fixing the qualifications for Delegates are not obligatory upon the House and a different rule of law prevails.

Now, sir, I am not ready, for one, to contravene and reverse the doctrine as laid down by Story, Kent, and other eminent jurists, and the long line of uniform precedents found in the history of Congress, and say, as is written on page 25 of the report, that they are chiefly valuable on account of their age and uniformity and that this House should reverse them and hold to the contrary. If anything can be said to be settled on principle and authority it is this.

When we come to the statutes prescribing the qualifications for Delegates we find that Congress attempted and intended to do as to them just what the Constitution had done in that regard for members, to-wit, adopt the Representative principle, fix the qualifications deemed to be primarily essential, and leave all else to the electors, and allow them to select their own Representative.

The Constitution and laws of the United States, except so far as locally inapplicable, are extended by statute over the Territory.

If these statutes are valid they must be interpreted according to their intention. If the purpose is manifest to enumerate the qualifications prescribed, and to exclude all others by implication, and to leave the rest to the electors or to the Legislative Assembly to determine, they must be so interpreted just as the Constitution was, because the rule of construction under which this was done applies to statutes as well as to the Constitution. (Sedgwick on Con. of Statutes, &c., page 31, note.)

Such was the intention of Congress most manifestly. It is apparent from the language of the same; it is according to the policy of the Constitution, and in consonance with the genius of the Government. The Constitution and laws of the United States are made by statute the constitution and fundamental law of the Territory.

It was never intended clearly to leave the admission of the Delegate subject to the discretion, caprice, or what not, of the House, but

to regulate this office by some rules of law. Otherwise, there would be nothing to guide the electors in their choice and the office would become in the House a "floating waif on the billows of excitement," and possibly occasionally lead to the exercise of "caprice under the specious appearance of merited resentment."

At the next Congress a polygamist may appear again as Delegate, and yet he can be admitted notwithstanding the recent act. Or his politics, religion, or what not, may not suit the majority and he may be rejected although made eligible by statutes and elected in good faith and in full reliance on the same by the electors.

It seems to me that the provisions of the Constitution in regard to judging of the election, returns, and qualification of members, and as to their expulsion, are the ones under which this House are to act in relation to Delegates; and that the same course of proceeding is to be adopted by analogy in each instance. Such has been the decision of this House heretofore, especially in the case of Maxwell *vs.* Cannon, and such its practice always.

The law regulating contested-election cases applies in terms to Members only, and yet it has been used in the case of Delegates. If it does not apply, the whole prior proceedings in this case have been irregular and were unauthorized by law.

While a Delegate is not a Member strictly, he has always been treated as a Member *sui generis*. While not a constitutional officer, in the sense in which a full Member is, he is still the creature of the Constitution through the medium of a statute authorized by that instrument; he has been given powers and rights which are so guarded as not to infringe upon the prerogatives of a Member, or endanger the rights of the States. Both have been elevated to equal dignity and honor save in the power to vote. The power of the House to regulate its own proceedings has not been impaired or abridged, and the House has always succeeded in adapting its rules to the law, and Member and Delegate have each hitherto enjoyed their rights and privileges in perfect harmony. It is too late now to attempt to antagonize them, and reduce one of them to the position of a suppliant at the doors of the House for the courtesy of a seat, and a dependent upon the sovereign grace of an omnipotent House for all he has. Rather let both be treated as legal creations of the Constitution, directly or mediately, and with rights, privileges, and powers, defined and secured by law.

I submit, therefore, that it is better not to resort to any doubtful rules of law even, and especially one which is so subversive of all prior authority and precedent and which will involve so much peril for the future, but to exclude Mr. Cannon distinctively on the grounds which the new act furnishes and which are stable and sure.

Interstate Commerce.

SPEECH

OF

HON. JOHN H. REAGAN,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 17, 1882,

On the bill (H. R. No. 1655) to regulate interstate commerce.

Mr. REAGAN said:

Mr. SPEAKER: I desire the unanimous consent of the House to incorporate in the record of our debates, as in Committtee of the Whole, the following remarks, made by me before the Committee on Commerce on the question of the regulation of commerce on railroads between the States. I submit my remarks in this form as they cover points I wish to make at this time on this subject, without going through the labor of recasting the argument.

You have listened patiently during your sessions of twelve days to arguments on the question of the regulation by act of Congress of the interstate commerce of this country. A part of one day was spent in hearing the representatives of the commercial and agricultural interests in favor of such legislation, and eleven days and part of another to the hearing of great railroad lawyers and great railroad officers and managers against such legislation. I am obliged to you for your consent to hear me make such reply as I can to the learned, ingenious, and in some respects able arguments submitted by the representatives of the railroad corporations.

In the view I take of this matter it will not be so much my purpose to reply to the particular arguments made by them as to show their want of relevancy to the principles and purposes of what is called the Reagan bill, and that it was the design of these arguments to mislead, befog, and deceive the committee into non-action on the subject.

If we except the formations of constitutions of government, such as the Constitution of the United States and of the several State governments, the question before us is the greatest with which the legislators and statesmen of this country have ever had to grapple. I doubt, indeed, if any single question of greater importance ever came before a legislative body.

In the earlier governments of modern Europe the doctrines of feudalism and of privileged and subject classes in society were adopted and sustained as the accepted means of organizing and sustaining political government and social order. This was done because of the belief that the people were not capable of self-government, and that they must be governed by a power superior to themselves. Hence they had kings, nobles, and aristocracy of rank, title, privileges, and political power, constituting the governing class, and the body of the people, with few and limited political privileges, constituting the subject or governed class. Advancement in knowledge, and especially in the knowledge of the science of government, in modern times, has greatly mitigated and modified this form of government in most of the countries of Europe.

Our ancestors who settled this country, gave form to its institutions, and organized its governments, did not believe it necessary to make one part of its people hereditary rulers and masters of the other and larger part of them, who should be subjects, denied in a large measure political privileges and personal rights. In forming our political system they maintained "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness;" that "no title of nobility shall be granted by the United States;" that "no State shall" "grant any title of nobility." They formed governments of the people, by the people, for the people. They defined the duties and powers of public officers, and made them amenable to the laws as all other citizens are. They defined and guaranteed all the essential rights of the citizens, including his freedom of religion, of thought, of speech, and of the press. To insure political equality, and to guard against the re-establishment of privileged classes in this country, they abolished the law of primogeniture and the law of entails. In addition to our enjoyment of civil liberty and religious toleration, until, in recent years, the property of this country was more generally distributed among the people, and its use more universally enjoyed by them than in any other country of which we have knowledge, ancient or modern. And ours have been and are the freest, the most happy, and the most prosperous people on the earth.

In later years the progress in the arts and in one of the chief blessings of our country and times threatens, if not controlled by law, to establish a condition of things as much to be feared and dreaded as the feudalism and monarchical and aristocratic features of the governments of Europe in former generations. I mean the aggregations of capital, of power, of influence, and of privilege in the great railway corporations of this country.

It is but little more than fifty years since railroad cars were first propelled by steam-engines in this country. Now we have over one hundred thousand miles of railroads in operation, which represent in cost of construction and equipment about five billion dollars; an average of about fifty thousand dollars per mile. And I have seen the statement that this vast system of railroads is being operated by about two hundred and fifty thousand men, in the full vigor of manhood, not including the thousands of stockholders. They are operated under charters. And, while it is said these corporations have no bodies to be kicked and no souls to be damned, they live forever in the enjoyment of their vast and exclusive privileges, power, and influence and are managed and controlled by the most able and efficient class of our business men.

Their history shows that owing to the anxiety of the people to secure railroad facilities, they have often secured extraordinary and unconscionable advantages over the general public; that they have in many instances used the money unjustly extorted from the public to influence elections, legislatures, and courts, to aid them in imposing unjust burdens on the people who granted them the charters under which they exist. They claim that the railroads are private property held under contracts, and that they cannot be controlled and regulated by law, and some of the most prominent railroad magnates claim that they have the right to charge as freights whatever the commodity will bear; that is, that they may, if they choose, charge enough to cover all the profits on articles of manufacture, agricultural products, and commerce generally, and leave only enough to the producer or the merchant to keep him at work for their benefit.

This vast power, with all its real and pretended privileges and advantages, carrying the greater part of not less than thirty billion dollars' worth of commerce annually, besides their immense passenger business, for fifty million people, presents to the world to-day the spectacle of being able to charge whatever inclination, interest, and avarice may dictate for the transportation of all that part of it which is of the class of commerce among or between the States, with no statutory legislation to control or restrain them; and with such common-law remedies as exist in most instances utterly unavailable, because private litigants generally cannot successfully encounter these corporations in the courts, and because in most instances they are afraid to resort to the courts, and thus incur the displeasure of these corporations. And their lawyers and managers have the bold audacity to come here before a committee and Congress of the representatives of the people, and tell us, as they have done in a dozen

speeches in the last few weeks, that the best thing we can do is to do nothing, and leave the management of the railroad problem entirely to them. They even treat as dangerous intermeddling and impertinent interference any attempt by Congressional legislation to check and control their monstrous pretensions and their heartless rapacity.

If we appeal to our knowledge of history, and to the experience of all ages and of every country, we shall nowhere, at no time, in no civilized country, find so much power, covering such vast interest, uncontrolled by legislation. For several years now these corporations have had power and influence enough to defeat all the efforts made in the American Congress by the most conservative legislation, designed simply to abridge their monopoly powers and prevent them from doing wrong, when no effort has been or is being made to adopt or enforce any detailed regulation of their management. If they are to be allowed thus to go on unrestrained and uncontrolled, and Congress shall continue to disregard the rights and interests of the people, through either imbecility, corruption, or the fear of offending the managers of these corporations, how long will it be until they have the complete mastery of our agricultural, mineral, manufacturing, and commercial, indeed of all our material interests; of our governments, State and Federal, including legislative, executive, and judicial departments; until a few railroad magnates shall own the most of the property of the country, while the masses of the people must be reduced to a condition of serfdom, poverty, and vassalage? And if we allow this to occur, as it will if we do not act, shall we not have an aristocracy of wealth with monopolies and perpetuities which are forbidden and denounced by all our constitutions; and will we not then be subject to a vassalage more galling and more disgraceful than that of the feudal ages? Will we not be consenting to the breaking down of all the bulwarks of civil liberty, and to the destruction of all manhood; of that personal freedom and independence which is the pride of every American citizen; and of civil liberty itself? And when by our weakness and moral cowardice we have created a class of rulers and masters, shall we not become their subjects instead of being citizens of a great, free republic?

There is in this country, at this time, a mournful pathos in the lines:

> Ill fares the land to threatening ills a prey,
> Where wealth accumulates and men decay.

The real question before us is not whether we shall attempt to control and provide for the management of the complicated details of the railroad problem, as I shall show more fully as I go on, but whether we shall abridge the monopoly powers of these corporations for the benefit of the people. It is whether the people, through the machinery of their own government, are to be the masters of their rights and liberties, or the railroad corporations to be the masters of the people and subvert our free constitutional form of government.

I have thought proper to make these observations, because, in the examination of so great a question, we cannot safely omit inquiry as to the extent to which our action may affect the fundamental principles of our Government and the rights and liberties of our people.

This great problem has grown up with the comparatively recent growth of our country, and with the progress of improvements in the arts and sciences. The grave duty which is devolved on Congress of providing a solution of the questions growing out of it is not the less imperious because of its recent origin, because the use of steam power as employed on railroads and on steamboats and steamships was unknown to those who formed our Government and framed our Constitution.

The first question for us to determine is whether Congress has constitutional power to regulate commerce among (between) the States. Article 1, section 8, clause 3 of the Constitution is as follows:

> Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

This is the general power.

Article 1, section 9, clause 6, is as follows:

> No preference shall be given by any regulations of commerce or revenue to the ports of one State over the ports of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

This provides for regulations by Congress on a particular branch of this subject.

Article 1, section 8, clause 18, is as follows:

> Congress shall have power to make all laws which shall be necessary and proper for carrying into effect the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof.

Here it is necessary for us to observe two important distinctions. The first is that the power is to regulate commerce, not railroads. The second is that the power is to regulate commerce among the States, not in the States.

On the first distinction it may be observed that those who deny this power of Congress assert that most of the railroads of the country derive their charters from the States, and that, being creatures of the States, Congress cannot regulate them. The answer to this is that it is true Congress cannot regulate the corporate rights and franchises of the railroads in the States, and that no one claims this power for Congress; but that it can, under the provisions of the Constitution just quoted, regulate the commerce between the States which is carried on the railroads without reference to the fact as to whether they were or were not chartered by the States, or whether they lie wholly in one State or partly in two or more States. The jurisdiction of Congress to regulate commerce passing from one State to another, or from or to a foreign nation, attaches to the commerce, not to the means of conveying it, at the point of shipment, and goes with it to its point of destination, whether it passes over one or many railroads, and whether they be in one or many States, and whether this commerce is carried wholly on railroads or partly on railroads or other means of land transportation, or partly by transportation on land and partly on water. It is the commerce which Congress has power to regulate and protect; and it can make no regulations respecting the instruments or means by which it is carried beyond what is necessary to execute the foregoing provisions of the Constitution, to protect the people and their rights against the abuses and unjust exactions of the carriers of this commerce.

On the second distinction it is proper to observe that the power is to regulate commerce among (between) the States; not in the States.

The tenth amendment to the Constitution is as follows:

> The powers not delegated to the United States by this Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

There being no power given to Congress by the Constitution to regulate commerce wholly with a State, no such power can be exercised and no one proposes to exercise such a power. The States alone must regulate the commerce wholly within their respective jurisdictions. And they alone can regulate and control the corporate rights and franchises of railroads and other corporations within their several jurisdictions. The claim that Congress cannot regulate commerce among the States because it may be carried on railroads which derived their charters—their corporate rights—from the States rests, and can only rest, on the preposterous supposition that a State by its own act can overturn or nullify the Constitution and deprive Congress of the jurisdiction given it by the express terms of that instrument. In view of the case of Gibbons *vs.* Ogden, decided in 1824, and of all the decisions on this subject from that time to the present, this is simply absurd.

In the remarks I am making to-day it will not be in my power to take up in detail and examine and analyze the volumes of argument you have been hearing for the past few weeks in behalf of the interests of the railroad corporations, able and ingenious as many of them are, and worthy as they are of critical examination. Much that has been said by the railroad advocates has not yet been printed, and I have not had time or opportunity to read and analyze any considerable part of those which have been printed. I shall hope on a future occasion to have the opportunity before the House of Representatives to examine and to controvert many of the positions taken by those advocates in this discussion. On this occasion I shall confine myself to an effort to show that the bill which I have introduced is constitutional, just, and expedient in its provisions, and that it is based on the proper theory for our first legislation on this great question. I have never assumed, and do not now assume, that it will meet all the difficulties of the railroad problem, or that other legislation may not be found necessary in the future on this subject. Nor do I assume that this bill may not be improved by amendment. On the contrary, I respectfully invite your aid in determining whether it should be amended before being presented to the House, if you shall determine that it ought to be reported to the House for its action.

But I do believe the theory of this bill to be the proper one, if we mean to enact an efficient and wise law on this subject. Its theory is to avoid for the present any attempt at detailed regulation of railroad transportation; to avoid all such questions as involve the necessity of the technical knowledge of experts in the management of such transportation; to protect the people in their rights by law, and to give them direct remedies in the courts of the country for the wrongs done them. The object of the bill and its theory is to abridge the exercise of the monopoly powers of these corporations; to prevent them from doing things which all men know to be wrong, and not to cripple or hinder them in doing anything which is necesary and morally right in the management of this matter of transportation. I will again call attention to this matter further on.

Before recurring again to the question of the constitutionality of this measure it may not be out of place to call attention in a general way to some of the pretensions of the leading railroad officials and their lawyers.

1. They assume that the railroads are private property.
2. They deny that they are bound by the law of common carriers.
3. They deny that their roads are public highways.
4. They assume that their charters constitute a contract between them and the State which amounts to a prohibition against future interference with their management of these corporations by the legislative authority.
5. They deny, some of them wholly, and some in a qualified manner, the constitutional power of Congress and of State Legislatures to regulate and control the terms on which they shall carry merchandise.

I ask you if this is not the character of assumptions they have made before you. Are not these the assumptions made by Mr. Gould, by Mr. Stanford, and other leading railroad magnates throughout the country?

Now I ask you to follow me in a brief examination of these questions

in the light of the decision of the courts of the highest authority, in order that you may see how entirely they are wanting in truth, justice, reason, and law. It will be convenient to treat them in the aggregate. And I shall read what I said on this subject in my speech in the House on the 1st of June, 1880.

On the subject of the power of Congress to regulate interstate commerce Mr. Chief-Justice Marshall said, in the case of Ogden *vs.* Gibbons, page 189 of the report, that—

> The subject to be regulated is commerce, and our Constitution being, as was aptly said at the bar, one of enumeration and not of definition, to ascertain the extent of the power it becomes necessary to settle the meaning of the word. The counsel for the appellee would limit it to traffic, to buying and selling or the interchange of commodities, and do not admit that it comprehends navigation. They would restrict a general term, applicable to many objects, to one of its significations. Commerce undoubtedly is traffic, but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches, and is regulated by prescribing rules for carrying on that intercourse.

In what are known as the license cases, 5 Howard, 504–599, Mr. Justice Catron, in speaking of the powers of Congress in this respect, says:

> The power given to Congress is unrestricted and broad as the subjects to which it relates; it extends to all lawful commerce with foreign nations, and in the same terms to all lawful commerce among the States, and "among" means between two only as well as among more than two. If it was otherwise, then an intermediate State might interdict and obstruct the transportation of imports over it to a third State, and thereby impair the general power.

In the case of Gibbons *vs.* Ogden, page 227 of the report, Mr. Justice Johnson, speaking both of the extent and exclusiveness of the power, says that "the power to regulate commerce here meant to be granted was that power to regulate commerce which previously existed in the States;" that is, before the adoption of the Constitution; and he says that the power "must be exclusive; and hence the grant of this power carries with it the whole subject, leaving nothing for the States to act upon." And Chief-Justice Marshall, in the same case, page 196, says:

> We are now arrived at the inquiry, what is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

In the case of Brown *vs.* Maryland, 12 Wheaton, 419–446, Chief-Justice Marshall says:

> What, then, is the extent of a power to regulate commerce with foreign nations and among the several States?
>
> This question was considered in the case of Gibbons *vs.* Ogden, 9 Wheat. Rep., in which it was declared to be complete in itself, and to acknowledge no limitations other than are prescribed by the Constitution. The power is coextensive with the subject on which it acts and cannot be stopped at the external boundary of a State, but must enter its interior.

In the case of The City of New York *vs.* Miln, 11 Peters, 102–157, Mr. Justice Story says:

> It has been argued that the power of Congress to regulate commerce is not exclusive but concurrent with that of the States. If this were a new question in this court, wholly untouched by doctrine or decision, I should not hesitate to go into a full examination of all the grounds upon which concurrent authority is attempted to be maintained. But in point of fact the whole argument on this very question, as presented by the learned counsel on the present occasion, was presented by the learned counsel who argued the case of Gibbons *vs.* Ogden, 9 Wheaton's R., 1; and it was then deliberately examined and deemed inadmissible by the court. Mr. Chief-Justice Marshall, with his accustomed accuracy and fullness of illustration, reviewed at that time the whole grounds of the controversy; and from that time to the present the question has been considered, as far as I know, to be at rest. The power given to Congress to regulate commerce with foreign nations and among the States has been deemed exclusive from the nature and objects of the power and the necessary implications growing out of its exercise. Full power to regulate a particular subject implies the whole power and leaves no residuum; and a grant of the whole to one is incompatible with a grant to another of a part.

In the case of Grover *vs.* Slaughter, 15 Peters, 449–511, Mr. Justice Baldwin says:

> That the power of Congress "to regulate commerce among the States" is exclusive of any interference by the States has been, in my opinion, conclusively settled by the solemn opinions of this court in Gibbons *vs.* Ogden, 9 Wheat., 186, 222, and in Brown *vs.* Maryland, 12 Wheat., 438, 446. If these decisions are not to be taken as the established construction of this clause of the Constitution, I know of none which are not yet open to doubt; nor can there be any adjudications of this court which must be considered as authoritative upon any question, if these are not to be so on this.

In the case of Corfield *vs.* Coryell, 4 Washington Cir. C. R., 344, 378, as early as 1823, Mr. Justice Washington says:

> Commerce with foreign nations, and among the several States, can mean nothing more than intercourse with those nations, and among those States, for the purposes of trade, be the object of the trade what it may; and this intercourse must include all the means by which it can be carried on, whether by the free navigation of the waters of the several States, or by a passage overland through the States, where such passage becomes necessary to the commercial intercourse between the States. It is this intercourse which Congress is invested with the power of regulating, and with which no State has a right to interfere.

Again, in the great case of Gibbons *vs.* Ogden, 9 Wheaton, 1, 229, Chief-Justice Marshall, in 1824, says:

> Commerce, in its amplest signification, means an exchange of goods; but in the advancement of society, labor, transportation, intelligence, care, and various mediums of exchange become commodities and enter into commerce; the subject, the vehicle, the agent, and their various operations become the objects of commercial regulations. Ship-building, the carrying trade, and propagation of seamen are such vital agents of commercial prosperity that the nation which could not legislate over these subjects would not possess power to regulate commerce. That such was the understanding of the framers of the Constitution is conspicuous from provisions contained in that instrument.

These cases and very many others which might be cited show conclusively that Congress has power, and the sole and exclusive power, to pass laws providing for equality in rates of freight to be paid by different owners of property to be carried by railroads or other common carriers in commerce between different States or with foreign nations; and to provide that such different owners shall have equal advantages and facilities as to the carriage of such property. And this is what it is proposed to do by this bill.

In the case of Welton *vs.* the State of Missouri, 1 Otto, 275–280, the question arose as to the right of the State of Missouri to impose a license tax upon persons selling property not the produce of that State when no such license was required from persons selling similar property the produce of the State. Mr. Justice Field, in pronouncing the opinion of the court, holding that to impose such a tax was in conflict with the power vested in Congress to regulate commerce, &c., says:

> Commerce is a term of the largest import. It comprehends intercourse for the purpose of trade in any and all its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of one country and the citizens or subjects of other countries, and between citizens of different States. The power to regulate it embraces all the instruments by which such commerce may be conducted. So far as some of these instruments are concerned, and some subjects which are local in their operations, it has been held that the States may provide regulations until Congress acts with reference to them; but when the subject to which the power applies is national in its character, or of such a nature as to admit of regulation, the power is exclusive of all State authority.
>
> It will not be denied that that portion of commerce with foreign countries and between the States which consists in transportation and exchange of commodities is of national importance, and admits and requires uniformity of regulation. The very object of investing this power in the General Government was to insure this uniformity against discriminating State legislation.

In the case of The State Freight Tax, 15 Wallace, 232, 275, the Supreme Court of the United States held as follows:

> The transportation of freight or of the subjects of commerce is a constituent part of commerce itself. A tax upon freight transported from State to State is a regulation of commerce among the States.
>
> Whenever subjects, in regard to which a power to regulate commerce is asserted, are in their nature national, or admit of one uniform system or plan of regulation, they are exclusively within the regulating control of Congress.
>
> Transportation of passengers or merchandise through a State or from one State to another is of this nature.
>
> Hence a statute of a State imposing a tax upon freight taken up within a State and carried out of it, or taken up without the State and brought within it, is repugnant to that provision of the Constitution of the United States which ordains that Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

The question arose in respect to the power to thus tax railroad companies as well as other parties, and the decision is applicable, therefore, to the question of the means of transportation as well as to the question of general power. Mr. Justice Strong, in pronouncing the opinion of the court, says:

> Beyond all question the transportation of freight or of the subjects of commerce for the purpose of exchange or sale is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution when to Congress was committed the power to regulate commerce among the several States. A power to prevent embarrassing restrictions by any State was the thing desired. The power was given by the same words and in the same clause by which was conferred power to regulate commerce with foreign nations. It would be absurd to suppose that the transmission of the subjects of trade from the State to the buyer or from the place of production to the market was not contemplated, for without that there could be no consummated trade, either with foreign nations or among States. In his work on the Constitution, Judge Story asserts that the sense in which the word "commerce" is used in that instrument includes not only traffic, but intercourse and navigation. And in the Passenger Cases it was said: "Commerce consists in selling the superfluity in purchasing articles of necessity, as well productions as manufactures, in buying from one nation and selling to another, or in transporting the merchandise from the seller to the buyer, to gain the freight." Nor does it make any difference whether this interchange of commodities is by land or water. In either case the bringing of the goods from the seller to the buyer is commerce. Among the States it must have been principally by land when the Constitution was adopted.

And see Erie Railway Company *vs.* Pennsylvania, 15 Wallace, 282, holding the same doctrine and reversing the cases of The Commonwealth *vs.* The Erie Railway Company, and other cases, 62 Pa., 280.

In the Granger cases (Munn *vs.* Illinois, 4 Otto, 113; Chicago, Burlington and Quincy Railroad *vs.* Iowa, 4 Otto, 155; Peik *vs.* Chicago, &c., Railroad Company, 4 Otto, 179; Winona and Saint Peter Railway Company *vs.* Blake, 4 Otto, 180) the nature and exclusiveness of the power of Congress to legislate as to the rates of freight in interstate commerce is especially recognized and virtually established. The fundamental doctrine of the cases proceeds upon the idea that when the means by which freight or charges are earned are public in their nature it is within the power of the Legislature having control over the subject to regulate and fix the rates of such freight and charges. Some of the subjects in those cases were under the legislative power of a single State. As it is above most clearly established, interstate commerce, its means, the property carried in it, and all things relating to it, are in all the aspects here considered under the supreme and exclusive power of Congress. If rates of freight and charges can be fixed by State Legislatures with respect to subjects under their power, *a fortiori* can they be regulated and made equal by the supreme and exclusive power of Congress as to subjects in this respect within its exclusive control. Indeed, this is directly recognized in the cases last referred to, and (as will be seen below) it is put beyond doubt that should Congress act in regulation of rates of freight, &c., in interstate commerce it would unquestionably have power to do so, and its power would be supreme and exclusive.

These cases settle these points, among others:

1. That "railroad companies are carriers for hire;" that "they are engaged in a public employment affecting the public interest," and that "they are subject to legislative control as to their rates of fare and freight."

2. That where warehouses or railroads are used in an employment affecting public interests, as to business "carried on exclusively within a State, she may, as a matter of domestic concern, prescribe regulations for them," notwithstanding such property is "used as an instrument by those engaged in interstate as well as State commerce; and until Congress acts in reference to their interstate relations, such regulations can be enforced, even though they may indirectly operate upon commerce beyond her immediate jurisdiction." But "the court does not hold that a case may not arise in which it may be found that a State has, under the form of regulating her own affairs, encroached upon the exclusive domain of Congress in respect to interstate commerce."

And, as has been said, the cases recognize the whole subject as one properly of legislative regulation, and, so far as relates to interstate commerce, as under the supreme and exclusive power of Congress whenever Congress shall choose to exercise its undoubted power.

And see Sheerlock *vs.* Alling, 3 Otto, 99.

Nor is there any doubt as to the power of Congress to exercise this power over railroads and their interstate commerce, of which they form a means, whether the property be wholly or partly carried by one railroad.

1. This must appear from the cases last cited and under the general principles above referred to. But it directly and more conclusively, if possible, appears from the authorities about to be cited.

2. The power extends to railroads and the property carried upon them in interstate commerce whether the property be carried in more than one State by one railroad or only in one State by one railroad if the part of the carriage be a part of one continuous interstate carriage. That the power extends to one, and any such means of carriage, part of a continuous line of carriage, is expressly recognized in the Granger cases above referred to.

See especially Chicago, Burlington and Quincy Railroad *vs.* Iowa, 4 Otto, 155.

This is expressly held (to cite it again) in the case of The State Freight Tax, 15 Wallace, 232, 273. This is an attempt, as the court held, to tax the freight—the interstate business, in substance—and the law provided for such taxation where the property was carried by different but continuous lines. The continuity of the carriage, the substance of the carriage as being in interstate commerce, and the act of the carrier as being wholly or part of such interstate carriage, were held by the court (see page 273 of the report) to be the substantial features which took the subject from without and placed it beyond State action, placed it under the supreme and exclusive power of Congress.

In the Daniel Ball (10 Wallace, 557) the question arose as to the character of the Grand River in Michigan, and whether a steamboat employed solely on that river was in certain aspects under the control of Congress. The case involved the precise question as to the character of a carriage performed within one State, and by one means, but part of a continuous carriage. The court held as follows:

> The steamer in this case being employed in transporting goods on Grand River, within the State of Michigan, destined for other States, and goods brought from without the limits of Michigan and destined to places within that State, was engaged in commerce between the States, and, however limited that commerce, was so far as it went subject to the legislation of Congress. She was employed as an instrument of that commerce; for whenever a commodity has begun to move as an article of trade from one State to another, commerce in that commodity between the States has commenced. The fact that several different and independent agencies are employed in transporting the commodity, some acting entirely within one State and some acting through two or more States, does not affect the character of the transaction. To the extent to which each agency acts in that transportation it is subject to the regulation of Congress.

And see the Montello, 11 Wallace, 411; The General Cass, 1 Brown's Ad. R., 334.

That the power extends to railroads is beyond question under express decision. In Railroad Company *vs.* Richmond, 19 Wallace, 584, the question was as to the effect of two certain acts of Congress, one authorizing railroad companies to receive compensation for certain property carried from one State to another, to connect with other roads so as to form continuous lines, &c., and one to maintain a bridge over the Mississippi, and lay tracks over such bridge. The question was as to the effect of these laws upon a private contract between a railroad company and an individual. The acts were regarded as valid under the power of Congress to regulate commerce.

Mr. Justice Field, in delivering the opinion of the court, says:

> These acts were passed under the power vested in Congress to regulate commerce among the several States, and were designed to remove trammels upon transportation between the different States which had previously existed, and to prevent the creation of such trammels in future, and to facilitate railway transportation by authorizing the construction of bridges over the navigable waters of the Mississippi. But they were intended to reach trammels interposed by State enactments or by existing laws of Congress. The power to regulate commerce among the several States was vested in Congress in order to secure equality and freedom in commercial intercourse against discriminating State legislation.

The more direct and stronger case, for it will be observed of course that the case last cited, as well as others before cited, relates to the power of Congress over railroads, is the case of The Clinton Bridge, 10 Wallace, 454. The case arose in the circuit court of the United States for the district of Iowa, Gray *vs.* The Clinton Bridge, 1 Woolworth, 150, S. C., 16 Am. L. Reg., 149.

The questions were with respect to an act of Congress of February 17, 1867, as to a bridge erected by a railroad company across the Mississippi River at Clinton, in the State of Iowa. In commenting upon the act Mr. Justice Miller, of the Supreme Court of the United States, in deciding the case, says:

> The second of these objections involves consideration of the commercial clause, as it is appropriately called, of the Constitution.
>
> If the determination of the circumstances under which a bridge may be built over a navigable stream or the prescribing general rules on that subject is a regulation of commerce, either with foreign nations or among the States, then it falls within the powers conferred on Congress by that clause.
>
> It would be sufficient in this court to say that we are concluded on this question by the decision of the Supreme Court in that branch of the Wheeling Bridge case, already referred to in 18 Howard, which expressly holds that the power to declare such a bridge a lawful structure is included within the clause of the Constitution above cited. That case was, however, decided by a court equally divided, and its authority has been much questioned.
>
> I think, however, that the proposition is well founded in principle. The power to regulate commerce is one of the most useful of all those confided to the Federal Government, and its exercise has done as much to create and to foster that community of interests which constitutes the strongest bond of nationality as the exercise of any power belonging to the General Government. The want of this power was one of the strongest necessities which led to the formation of the Constitution. The clause has always received at the hands of the courts and of Congress a construction tending liberally to promote its beneficent object.
>
> The power to regulate commerce is a power to regulate the instruments of commerce. In the case of Cooly *vs.* the Board of Wardens, 12 Howard, 316, the court says that "the power to regulate navigation is the power to prescribe rules in conformity with which navigation must be carried on. It extends to the persons who conduct it as well as to the instruments used." Navigation is here spoken of as one of the subjects of legislation included within the power to regulate commerce. In this view of the subject Congress has passed statutes regulating steamboats, their construction, equipment, officers, and crew, prescribing qualifications of pilots and engineers, limiting the number of passengers they may carry, and laying down the signals they shall use in passing each other; and, in short, has prescribed a minute code for building and navigating those vessels. The right to do this depends wholly upon the power vested in Congress to regulate commerce, and has never been disputed.
>
> Navigation, however, is only one of the elements of commerce. It is an element of commerce because it affords the means of transporting passengers and merchandise, the interchange of which is commerce itself. Any other mode of effecting this would be as much an element of commerce as navigation. When this transportation or interchange of commodities is carried on by land it is commerce as well as when carried on by water; and the power of Congress to regulate it is as ample in one case as in the other. The "commerce among States" spoken of in the Constitution must at the time that instrument was adopted have been mainly of this character, for the steamboat which has created our great internal commerce on the rivers was then unknown.
>
> Another means of transportation equal in importance to the steamboat has also come into existence since the Constitution was adopted, a means by which merchandise is transported across States and kingdoms in the same vehicle in which it started. The railroad now shares with the steamboat the majority of the carrying trade. The one has with benefit been subjected to the control of salutary Congressional legislation, because it is an instrument of commerce. Is there any reason why the other should not? However this question may be answered in regard to that commerce which is conducted wholly within the limits of a State, and is, therefore, neither foreign commerce nor commerce among the States, it seems to me that when these roads become parts of great highways of our Union, transporting a commerce which embraces many States and destined, as some of these roads are, to become the channels through which the nations of Europe and Asia shall interchange their commodities, both with foreign nations and among the States; and that to refuse to do this is a refusal to discharge one of the most important duties of the Federal Government. As already intimated, the shackles with which the different States fettered commerce in their selfish efforts to benefit themselves at the expense of their confederates was one of the main causes which led to the formation of our present Constitution. The wonderful growth of that commerce since it has been placed exclusively under the control of the Federal Government has justified the wisdom of our fathers. But are we to remit the most valuable part of that commerce again to the control of the States and to all the consequent vexations and burdens which the States may impose through whose territories it must be carried on? And must all this be permitted because the carrying is done by a method not thought of when the Constitution was framed?
>
> For myself, I must say that I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has voluntarily become part of one of those lines of interstate communication, or to authorize the creation of such roads, when the purposes of interstate transportation of persons and property justify or require it.

Upon the appeal of this case to the Supreme Court of the United States the decision of the circuit court was affirmed, (The Clinton Bridge, 10 Wall., 454–462;) and Mr. Justice Nelson, in delivering the opinion of the Supreme Court, says:

> The act of Congress in the case of the Wheeling bridge, whose language it is sought to distinguish from that used in the present one, was more explicit but not more comprehensive. In the Wheeling bridge case the court had rendered a decree directing the obstruction to be removed by elevating the bridge, or, if not, by abatement. No doubt the existence of this decree, which was in the process of execution, led to the very specific terms of the act. But with all its particularity, it is not more comprehensive or decisive in legalizing the bridges than the one before us.
>
> The question whether or not it was not competent for Congress to interfere and legalize the bridge under the power to regulate commerce, and whether or not the act put an end to the pending suit, were questions examined and settled in the affirmative in the case already referred to. The reasons for the conclusions arrived at will be there found, and need not be repeated.

In the late case of the Hannibal and Saint Joseph Railroad Company *vs.* Husen (Chicago Legal News, February 2, 1878,) the subject has been again under consideration in the Supreme Court of the United States. The question was as to the power of a State to pass a law prohibiting the driving of cattle into the State of Missouri in certain months of the year, and it arose in the particular case with respect to the applicability to the statute of railroads. Mr. Justice Strong, in pronouncing the opinion of the court, says:

> It is a plain regulation of interstate commerce; a regulation extending to prohibition. Whatever may be the power of a State over commerce that is completely internal, it can no more prohibit or regulate that which is interstate than

it can that which is with foreign nations. Power over one is given by the Constitution of the United States to Congress in the same words in which it is given over the other, and is necessarily exclusive. That the transportation of property from one State to another is a branch of interstate commerce is undeniable. The Missouri statute is a plain interference with such transportation. But even the right of steamboat owners and railroad companies to transport such property through the State is loaded by the law with onerous liabilities because of their agency in the transportation. Transportation is essential to commerce, or rather it is commerce itself, and every obstacle to it or burden laid upon it by legislative authority is regulation.

And the court holds that the statute is a "plain intrusion upon the exclusive domain of Congress," but, of course, recognizes as unquestionable the power of Congress, its exclusive and supreme power, to pass such laws—all laws which are "regulations" under the broad definition it gives the word—a definition broad enough to include the whole subject in its every detail—relating to railroads and all means of transportation used in interstate or foreign commerce.

And see Hall *vs.* De Cuir (Chicago Legal News, February 2, 1878) for another very late decision of the Supreme Court of the United States bearing on the whole subject. And see cases cited above.

It therefore must be regarded as decided beyond possibility of doubt that Congress has power to regulate interstate commerce when carried on wholly or partly by one railroad or more, or by one railroad with any other method of carriage, and to regulate it by providing for equality of freights and in other charges; that as to this subject its power is as supreme and exclusive as it is as to many other subjects over which its powers are supreme and exclusive, which it would serve no practical purpose and would require much space here fully to enumerate.

Congress has power to pass such penal laws and to provide for such judicial action or proceedings in the Federal courts as to compel obedience to the powers it constitutionally exercises and to afford remedy to those injured by the infraction of laws so passed. This is beyond question, nor would authority be cited to sustain it were it not that in United States *vs.* Coombs, 12 Peters, 72–78, Mr. Justice Story, in delivering the opinion of the court, employs language which not only determines the precise point in view, but covers the whole subject:

The power to regulate commerce includes the power to regulate navigation as connected with the commerce with foreign nations and among the States. It was so held and decided by this court, after the most deliberate consideration, in the case of Gibbons *vs.* Ogden, (9 Wheat., 189–198.) It does not stop at the mere boundary line of a State; nor is it confined to acts done on the water, or in the necessary course of the navigation thereof. It extends to such acts done on land which interfere with, obstruct, or prevent the due exercise of the power to regulate commerce and navigation with foreign nations and among the States. Any offense which thus interferes with, obstructs, or prevents such commerce and navigation, though done on land, may be punished by Congress under its general authority to make all laws necessary and proper to execute their delegated constitutional powers.

It remains but to say, as can be said with that strength which belongs to propositions based upon constitutional power, in reason, in principle, and under the reiterated decisions of the Supreme Court of the United States, (for it will be observed that almost every authority above cited is the direct decision of that court,) that it is established with such certainty that to attempt its question would be but the puerility of cavil, that Congress has supreme and exclusive power, a power broad as the subject, and therefore necessarily over all its details, to pass all laws which in its wisdom it may see fit to pass providing for equality of rates of freight upon property carried wholly or partly by railroad in interstate or foreign commerce, and to provide for equality in charges for services performed in or about such commerce; to provide such punishment, such remedies, for infraction of such laws as it may see fit to provide; and for such action and proceedings in the Federal courts as may secure obedience to its power and that justice may be done to the parties engaged in the commerce thus sought to be regulated.

And quoting my language on the former occasion I must say:

In conclusion I have to say that the interests to be affected by this bill are very important and all-pervading; that the power of Congress to pass it cannot be successfully questioned; that the public opinion of the country, that both public opinion and the best interests of the country appeal to Congress to perform the great public duty of passing such a law as will protect the interests of the people, as proposed by my bill, and at the same time impose no unnecessary burdens and place no embarrassing restrictions on the railroads and other transportation companies.

A law providing for the legal enforcement of this bill would save many millions of money annually to the people, while nothing could more demoralize or more debauch the merchants and shippers of the country than for them to feel that they are constantly subject to the arbitrary caprices and will and interests of the railroad and other transportation companies for the terms upon which they may carry on their business. And surely the time has at last come when such vast interests should be taken from the domain of arbitrary power and the exactions of monopolies and placed under the protection of just and wholesome legal regulations.

To what I then said I now add:

Mr. Chief-Justice Waite, in delivering the opinion of the court in Thomas against The Railroad Company, in the year 1879, (11 Otto, pages 83–84,) said:

That the franchises and powers of a railroad company are in a large measure designed to be exercised for the public good, and this exercise of them is the consideration for granting them.

In the case of the Chicago, Burlington and Quincy Railroad Company against Iowa, in 4 Otto, page 161, decided in 1876, Mr. Chief-Justice Waite, in delivering the opinion of the court, said:

Railroad companies are carriers for hire. They are incorporated as such, and given extraordinary powers, in order that they may the better serve the public in that capacity. They are therefore engaged in an employment affecting the public interest, under the decision in Munn *vs.* Illinois subject to legislative control as to their rates of fare and freight, unless protected by their charters.

In the case of Munn *vs.* Illinois, in 4 Otto, page 130, decided in 1876, Mr. Chief-Justice Waite, in delivering the opinion of the court, said:

Common carriers exercise a sort of public office, and have duties to perform in which the public is interested. Their business is therefore "affected with a public interest," within the meaning of the doctrine which Lord Hall so forcibly stated.

This opinion of Lord Hall is stated on page 127 of that case.

I submit to you that the virtual denial of the authority of these cases, which has been so often made by the railroad men and their attorneys before you, and for the purpose of influencing your judgments as members of this committee and of Congress, shows one of two things: either that they are ignorant of the law and utterly reckless in their statements before you, or else that they have been offensively presumptuous in assuming that you are ignorant of the law on this subject.

Before I dismiss this branch of the case I must call your attention to an extract taken from the argument made before you on the 21st day of this month, on this subject, by Hon. Wayne MacVeagh. It is as follows:

So the clause giving Congress power to regulate commerce among the States and with foreign nations has heretofore been understood to mean that Congress possessed the exclusive authority to see that no State discriminated in favor of commerce originating within its own borders as against commerce originating outside of them; but now it is gravely argued that that clause, when literally read, authorizes you to regulate every possible relation which may hereafter arise between shippers and transporters, between a corporation chartered by one State as a common carrier, and a citizen in another State who desires to avail himself of its services. There has been no decision which has yet given judicial sanction to any such construction. The step you are now asked to take is a step a long way in advance of any yet taken; for you are asked to assume that this provision of the Constitution authorizes you to control the dealings between a corporation of Pennsylvania, organized as a common carrier under the laws of that State, and a citizen of Illinois who desires to secure its services within the limits of the State of Pennsylvania; that the language I have quoted endows you with full power and authority to prescribe upon what terms, as well as in what manner, to the minutest details, the citizen of my State shall perform the services which the citizen of another State demands from it.

And this is said by a lawyer of sufficiently national reputation to have been recently appointed Attorney-General of the United States. It is said by that learned lawyer, in the face of all the decided cases I have just read and referred to, and of many others, American and English, doubtless known to him and not referred to by me for want of time. It is said by him, after he had assured us in his opening remarks that, while he appeared before us on behalf of the Pennsylvania Railroad Company, nobody was responsible for the views he expressed but himself; that while he believed his views were in entire accord with those of the president and board of directors of that company, upon a question of this character the opinions he entertained were necessarily his own convictions and the result of his own consideration of the subject. This language must, I suppose, have been employed because he supposed we would have more confidence in the opinions of citizen and lawyer MacVeagh than we might have in those of the railroad attorney MacVeagh. I submit with great deference that there is no special reason for either of the MacVeaghs to be specially proud of the legal opinion which is above given, and which he may have expressed in the one or the other of these characters. And I submit to you further that in the cases I have referred to each of the five positions I have enumerated as having been taken by the railroad men and their lawyers, as well as the opinion of Mr. MacVeagh, are fully negatived. And I am obliged to say that Mr. MacVeagh's construction of the clause of the Constitution which provides that Congress shall have power to regulate commerce among the States is extraordinary. His construction would render it necessary to recast the language of the Constitution on this subject, and make it read that Congress shall have power to prevent or prohibit the States from engaging in legislation hostile to the commerce of each other. His construction would be a prohibition on the power of the States, instead of a grant of power to the United States.

After thus exposing such an opinion as that furnished you for your instruction and government, by one of such high character as Mr. MacVeagh, will it be thought necessary for me to go further and expose the weakness and the wickedness of the opinions on this subject of the many others who have appeared before you, representing the interests of the railroads, to instruct you as to your duties as representatives of the people, and to earn by so doing large fees or high salaries, to be paid them by these companies, out of money unjustly and mercilessly extorted from your constituents and from mine?

I now invite you to an examination of the provisions of what is called the Reagan bill. And here I wish to do an act of justice to two other men. If any credit is due for the provisions of this bill, and for the labor of preparing it, that credit is as much due to a lawyer of Buffalo, New York, whose name I do not now recall, and to the young and distinguished Representative from West Virginia, Hon. JOHN E. KENNA, as to myself.

DISCRIMINATIONS.

The first section of this bill defines interstate commerce—commerce among the States—to be such as is carried from one State or Territory to or through one or more other States or Territories of the United States, or to or from some foreign country.

It provides against all discriminations in freight rates and charges between persons, requiring like services to be rendered to all persons for like compensation. When it is remembered that these corporations have complete monopolies in the carriage of freights over their respective lines of road; that they are indebted to the State and to the general public for the right of eminent domain which enables them to secure their rights of way, to have a corporate existence, and to transact their business and make charges for their services; when it is remembered, as stated by the Chief-Justice in Thomas *vs.* Railroad Company, referred to further back, "that the functions and powers of a railroad company are in a large measure designed to be exercised for the public good, and this exercise of them is the consideration for granting them;" when it is remembered that, as stated by the Chief-Justice, in case of the Chicago, Burlington and Quincy Railroad Company *vs.* Iowa, "railroad companies are carriers for hire;" that "they are incorporated as such, and given extraordinary powers in order that they may the better serve the public in that capacity;" and that "they are therefore engaged in an employment affecting the public interest," and "subject to legislative control as to their rates of fare and freight;" and when it is remembered that, as said in the case of Munn *vs.* Illinois, "common carriers exercise a sort of public office, and have duties to perform in which the public is interested; their business is therefore 'affected' with a public interest;" is it not reasonable, just, and necessary that we should compel them to do that business on just and equal terms to all persons for whom they perform like and contemporaneous service? Is it not just, reasonable, and necessary that we should prevent them from pursuing a course by which they may benefit one person or set of persons at the expense and to the injury of another person or set of persons? Is it not just, reasonable, and necessary that we should compel them by law to execute the public trust connected with their business in a manner fair and equitable alike to all?

Now, the railroad lawyers and railroad managers who have so long occupied your attention, and who have been so earnest and zealous in advising you what your duties are to your constituents and to the public on this subject, commiserating the ignorance of members of Congress on the subject of the management of railroad transportation, and with a superabundance of verbiage, tell us that this feature of this bill is not right; and that it is right that they should have and exercise the power of making discriminations in the rates and charges prohibited by this bill; that it would embarrass their management to prohibit them from doing so; and that they benefit the public by making these discriminations judiciously. Does any one of you conscientiously believe there is one word of truth, reason, or justice in their statements and pretenses on this subject? Can any sane man be made to believe that wrong is right; that injustice is just; that there is no moral law; no such thing as reason and fairness? Can anything be plainer than that this provision of this bill is absolutely right, just, and necessary? And yet how many hours of your valuable time have these gentlemen representing the railroads spent in trying to prove to you that this feature of this bill is wrong; that our ignorance of the mysteries of railroad management is so great that we must not risk being just and honest and doing right? Why, my friends, shall we invoke the technical knowledge of a railroad expert to enable us to feel that we have consciences, and can afford to announce and sustain a principle which is incontrovertibly just, and which is made necessary by the vast interests involved? The qualifications requisite to deal with this question are an honest conscience and a purpose to do right.

REBATES.

Next, this bill prohibits the allowance of rebates and drawbacks in all cases. The allowance of rebates and drawbacks, or the making of what is sometimes called cut-rates, are but other modes of discriminating in rates and charges between shippers. The argument just made in favor of the provision which prohibits discriminations apply with equal force to this provision of the bill. The allowance of rebates is not only a mode of discriminating between shippers, but it is a secret mode of discriminating, and is practiced as a general thing to deceive and cheat persons not parties to it.

The gentlemen discussing this subject before you for the railroads say that there are two classes of drawbacks—the one legitimate and defensible; the other secret, dishonest, and indefensible. They also say that the legitimate drawbacks are in some cases promotive of competition, and they attempt to specify the cases in which it is so. I do not believe it can be fairly shown that rebates will in any case be more efficient as a means of competition than a uniform low schedule of freights, and certainly it is not as fair a way of dealing with individuals and with the public as well understood and uniform rates, made as low as the rates reduced by the rebates. This, I think, may be easily shown in any case which can be stated.

One of the difficulties with the railroad men in the consideration of this bill is, that they resort in all their reasoning and illustrations to their present methods of management, and not to the methods pointed out by the bill itself. They now have their dishonest, gambling methods of discriminations, rebates, cutting of rates, disregard of their schedule rates, having little or no regard for the length of haul or value of the services they render, charging what the particular commodity will bear, instead of what their services are worth; pooling of freights to destroy competition; the forming of sub-corporations and rings by railroad officials and their confidential friends to secure the profits of particular branches of trade or business; and thus swindling their stockholders while they are robbing the public by means of these discriminations, rebates, pooling, &c. They try to test this bill by their methods. They find it impossible to continue them under it. They charge this as a fault in the bill, and they argue to convince you that because these bad methods cannot be reconciled with the bill, that it, and not their methods, is wrong. To be fair and logical, they should test the bill by its own methods. Then they should contrast their own methods, arbitrarily adopted and governed by no law, with the methods which must be observed under this bill, if it is permitted to become a law. This is the conspicuous vice in their argument on all the main points in this bill; that is, as to discriminations, as to rebates, as to pooling, as to charging more for short than for long distances, and as to schedules. I ask you to determine the merits of this bill by its own provisions, and by the methods its adoption will require. I am strengthened and sustained in these views by the general concurrence in these opinions of substantially the entire public, excepting railroad men themselves, and also by the fact that many, very many, of the States of the Union have, by their constitutions or laws, or both, condemned and prohibited the allowance of rebates, the making of discriminations between shippers, the pooling of freights, and the charging of more for a shorter than for a longer haul. I shall illustrate this much more fully further on by giving you an abstract of the provisions of various State constitutions on these and other points.

POOLING.

I believe all the attorneys and officers of the railroad corporations who have appeared before you during this or previous Congresses to discuss the measure we are now considering have objected to the feature of my bill which proposes to prohibit the pooling of freights by competing railroads. And they all insist that to make this provision law would cripple railroad management, deprive the people of the benefits of competition, and increase the cost of through freights between the East and the West. We will inquire further on whether this can be so.

My objections to the pooling of freights are that—

First. It destroys competition in freight rates and charges.

Second. That it makes one great monopoly out of several smaller ones.

Third. That it secures to the pooling roads the power to levy any exactions on the commerce they carry which their cupidity may demand.

Fourth. That it enables them to make their roads the means of oppression and wrong to the people to whom they are indebted for their franchises instead of a benefit and blessing.

Fifth. That such a power never has been and never can be safely surrendered by a free people to a few men who deny their responsibility to the public.

I ask you if these objections do not embody that number of axiomatic truths?

In the history of railroad construction and management it has always been a received and accepted fact that they were and are monopolies. The question has always been one of interest how the public was to be protected against their monopoly features. There have always been thought to be three remedies at least.

First. The competition of the water-ways and other means of competing transportation.

Second. An expected increase in the number of railroads and the competition which that increase would afford.

Third. The power of the political authority to regulate and control their rates of charges for the protection of the public.

Now if we do not prohibit them from pooling we certainly deny ourselves the second remedy against the evils of monopolies; and when we look at the extent and character of our country, and to the speed and value of the means of transportation, we shall find the second to be the most valuable and important check on their monopoly powers. Are you prepared to advise the people to surrender it, and to place themselves to that extent at the mercy of the pooling railroads?

Instead of the bill before us preventing competition, it beyond all doubt promotes and secures competition. How could this bill interfere with the just management of the railroads, and how would it increase the cost of the east and west bound freight? The same number of railroads will exist whether this bill shall or shall not become a law. The same water transportation will exist whether this bill shall or shall not become a law. The bill does not prescribe any rates of freight. The railroads may charge high or low rates after this bill shall become a law, as they do now. They may certainly, if they will, make the rates as low as they please after this bill shall become a law. And is it not manifest that as competing lines, when they can make rates high or low as they choose, they would carry the freight cheaper than they would if these lines were allowed to pool their freights, and, being freed from competition by railroads could charge any price they might please?

To this they reply that unless they are allowed to pool their freights the result will be a war among the roads, with the ultimate wreck of some, and the survival of the strongest. That must mean that their present management rests on a species of morality which makes it necessary for them to war on and destroy each other or to combine and rob the people. This being the case, if somebody must be ruined

or robbed, would it not be better that 50,000 railroad men should rob each other, in the ways most agreeable to themselves, than that the 50,000,000 people of this country should deliberately consent to be robbed by the railroad men.

The present methods of business and management by our railroad experts is a failure, and they know it. It is a failure because based on wrong principles and on worse practices. It is a failure because they disregard ordinary business principles and the rules of common fairness and common honesty. While most of them deny the constitutional power of Congress to legislate respecting transportation by the railroads so as to protect the people against their injustice and rapacity, they have the bold audacity to ask that Congress so legislate as to sanction their pooling arrangements. If Congress cannot do the one surely it cannot do the other.

The great trunk railroads employed Mr. Albert Fink to aid them to arrange the terms of a pool and rates between themselves so as to avoid their railroad wars. And in order to make this arrangement effective, and to guard against the contingency of a refusal of either to abide by his determinations, they employed Mr. Charles Francis Adams, jr., Mr. David A. Wells, and General Wright to act as a sort of board of appeal, doubtless on the supposition that it was possible for them to bind themselves to act fairly and in good faith with each other. But when the time came to test their fidelity to their voluntary engagements with each other by the measure of their avarice they threw their engagements and their expert commissioners alike and at once to the winds, and plunged the vast commerce which they carried into all the evils, injuries, and uncertainties of a railroad war, which lasted six or eight months, and was only brought to an end last month. Why should they ask the public to pass no law to control them, and then ask it to trust them with the unlimited control of such vast interests when they cannot and do not trust one another, and when the best methods of management they have been able to adopt lead only to contention and disaster?

But they claim the privilege of charging rates so low as to be unremunerative to and from distant points as an aid to their business. Upon what principle of justice can or ought this to be done? Taking business at less rates than will pay for its transportation is almost universally taking business which does not belong to the road so taking it. It is taken to prevent some other, perhaps more legitimate carrier from getting it. This disturbs and confuses legitimate business. It leads to underbidding and ends in wars of rates. And while it goes on, the way-shippers—that is, those at intermediate points on the road—have to pay more than equitable prices for the carrying of their freight, in order to make up the losses of the road from carrying through freights for less than compensating rates. This is unjust and unlawful. It leads of necessity to strife and to the injury of both the railroads and the public and ought not to be tolerated.

I will repeat here some arguments made by me on a former occasion on this subject.

COMPETITION.

There is one other subject to which I will refer, but do not now propose to argue as fully as I may do on some subsequent occasion. It is urged by two at least of the ablest representatives of the railroad interests, Mr. Adams and Mr. Fink, that the idea of competition must be eliminated from the railroad problem before it can be satisfactorily and properly adjusted. They advocate, as I understand them, a sort of universal pool, one of them calling it a "federation," and the other a "combination." But both think the more general it shall be made the better.

I look on this as the most dangerous theory which has been advanced in connection with the discussion of the railroad problem. I can see how such a plan might work to the convenience and advantage of the railroads; but there are at the same time the strongest reasons to believe it would be the very perfection of monopoly power and that the destruction of competition would operate altogether against the interests of the people in a commercial sense, while it would place in the hands of a very few men the control of so large properties and so many men and give them such power as to enable them to defy any effort of the political authority to control them in the interests of the people. Think of $5,000,000,000 in railroad property and a quarter of a million of intelligent, active, energetic men in vigorous manhood, with the control of the shipment of our internal commerce, being in the hands of a few persons. They could regulate prices, control the markets of all our products, and enrich themselves to any extent, while they could by this process impoverish and degrade and break the spirit, dwarf the manhood, and destroy the independence and self-reliance of our people.

I doubt if this grand and dangerous scheme is practicable. It is to be hoped that if attempted it will fall of its own weight; but it should be watched, resisted, and defeated. On this point I quote the following from Mr. Adams's book on Railroads, their Origin and Problem, recently published:

> Contrary to the general and popular conviction and increasing number of those who have given most thought to the subject, whether as railroad officers or simply from the general economical and political points of view, are disposed to conclude that, so far from being necessarily against public policy, a properly regulated combination of railroad companies, for the avowed purpose of controlling competition, might prove a most useful public agency. These persons contend that railroad competition if it has not already done its work will have done it at a time now by no means remote. An enormous developing force during the period of construction, its importance will be much less in the later periods of more stable adjustment. Under these circumstances, and recognizing the fact that the period of organization is now succeeding that of construction, these persons are disposed to see in regulated combination the surest if not, indeed, the only way of reaching a system in which the advantages of railroad competition may, so far as possible, be secured, and its abuses, such as waste, discrimination, instability, and bankruptcy, gotten rid of. In conducting this traffic, they argue, each road or combination of roads is now a law unto itself. It may work in concert with other roads or combinations, or it may refuse to do so. It may make rates to one place where it may think it for its interest that business should go, and may refuse to make them to another place where it is for its interest that business should not go. All this is essentially wrong. Yet the business community of America, from one end of the country to the other, has been from the beginning so thoroughly accustomed to the extreme instabilities of railroad competition that it has wholly lost sight of what its own interest requires. What it needs is certainly a stable economy in transportation, something that can be reckoned on in all business calculations, a fixed quantity in the problem. This, of all the results the most desirable, is now looked upon with apprehension.

The major proposition contained in this passage is, that what is needed in the proper adjustment of the railroad problem "is certainty, a stable economy in railroad transportation, something that can be reckoned on in all business calculations; a fixed quantity in the problem." I assent to the justice and necessity of this.

The minor proposition is as to the means of attaining this valuable end, which Mr. Adams thinks, or supposes others to think, is to be found "in regulated combination." From this I wholly dissent. "Combination" or "federation" among the railroads might have the effect he supposes in regulating and giving steadiness to freight rates and charges as between the railroads themselves; it might prevent railroad wars, and in this way and for this purpose it would do some good.

But there is another factor, and the most important one of all in this problem, which is wholly left out; that is, the people, the shippers, the owners of the many billions of dollars of commerce which is annually shipped over these roads, and who are interested in it to the extent of 99 per cent. of its value, while the railroads at most cannot justly be interested in it more than 1 per cent. The railroads, under a "combination" or "federation," left free from the restraints of legislation, and having legitimately no more than 1 per cent. interest in this immense commerce, may control absolutely the rates of freight, may bull or bear the markets at their pleasure, may as to individuals discriminate in freights and charges as they please, allow rebates to whom they please, ruin one city and place and enrich another at their pleasure, and may levy any tax on the commerce of the country which their sweet wills may dictate or their avarice call for. They might by an order any day increase their revenues to be derived from the commerce of the country by a sum greater than is now collected for the support of the Federal Government and the payment of the interest on the public debt. It will not do to say they will not do so. The power to do so is too great to be lodged in the discretion of any men.

I may be asked, since I agree that steadiness and uniformity in freight rates and charges is the great point to be gained in the adjustment of this problem, how I propose to obtain that result. I am prepared to answer this. I would do it by the passage of the bill I have presented to the House into a law. Its provisions would—

First. Prevent all discriminations in freight rates and charges between individuals.

Second. They would prevent rebates and drawbacks in all cases.

Third. They would prevent pooling of freights.

Fourth. They would limit the power of the railroads in making discriminations between places.

Fifth. They would require the posting up of schedules of rates and charges, and would provide for the punishment of those charging more or less than schedule rates.

There could then be none of the discriminations, cutting of rates, rebates, and other irregularities which now so disgrace railroad management and do so much injury to the people. By this means they would be forced into regular and just business practices, just as in the other important branches of business of the country. They would then be compelled to determine what rates of freight and charges on the business of their several roads would pay operating expenses and a fair interest or dividend on the capital invested. The roads could then calculate with reasonable certainty what their expenses, their revenues, and their profits would be. And every citizen could calculate with reasonable certainty how much of the fruits of his labor or the profits of capital invested would belong to him after he had paid the charges for transportation.

This would, under the operation of the bill I offer, I believe furnish the true and proper solution of this great problem.

One more quotation from Mr. Adams's book is given to show to what fearful dangers the theory of "combinations," "confederation" discussed by him, may lead. He says:

> Beyond and behind this, however, the railroad corporations of the United States have from the beginning enjoyed a sort of lawless independence. Corporations, like communities, accustomed to this, necessarily remain for a long time restive under any sense of control. They need constantly to feel that a policeman's eye is upon them, and that there is a station-house in the next street. No one or two great corporations have yet been developed with power sufficient to assume a coercive protectorate over the others and to compel obedience. The combination of the trunk lines and their recent action toward their connections in the West is the first approach yet made toward this result. But without the cohesive influence of some such protectorate there is in all voluntary combinations a natural tendency to anarchy. In the absence, therefore, of any compelling force to secure order and subordination, the mill of competition has got to keep on grinding for some time yet. Its work is not done. Indeed, it will not be done until, through

the process of its grinding, the great principle of the survival of the fittest is finally ground out.

This process is unlikely to prove a rapid one, for order is not easily established in any community which has been long in a state of anarchy. In such cases the demoralization becomes general; the tone of the individual deteriorates. This is what is now the matter with the railroad system of America. Lawlessness and violence among themselves, the continual effort of each member to protect itself and to secure the advantage over others, have, as they usually do, bred a general spirit of distrust, bad faith, and cunning, until railroad officials have become hardly better than a race of horse-jockeys on a large scale. There are notable individual exceptions to this statement, but taken as a whole the tone among them is indisputably low. There are none of that steady confidence in each other, that easy good faith, that *esprit du corps*, upon which alone system and order can rest. On the contrary, the leading idea in the mind of the active railroad agent is that some one is always cheating him or that he is never getting his share of something. If he enters into an agreement, his life is passed in watching the other parties to it, lest by some cunning device they keep it in form and break it in spirit. Peace is with him always a condition of semi-warfare, while honor for its own sake and good faith apart from self-interest are in a business point of view, symptoms of youth and defective education. Under such circumstances, what is there but force upon which to build? It was the absence of the element of force which caused the failure of the Saratoga association, and probably will cause the failure of those which have succeeded it. Taken as a whole, the American railroad system is in much the same condition as Mexico and Spain are politically. In each case a Cæsar or a Napoleon is necessary.

When, however, the time is ripe and the man comes, the course of affairs can even now be foreshadowed; for it is always pretty much the same. Instead of the wretched condition of chronic semi-warfare which now exists, there will be one decisive struggle in which from the beginning to the end the fighting will be forced. There will be no patched-up truces made only to be broken, for the object of that struggle will be the complete ruin of some one in the shortest possible time. Then will come the combination of a few who will be sufficiently powerful to restrain the many. The result, expressed in a few words, would be a railroad federation under a protectorate. The united action of the great through lines is necessary to bring this about; and how to secure that action is now the problem. If the elder Vanderbilt were alive and in the full possession of his powers, he would probably solve the difficulty in the way most natural to him. Meanwhile, although Commodore Vanderbilt is dead, there are very significant indications that his work is going on. His vast property, in the peculiar shape in which he left it and as it is now handled, seems to be little else than an accumulated fund devoted to bringing about a consolidation of railroad interests on the largest possible scale. The New York Central is the basis upon which this superstructure rests.

This is the fatal logic of the principle of "combination," "confederation" of the railroads of the country into one management. And if these extracts and this book, written by a sober, discreet, and scholarly man, in the interest of the railroads, does not startle the country and arouse the people and their representatives to action, then, indeed, I shall fear that the lethargy which precedes death is upon them. Comment may break its terrible force. But I will suggest that the court-houses of the country should be "the station-house in the next street," where the law could be administered and where justice could be done; and that good and wholesome laws would be better for us all than "a policeman's eye." I would suggest, too, that the character of the railroad men he describes as "hardly better than a race of horse-jockeys" are not the kind that should be trusted with the vast powers necessary to control and direct the "combined" railroads of the United States.

He sees no remedy for existing evils of railroad management but force. He describes with sufficient fullness the character of force he means. It is not the force of law; it is not the force of public opinion; but it is the force, the power of one man, of a Cæsar or a Napoleon or a Vanderbilt; the force of personal will wielding corporate powers unrestrained by just laws; "the few who will be sufficiently powerful to restrain the many;" "a railroad federation under a protectorate," and the people and their property securely in the grasp of power, with no hope save such as might come from the charity of lust or the mercy of avarice.

DISCRIMINATION BETWEEN PLACES.

Another of the provisions of the bill before us is that no more shall be charged for a car-load of freight of the same kind for a shorter than for a longer distance in one continuous carriage, and that the road of a corporation shall include all the road in use by such corporation whether owned or operated under contract or lease.

Much has been said by the advocates of the railroad interests against this section of the bill. It is urged, in relation to this section, as against the one which prohibits pooling, that it will destroy competition. When their arguments on this point are sifted down to their real meaning it amounts to this: that unless the railroads are permitted to carry through freights at rates so low as not to pay for the service, and then to make up the losses by overcharging the other freights along their lines, they cannot command the through business. Is it right, as they require, that we shall permit them, for purposes of their own, to make one portion of their patrons pay for the service rendered to another portion of them? If so, on what principle? If it is not, then the bill in this respect is right and their demand is wrong and a violation of the rights of a part of the people.

In framing this section we had in view the wrongs which have grown out of unjust discriminations in favor of some places or branches of business and against other places and branches of business. This was strikingly illustrated by the extraordinary privileges and advantages extended by some railroad companies to the Standard Oil Company. By obtaining rates lower than were allowed to others, in the form of rebates, which amounted to about ten million dollars in one term of about sixteen months, and by being charged less for longer distances than others were for shorter distances, the Standard Oil Company succeeded in breaking up many other companies competing with them in the oil business, and in securing to themselves nearly an entire monopoly of this vast business, amounting to ten or fifteen million barrels of oil a year. And this conduct has met the general reprobation of good men everywhere. This is but one of many cases of the abuse of this power by the railroad companies. There is nothing to prevent the officers and managers of the railroad companies and their favorites from producing the same result in any other branch of business by the same means, and it is monstrous to think of tolerating such wrongs.

In framing this section we recognized the fact that freights could not be transported and handled for short distances as cheaply per ton per mile as for longer distances. We also recognized the fact that the hitching on and letting off of cars at way stations made it reasonable that they should charge more per mile for way than for through freights. And we adopted the rule provided in this section in the belief that it would prevent the wrongs to be guarded against, and that at the same time it would secure to them a just and reasonable compensation for this extra service.

Under the provisions of this section they may, if they choose, charge as much for a car-load for a part of the length of their roads as for the whole distance. But it is intended that they shall not charge more. You will see we have no reference to so much per mile. We allow the whole margin of the difference in distance between the long and the short hauls in favor of the long hauls. What more in justice can be asked by either the railroad men or the favored shippers?

Attempts have been made by several of the railroad advocates to confuse your mind by illustrations and the giving of instances which cannot arise under this section, such as reasoning on the hypothesis that one carriage, one haul, as contemplated by the bill, might extend from Chicago to Savannah or to Charleston, or from New Orleans to New York. They know, of course, that no such meaning is to be found in this fourth section; and why invoke such illustrations except to deceive? The bill limits one carriage, one haul, to the road owned by the particular company and those operated by it under contract or lease. And it means, and only means, that that company shall not charge more for a car-load over a part of its road than it does over the whole length of it. And this section applies to each and every company in the same way. This can produce no difficulty in the management of railroads. It can do no wrong, while it will prevent much wrong and render much injustice now being done impossible if this provision shall become law.

I now submit to you an abstract of some of the provisions of twelve of the most recently formed State constitutions, which relate to railroads and railroad corporations. My first reason for doing this is because it is the expression of the opinions of the people in their highest sovereign capacity on this subject. A second reason for doing so is to show you that these opinions of the people, as expressed in their State constitutions, are in strict accord on every point treated of with the opinions of the courts and law-writers referred to in a previous part of this argument. A third reason for presenting this abstract to you is that it is in strict accordance with and fully sustains the provisions of what is called the Reagan bill, so far as the two relate to the same subjects. And still a fourth reason for presenting it is that you may see at a glance the uniform current of action of the States which have made or revised their constitutions in recent years, and since it has become apparent to the public that the practices and pretensions of these corporations must be curbed and controlled by law in the interest of the people who grant them, and to prevent the worst possible effects of the employment and use of monopoly power.

For greater clearness, before giving you this abstract, and in order that your attention may be the more directly drawn to them, I will mention some of the points in which these State constitutions, and the opinions of the courts and law-writers, and the provisions of my bill agree.

They agree—

1. That the railroads are public highways.
2. That they are common carriers.
3. That they shall not discriminate in freight rates and charges.
4. That they shall not allow rebates or drawbacks.
5. That there shall be no pooling of freights between parallel or competing railroads, and no combination of the management, stock, property, or franchises of such railroads to defeat competition.
6. That more shall not be charged for hauling like kinds of freight on the same railroad for a shorter than for a longer distance.

Of course I do not wish to be understood as saying that these constitutions agree on all of these points. But, as you will see, taking them as a whole, they sustain, in a striking manner, these points of agreement; and none of them disagree with the law quoted or referred to, or with the provisions of my bill.

And I further call you to note, as I shall present them, that they clearly and distinctly disagree with the opinions given you on these points by the railroad attorneys and officers who have spoken before you and who have written on these questions.

With these prefatory remarks I will now present the abstracts from these several constitutions, with the date of adoption of each constitution. I shall not pretend to make literal extracts, but only to give you in substance the meaning of the provisions referred to, which can be easily verified.

It is proper for me to observe at this point that, if any question

should arise in your minds as to whether the action of the several States on the points referred to should or should not be regarded as precedents for the action of Congress on like questions, the Constitution gives to Congress the exclusive power to regulate commerce among the States; and that, while Congress may not charter railroad corporations in the States, or legislate upon or regulate their corporate rights and franchises, it may do anything in regulating commerce between the States which a State can do in regulating commerce wholly within the State, for Congress has all the power in this respect in the sphere of its action which the State has in the sphere of its action. This view is fully sustained by the authorities I have already cited, and I need not quote them again.

The constitution of Alabama of 1875 declares railroads in that State to be—

1. Common carriers.
2. Public highways.
3. Requires the Legislature to provide against unjust discriminations and extortion in passenger and freight rates.
4. Forbids railroad companies to grant free passes, or to sell tickets or passes at a discount to members of the Legislature or other State officers.

The constitution of Arkansas of 1874 declares railroads in that State to be—

1. Common carriers.
2. Public highways.
3. Declares the equal right of all to have persons and property transported over railroads.
4. Declares against undue and unreasonable discriminations in charges and facilities for freight or passengers.
5. Shall not charge more for freight or passengers for a shorter than for a longer distance.
6. Declares that railroads, canals, or other corporations shall not consolidate with any competing railway or canal, and that the same persons shall not be officers of two such competing corporations.
7. Declares that "no discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either by abatement, drawback, or otherwise."
8. Provides that the General Assembly shall prevent by law the granting of free passes by any railroad or transportation company to any officer of that State, legislative, executive, or judicial.
9. That the exercise of the right of eminent domain shall apply to the property and franchises of corporations as well as to individuals.
10. The General Assembly required to pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroads for transporting freight and passengers, and to provide for enforcing such laws by adequate penalties and forfeitures.

The constitution of California of 1879 declares that—

1. All railroads are common carriers and subject to legislative control.
2. No railroad or transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in that State.
3. No discrimination in charges or facilities to be made by them between places or persons.
4. Shall not charge more for a short than for a longer distance.
5. The railroad commissioners shall have power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroads.

The constitution of Colorado of 1876 declares that—

1. All railroads shall be public highways.
2. All railroad companies shall be common carriers.
3. Railroads shall not be connected or consolidated with other and competing railroads.
4. All have equal rights to have persons or property transported over railroads.
5. No undue or unreasonable discrimination shall be made in charges or facilities for transportation of freight and passengers.
6. The exercise of the right of eminent domain to apply to the property and franchises of corporations the same as to individuals.
7. Corporations not to be permitted to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

The constitution of the State of Georgia of 1877 declares that—

1. The Legislature shall have power to regulate railroad freight and passenger tariffs.
2. To prevent unjust discriminations.
3. To prohibit the charging of other than just and reasonable rates.
4. The exercise of the right of eminent domain shall apply to the condemnation of the property and franchises of corporations as well as to the property of individuals.
5. Corporations shall not so conduct their business as to infringe the equal rights of individuals or the general well-being of the State.
6. The General Assembly to have no power to authorize corporations, by contract, agreement, or otherwise, to defeat or lessen competition in their respective businesses, or to encourage monopoly.
7. No railroad company shall give or pay any rebate or bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights or passage.

The constitution of Illinois of 1870 declares that—

1. No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a parallel or competing line.
2. That the railways of the State are public highways.
3. That the General Assembly shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight.
4. That the exercise of the power of the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the General Assembly, of the property and franchises of incorporated companies.
5. The General Assembly shall pass laws to correct abuses and to prevent unjust discrimination and extortion in the rates of freight and passenger tariffs.

The constitution of Louisiana of 1879 declares that—

1. Railways are declared public highways.
2. Railroad companies are declared common carriers.

The constitution of Michigan of 1850 declares that—

1. The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on railroads.
2. Shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies owning connecting or intersecting lines of railroad.
3. No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a parallel or competing railroad.

The constitution of Missouri of 1875 declares that—

1. It shall not be lawful in this State for any railway company to charge, for freight or passengers, a greater amount for the transportation of the same for a less distance than the amount charged for any greater distance.
2. Railways in this State are declared public highways.
3. Railroad companies are declared common carriers.
4. The General Assembly shall pass laws to correct abuses and to prevent unjust discrimination and extortion in rates of freight and passenger tariffs.
5. And shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight.
6. No railroad or other corporation shall consolidate the stock, property, or franchises of such corporation with any railroad corporation owning, or having under its control, a parallel or competing line.
7. No officer of a railroad corporation shall act as an officer of any other railroad corporation owning, or having the control of, a parallel or competing line.
8. No discrimination in charges, or facilities in transportation, shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback, or otherwise.
9. No railroad, or other transportation company, shall grant free passes or tickets, or passes or tickets at a discount, to members of the General Assembly, or members of the board of equalization, or any State, or county, or municipal officers.

The constitution of Nebraska of 1875 declares that—

1. No railroad corporation shall consolidate its stock, property, franchises, or earnings, in whole or in part, with any railroad corporation owning a parallel or competing line.
2. Railways declared public highways.
3. Compelled to transport persons and property under such regulations as may be prescribed by law.
4. The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight.
5. The liability of railroad corporations as common carriers shall never be limited.
6. The exercise of the power of eminent domain shall never be so construed as to abridge or prevent taking the property or franchises of corporations the same as of individuals.
7. The Legislature shall pass laws to prevent abuses, and prevent unjust discrimination and extortion in charges of railroad companies.

The constitution of Pennsylvania of 1875 declares that—

1. Railroads are public highways.
2. Railroad companies are common carriers.
3. They shall receive and transport each other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.
4. All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers.
5. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class, in the same direction, to any more distant station.
6. No railroad corporation, or the lessees, purchasers, or managers of any railroad, shall consolidate the stock, property, or franchises of such corporation with, or lease or purchase the works of franchises of, or in any way control any other railroad corporation owning or having under its control a parallel or competing line.
7. No incorporated company doing business as a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles of transportation over its works.

8. No such company shall, directly or indirectly, engage in any other business than as common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business.

9. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either by abatement, drawback, or otherwise, and no railroad company or lessee, manager, or employé thereof shall make any preferences in furnishing cars or motive power.

10. No railroad company shall grant free passes, or passes at a discount, to any person except officers or employés of the company.

The constitution of Texas of 1876 declares that—

1. Railroad companies shall receive and transport each other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

2. That railroads are public highways.

3. That railroads are common carriers.

4. The Legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in rates of freight and passenger tariffs on railroads.

5. And shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on railroads.

6. No railroad corporation, or the lessees, purchasers, or managers of any railroad corporation shall consolidate the stock, property, or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line.

7. No officer of a railroad corporation shall act as an officer of any other railroad corporation owning or having the control of a parallel or competing line.

SCHEDULES.

The railroad advocates have attempted to alarm the fears of the committee by wonderful stories of the evil effects which would be produced by the enforcement of the provision of this bill, which requires the railroad companies to post up schedules of rates and charges at their several depots. Let us see what there is in this. They now profess that they do substantially what this section of this bill requires them to do; that is, that they fix and post up schedules of their rates. If they do this now, what wrong can there be in the making of this requirement? If they do not do this, but, on the contrary, keep their rates secret from the public, so as the better to enable them to levy unequal or unjust exactions on that commerce, then, on every principle of reason and right, they ought to be compelled to do it. Another consideration which makes this requirement necessary is that this schedule furnishing their rates furnishes at the same time an important part of the evidence upon which they may be convicted of violating the law by disregarding their rates and discriminating between shippers as to rates. And a knowledge of this fact is no doubt the real cause of their opposition to this section, instead of the inconvenience of its requirements as they now suggest.

WATER-WAYS.

The railroad men complain that, while this bill proposes to regulate the interstate commerce on the railroads it makes no provision for the regulation of commerce on the water-ways. What is the necessity for regulating the rates of transportation of commerce on the open water-ways of the country—the navigable rivers, the lakes, and the bays? They are now free public highways of commerce, which all may navigate who will. No person and no company has or can have exclusive control of them as these corporations do have the exclusive control of the railroads. And, so far, the people have been able safely to rely on the competition between the different vessel-owners who navigate the public waters for that competition which has secured to them reasonable freight rates and freedom from unjust discrimination. So far no act of Congress has been necessary to secure these ends. But Congress has the same power over the water as over the land transportation of interstate commerce. And if the time shall ever come when the navigation of these waters shall become a monopoly, either because some person or company has obtained the exclusive ownership of the vessels used for such navigation, or for any other cause, Congress will no doubt legislate to abridge such monopoly powers, as I now ask for the abridgment of the monopoly powers of the railroads.

We are constantly told that the great lakes and the Mississippi River force rates down to the lowest point by the competition of water transportation which they afford; and that if this bill shall be passed the railroads will be ruined by this competition. In reply to this I have to say that the great lakes and the Mississippi River were put where they are by the God of nature, not by my bill, and their value to our people as commercial highways is too great for computation by figures. That they are the means of the reduction of the cost of transportation is true, and this is a great blessing. They furnish competing lines of transportation now. They will do no more if this bill shall become a law. And the railroads will be as free to make low through rates if this bill shall become a law as they are now. But it does not satisfy these railroad companies that they will be left to compete freely with the water-ways at fair and reasonable rates, with all the advantages of quicker dispatch and the choice of markets, if this bill shall become a law. That is not what they want. They wish and intend, in the future as in the past, if they can, to have a monopoly of the vast through freights during the seasons when the water-ways are frozen up, in winter and spring; and then during the summer and fall months, when the water-ways are open to navigation, they propose to carry this volume of through freights as low at least as the water routes, and at less than paying rates, and in this way to control this transportation at all seasons. And to enable them to do this they mean to increase the cost of transportation at points east of Chicago and Saint Louis, in Illinois, and in Indiana, Ohio, Pennsylvania, and New York to an amount above what it should pay, in order to make up the deficiency in their revenues caused by the undercharges on through rates.

Among the just and wise provisions of the Federal Constitution is the one in the fifth amendment to that instrument, which provides:

Nor shall private property be taken for public use without just compensation.

So, even for a public use one part of the people could not be required to pay for the carriage of the freights of another part of the people. But the railroads would require them to do so for a mere private use. There is no power in this country, not even in the Federal or State governments, which can do this by lawful authority. It can only be done by force or fraud. These railroads propose to do this as a mere matter of policy on their part, in violation of all law and of all morality. Will you, my brethren of the committee, aid them in doing this? That is undoubtedly what is meant by their clamor on this subject, and by their misrepresentations of the provisions of this bill.

The railroad advocates have so often complained before you of the competition of the water-ways as to assure us they would be glad to see anything done which would embarrass and make more costly our water navigation.

COMPETITION OF THE CANADA RAILROADS.

It would seem there is but one thing which comes as near as the Reagan bill to giving railroad men and advocates the nightmare, and that is the fear of the competition of the Canada railroads. They have rung the changes on this subject in every imaginable form. They have even frightened General Alexander with the fear that the competition of the Canada railroads will seriously reduce the profits of his railroads in Kentucky, Tennessee, and Georgia. Such fears, based on such brilliant conceptions, and supported by such splendid rhetoric as these gentlemen have employed, ought to excite our sympathy—the fears, I mean, not the facts.

The Grand Trunk Railroad of Canada, from Detroit, Michigan, by way of Montreal, Canada, to Portland, Maine, is eight hundred and fifty-six miles long. Its connection by way of Montreal with Boston, Massachusetts, is a little longer. Its extension from Port Huron, Michigan, to Chicago is three hundred and thirty miles. This, added to the eight hundred and fifty-six miles, makes the distance from Chicago to Portland eleven hundred and eighty-six miles. In the greater portion of its length it runs through a country sparsely populated, and with a limited commerce. Its equipments and the amount of its rolling stock are nothing like so great as are either those of the New York Central, the Erie, or the Pennsylvania Railroad. From these causes, as well as because of its greater length, and the greater amount of interruption from frosts and snows, and because it crosses the Saint Lawrence River twice, once on ferry-boats, a long ferriage, it cannot carry as large amounts of freight or carry that freight as cheaply at paying rates as either of the above-named three trunk roads on the south side of the lakes and of the Saint Lawrence.

By the New York Central and by the Erie and the Pennsylvania Railroads the distance between New York and Chicago is about nine hundred miles. The equipments of these roads are of the best; their rolling stock is abundant; they pass through densely populated States, of great wealth, and with very large local business; they avoid the crossing and recrossing of the Saint Lawrence River. These lines of road are nearly three hundred miles shorter from Chicago to New York than the Grand Trunk from Chicago to Portland. These three trunk roads south of the lakes, as well as the Baltimore and Ohio Road, have in many respects the decided advantage of the Grand Trunk Road in fair competition. Either of them is prepared to carry more freight, to carry it cheaper and more expeditiously, and to better markets than the Grand Trunk by way of Montreal. Yet, all at once, the railroad men who manage the trunk lines south of the lakes have become wonderfully alarmed at the dangers of the competition of the Canada railroads.

But it may be said the branch of the Grand Trunk Road coming from the Northwest to Buffalo furnishes a route but little longer between Chicago and New York than the trunk lines south of the lakes. But it is longer, and for more than two hundred miles it passes through a country with much less population, wealth, and commerce than that through which the competing lines south of the lakes pass. And this line, too, has its long ferriage at Port Huron, and has again to cross the Niagara at Buffalo, and it would be dependent on the New York Central and the Erie for its connections at Buffalo, and hence could not compete with them for the Chicago freights against their consent.

The Canada Southern Railroad is another of those Canadian roads whose competition is so much feared, as these gentlemen tell us, by the trunk lines south of the lakes. It is three hundred and ninety-two miles long; extending along the southern border of Canada, from the Detroit River to Buffalo, New York. Its president is Will-

iam H. Vanderbilt, of New York. Its vice-president and treasurer is Cornelius Vanderbilt, of New York. And yet we are left to understand from the speeches of Messrs. Fink, Blanchard, Depew, and the balance, that these Vanderbilts are dreadfully afraid of the competition of these Canada roads if the Reagan bill shall become a law. Why this insincere dealing with the committee?

Mr. Poor's Railroad Manual of 1880, always in the interest of the railroads, right or wrong, tells us that the Chicago and Canada Southern Railroad came under the control of the Lake Shore and Michigan Southern Railway Company November 1, 1879. The Lake Shore and Michigan Southern extends from Buffalo to Chicago along the southern shore of Lake Erie from Buffalo to Toledo, and from thence to Chicago, and is five hundred and forty miles long. Its president is William H. Vanderbilt, who is also the president of the Canada Southern. Its vice-presidents and all its officers are citizens of the United States. The Canada Southern is under their control. This same William H. Vanderbilt is the president of the New York Central and Hudson River Railroad, which connects with both the above-named railroads at Buffalo, New York. Yet Mr. Depew, who appeared before you as its attorney and told us he was a director in the last-named road, and Mr. Albert Fink, the great railroad expert, and an employé of that railroad, and Mr. Blanchard, of the Erie Railroad, told you of the terror with which they looked on the dangers of the competition of the Canada Southern Road, of which Mr. Vanderbilt is president, with the Lake Shore and Michigan Southern, of which he is also president. So we dispose of the bugaboo of the dangers of competition of the Canada railroads.

On these facts I submit to the members of the committee two questions, which each member can answer to himself at his leisure: First, do these gentlemen wish to be understood, as some of their arguments would seem to imply, and especially that of Mr. Depew, that these American officers and controllers of the Canada Southern Railroad, having also the control of its western connections with Chicago, and of its eastern connections with the eastern cities, and of the competing lines south of the lakes, are managing and controlling it in the interest of Canadian commerce and British capital; or are they managing and controlling it in the interest of their own roads and of American commerce and American capital? The second is, do these gentlemen, in the discussion of this point, mean that you shall know the real facts, or do they mean, presuming on your ignorance of them, to deceive you?

THE NEW YORK CENTRAL RAILROAD.

Much stress has been laid on the question of the exceptional condition of the New York Central Railroad by many of the gentlemen representing the railroad interests, because, as alleged, it is entirely within the State of New York, and can carry the through freight from the West, coming to it at Buffalo by the water transportation of the great lakes, free from the influence of this bill, while the other trunk roads, carrying western through freight, will be subject to the provisions of the bill, and will therefore be discriminated against by the bill in favor of the New York Central. The first inquiry which should legitimately arise in your minds on this statement of facts is, if this be so, why should Mr. Depew, Mr. Fink, and the others, representing the interests of that road, which it is assumed is to have these advantages over the other trunk roads, so vehemently denounce and oppose this bill? Is it common for men, and of all men for railroad men, to oppose and denounce, as the representatives of the Central road have this bill, a measure calculated to give them special and great advantages over their competitors? The asking of these questions, to all fair men and logical minds, is their answer in the negative.

The next answer to this position is, that the gentlemen taking it misunderstand and mistake the provisions, meaning, and effect of the bill. They assume that the object of the bill is to regulate railroads. I have repeatedly stated on former occasions, and during this discussion, that it is not the purpose of the bill to provide for the regulation of railroads; that Congress has no power to regulate the corporate rights and franchises of railroads in the States, to regulate railroads because they are railroads; that the power conferred on Congress by the Constitution is to regulate the commerce among the States. And this is the power which it is the purpose of this bill, as shown by its own provisions, to execute. That when commerce is consigned from a point in one State to a point in another State, or to a foreign country, it becomes *ipso facto*, by force of the Constitution, commerce among the States, between the States, interstate commerce, and the State power of regulation is lost, and the exclusive power of Congress to regulate begins, when a shipment is so made, as shown by the State freight tax case in 15 Wallace, in the case of the Erie Railway Company *vs.* Pennsylvania, 15 Wallace, and in that of the Hannibal and Saint Joseph Railroad Company *vs.* Husen, referred to in an earlier part of this argument. And these cases and others show that such commerce remains interstate commerce, and subject to Congressional regulation alone, from the point of shipment to its point of destination, whether it passes over one or many railroads, whether these roads be situated in one State only or pass through two or more States, or whether the commerce on its passage is conveyed wholly on railroad or partly by railroads and partly by water transportation. It being the commerce primarily which Congress regulates and has power to regulate, and not the means or vehicle in which it is conveyed, it does not matter by what means it is conveyed, the power of Congress to regulate it exists, and this is the power which it is intended by this bill to execute.

This being so, any commerce shipped from Duluth, from Chicago, from Detroit, from Toledo, or other point on the lakes, or in States outside of the boundaries of the State of New York by way of Buffalo, the northern terminus, to the city of New York, the southern terminus of the New York Central Railroad, is interstate commerce, and would come under the provisions of this bill, from its point of shipment to its point of destination, as fully and completely while passing over the New York Central from Buffalo to New York, as if sent wholly over railroads from one of these points to the other. The fact of its being carried by water from one of the points named to Buffalo does not oust the jurisdiction of Congress when it reaches the Central Railroad because that road is wholly within the State of New York.

This is a sufficient answer to the criticisms on this feature of the bill. But there are others. The Erie Railroad Company has its main connection with the water transportation of the lakes at Dunkirk, on Lake Erie, as shown by Poor's Manual, near to where the New York Central has its connection with the lake transportation at Buffalo, and gets its full share of this lake commerce. Indeed, it runs sixteen steamers and two sloops on the lakes in connection with its railroad. The Pennsylvania Railroad has its connection with the lake commerce at Erie, doing its full share of the carrying of lake commerce. And its line between Philadelphia, its eastern and tide-water terminus, and Erie on Lake Erie, is entirely within the State of Pennsylvania, and occupies exactly the position which the New York Central does on this question. All three of these roads have like advantages in carrying the lake commerce, the through business by way of the lakes. They exercise and enjoy equally these similar advantages. They are all subject to the same competition and laws of competition in connection with this great through business, whether it goes wholly by rail or partly by rail and partly by lake. Each of them has its connections, both by rail and by the great lakes, with Chicago and other competing points in the West. And this bill would subject them all alike to the regulating power of Congress. They compete with each other and with the Canada roads, and with the Baltimore and Ohio Road now. And if this bill shall become a law they will then compete with each other on equal terms, just as they do now, no more, no less. But they all make common cause against the passage of this bill, not because in fact it would give any one of them an advantage over any other, but because, for reasons of their own, hostile to the interests of the general public, they wish to retain and exercise their monopoly powers for their own aggrandizement, free from the regulating power of Congress, to be exercised for the benefit and protection of the people.

There is one subject that I think I left in a shape requiring explanation. The point was made, and correctly made, by Governor BROWN, that the cases which I had referred to as sustaining the principles of this bill did not decide that particular question. I have said that he made a correct statement on that point, because there was no law of this express kind for the court to pass upon; and when I say that those decisions sustain the principles of this bill I mean that if *the reasoning* which I have read, in the opinions from which I have quoted, is not sound law, then it was impossible for the court to have decided the precise cases in point as it did decide them, and it is because that reasoning made it necessary to make those decisions as they were made, that I insist that the decisions have developed fully the power of Congress in the matter.

I shall commence this morning by inviting the attention of the committee to what I have to say on the remedial provisions of the bill before us.

REMEDIAL PROVISIONS.

The remedies provided in this bill for the punishment of those who may violate its provisions have been denounced with great bitterness by the railroad advocates as unjust, excessive, and inquisitorial. And several of them have said it proposes to treat the railroads, their officers and agents, as common felons. They seem to forget that no law ever made a felon. It is the violation of law which subjects persons to prosecution for offenses, and a conviction which fixes the stain of guilt. And in their heat and zeal they seem to have overlooked the fact that the bill affixes no higher grade of offense to the violation of its provisions than a misdemeanor, and does not even provide for imprisonment for violation of its provisions; it only provides for the imposition of fines on conviction, and these by no means excessive, when we consider the power and wealth of these corporations, and their facilities of inflicting the gravest injuries on society and its members.

The bill makes the doing of anything prohibited, or the refusal to do anything commanded by it, unlawful. As said in my speech of June 1, 1880, it gives three separate remedies against those violating its provisions. First, a civil suit by the injured party, who upon recovery is entitled to triple damages, and in any case of recovery the judgment is to be for at least $500. This is so provided to discourage the large and powerful corporations in their efforts to defeat justice by wearing out poor litigants in court. Second, it provides for a *qui tam* action against offenders against its provisions, and in case of recovery the judgment is to be for not less than $1,000; one-half of this penalty, when collected, to go to the informer. But these provisions, rigorous as they appear, would not protect the pub-

lic and its interests if these companies could keep their books and the mouths of their officers and agents closed. To overcome this difficulty we provide in the bill that the courts trying civil cases arising under it shall have both legal and equitable powers; that they may compel parties in interest to testify, with the provision that such testimony shall not be used against them in criminal prosecutions; and that they shall have all the powers now provided by law to compel discovery and the production of books and papers. Without these provisions no such law can be successfully enforced against these corporations. Third, in addition to these remedies this bill also provides for criminal prosecutions against those offending its provisions; and in cases of conviction the penalty is to be not less than $1,000.

It will thus be seen that this bill provides plain, specific remedies for the evils under which the people and the commerce of the country suffer at the hands of these corporations, and that it provides clear and efficient means for the enforcement of its provisions in the courts of the country. All this is to be accomplished simply by an abridgment of their monopoly powers, and without any interference with their legitimate management, or embarrassment to them in doing anything which in conscience and right they ought to do. It does not require them to fix high or low rates for freight and charges, but only prevents unjust discriminations, and requires and compels them to be impartial and honest. It prohibits them from doing wrong and does not embarrass them in doing right. It touches no subject which requires the knowledge and skill of an expert, and only invokes common sense and common honesty for its full, fair enforcement, and for the protection of the people against the enormous wrongs now inflicted on them by these corporations.

The denunciations we have listened to of these provisions cannot but revive in our memories the old saying that

> No thief e'er felt the halter draw
> With good opinion of the law.

I would not in ordinary cases advocate the giving of moieties of penalties to informers, but in this case it seems to be necessary and proper. It was made to appear in the proceedings of the committee appointed by the Legislature of New York, known as the Hepburn Committee, that merchants and citizens were afraid to appear voluntarily and testify as to discrimination and other wrong-doings by the railroad companies, because, if they did so, they would incur the displeasure of the railroad officials and be made to suffer by it. And this is known to be a common belief throughout the country. It is also true that men dependent on the railroads for their transportation and success in business are afraid to bring suits against or to litigate with the railroad companies. To meet and to overcome this difficulty, and to compel the railroads to respect the law, this bill provides that the United States district attorneys shall institute proceedings, in the nature of civil suits, for the recovery of penalties for a violation of the provisions of this bill. As these officers cannot be expected to be generally personally cognizant of the infraction of its provisions, they must often act on the information of others; under the provisions of this bill they may prosecute such suits on their information, or when advised of the violation of the law by the affidavit of any reputable citizen. So it is apparent that improper and unnecessary prosecutions cannot be set on foot by loose statements or by irresponsible persons. And it cannot be presumed that United States district attorneys would allow themselves to be used for mere purposes of wantonness, malice, or to promote speculative suits. If the railroad companies avoid violating the law, they can be in no danger of prosecutions.

THE PLAN OF A COMMISSION.

Several of the railroad advocates have urged on us the plan of providing by law for a commission, to be charged with the duty of inquiring into railroad management, and of reporting to Congress information which will enable it to legislate on this subject, as they say, more intelligently than can now be done. Other citizens have advocated a commission for the purposes named above, in addition to advocating the passage of the bill before us, and to aid in the enforcement of its provisions, in addition to the collection of information for the use of Congress. And some of the members of Congress are in favor of each of these plans. My own view is that the bill before us, simply for the abridgement of the monopoly powers of these corporations; declaring what acts shall be unlawful, and providing for their punishment in the courts of the country; which opens our courts to hear the complaints and redress the wrongs of every citizen, is the wise, just, efficient, and true policy. But I might defer to the judgment of others and agree to a commission as an experiment, in addition to what is provided for in this bill, but not as a substitute for it. My fear as to a commission is that it would be more likely to represent the interests of the railroad companies than those of the general public. The railroad companies can always combine their influence, either directly, or, if thought more prudent, indirectly, to influence the making of the appointment of such commissioners, by whomsoever to be appointed. The body of the people can never act in concert on such a subject.

The railroad attorneys and advocates claim great credit for the action of the trunk lines in their recent selection of three distinguished citizens—Hon. Allen G. Thurman, Hon. E. B. Washburne, and Judge Cooly—to adjust differences between them, and perhaps between the eastern cities. If we could have a commission composed of these three men, distinguished as they are for their ability, their integrity, and their patriotism, and clothed with proper powers, or of such men as these, to aid in the enforcement of proper legislation, and to collect and furnish to Congress information as a basis for future legislation, I do not doubt that good would come from their appointment. But who believes the railroad companies would consent to the appointment of these men, or such as these, clothed with proper powers to represent and take care of the interests of the people as well as of the railroad companies?

These trunk railroad companies employed three or four other distinguished citizens and railroad experts—Mr. Adams, Mr. Wells, General Wright, and Mr. Fink—to settle and control questions of difference among themselves, and to keep them from warring on each other; but their difficulties and wars have gone on all the same as if they had not been selected and paid for this service. And it is safe to assume that whenever the supposed interest of any one or all of these companies shall come in conflict with the judgment and advice of this new commission they have appointed, their suggestions or authority will be no more regarded by them than were those of their predecessors. But, if these men were supported by a proper law of Congress, they might do real good both for the interests of the railroads and the people.

This, I may add, seems to be peculiarly an era of Congressional commissions. We had a commission to settle a controversy about a Presidential election, and the people were cheated. We had what is known as a silver commission, composed of good and able men, who went to Europe to learn whether an American Congress should authorize the coinage of silver. We have provided for a commission on the rights of women, and must await to see whether it can propose an improvement on the laws of God and the experience of the world, for six thousand years, and convert women into men. We have a commission on the traffic in alcoholic liquors, and must await to see to what extent it can promote temperance, and to what extent we can safely violate the Constitution of the United States. And we have before us a proposition for a commission to revise the tariff, and must await to see how long it can delay that revision, and whether it can make our tariff legislation more monstrous and unendurable than it is at present. And this is still followed by the proposition to create another commission to make inquiries and reports in relation to railroad transportation. Whether the object of proposing this last commission is to defeat needed legislation on the railroad problem, or to do something of real utility, must be determined in the future. Whatever may be thought of the value and importance of these several commissions and proposed commissions, it seems to me the people might, with much advantage to themselves, constitute themselves into a commission to retire a sufficient number of members of the two Houses of Congress, and send others here who can and will legislate on subjects instead of putting them into commission to obtain information.

CONCLUSION.

I have but little more to say. I am sure I need not apologize for the time I have occupied your attention when it is remembered that I am trying to answer weeks of argument before you, made by a number of the ablest lawyers and by a number of the ablest railroad experts in this country in behalf of the railroad companies.

The bill before us passed the House of Representatives by a majority of 35 during the Forty-fifth Congress. I do not doubt that this bill would have passed through the House of the Forty-sixth Congress by a much larger majority but for delay in reporting on the subject by a committee unfriendly to the measure. It has already been four months before the committee which now has it in charge—I hope soon to know whether to receive their favorable or unfavorable consideration. Undoubtedly the railroad influences are doing all they can to keep it from before the House, where the Representatives of all the people could consider and pass upon its merits. I beg you to make a report on this subject at as early a day as you can mature your judgments on it either one way or the other.

It should not be forgotten that the Legislatures of several of the States, including the great States of New York and Pennsylvania, have asked the action of Congress on this subject; that the National Board of Trade, and boards of trade and chambers of commerce in many parts of the country, the Grain Receivers' Association of Chicago, the Millers' Association of Cincinnati, and a day or two ago the Produce Exchange of New York, have asked the action of Congress on this subject. And that the same has been done by the National Grange, by a number of State and many local granges; and by petitions and memorials in unusually great numbers, from manufacturers, merchants, and citizens generally, from all parts of the Union. Indeed I think it safe to say that a greater number of petitions by far have come to Congress asking for action on this subject than on any other ever before it for action, and perhaps the larger part of them asking for the passage of the particular bill now before you.

In contrast with the extravagant and unreasonable declarations of the railroad attorneys and railroad experts that there is no danger in leaving these corporations free to do as they please with all questions of railroad transportation, and that it would endanger the interests of both the railroads and the people for us to legislate to control and restrain them, I give the following extracts, showing the

opinions of leading public men and newspapers, the representatives of the real opinions and of the real interests of the great body of the American people.

In a letter written by Hon. DAVID DAVIS, late a justice of the Supreme Court of the United States, and now a Senator from Illinois and President of the Senate, he says:

Great corporations and consolidated monopolies are fast seizing the avenues of power that lead to the control of the Government. It is an open secret that they rule States through procured legislatures and corrupted courts; that they are strong in Congress, and that they are unscrupulous in the use of means to conquer prejudice and acquire influence. This condition of things is truly alarming, for unless it be changed quickly and thoroughly free institutions are doomed to be subverted by an oligarchy resting upon a basis of money and of corporate power.

In a letter written by Hon. WILLIAM WINDOM, then and now a Senator in Congress, and recently Secretary of the Treasury of the United States, to the Anti-Monopoly League of New York, a little over a year ago, he said:

The channels of thought and the channels of commerce thus owned and controlled by one man or by a body of men, what is to restrain corporate power or to fix a limit to its exactions upon the people? What is then to hinder these men from depressing or inflating the value of all kinds of property to suit their caprice or avarice, and thereby gathering into their own coffers the wealth of the nation? What shall be said of the spirit of a free people who will submit without protest to be thus bound hand and foot?

Hon. Jeremiah S. Black, formerly a judge of the supreme court of Pennsylvania and Attorney-General of the United States, in a speech delivered before the Anti-Monopoly League of New York, a little over a year ago, said:

All public men must take their side on this question. There can be no neutrals. He that is not for us is against us. We must have legal protection against these abuses. This agitation once begun and the magnitude of the grievance being understood, it will force our rulers to give us a remedy against it. The monopolies will resist with all their arts and influences, but fifty million of people, in process of time, will learn the important fact that they are fifty million strong.

Governor Porter, of Indiana, in a message to the Legislature of that State, last January was a year, said:

In my judgment the Republic cannot live long in the atmosphere which now surrounds the ballot-box. Moneyed corporations, to secure favorable legislation for themselves, are taking an active part in elections by furnishing large sums of money to corrupt the voter and purchase special privileges from the Government. If money can control the decision at the ballot-box it will not be long until it can control its existence.

Daniel Webster, whose fame could not be increased by affixing a title to his name, said, long ago:

The freest Government cannot long endure where the tendency of the law is to create a rapid accumulation of property in the hands of the few, and to render the masses of the people poor and dependent.

The New York Times newspaper, discussing the question of the encroachments of corporate power, last May, said:

It is not only absorbing to itself the fruits of labor and the gains of trade and piling up wealth in the hands of a few, but it is controlling legislation and endeavoring to sway the decisions of courts in its own interest. We are now at a stage in the contest where the people may vindicate the authority and place these corporations under the regulation of the law.

The Brooklyn Eagle, in a recent editorial, said:

There is pretty general feeling that the continent of America was not discovered by Columbus, and civil liberty established by the fathers of the Republic, to the end that 50,000,000 of people might be made tributary to a band of railroad magnates, or that farmers, artisans, and merchants might by hard work and keen competition raise up a dozen Vanderbilts, with several hundred millions of dollars. Those who entertain this feeling have become persuaded that the time has arrived for the industrious masses of this country to protect themselves, if they ever intend to do so. It certainly will not be easier after the adversary has grown stronger. In this contest every delay is to the disadvantage of the people. Let the issue be deferred for a few years, and nothing but a revolution as violent as that of France will overthrow the oppression. Of all misleading delusions, there is none more mischievous than the notion that popular suffrage and popular power are synonymous. Given the means of bribing multitudes, of intimidating others, of wrecking opponents, coupled with actual possession of the Government, and adverse sentiment must be paralyzed. If the suffrage is to be our salvation it must be applied sharply while there are still odds on the side of unbought and unterrorized manhood.

The late President James A. Garfield, who voted for this bill in the Forty-fifth Congress, and whose death we have so recently been called to lament, in discussing the railroad problem and its effect on our Government and people, a few years ago, said:

The modern barons, more powerful than their military prototypes, own our greatest highways and levy tribute at will upon all our vast industries. And, as the old feudalism was finally controlled and subordinated only by the combined efforts of the kings and the people of the free cities and towns, so our modern feudalism can be subordinated to the public good only by the great body of the people, acting through their Government by wise and just laws.

I might multiply such evidences of opinion of impartial, disinterested, and patriotic men of all parts of the country; and I invite you to contrast them with the interested, selfish opinions of railroad lawyers and railroad managers and experts, paid for by the railroads out of money wrung from the hard earnings of people engaged in other vocations. Do you think such a question can be whistled down the wind by the vast throng of mercenaries who infest the halls and corridors and committee-rooms of Congress, for the purpose of influencing the action of members whenever this question comes up for consideration?

The wishes of the people on this subject may be baffled and delayed for a time on pretexts reasonable or unreasonable. But when we consider the magnitude of the interest involved; that the transportation of not less than three thousand million dollars' worth of commerce annually, in which 50,000,000 people are interested; that the larger part of this is interstate commerce; that in all the world's history so much of interest has not been left without the protection of law, and to the mercy of a class of persons interested in levying the largest exactions on it; and when we consider the principles involved and the probable, nay, the almost inevitable consequences to the property interests, the prosperity, the happiness, and ultimately the dangers to our liberties and form of government, I say to you, in all seriousness, action by Congress on this subject cannot much longer be delayed. So many interests are so constantly affected that all men must see a solution of this problem must come; and I do not think it can ever come through a more just or more conservative measure than the one now before you.

This measure was not conceived in hostility to the railroads. Their great value as a means of progress and prosperity are fully understood by all. No good citizen could wish to cripple or to harm them. No one would hail with more pleasure than myself their prosperity. My judgment is that the passage of the bill before us would benefit them, while it would benefit and protect the people.

Interstate Commerce.

SPEECH

OF

HON. FRANK E. BELTZHOOVER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 17, 1882,

On the bill to regulate interstate commerce.

Mr. BELTZHOOVER said:

Mr. SPEAKER: I have introduced a bill which is now pending before the Committee on Commerce, along with other bills on the same subject, intended to provide proper regulations by law for commerce by railroad among the several States. There is no subject in which the people of the nation are more vitally interested and on which I firmly believe they desire that Congress should take judicious but prompt and decisive action.

This proposed legislation is based upon the third clause of section 8 of article 1 of the Federal Constitution, which declares that—

Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

In the discussion of the subject I will consider—

First. The character, extent, and object of the power granted to Congress under the Constitution as ascertained by the decisions of the courts and the history of the subject.

Second. The nature of the vested rights claimed by railroads chartered by the several States and built by private capital, and to what extent those rights can be affected by the State Legislatures and by Congress.

Third. The manner in which the power of Congress should be exercised and how far the bills under consideration tend to establish expedient and justifiable regulations of interstate commerce.

Under the first proposition I maintain that—

1. The power of Congress extends to every species of commercial intercourse among the several States, but does not extend to commerce which is completely internal.

The leading case which construes this portion of the Constitution is that of Gibbon *vs.* Ogden, (9 Wheaton, 1,) wherein Chief-Justice Marshall, in delivering the opinion of the court, says:

The subject to be regulated is commerce; and our Constitution being, as was aptly said at the bar, one of enumeration and not of definition, to ascertain the extent of the power it becomes necessary to settle the meaning of the word.

The counsel of the appellee would limit it to traffic, to buying and selling, or the interchange of commodities, and do not admit that it comprehends navigation. This would restrict a general term, applicable to many objects, to one of its significations. Commerce undoubtedly is traffic; but it is something more—it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches, and is regulated by prescribing rules for carrying on that intercourse.

To what commerce does this power extend? The Constitution informs us, to commerce "with foreign nations and among the several States, and with the Indian tribes." It has, we believe, been universally admitted that these words comprehend every species of commercial intercourse between the United States and foreign nations. No sort of trade can be carried on between this country and any other to which this power does not extend. It has been truly said that commerce, as the word is used in the Constitution, is a unit, every part of which is indicated by the term. If this be the admitted meaning of the word in its application to foreign nations, it must carry the same meaning throughout the sentence, and remain a unit, unless there be some plain, intelligible cause which alters it. The object to which the power is next applied is to commerce "among the several States." The word "among" means intermingled with. A thing which is among others is intermingled with them. Commerce among the States cannot stop at the external boundary line of each State, but may be introduced into the interior.

It is not intended to say that these words comprehend that commerce which is completely internal, which is carried on between man and man in a State, or between different parts of the same State, and which does not extend to or affect other States. Such a power would be inconvenient, and certainly is not necessary. Comprehensive as the word "among" is, it may very properly be restricted to

that commerce which concerns more States than one. The phrase is not one which would probably have been selected to indicate the completely interior traffic of a State, because it is not an apt phrase for that purpose; and the enumeration of the particular classes of commerce to which the power was to be extended would not have been made had the intention been to extend the power to every description. The enumeration presupposes something not enumerated, and that something, if we regard the language or the subject of the sentence, must be the exclusively internal commerce of a State.

The genius and character of the whole Government seem to be that its action is to be applied to all the external concerns of the nation and to those internal concerns which affect the States generally, but not to those which are completely within a particular State which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government. The completely internal commerce of a State, then, may be considered as reserved for the State itself.

This principle is, if possible, still more clear when applied to commerce "among the several States." They either join each other, in which case they are separated by a mathematical line, or they are remote from each other, in which case other States lie between them. What is "commerce" among them, and how is it to be conducted? Can a trading expedition between two adjoining States commence and terminate outside of each? And if the trading intercourse between two States remote from each other, must it not commence in one, terminate in the other, and probably pass through a third? Commerce among the States must of necessity be commerce with the States.

Judge Redfield, in his able and exhaustive work on the law of railways, (pages 720–722,) says:

The natural import and construction of the terms of the Constitution would not seem to admit of much doubt, judging from the language merely. The meaning of the word "commerce" at the time the Constitution was adopted must have been definitely settled and well enough understood. The word, as well understood, is derived from the Latin *commercium*, and which is found almost in its original form in most of the languages of modern Europe. It means, in its most literal sense, intercourse and exchange both of persons and commodities. It is more nearly synonymous with traffic than with any other word in the language, probably. Its great natural divisions for ages have been foreign and inland. The regulation of all the former and that portion of the latter which extended beyond the limits of a single State was, as we have seen, by the organic law of our National Government secured to the nation, and the remainder was naturally left to the particular State where it exclusively existed.

It is obvious that the purpose of the provision was not to be confined to future commerce carried on in the same mode it then was, *i. e.*, by ship and boat navigation propelled exclusively by wind. If that had been so, the provision could not have been applied to that large portion of commerce now carried on by steam-power, which has already become very considerable, and is constantly increasing in a rapidly-advancing ratio.

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The fact that the entire subject of regulating all commerce among the different States, including all the means and appliances by which it was carried on, was committed to Congress, and that thereafter the States were to have no concurrent action in the regulation of the same, would seem to reduce the question of Congress having the power of regulating interstate railway traffic to the single inquiry whether it forms any portion of the commerce of the country which requires to be regulated at all. Those who assume to argue that Congress has no power to regulate the traffic upon these extended lines of railway, reaching from one end of the Union to the other, must, if they would meet the question fairly, either say the traffic on these extended lines of railway, amounting to many millions annually, probably ten times as much as the entire commerce of the country at the time of the adoption of the Constitution, is not commerce at all, or, if it be, is not subject to any regulation or control whatever. For it is certain the States have neither the power nor capacity to regulate to any purpose, or with any efficiency, this interstate railway traffic. It must, then, come under the control of Congress or be left to its own devices and impulses—an experiment never yet tried in any other country.

In the Passenger cases, in 1849, Judge McClean held that—

All commercial action within the limits of a State which does not extend to any other State or foreign country is exclusively under State regulation.

2. The power is exclusively vested in Congress, and no part of it remains to the States; and laws made in pursuance of this power are supreme, and State laws must yield to this supremacy.

Judge Cooley, in his work on Constitutional Limitations, (page 586,) after referring to Gibbons *vs.* Ogden, and other cases upon the subject, says:

It is not doubted that Congress has the power to go beyond the general regulations of commerce which it is accustomed to establish, and to descend to the most minute directions if it shall be deemed advisable; and that to whatever extent ground shall be covered by those directions, the exercise of State power is excluded. Congress may establish police regulations as well as the State, confining their operation to subjects over which it is given control by the Constitution.

Judge Story, in his work on the Constitution, section 1067, says:

The power to regulate commerce is general and unlimited in its terms.

The full power to regulate a particular subject implies the whole power, and leaves no residuum. A grant of the whole is incompatible with the existence of a right in another to any part of it. A grant of a power to regulate necessarily excludes the action of all others who would perform the same operation on the same thing.

3. The power is coextensive with the subject on which it acts, and cannot be stopped at the external boundaries of a State, but must enter its interior.

In what is known as the license cases, (5 Howard, 504–599,) Mr. Justice Catron, in speaking of the powers of Congress in this respect, says:

The power given to Congress is unrestricted and broad as the subjects to which it relates; it extends to all lawful commerce with foreign nations, and in the same terms to all lawful commerce among the States, and "among" means between two only, as well as among more than two. If it was otherwise, then an intermediate State might interdict and obstruct the transportation of imports over it to a third State, and thereby impair the general power.

In the case of Brown *vs.* Maryland, (12 Wheaton, 419–446,) Chief-Justice Marshall says:

What, then, is the extent of a power to regulate commerce with foreign nations and among the several States?

This question was considered in the case of Gibbons *vs.* Ogden, (9 Wheat. Rep.,) in which it was declared to be complete in itself, and to acknowledge no limitations other than are prescribed by the Constitution. The power is coextensive with the subject on which it acts, and cannot be stopped at the external boundary of a State, but must enter its interior.

4. The object of investing this power in the General Government was to insure uniformity against discriminating State legislation, and to prevent embarrassing restrictions by any State. The idea of securing equality and freedom in the transportation of articles of trade from one State to another was the prominent and controlling one in the minds of the framers of the Constitution when they committed the regulation of interstate commerce to Congress.

In the case of the Reading Railroad *vs.* Pennsylvania, (15 Wallace, 232,) Judge Strong says:

Beyond all question the transportation of freight, or of the subjects of commerce for the purpose of exchange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution when to Congress was committed the power to regulate commerce among the several States. A power to prevent embarrassing restrictions by any State was the thing desired.

In Railroad Company *vs.* Richmond, (19 Wallace, 589,) Judge Field says:

The power to regulate commerce among the several States was vested in Congress in order to secure equality and freedom in commercial intercourse against discriminating State legislation; it was never intended that the power should be exercised so as to interfere with private contracts not designed at the time they were made to create impediments to such intercourse.

In Welton *vs.* Missouri, (1 Otto, 275,) Judge Field says:

It will not be denied that that portion of commerce with foreign countries and between the States which consists in transportation and exchange of commodities is of national importance, and admits and requires uniformity of regulation. The very object of investing this power in the General Government was to insure this uniformity against discriminating State legislation.

The question is also discussed and decided by Mr. Justice Miller in the case of Gray *vs.* The Clinton Bridge Company. From that case we quote as follows:

The railroad now shares with the steamboat the monopoly of the carrying trade. The one has, with great benefit, been subject to the control of salutary Congressional legislation, because it is an instrument of commerce. Is there any reason why the other should not? However this question may be answered in regard to that commerce which is conducted wholly within the limits of a State, and is, therefore, neither foreign commerce nor commerce among the States, it seems to me that where these roads become parts of great highways of our Union, transporting a commerce which embraces many States, and destined, as some of these roads are, to become the channels through which the nations of Europe and Asia shall interchange their commodities, there can be no reason to doubt that to regulate them is to regulate commerce, both with foreign nations and among the States, and that to refuse to do this is a refusal to discharge one of the most important duties of the Federal Government. As already intimated, the shackles with which the different States fettered commerce in their selfish efforts to benefit themselves at the expense of their confederates was one of the main causes which led to the formation of our present Constitution. The wonderful growth of that commerce since it has been placed exclusively under the control of the Federal Government has justified the wisdom of our fathers.

It is also a part of the history of this portion of the Constitution that the weakness of the confederation arose from the embarrassing legislation passed by the several States against the commerce of each other, and to remedy this the convention which framed the Federal Constitution was called perhaps for more than any other reason. In the convention, when the clause in reference to commerce between the States was under consideration, it was moved to insert the words "sole and exclusive" before the word "power;" but the motion was defeated by a vote of six to five.

In 1866 Congress, in conformity to these views of the power delegated to it, passed a law compelling all railroads running through States to connect with all other railroads, so as to form continuous lines in the transportation of passengers, troops, Government supplies, mails, freight, and property on their way through one State to another.

WHAT LIMITATIONS ARE ON THE POWER?

II. The character and extent of the power having been determined, how far is it limited or restricted by the vested rights of railways chartered by the several States and built by private capital? The States themselves are prevented by the Federal Constitution from passing any "law impairing the obligation of contracts" and by the same Constitution Congress is prevented from depriving any person of his property "without due process of law," and from taking "private property for public use without just compensation." The States and the General Government are also subject to that great fundamental charter which Hallam calls "the keystone of English liberty," wherein it is declared that—

No freeman shall be taken or imprisoned, or be disseized of his freehold or liberties or free customs, or be outlawed or exiled or any other wise damaged, nor will we pass upon him nor send upon him but by lawful judgment of his peers or by the law of the land.

Judge Redfield, in his work on Railways, (volume 2, page 406,) says:

The British Parliament is omnipotent, but never exercises its power in violation of vested rights. In the United States the several State Legislatures are expressly prohibited from passing any law "impairing the obligation of contracts," which has been construed to contain a prohibition against taking away or impairing the exercise of any of the essential franchises of a corporation. This rule obtains practically in Great Britain. In this country the question in regard to what is to be considered an essential franchise of a corporation is one admitting of almost indefinite range of construction or discretion.

The same learned author, in the most exhaustive and elaborate opinion, delivered by him in Thorpe *vs.* R. & B. R. W., (27 Vermont, 140,) says:

It is admitted that the essential franchise of a corporation is recognized by the best authorities as private property and cannot be taken without compensation, even for private use. All the cases agree that the indispensable franchises of a corporation cannot be destroyed or essentially modified. This is the very point upon which the leading case of Dartmouth College *vs.* Woodward (4 Wheaton, 518) was decided, and which every well-considered case in this country maintains.

The highest courts of a large number of States hold that—

The charter of a private corporation is a contract between the government and the corporators, and the Legislature cannot repeal or impair or alter the rights and privileges conferred by the charter against the consent of the corporators and without its default. (6 Georgia, 130; 25 Illinois, 353; 15 B. Mon., 426; 14 Mississippi, 599; 27 *Idem*, 517; 11 New Hampshire, 19; 18 New Jersey, Equity, 178; 9 Wend., 351; 13 Iredell, L., 75; 6 Pennsylvania, 86; 13 Pennsylvania, 133; 11 Vermont, 632; 21 Illinois, 53; 26 Missouri, 441; 27 Vermont, 140. See also 1 Ohio St., 591-622; 24 Texas, 80.)

In Sheets *vs.* Ohio (5 Otto, 319) Judge Swayne says:

When an act of incorporation is repealed few questions of difficulty can arise. Equity takes charge of all the property and effects which survive the dissolution, and administers them as a trust fund primarily for the creditors. If anything is left it goes to the stockholders. (Curran *vs.* State, 15 Howard, 304.)

Mr. Justice Swayne, delivering the opinion of the court in Shields *vs.* Ohio, (5 Otto, 325,) said:

Beyond the sphere of the reserved powers, the vested rights of property of corporations in such cases are surrounded by the same sanctions and are as inviolable as in other cases.

And he cites decisions of eminent State courts in support of this principle.

In 1876, Mr. Chief-Justice Waite said, referring to the Granger cases:

We decided that the State may limit the amount of charges by railroad companies for fares and freights unless restrained by some contract in their charter.

In the Iowa case, relating to the Chicago, Burlington and Quincy Railroad, (4 Otto, 155,) Mr. Chief-Justice Waite expressly declared that railroads were subject to legislative control as to their rates of fare and freight, unless protected by their charter. But the practice of our States and the whole current of our judicial decisions establish the principle that it is for the Legislature to determine what is a public use, and that the consideration which the State receives for granting authority to take the land is to be found, and found only, in the public benefit which will flow from the use which the corporation proposes to make of it.

In a very recent case (Olcott *vs.* The Supervisors, 16 Wallace, 678) the Supreme Court of the United States say:

That railroads, though constructed by private corporations, and owned by them, are public highways, has been the doctrine of nearly all the courts ever since such conveniences for passage and transportation have had any existence. Very early the question arose whether a State's right of eminent domain could be exercised by a private corporation created for the purpose of constructing a railroad. Clearly it could not, unless taking land for such a purpose, by such an agency, is taking land for public use. The right of eminent domain nowhere justifies taking property for a private use. Yet it is a doctrine universally accepted that a State Legislature may authorize a private corporation to take land for the construction of such a road, making compensation to the owner. What else does this doctrine mean, if not that building a railroad, though it be built by a private corporation, is an act done for a public use? And the reason why the use has always been held a public one is that such road is a highway, whether made by the Government itself or by the agency of corporate bodies, or even by individuals when they obtain their power to construct it from legislative grant. It would be useless to cite the numerous decisions to this effect which have been made in the State courts. We may, however, refer to two or three, which exhibit fully not only the doctrine itself, but the reasons upon which it rests. Whether the use of a railroad is a public or a private one depends in no measure upon the question who constructed it or who owns it. It has never been considered a matter of any importance that the road was built by the agency of a private corporation. No matter who is the agent, the function performed is that of the State. Though the ownership is private, the use is public. So turnpikes, bridges, ferries, and canals, although made by individuals under public grants, or by companies, are regarded as *publici juris*. The right to exact tolls or charge freights is granted for a service to the public. The owners may be private companies, but they are compellable to permit the public to use their works in the manner in which such works can be used. That all persons may not put their own cars upon the road, and use their own motive power, has no bearing upon the question whether the road is a public highway. It bears only upon the mode of use, of which the Legislature is the exclusive judge.

The railroad can therefore be controlled by the State. Its use can be defined; its tolls and rates for transportation may be limited.

In many of the States the same unlimited power of the Legislature has been maintained as to the railroads holding charters from the States. Among these cases are Railroad Company *vs.* Chappel, 1 Rice, (S. C.,) 398; Railroad *vs.* Davis, 2 Devereaux and Battle, (N. C.,) 469, wherein the court say:

As to the corporation, it is a franchise like a ferry or any other; as to the public, it is a highway, and in the strictest sense *publici juris*.

See also Vedders *vs.* Fellows, 20 N. Y., 131; Sanford *vs.* Railroad Company, 34 Penna., 380; Railroad Company *vs.* Casey, 26 Penna., 307, wherein Judge Black says:

Railroads made by the authority of the Commonwealth upon lands taken under her right of eminent domain, and established by her laws as thoroughfares for the commerce that passes through her borders, are her highways. No corporation has any property in them, though corporations may have franchises annexed to and exercisable within them.

As against these may be cited the language of Judge Strong in the case of Reading Railroad *vs.* Pennsylvania, *supra*, which asserts:

That tolls and freights are a compensation for services rendered or facilities furnished to a passenger or transporter. A toll is a demand of proprietorship. The right to make terms for the use of the railway is in the grantee of the franchises and not in the grantor.

By common law a carrier is bound to carry for all persons who apply to him without unjust discrimination and for a reasonable compensation. It prohibits unreasonable charges and unjust discrimination. In Harris *vs.* Rockwood, 3 Taunton, it is ruled:

A carrier is bound by law to carry everything which is brought to him, for a reasonable sum.

Judge Redfield, in Am. Law Reg., 1864, says:

It is the duty of carriers to carry for all who apply, for reasonable compensation, and to make no unreasonable or unjust discrimination among those who desire to employ them.

I believe the following propositions are maintained by the preponderance of authority in the foregoing decisions:

1. That a charter is a contract within the meaning of the prohibitory clause of the Constitution of the United States, and the several States have no power to pass any law which destroys or impairs the essential franchise of a corporation, unless that power is reserved in the constitution of the State granting the charter or in the charter itself.

2. That where there is no limitation on the powers of the Legislature in the constitution of the State granting a charter against granting exclusive privileges, nor any power to alter or annul reserved in the charter itself, the essential franchises of such corporations, which are those necessary to their continued existence and complete operation, are private property which cannot be taken even for public use without just compensation, and of which the stockholders cannot be deprived without due process of law. The powers of the Legislature over such corporations are:

(*a.*) The power under the general police authority of all governments to regulate them in the mode of their transacting their general business, so far as it tends unreasonably to infringe the rights of others or interfere with the public good.

(*b.*) The power under the common law to compel them to conform to the purposes of their creation in subserving the public use and observing the public rights.

(*c.*) The power to take possession of their franchises and property under the right of eminent domain.

3. That where the constitution of a State prevents the granting of exclusive privileges, or the charter of a corporation contains a reservation to the Legislature of the right to alter or amend it upon any contingency or condition, the Legislature is the exclusive judge of the happening of that contingency or condition, and its action is final.

To these propositions may be added another, which has not been settled by the courts, but which is based on the relation between the State and Federal governments, namely: that the States at the time they came into the Union surrendered absolutely to Congress the right to regulate interstate commerce, and all State constitutions and laws and charters adopted since the formation of the Federal Government are subject to that power. There are no railroads in the United States which received exclusive or unlimited charters from the States prior to the adoption of the Federal Constitution, but all such charters have been granted since, and they therefore took their charters with full notice of this power of Congress and subject to whatever regulations conflicting with their chartered privileges which Congress might see proper to enact.

There is no ground, therefore, for the plausible argument of Judge Curtis—

That foreign capital has freely flowed into this country and been invested in our railroads to enormous amounts, because it was known and continues to be known everywhere that our States cannot, and that the United States will not, pass any law impairing the obligation of a contract, and that a charter of incorporation is a contract. Every American lawyer who has had occasion to advise foreign capitalists in respect to such investments knows that his first inquiry has always been directed to the charter, to see if the Legislature which granted it had reserved an authority to legislate on the terms on which the company shall do business with its customers; and he knows that unless he has found such a reservation he has uniformly declared that the power cannot be exercised by a subsequent law.

Foreign capitalists and domestic investors and all people dealing with railroads and all other common carriers of interstate commerce have had notice from the foundation of the Federal Government that all such common carriers, without any regard to their vested and chartered rights under the State, are subject to the plenary and exclusive control of Congress when they carry commerce among the several States. This is a power written in the fundamental law of the Government before any of the railroad charters were given, and fortified with the further declaration in that great charter of national existence that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution" this power to regulate commerce among the States.

HOW SHALL THIS POWER BE EXERCISED?

III. I will next consider the manner in which the power of Congress should be exercised and how far the bills under discussion tend to establish judicious and proper regulations of interstate commerce.

The whole history of railroads is embraced within less than half a century. Within the easy recollection of all the older people of this generation these great highways and carriers of the world's commerce have not only been born, but have grown with such rapidity and to such magnitude as to surpass all other works of human hands and human ingenuity. In so suddenly reaching this stupendous stature from such recent and comparatively insignificant beginnings lies the difficulties of the railroad problem and the complications and dangers which threaten the commercial interests of the nation while we are trying to solve it. The stripling which everybody was eager to encourage and foster by liberal and unlimited grants of public favor and funds and franchises has grown to be a formidable and powerful giant. The theories of those who granted the early railroad charters were crude,

and have proved to be utterly fallacious and unfounded. They believed that railroads were only highways in the old-fashioned sense of the word, and that every individual could run his own carriages on them as on the ordinary turnpike. They based all their legislation on this belief. They encouraged the multiplication of railroads, and granted charters for them without limit. All sections of the country vied with each other in courting the construction of lines over their territory. Instead of being looked upon with suspicion and jealousy and apprehension, they were believed to be the pioneers of civilization and wealth.

When the character of these new carriers began to be better understood and the indications of their power began to appear, the Legislatures undertook to imitate the policy which was adopted and continued in France and Germany of putting railroads under the ownership and control of the government. With this view provisions were inserted in many charters for railroads reserving the right of the State to take charge of the roads after a certain number of years, usually limited to fifteen years, and after the road had reached a certain annual dividend on its stock, usually 10 per cent. When this term of years expired and this dividend was realized it was intended by the Legislature that the State should take the road under its power of eminent domain, and guarantee to the stockholders a dividend of 10 per cent. Limitations were also put upon the rates for passenger traffic in all early charters, in the belief that the carriage of passengers would be the chief business of these roads. No limitations were reserved on the charges for freight.

These are some of the numerous provisions contained in the first charters of railroads which were utterly without effect and void. We have, therefore, a question for determination on our hands in which all the efforts that have hitherto been made in this country to reach a just decision have been misdirected. The precedents are all without any value as to what ought to be done. They stand only as beacons along a great public question to warn us what policy we must not pursue. There are also some considerations of fact which lie on the threshold of the subject which we should observe as we enter upon it. In less than fifty years we have built 85,000 miles of railroad at a cost of $5,000,000,000. These great arms of commerce reach out with their thousand hands to grasp the carrying trade of 50,000,000 of the greatest and thriftiest commercial and agricultural people on the globe. These five billions of money which form the capital stock of these railroads has thoroughly permeated the business of the nation, and is scattered in the hands of tens of thousands of people who had nothing to do with their original construction and equipment. Banks and trustees and widows and minors and aged people, who are reposing on the careful accumulations of years of early toil, are all dependent upon the security and stability of railroad interests. The whole commerce and industry of the country are dependent upon the wisdom and honesty of railway management and legislation.

No other interest is so large and so ramified in the avenues of its influence. The very magnitude of these railroad enterprises and the prodigious strides they are making toward power and wealth have excited the envy and jealousy of the masses and awakened the apprehension of the thinking people. They are rich and prosperous, and growing rapidly more formidable, but in their mighty march of progress they have carried the nation along in their wake; and its teeming millions of population, and its unparalleled prosperity and advancement among the people of the earth, are to a great extent the fruits of the marvelous power of railroads. This is an age of progress; and while it is the duty of legislators to control public highways and commercial carriers for the general good, it is a narrow and superannuated policy to measure the rights and obligations of these mighty public institutions which are born of the nineteenth century by the procrustean bed of a turnpike and towpath. It is natural that there should be errors of administration in such vast affairs, but there are very many indiscriminate and some unfounded complaints against railroads.

For instance, the hue and cry which is alleged to come up to Congress from the people demanding legislation in favor of interstate commerce, is almost wholly from those whose ground of complaint, if any exist, is against the improper or defective regulations of internal or local and State commerce. If every allegation is true in these petitions and letters and circulars addressed to members of Congress in the crusade made against railroads, they only go to show that there has been a discrimination against State and in favor of interstate commerce. Therefore that which has palpably favored interstate commerce and trade is made the basis for legislation to restrict and control that particular trade. Without regard, however, to the validity or consistency of all the complaints, there should be an honest and energetic effort on the part of the railroads and of legislators, State and national, to afford as prompt and complete relief as possible by legislation for whatever grievances may exist. But under no circumstances should the zeal to relieve State commerce be sufficient to justify an invasion of the jurisdiction to which the regulations of that trade is remitted by the Constitution, by appealing to the power which is given to control commerce among the States. It should never be forgotten too that in dealing with such a great and important question no radical action should be taken without mature and careful deliberation.

The true way of looking at this question is to consider the railroad as a producer as well as the farmer, or the manufacturer, or the miner, or any other class of freight-producing industry, and to remember that the managers of railways are governed by business principles in forming their tariffs, just as producers, and distributors, and merchants are in the management of their business. The railway is as much a machine in producing values as the plow, the gin, or any other mechanical contrivance that is employed. The rule which necessarily should govern the railroad companies in forming their tariffs is the price that will encourage to the greatest extent the production of the country, thereby offering the largest tonnage and the largest profit. The rates should be strictly affected by the capital cost of the railways, and not by the ability of the traffic to bear certain rates. The experience of managers of railroads in the last few years has taught them that low rates of freight operate beneficially in the increase of tonnage and in the decreased cost of transportation.

The English people have given the subject of railway management and control the largest and most persistent and thorough discussion and examination. In 1844 the tremendous development of railway power and influence attracted special attention in that country, and a commission was appointed, with Mr. Gladstone at its head, which took a very large amount of testimony and gathered statistics and facts on the subject from all sources, and during their investigations made three elaborate reports, giving their conclusions and suggestions. The last of these reports, which is the fullest and embraces the substance of the other two, declares:

1. That parliamentary concessions should be more carefully guarded.
2. That passenger rates and freight tolls are excessive.
3. That unlimited competition does more harm to the railroads than good to the people.
4. That monopolies, while they directly damage the public, indirectly damage the railroads.
5. That the government must be more stringent in exacting its rights.
6. That for new lines government should limit their income to a certain per cent. and guarantee that per cent.
7. That when the income reaches the prescribed limit the government should have the option to take the road.
8. That the limit of time at which the government option should begin be fifteen years, and the per cent. of income to be guaranteed be 10.

This report was followed by carefully-drawn acts regulating railroads, in 1846 and 1847, and by the Cardwell act in 1854. In 1872 another commission was appointed, which took thousands of pages of testimony, and reported, after great deliberation, that the only safety for the public against the exactions and impositions of railroads was in a board of railway commissioners. In consequence of this report the comprehensive act of 1873, called the "regulation of railways act," was passed, and a board of commissioners was appointed for five years. This board has been reappointed for five years more, and is working well, and seems to be the best and most efficient remedy for railway complaints.

The "regulation of railways act" of 1873 creates a court known as the "railway commissioners." This act empowers the commissoners to take cognizance of all infractions of the "railway and canal traffic act" of 1854; of the "regulation of railways act" of 1868, or of any acts amendatory thereof, or of any private bill under which the railway company operates its line. It gives the commissioners power to allow the railway company an opportunity to explain the conduct complained of, before actually entertaining the bill of complaint, if they see fit to do so. It gives them the power, when any differences arise between railway companies or railway and canal companies, or a canal and a railway company, to arbitrate such differences; and it transfers the general powers of the board of trade, under the third part of the "railway clauses act" of 1863, as to working arrangements between railway companies and amalgamations, to this commission. It amends and explains the enactments in relation to discriminations, and the forwarding and interchange of traffic between companies, and clothes the commissioners with special powers, under such explanatory legislation, to enforce the provisions of previous laws in that behalf. It gives the commissioners power to decide that any proposed through rate is due and reasonable, notwithstanding that a less amount may be allowed to any forwarding company on such through rate than the maximum rate such company is entitled to charge, and to allow a portion of such rate accordingly. It gives them jurisdiction to entertain complaints by municipal boards or public corporations, local and harbor boards, without any evidence of special damage to the complainants; but requires that there shall be a certificate of the board of trade attached to such a complaint that it is proper matter for the adjudication of the commissioners. This statute of 1873 requires that every railway and canal company shall keep at each station and wharf where it receives goods a book or books showing the rate, and also containing all special contracts made, and giving the rules governing rates for certain distances; and that such rates shall be open for public inspection, without the payment of any fee.

This statute also gives the commissioners power from time to time, on the application of any person interested, to make orders with respect to any kind of traffic, requiring the railway company or the canal company to distinguish in such book how much of the rate is for carriage, which includes locomotive power, and how much for expenses of the haul—in other words, to divide the haul from the term-

inals. It gives the commissioners power to hear and determine every question which may arise with respect of the terminal charges of any railway company, and where the charges have not been fixed by an act of Parliament to determine how much is a reasonable sum to be paid to any company for loading and unloading, covering, collection and delivery, and other services of a like nature. It forbids all railway companies and canal companies from making traffic arrangements of any kind with each other without the consent of this commission, and provides that all such traffic arrangements to and with each other shall be void unless the commission's consent has been obtained. It then provides that the machinery by which the consent shall be obtained is by a deposit of plan and intended agreement, &c., and their publication, and finally contains elaborate provisions as to the carrying of mail-matter.

The remainder of the act gives and clothes this commission with the necessary judicial powers to carry out the jurisdiction previously conferred. No appeal is allowed from the decision of this commission, unless the commissioners themselves certify that it is a proper case for the consideration of the supreme court of judicature.

The New York Chamber of Commerce in 1879, after a thorough and exhaustive examination of the subject, recommend—

1. The compelling of correct reports from the railroads.
2. The appointment of railway commissioners.
3. The passage of anti-discrimination bills by the Legislatures and Congress.
4. The regulation of the election of railroad directors.
5. The prevention of consolidations.
6. The most stringent laws regulating the increase of stock by railroads.

In support of the last recommendation the report states that $49,000,000 of the stock and $15,000,000 of the bonds of the Erie Railway, and $44,000,000 of the stock and $11,000,000 of the bonds of the New York Central Railway, do not represent any actual value in the construction and equipment of said railroads. If this be so these two roads are draining the commerce of the country to pay dividends on about one hundred and twenty million dollars of purely fictitious investments.

The same body, in a special report made in January, 1881, report:

That the public welfare urgently demands that commerce by railroad should be controlled and regulated; that such regulation should take the form of, first positive laws defining public rights; and second, a supervision by an executive power to see that these laws are carried into effect.

That with interstate commerce these laws and supervision should be provided by Congress, and for those railroads exclusively within the jurisdiction of a State similar action should be taken by the Legislature of that State.

The New York Board of Trade and Transportation, in their report of 1881, say:

That the investigation by the committee appointed by the Legislature of New York resulted in the verdict that the principal charges were "fully proven;" that the committee recommended a series of seven bills, designed to remedy evils found to exist. These were as follows:

1. Amending the general railroad act of 1850 with reference to increase of stock.
2. Amending section 2, chapter 917, relating to the consolidation of railroad companies in this State.
3. To regulate voting by stock and bondholders of railroad corporations, known as "the proxy bill."
4. To regulate the transportation of freight by railroad corporations, known as "the anti-discrimination bill."
5. To create a board of railroad commissioners, and to define their powers and duties.
6. To prescribe the form of annual report made by railroad companies.
7. To prevent the particular method of stock-watering by which the stock of the elevated roads in New York City was so largely inflated.

It was found that a majority of the Senate had been elected in the railroad interest, and no bill could pass without Mr. Vanderbilt's consent. As a concession to a strong public opinion, however, Nos. 1, 2, 3, and 6 were permitted to become laws. No. 3, however, was so emasculated as to greatly impair its usefulness. No. 4 passed the assembly, but was entirely transformed in the railroad interests by the senate, then passed and sent back to the assembly for concurrence, which was refused, because instead of prohibiting discrimination it tolerated and legalized it. Nos. 5 and 7 failed to pass either house.

It will be observed that all these reports on the subject recommend, and all the English legislation provides for, the appointment of railway commissioners. They have proved eminently useful in England, and in fourteen States in this country have been tried with substantial success. A recent report says:

The railroad commissioners of Georgia have triumphed over the corporations in the matter of a reduction of passenger rates. The commissioners insisted that a rate of three cents per mile was sufficient to yield fair profit, and under the law of the State creating the board directed the railroads not to charge more than that. The railway companies were very much averse to recognizing any outside power, but they have been compelled to succumb, and three cents per mile is now the legal and established tariff for passengers.

These reports and investigations also recommend stringent legislation on a number of points which are not covered by the bills pending before Congress and do not refer to the subject of drawbacks and other matters contained in those bills.

In applying the suggestions of the English committees and the legislation of England in reference to railroads to the railroads of this nation, the vast differences between the countries should always be kept in mind. In England all charters come from one supreme and unrestricted legislature. In this country charters are granted by the General Government and by forty subordinate State governments. The area of England is 121,000 square miles. That of the United States is 3,000,000 square miles. There are only 17,500 miles of railroad in England, while there are 86,000 miles in this country. England is an island with no foreign borders, but shut in all around by the sea. The United States covers the center of a great continent, with foreign powers to its north and south. These are only a few of the great facts which go to complicate and confuse a problem which, without these difficulties, has taxed to the utmost the wonderful versatility of the genius and statesmanship of the first commercial country in the world. While, therefore, it is very desirable in this matter to subserve the public interests in the very highest degree, it should always be done in view of the results of the experience of men and with justice to those who have helped to create these great throbbing arteries of commerce. "Justice itself is the great standing policy of civil society." The Government, it is conceded, can take absolute possession and control of the railroads, under its power of eminent domain, by paying for them. But when it wants to regulate and restrict, without compensation, the vast private property of thousands of its best citizens, contributed, it may be admitted, partly for public use, it should act without passion or prejudice, but governed and controlled by those general principles of justice which are crystallized in the popular mind and recognized among honest men as "the law of the land."

THE PROPOSED LEGISLATION.

The effort to regulate commerce among the States by railroad was first made by an elaborate and statesmanlike bill introduced into the Forty-third Congress by Judge McCrary, and ably advocated by him in a report and speech. This bill was reported from the Committee on Railways and Canals, and is the same bill which I introduced into the Forty-sixth Congress and have reintroduced into the present Congress and is now pending before the Committee on Commerce. The subject was next brought forward by a brief but intelligent and practical bill introduced into the Forty-fourth Congress by Mr. Hopkins, of Pennsylvania. This bill of Mr. Hopkins's was reintroduced into the Forty-fifth Congress, at its first session, with very slight and immaterial alterations, by Mr. REAGAN, of Texas. In the second session of the same Congress Mr. WATSON, of Pennsylvania, introduced a lengthy and very technical bill on the same subject. This same bill was abbreviated, but every material portion of it was retained and was introduced by Mr. REAGAN into the Forty-fifth Congress and reintroduced by him into the Forty-sixth and present Congresses, and is now known as the Reagan bill.

This bill of Mr. REAGAN, which is the most prominent measure which has been agitated and discussed, has some serious objections when considered in view of the most reliable information and practical examination and experience on the subject. The chief of these objectionable features are:

1. It encourages unlimited competition.
2. It prevents drawbacks.
3. It prevents pools.
4. It prevents competitive rates, and thereby fixes rates.

In no respect has the history of railroads so completely defied all the former theories of business action as in the matter of competition. This has been called the life of trade in every other occupation. The belief that competition would advantageously apply to railroads was the chief incentive in the early legislation on the subject for giving charters without limit in number and privileges. It was supposed that the more there were of these great public highways, and the more competition there was, the better it would be for the public. There is no doubt, however, as shown by all the facts in reference to railroad management, that this unlimited competition has injured the railroads largely, and damaged the stockholders and the people who patronize railroads.

The result of such wars as have devastated railroad property in the past has been to put many of these roads which could not stand the competition into the hands of receivers and impose upon the directors of others the necessity of absolutely suspending the payment of dividends. After this condition has been reached, the millions of money which innocent and enterprising people have invested in the building and equipment of these roads becomes utterly unremunerative, and the roads are run as if they had cost nothing. Even worse than this, in some instances the rolling-stock and track of the road are worn out without the return of enough to restore and renew them. It is a notorious fact that thousands of tons of freight are carried annually over certain great trunk lines at vastly less than the actual honest cost of transportation. When a railroad is thus cast out on the boundless sea of unremunerative competition and insolvency it becomes a freebooter among the solvent roads. In this way the principle of competition, which it was supposed would be the bulwark of the public against railroad imposition and extortion, becomes the destroyer of legitimate railroad enterprise and injures the people who use railroads. The interests of the people as well as of the railroads demand that they shall have a fair price for their work.

This is the first bill that has ever made an imperative inhibition against drawbacks, except the Watson bill, from which it is copied. This inhibition is not recommended by any bill or report or commission that has ever dealt with the subject. It is admitted to be wrong to discriminate against individuals in any instance and against places where the laws of competition do not compel it. But a drawback which is open to every shipper is not wrong. It is based upon the soundest business principles. Where two roads compete to one point there is no way by which they can maintain competitive rates, which are always on the very verge of cost and sometimes below it, without permitting drawbacks to those who ship to this competitive point. Drawbacks apply to places, and not to persons; to localities, and not to shippers. Two roads run between two points, the one is one hundred miles longer than the other; if it desires to compete with the other it must make its rates on the very extreme of the

actual cost of transportation to all those who ship to the competitive point. It cannot do this with the shippers along its line who do not have the advantage of another competing road. The shippers along its line have no right to anything but to have their goods carried at a fair and reasonable rate, which is enough to cover cost and afford an honest profit to the company. If the company choose to carry for others situated at points where there is competition at cost, or even less than cost, it is the business of the road and its stockholders only. Places that have no competing railroads have no right to complain of those which have. A city or a town that by reason of its natural situation or advantages, or by reason of its energy and thrift, succeeds in being a railroad center and has competing railroads, has a right to whatever advantages this gives them.

On the other hand, a city or town has no right to demand that a railroad which they have, and which has no competition, shall be put under contribution to equalize their misfortune or lack of enterprise with their more fortunate rivals who have competing roads. It would be just as honest and proper for a little inland town to complain of the cities by the sea, and demand that the great body of commerce which goes in and out from the great seaports should contribute to remedy their disadvantages. The railroads are entitled to a reasonable rate in all instances and from all parties, but they are not bound to exact this where their interests do not justify it, any more than merchants or business men in any other vocation of life. They can carry at any price below a reasonable one so long as they do not make any person else contribute to the loss. The history of commerce is full of instances where railroads have carried large quantities of goods at very diminished rates, and yet at a profit, to prevent them going by other routes of transportation.

A very striking instance of this is given by one of the gentlemen who argued the subject before the Committee on Commerce in the last Congress, wherein he showed that wool brought from Africa by ship was carried by a French railroad from the seaport to a northern town in that country at a very small rate, to prevent it going by water. The local shippers along the line of that French railroad complained of the discrimination, and yet the board of railroad commissioners justified it fully, on the ground that the railroad made thereby a small profit, which it would not otherwise have made, and the road and the people and local shippers reaped the benefit of it. It was also shown in the argument before the committee that the English railroads carry American meat from Liverpool to London at half rates, to prevent it from going by water. It was also shown before the committee that certain roads, by competing for large quantities of freight at rates which barely pay the cost, give employment to their hands and road, so as to afford more prompt and efficient freight facilities for the local shippers, and at less cost to them than these roads could furnish without this low-priced competitive freight. This point is susceptible of very elaborate illustration, but it is too plain to need further argument.

There is perhaps more doubt about the propriety of pools or combinations than about any other provision in this bill. Combination is the opposite of competition. Where combination is possible it is said competition is impossible. In this part of the subject lies the most difficult aspect of the railroad problem. In the solution of it, however, no plainer and more practical way can be suggested or devised than the appointment of a fixed commission of eminent and impartial men who shall have absolute power to say what are reasonable rates, what are uniform drawbacks, and upon what terms and when and how two railroads can pool or combine their capitals and business. The gigantic consolidation of the three great telegraph lines of the country did more to injure the honestly struggling transportation and other great commercial and business corporations in the public mind than all the other doubtful acts of these jealously-watched powers for many years. A fourth and formidable competing line which has recently sprung into life is about to go down into the maw of what is a palpable and monstrous and dangerous monopoly. If, however, unlimited and unrestricted competition is wrong, then there must be some means to prevent it. There are no means in the power of the companies themselves except by a pooling agreement among themselves. Mr. Fisk, who is certainly one of the most intelligent railroad men, says "pools are the only means to prevent discrimination and the evils which result from railroad wars and competitions. No one act has done more to relieve the whole railroad management and cheapen freights and legitimate the whole business than the great west-bound freight pool made April 5, 1877." The following is a copy of the agreement:

Memorandum of agreement this 5th day of April, A. D. 1877, between the New York Central and Hudson River Railroad Company, the Erie Railway Company, by H. J. Jewett, receiver, the Pennsylvania Railroad Company, and the Baltimore and Ohio Railroad Company, witnesseth:

To avoid all future misunderstanding in respect to the geographical advantages or disadvantages of the cities of Baltimore, Philadelphia, and New York, as affected by rail and ocean transportation, and with the view of effecting an equalization of the aggregate cost of rail and ocean transportation between all competitive points in the West, Northwest, and Southwest, and all domestic or foreign ports, reached through the above cities, it is agreed:

First. That in lieu of the percentage difference heretofore agreed upon, there shall be fixed differences upon the rates on all east-bound traffic from all competitive points beyond the western terminus of the trunk lines, whether on freight shipped for local consumption or shipped locally and afterward exported or shipped for direct export. These differences shall be as follows:

Three cents less per hundred to Baltimore and two less per hundred to Philadelphia than the agreed rates established from time to time to New York, and all such traffic shall be billed at the rate thus fixed and no export or other drawback shall be paid thereon; it being further agreed that the cost to the shipper of delivering grain at each port, from the terminus of each of the roads to the vessel in which it is exported, as well as the number of days' free storage allowed thereon, shall be the same.

Second. That the rates to Boston shall at no time be less than those to New York on domestic or foreign freights.

Third. Should rail and ocean steam through bills of lading be issued, neither of the parties hereto will accept as its proportion less than its current local rates to its seaboard termini; but no joint rail and ocean sail bills of lading shall be given or recognized by the parties hereto.

Fourth. That on all west-bound traffic passing over the roads of the parties hereto from competitive points at or east of their respective eastern termini to all competitive points west, northwest, or southwest of their western termini, the differences in rates from Baltimore and Philadelphia below New York shall on third class, fourth class, and special be the same as the differences fixed on east-bound business, and on first and second classes eight cents less per hundred from Baltimore and six cents less per hundred from Philadelphia than the agreed rates from New York, and that after existing contracts governing foreign business can be terminated neither of the parties hereto will accept as its proportion of the through ocean steam and rail rates less than the established local rates.

Fifth. All agreements inconsistent herewith are hereby annulled.

In witness whereof the parties hereto have affixed their signatures the day and year aforesaid, to this agreement, which is intended to be permanent, but if either party desires modification, three months' notice must be given of such desire, said modification to be made by mutual agreement.

NEW YORK CENTRAL AND HUDSON RIVER COMPANY,
By W. H. VANDERBILT, *Vice-President.*
THE ERIE RAILWAY COMPANY,
By H. J. JEWETT, *Receiver.*
THE PENNSYLVANIA RAILROAD COMPANY,
By THOMAS A. SCOTT, *President.*
THE BALTIMORE AND OHIO RAILROAD COMPANY,
By JOHN W. GARRETT, *President.*

There is nothing in this agreement if legitimately carried out which does not go to simplify and perfect the business of the great trunk lines which join in it. It was brought about by a series of destructive railroad wars between these four great companies, in which they suffered almost incalculable loss. They were certainly entitled to exercise the first law of nature, which is said to be self-preservation, by agreeing upon a cessation of hostilities and a fair and honorable treaty of peace. But notwithstanding this solemn and formal compact between the four great competing lines of the country, the last summer's experience gave us a railroad war more gigantic and bitter and destructive than any which had preceded it. This was the direct and immediate result of excessive and ruinous competition, which is more harmful to the railroads, as the English experience declares, than beneficial to the people. There can be no regularity of freights and no stability in the freighting business as long as railroad wars continue. At one time freights will be disastrously low and at another immoderately high. This cannot be consistent with the true interest of regular and legitimate traffic. No business dependent upon transportation can make any calculation as a basis of action for any time in the future with such a condition of things. Besides, it is not fair and honest to encourage a system of indiscriminate competition which compels railroads to carry for less than a fair price and forbid their resorting to the only remedy which can protect them. There must necessarily arise an abnormal condition of business from such a policy. Either competition should be prohibited or railroads should be permitted under proper restrictions of law to agree upon a just basis of rates.

It will be conceded, further, that railroads and all other public carriers should have fixed schedules of rates which are certain and uniform and open to all. It may also be further conceded, that all other things being settled, railroads should agree to make no change in their schedules of rates except upon certain fixed and determinate notice. But we must examine this provision in reference to the change of schedules in the light of the other provisions of the proposed legislation. If unlimited competition is to be encouraged and drawbacks and rebates and pools prohibited, then the hands of no railroad company should be tied for five days nor for one day while the hands of all the competing and antagonistic companies are loose. When a competing company changes its rates, all its competitors must change immediately or lose the competitive trade in the interval in which they so fail to change. In addition to this, railroads are called upon frequently to answer at once what is the lowest rate at which they will agree to carry a certain stipulated amount of freight for a certain fixed length of time. This request is made of railroad companies by large manufacturing establishments who, at certain periods of the year, enter into contracts for the delivery of their goods during certain periods and at certain points. There should be no inflexible barrier in the way of any company giving an answer in reference to freight at any time which shall be safe to itself and satisfactory to the transporter.

The provisions which Mr. REAGAN'S bill omits and which it or any bill which may be enacted ought to contain are the following:

1. It should provide for the appointment of a board of railroad and common-carrier commissioners, whose salaries and tenures of office should command the best talent and integrity of the nation, and to whom should be given the same or greater powers than are committed to the English railroad commissioners.

2. It should prevent absolutely, and under heavy penalties, all consolidations of railroad and other carrying companies, except under certain limitations and with the consent of the railroad commissioners.

3. It should prevent, by rigid and careful penal sections, all contracts of every kind by stockholders, directors, or employés of railroads, and other transportation companies, with the company of which

they are members, either directly as individuals or indirectly as members of another company. The greatest curse and marplot of honest railroad business to-day is the bleeding and exhausting of the companies by unrighteous contracts made with and between companies comprising parts of the same stockholders, directors, or employés. These contracts of parties with themselves, these "wheels within wheels," are the meanest and wickedest civilized methods of highway robbery practiced in this century.

4. It should compel correct reports to be made by all railroad and other carrying companies.

5. It should restrict by the most exacting provisions the increase or "watering" of the stock of railroad and other companies.

6. It should embrace clearly and broadly within its provisions all kinds of common carriers of insterstate commerce.

A measure based on these suggestions and containing these provisions would meet the demands of the people and be just to the railroads and their stockholders. It would utilize the results of the very large experience and extensive investigation of the English people on the subject who have arrived at a system which gives general satisfaction there as nearly as that can be attained in public business affairs. It would conform to the most intelligent propositions which have been presented as the result of very earnest and exhaustive investigations into the railroad problem in this country.

Tariff and Tax Commission.

SPEECH

OF

HON. CHARLES N. BRUMM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 13, 1882.

The House, in Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws—

Mr. BRUMM said:

Mr. CHAIRMAN: As to the necessity of the passage of this bill in its present shape, or rather the necessity of creating this commission, I shall say perhaps but one word. The appointment of a commission to revise our tariff laws seems to me to be necessary more because it brings the commission in direct contact and communication with those interested in the several industries of our country, and enables them by personal observation right on the spot in the various sections of the land to probe to the bottom all disputed questions, and thus by thorough investigation be enabled to give us such facts and statistics as will greatly assist us in coming to a proper solution of this vexed question; besides that, you have a small committee traveling from point to point, instead of having representatives of all our vast industries coming here to furnish imperfect information, based on *ex parte* statements exclusively. Therefore the appointment of this commission seems more like the natural thing of the dog wagging the tail, rather than the tail wagging the dog. [Laughter.]

It will be more economical, will expedite the revision of the tariff law, make it more just and equitable to all industries and all sections of our country, and we can act more intelligently after the work of this commission is done than we could with the imperfect data obtainable in the old way.

But why do we require a tariff for protection against foreign competition? I contend that we require it in this country because we are laboring principally under two great disadvantages, the most important of which, I believe, is dear money or high interest, with the fluctuations caused by the absorption and control of the medium of exchange by private corporations, by, and through which jobbers and speculators are permitted to gamble on the sweat and blood of our people. The second cause is high wages as compared with other countries. These matters I will take up in their proper order.

You say we must levy tariff for revenue only. Well, so far as I know, there is no surplus revenue being collected, and since this tax must be paid, why deprive your friends and neighbors of the benefits derived therefrom and give them to strangers who are abroad; especially as there is no prohibitory tariff? For I contend that so long as the tariff is below the high-water mark of prohibition it is the greatest leveler and slasher of prices known to political economy. Competition is always the life of trade, and therefore prices will be reduced just in proportion as home competition will be able to wrestle with foreign competition and thus force the prices down to the lowest possible notch. Destroy home competition and you remove the only check on foreign monopoly, and thus the farmer and all others will be left to the tender mercies of European avarice, not only for what he buys, but also for that which he has to sell. For, mark you, if we are not furnished employment in our factories we must seek employment on the soil. Either we will be manufacturers and commercial men, carriers, &c., or we will be farmers. That is, we turn our attention to raising cotton, if you please, cereals, meat, &c., instead of consuming them. Then how long would it be before these farm products would become a drug in the market? Close your workshops and other avenues of industry and you open up the field. You not only destroy the farmer's best customer, but you make a producer of your own commodities of him, and force him to become your rival in the sale of your products, and thus like a two-edged sword it cuts the farmer both ways.

Mr. Chairman, I speak from experience. I know what the result was in my own county in the coal region during the crisis of 1873. There was scarcely a hillside, rocky, rugged, barren, and desolate, that was in reach of our poor that was not tilled by the idle miners and laborers who were thrown out of employment. There was not a bog, scarcely a wood, that they did not attempt to clear, and turn their attention to raising those products necessary to keep body and soul together. So it is in every branch of industry. Just as you drive out one class or one branch of industry, you compel those engaged in that particular branch to turn their attention to another, and that in this country will necessarily, as a rule, be to tilling the soil, of which God in His goodness has given us so bountiful a supply.

The gentleman from Georgia, I believe, yesterday wanted to know where the cotton raiser was to be compensated. The cotton raiser is being compensated to-day, directly and indirectly, by every man, woman, and child that is working in the factories, farms, &c., and wearing and consuming cotton goods.

The cotton raiser of the South stands to-day as no other industrial class in the world stands. You have the cotton of the South, a fiber and product that cannot be competed with anywhere else in the world. No matter what your wages are, no matter what the price of money is, the "sea island cotton" of America has no competitor on earth, and yet you are always in want. Let the cotton raiser force the manufacturer to close his factory and you make the manufacturer a producer, and the laborer employed in his factory must seek some other branch of industry, and among others will go down South and become a cotton raiser himself, in spite of your proscription. You have room for all of us there. Your country is hardly touched yet. You have no development, comparatively speaking, with your resources, and as your cotton industries pay well you will find men going down there to enter into that business with you and divide your profits. And yet with factories protected, good wages, and proper treatment they would soon come among you, teach you cotton farmers how to take care of yourselves and be compensated and become the richest and happiest people in the world.

But gentlemen say that protection discriminates unjustly in favor of privileged classes; that it makes the masses pay tribute through the Government to monopolies; in short that it is class legislation. Now, sir, I deny the whole proposition. We do not discriminate in favor of anybody or any section of our country. We protect no one in the monopoly of any business, privilege, or locality. Sir, we protect the industry only, and not those engaged in it specially. For example: we foster by protective tariff the wool-growing industry; that does not mean that those who are now engaged in wool raising shall have the exclusive benefit of it, nor that it shall be confined to any locality; but it means that any one in any part of the country who wishes to raise sheep shall be encouraged in his laudable purpose by protection (to a certain extent) against foreign competition. It is true if we were to put a tariff on wool and then limit the raising of wool to certain persons or localities it would be unjust, as this would be creating monopolies, and would be taxing the many in the interest of the few; but if we offer general protection to the wool-raising industry and then open the door to all who wish to raise sheep in any part of the land we are doing good to the whole country and all its people, and turning the ordinary burden of taxation into a real blessing.

But, Mr. Chairman, I might say that 90 per cent. of the trade of all countries is domestic, and yet the free-trader would have such a system that would enable him to sell his products at high prices and buy the other products at low prices. Sir, you are attempting to introduce the fallacies and heresies of England in this country. Let me read here a short extract taken from an editorial in the Chicago Inter Ocean of a recent date on the English fallacies. It says:

The theory of free trade is that although thirty-nine parts in forty of the trade of every country consists of the internal trade of its people with each other, yet that each person so trading with his neighbor, whether he be selling or buying land, labor, produce, services, or goods, is entitled, as a clear matter of economic right, to demand that his own country shall be the dearest country in the world in which to sell, and at the same time the cheapest country in the world in which to buy, notwithstanding the fact that the sales and the purchases are one and the same fact, which is exactly equivalent to demanding that our yard-sticks shall measure more cloth to the purchaser and less to the seller than those of any other country, and that our pound weight shall indicate four ounces more to the purchaser and four ounces less to the seller than that of France or Germany. This free-trade hallucination that the whole population of a country can by any hocus-pocus be awarded both a dearer market in which to sell their services, land, labor, skill, and goods than is to be found elsewhere, and at the same time a cheaper market in which to buy the services, Land, labor, skill, and goods which they need to purchase, is worthy of the venerable old lady who wondered why the Bible Society could not furnish a small pocket-Bible printed in as coarse print as her quarto Bible. One would think that if a solitary English economist had ever strayed into the "old clothes" quarter of London and heard the venders of second-hand garments recommend a pair of pantaloons as "large enough for the tallest man and short enough for the smallest boy," he would have seen in it such an exact parallel to the pro-

posal to supply the whole people of a country with "the dearest market to sell in and the cheapest to buy in" that he would have mistaken himself for the keeper of an "old clo' shop" and gone out of a business in which sophistries were obscurely stated into one in which they could be used for selling goods.

Why, sir, you build a factory within your own limits, and you employ a hundred men in it, and it will furnish employment and subsistence for a thousand people at least. Thus you can build up your waste places, and save the cost of transportation and handling the raw material and manufactured article, and you will save more in many cases than the first cost of the article.

The gentleman from Kentucky [Mr. CARLISLE] made what at the time I thought about the ablest free-trade speech I ever listened to, and perhaps I have never read a more able one. But a closer examination of it will show that although plausible at first blush, yet upon investigation we find it full of sophistry, error, and nonsense, and so it always is when men rely upon statistics alone, and especially when these statistics are unfairly or not properly handled. When you rely upon statistics you must not only take two or more factors because they happen to be consistent but you must take every factor that comes within the proposition, and every one of them must be consistent before you can establish any result upon statistics alone. In other words, not only must the factors named be consistent with the results claimed but no other factors relating in any way to the proposition must be inconsistent therewith, or else your statistics are absolutely worthless.

I must give the gentleman credit for one acknowledgment at least, for in that he was more frank and candid than most free-traders. He acknowledged that protection does protect; and to prove that he is correct in that, in this connection I desire to read a short letter sent to me by one of my constituents. It is as follows:

THE GREENWOOD ROLLING MILL COMPANY,
Tamaqua, Pa., February 17, 1882.

DEAR SIR: We desire to call your attention to the bill now pending before Congress, known as the McKinley bill, in reference to the revision of the tariff laws, and ask you to give it your support. We were engaged in the manufacture of cotton-ties, and, under the decision of the Secretary of the Treasury in substituting ad valorem rates for specific rates, were compelled to close the mill, and remained idle fourteen months. When we resumed again, were obliged to drop cotton-ties and take up the manufacturing of merchant bar iron.

We believe the bill in question has been reported favorably to the House of Representatives by the Committee on Ways and Means.

Respectfully, yours, JOHN RALSTON,
Superintendent.

Hon. CHARLES N. BRUMM, M. C.,
Washington, D. C.

There you have the positive testimony of a reliable firm that was compelled by reason of a decision of our Secretary, on the mere construction of our revenue laws, to close this mill and throw out of employment a large number of workmen, and finally to compel it to abandon the manufacture of ties altogether, and by destroying one of the competitors in the manufacture of cotton-ties enable the foreign monopolists to keep up the price. And yet other gentlemen will tell us that protection will not protect nor compensate the cotton grower.

The gentleman also said that consumption of domestic farm products was not increased by a protective tariff, and for that purpose cited the statistics and showed that our relative consumption of these farm products had not increased according to—what? Why, according to the general production of these articles! forgetting the other factor in the statistics, namely, what was the relative increase of population; thus showing the fallacy of your statistics when you take but one portion of them and leave the other portion out. It is like the boy's reasoning: "A dog is an animal; so is a horse. A dog has a tail; so has a horse; *ergo*, a dog is a horse;", forgetting the inconsistent factor, namely, the distinction between the canine and the equine species. And this is the manner of free-trade reasoning.

But the gentleman from Kentucky [Mr. CARLISLE] stands with us in another matter. He has practically contradicted the theory that we must buy where we sell. I agree with him; we must not buy where we sell. Take a Cincinnati lady to a silk-store. Will she inquire before making her purchase whether the foreign silk manufacturer buys his lard and hams in Ohio? Or will it be contended that the American silk-dealer in making his purchases makes any inquiry except as to the quality, kind, cost, and manner of payment? Neither does the hungry Englishman ask his baker or butcher whether the American farmer drinks English ale. No, sir; the whole matter is, simply, will it pay? It is not a matter of charity or social or commercial intercourse. It is wholly a matter of business, rigid, cold-blooded business at that, having no other object in view than the almighty dollar.

The gentleman from Kentucky seemed to think that because the farmers of this country can compete with the worst paid labor of Europe and other countries without protection, therefore the manufacturer also could compete. Does the gentleman forget the fact that the farms of Europe are but specks; that they are cut up into small patches inhabited by large families; that these families **do** the work themselves and consume the greater portion of what they raise, and that they have but little to throw as a surplus on the market, and therefore cannot afford to pay high wages? Does he forget that on small farms you cannot introduce machinery and yet that by the aid of machinery on our farms one man can raise as large a product to-day as he could with maybe a hundred men a few years ago? Does he forget that we have the advantages here of unlimited soil and territory; that our machinery starts at one end of a farm, miles in length, and does the work there that the European pauper labor or the Asiatic or African slave labor does by hand, some even with the old-fashioned sickle?

The farmer understands this proposition well enough. He can compete with the pauper labor of Europe, he is content and he is not clamoring now, nor is he thanking the Democracy for presuming upon his ignorance by attempting to gull him with any of this free-trade nonsense.

But the gentleman from Kentucky says again, and he has statistics for this, "Wages were less in 1870 than in 1860." Well I will only say, in the first place, that God grant we may have some more of those lower wages in my section of the country at least. Then we were in prosperity. There was no poverty, no squalor, no hunger in 1870. Yet the gentleman says statistics show the average wages were lower. But those statistics were based upon gold values. Why, sir, will the gentleman contend that the fluctuations and the prices of gold are a fair criterion to measure the wages at any one specific time? Will he contend that on Black Friday, when gold fell almost in the twinkling of an eye some 30 and odd per cent., wages fell with gold just at that time; or that when gold shot up like a rocket that wages also shot up as gold did at that time? If the gentleman is fair, why does he not take the statistics from the beginning of one decade to the end of that decade, and not at a specific point or a specific time?

Again, by war, terrible war, that drained the North and drained the South of their laboring men, women, and children, aided by sewing-machines and other inventions, were driven into the labor market as a matter of necessity; and in making up the wages of 1870, as compared with 1850 and 1860, you had the wages of the women and children that your damnable rebellion forced into the workshops to work instead of the men who were fighting the battles.

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

Mr. BRUMM. Certainly.

Mr. CARLISLE. Does the gentleman from Pennsylvania not think that the effect of the war by withdrawing laborers from the industries of the country increased wages in this country?

Mr. BRUMM. Not by withdrawing labor alone, but by creating such a demand for the industrial products. Labor, of course, being scarce by that withdrawal, wages necessarily advanced; and that is our position to-day. We say that wages advanced for men, and this answers the proposition that that scarcity of labor forced women and children into the field, into the workshops, and everywhere else that labor was wanted, and women and children are never paid as good wages as men are paid, and therefore it affected the general average.

But, again, another element came into competition. Four millions of slaves had been made freemen; Chinamen had begun to immigrate—no; not immigrate, that is a wrong term—Chinamen had begun to be imported, servile Chinese labor; and this free labor that is to-day held in practical slavery in the South, helped by the servile Chinese labor to force the mechanic and miner into other occupations. Therefore, these elements should enter into your calculations when you seek to produce general results by statistics alone.

But the prime fact after all is that supply and demand regulate the matter. If there is a demand for two days' work, with a supply of but one laborer to fill it, then capital must bid against itself for that one man's labor. But if there is a demand for one day's work only, with a supply of two men to fill it, then the labor of both those men must go begging of capital.

In the first case labor is sold to the highest bidder; in the other case capital is struck down to the laborer who is the lowest bidder. In the one case capital must do justice to labor; in the other, labor lies prostrate and helpless, forced to divide between two what would otherwise be the proportion of one.

Labor—the cheap labor of Europe, the servile labor of Asia, the barbarous labor of Africa—is to-day competing with the free labor of America. England is a country fully developed; we are but starting out in the race of life. England robs the labor of Ireland, robs the labor and material of India, and justifies it on the hell-born doctrine of Malthus, Ricardo, Mills, Price, and other English political economists.

Let me illustrate some of the disadvantages that honest business men and laborers are under, by an old anecdote: there was a wholesale brush dealer came to a retail dealer and offered his brushes for sale. The retail dealer wanted to know the price. He replied that they were worth $12 a dozen. "Why," says the retail dealer, "they are the cheapest brushes I ever saw; I will take all you have got." Just then another brush dealer came in and said: "Hold on; I have brushes I can sell you for $10 a dozen, just as good as these are." The first dealer looked up in astonishment, and wondered how the second dealer could sell his brushes so cheap. Of course the second dealer made the sale. After the sale was made, the two brush dealers went out together, and the first one said to the other, "How is it, neighbor, that you can sell your brushes cheaper than I can, for the fact is I steal the hair and have men rob the wood out of which I make them?" "Oh," said the second dealer, "I steal the brushes ready made, and that is the way I can beat you." So, you see, the greater the thief the greater the advantage he has over honest producers.

And so it is with cheap labor. Whenever you steal the hair and rob the wood of which you make your brushes you beat the honest brush-maker, or whenever you steal the proper wages from labor in England, Ireland, India, or any other country, you have undue advantage over any people that endeavor to pay fair wages. Therefore we demand protection for our people against such robber nations.

I said that the free-trade theory was based upon the English hell-born doctrine af Malthus. What is that? It is that the fittest only can survive; that war, pestilence, famine, or some scourge must come periodically in order to wipe out the surplus laboring population. That is the theory upon which Democratic free trade in this country is based. That is the foundation upon which England bases her free trade theory.

Remember, Mr. Chairman, America has no Ireland to pauperize. This Government has not a hundred million servile inhabitants, as England has in India, from which to draw the sweat and blood of its laboring people. This Republic has no colonial possessions to rob, no subjects to enslave; we have sovereign citizens only. Whenever you degrade American labor, you degrade American citizenship. Whenever you pauperize the labor of this country, you pauperize the state itself. Whenever you pull down that high standard on which we would base American labor you destroy the very foundations of our free institutions, disgrace American labor, and we contaminate the source of all our greatness. We impoverish and debase ourselves. Therein England has the commercial advantage over us, and yet the free-trader says: "Oh, we must do just as England does, and not expect that our workmen can be so much better off than their fellow-workmen in other lands."

Again, capital by means of machinery and inventions is becoming a more important and potential factor in our productive industries day by day, as in most cases one man can do the work of more than a hundred required a few years ago. This is done by the aid of steam and electricity, which have been substituted for muscle. Therefore the ratio of capital invested to the amount of production is constantly growing greater. I want you free-traders to bear this in mind. I will repeat it. The ratio of capital invested to the amount of production is constantly growing greater, while that of labor grows relatively less. Hence the price or value of capital—that is, interest—is daily becoming a greater corresponding element of our commercial weakness. Our capitalists are so handicapped by dear money or high interest that it requires special protection against the lower rate of interest in Europe.

Here, again, the gentleman from Kentucky thinks he has answered that whole proposition when in his speech he says that the difference in the rates of interest, as he has it from Hatch & Co., amounts to only about 2 per cent. and a little over. I do not mean to say that the gentleman is unfair, for I do not believe him capable of anything unfair. But he certainly handles these statistics rather carelessly.

Now, mark you, he says that in getting the value of money in England and the foreign countries he takes "the commercial rates of interest at the banks and in the open market." Now, if by open market he means permanent loans, then his proposition might be correct so far as it goes. But I take it he does not mean that, especially from the fact that he gets his figures from Hatch & Co. But when he speaks of the rate of interest in America, what does he do? He says that he finds the average rate on *call* loans to be so and so; and he includes call loans in the regular banking rates and the rates of commercial paper in the open market. He then puts the two together and says that that is our rate, when in fact it is far below our rates for permanent loans.

But that is not all; he does not stop at that. He says that the difference is only 2 per cent. and a little over, but that he will be generous and call it 3 per cent.

Mr. Chairman, the average difference of rates of interest to the capitalist who wants a permanent loan between this country and the foreign civilized world is no less than 4 per cent. Rates here are no lower on permanent loans anywhere than 6 per cent., and in many places the rate is as high as 12 per cent.; while abroad a permanent loan on good security is granted at a much less rate than on ordinary commercial paper.

The gentleman from Kentucky says: let us impose an ad valorem rate sufficient to cover the difference in the rate of interest, *i. e.*, 3 per cent., and that will cure it all. Oh, no, my friend; that is only a drop in the bucket! The question is not simply the rate of interest on the price of the article itself, but it is the interest on the entire investment in the manufacture. It is this absorbing rate which goes on compounding year by year.

But let me illustrate how damaging this difference of interest is in other respects. In my county the principal rolling-mill is owned by Mr. Charles M. Atkins. Mr. Gowen, the president of the principal railroad running through that part of the country, wants, we will suppose, some rails. He goes to Mr. Atkins, and says: "I want a thousand tons of rails; what will you furnish them at?" Mr. Atkins replies, "I can sell you rails at Philadelphia for $40 a ton." But Mr. Gowen before he agrees to buy finds out from Mr. Brown, in England, at what price he will deliver rails in Philadelphia. The English manufacturer says, "I can deliver rails also at $40 a ton." The prices are even. Mr. Gowen knows that the American rail is better than the English rail; experience has taught that it will wear longer; it is a better rail. Hence, Mr. Gowen would naturally buy of the home manufacturer, Mr. Atkins; but before doing so he says: "Mr. Atkins, how do you want to be paid for your rails?" "Well, Mr Gowen, I must be paid cash, or, I might give you the rails at thirty, sixty, or ninety days on good security." Then Mr. Gowen asks the English manufacturer, "Mr. Brown, how do you want to be paid for your rails?" He replies, "Mr. Gowen, I do not want to be paid at all." "Do not want to be paid at all, eh! And you will deliver me a thousand tons of rails without pay?" "Yes; I simply want you to give me a first mortgage on your railroad; or, if your stock is par and pays a dividend of, say 7 or 8 per cent., I will take stock instead of money for these rails." Mr. Gowen then says, "Of course, Mr. Brown, I will buy my rails from you." Mr. Atkins loses the sale.

Now, mark you, Brown goes into the English money market and borrows his capital at 2 or 3 per cent.; he hypothecates the American securities with his own indorsement, draws no less than 7 per cent. interest every year on that mortgage or that stock. He pays to the Englishman from whom he borrows money only 3 per cent. Thus the English iron manufacturer puts 4 per cent. in his pocket every year. Yet the American debtor owes as much at the end of the year as at the beginning. This is the way, Mr. Chairman, that the accursed blight of interest helps to damage the American manufacturer.

Let me give you, by way of illustration, another incident. It has been stated that the late A. T. Stewart could go to France and buy silks more cheaply on credit than he could for cash. Do you ask me why? Because the French dealer knew that if Mr. Stewart would not pay the cash, he would pay the rates of interest prevailing in this country, which would be nowhere less than 6 per cent. In France money is worth only 2 or 3 per cent., therefore he would sell his silks to A. T. Stewart for less money than he would ask any other silk dealer, even less than cost, because he could make up the difference, especially if A. T. Stewart would give a long-time bond on which he could draw his regular interest. Yet the gentleman from Kentucky tells us that an ad valorem duty of 2 per cent. is about all that we want.

My own county is the greatest producer of anthracite coal in the world, notwithstanding the statement of the gentleman from New York. While on this point, let me settle a little dispute with the gentleman. I quote from pages 93 and 94 of "Statistics of Coal" by R. C. Taylor. The controversy with the gentleman was whether there was such a thing as pure anthracite coal anywhere else than in our anthracite coal fields. The gentleman from New York stated that there was in Wales. It is true that in Wales there is what they call pure Welsh anthracite coal; that is a trade name which has been given to it; but when you come to the analysis of that coal, what do you find? First, that it varies in its essential elements, and especially in the bitumen from which bituminous or anti-anthracite coal gets its name; and, secondly, in its specific gravity. This volume says:

> As regards the table of American anthracites (and it may be correct also to include that of the bituminous coals) it will be seen, with the assistance of a map that their specific gravity increases as we advance from west to east, confirming also the fact noted elsewhere that the weight of the combustible decreases in proportion to the amount of bitumen with which it may be charged.

Now, what does it show? The weight of American anthracite is 26.01, and of European 22.81, a difference I believe of something like 20 per cent. in specific gravity.

Mr. HEWITT, of New York. What? Twenty per cent. in specific gravity?

Mr. BRUMM. Yes, sir.

Mr. HEWITT, of New York. Why, the specific gravity of coal is only about 7.

Mr. BRUMM. I am giving you my authorities and the country can judge who is correct.

Mr. HEWITT, of New York. I am trying to get the gentleman on the right track. The specific gravity of coal is not 20, but somewhere about 7.

Mr. BRUMM. I am giving you the weight between the American and European anthracite, and I say the difference in the percentage of weight or specific gravity would be something like 20 per cent., the one being 26.01 and the other 22.81.

Mr. HEWITT, of New York. Does the gentleman now say there is no anthracite coal in Wales?

Mr. BRUMM. I said there was no pure anthracite coal. It is semi-bituminous or semi-anthracite.

Mr. HEWITT, of New York. Will the gentleman allow me to have read a letter on this subject from David Thomas, who was the introducer of the manufacture of anthracite pig iron into this country?

Mr. BRUMM. No; I cannot yield for that purpose.

Mr. HEWITT, of New York. The gentleman interrupted me without any objection on my part. I only wish to get at the truth. Here is the letter from David Thomas, the first manufacturer of iron with anthracite coal in Wales and in the United States.

Mr. BRUMM. Does Mr. Thomas contradict it?

Mr. HEWITT, of New York. He does.

Mr. BRUMM. Well, let it go for that much, and you can print it afterward and have the benefit of it.

Mr. HEWITT, of New York. The gentleman is not fair. When he interrupted me I listened to every question, and I answered him courteously. I now offer to give very briefly the authority of David

Thomas on the subject of anthracite coal in Wales. No man will question that he is the best living authority on the subject.

Mr. BRUMM. If the gentleman will only stop, I will let him read it, as it will take less time than to continue this interruption.

Mr. HEWITT, of New York. Very well, then I will read it myself:

CATASAUQUA, PA., *April* 3, 1882.

MY DEAR SIR: Your favor of the 31st ultimo came to hand on the 1st, and copy the RECORD to-day noon. Concerning the matter contained therein I would say that I have no recollection of ever having any conversation with Judge KELLEY about any coal. I am very positive that I never told him or any other person that there is no anthracite coal in Wales, having used thousands of tons of it. The quality of it there varies as it does here in this country. I have seen there some fully equal to any in Pennsylvania. I do not think the quality varies any more there than it does in this country, but certainly it is pure anthracite coal. As to quantity there is one general basin of some eighty to ninety miles long, running from the upper end of the vale of Neathin County of Glamorgan to the coast in Pembrokeshire, near Milford Haven, and when I was in Wales last (in 1869) I found fifteen blast-furnaces making iron all along this basin with pure anthracite coal as fuel, and if any one attempts to say that I have stated there is no anthracite coal in Wales, you put it down as not true. Both my wife and myself are enjoying as good health as we can expect at our time of life. She joins me in kind respects unto you.

Very sincerely, your old friend,

DAVID THOMAS.

To Hon. A. S. HEWITT,
Member of Congress, Washington, D. C.

Mr. BRUMM. Well, that is Mr. Thomas's statement, and let it go for what it is worth.

Mr. HEWITT, of New York. I should think it is worth a good deal.

Mr. BRUMM. I will give much better authority. Here is the analysis.

Mr. HEWITT, of New York. I will say to the gentleman from Pennsylvania that if he will take the tables of analysis which are given in Appleton's Encyclopedia he will find the coal of Wales contains 92 per cent. carbon.

Mr. BRUMM. That is true.

Mr. HEWITT, of New York. As against 90 per cent. of carbon in Pennsylvania coal; that the coal is purer and thicker. Will that satisfy the gentleman?

Mr. BRUMM. There is your free-trade theory of statistics again. They both agree in the fact that both have tails, [laughter,] namely, they both have carbon, but disagree in the main fact between bituminous and anthracite, namely, the Welsh coal containing about 20 per cent. more bitumen than that of Schuylkill, and weighing about 20 per cent. less.

Mr. HEWITT, of New York. But there is Mr. Thomas's letter; answer that.

Mr. BRUMM. I have already answered that. In connection with this subject Mr. Gowen, the president of the Philadelphia and Reading Coal and Iron Company, has been making strenuous efforts to introduce American anthracite coal into Europe for domestic consumption, and for that purpose has, I believe, been trying to bring about the introduction of our anthracite stoves into Europe. Mr. Gowen would not attempt this if they had the same coal there.

Now, the transportation of coal from my county to Philadelphia, which is less than one hundred miles, costs almost as much as mining and preparing. No industry in the world requires such risk both to capital and life as the anthracite coal industry of Pennsylvania.

Going from the light of day, miles down into the bowels of the earth, facing falling rock, all of the natural elements of death, fire, water, explosive gases, dampness, and suffocation, men take their lives in their hands, go down into these coal beds, dig out the coal, send it miles to the surface, put it in the rollers, crush it, screen it, load it on the cars, and, on the car, that coal will not fetch any more than the price of transporting it a little more than ninety miles.

Free-trader, what does this mean? What is the cause of it? It means that the Reading Railroad Company, and other companies in that region, have a debt which is required to be paid, and on every dollar of its gross receipts it must pay almost 40 per cent. interest alone—not a cent for dividends. It is only the interest on the funded and floating debt, and the condition of these companies is no worse than the condition of the carrying companies of my part of the State at least. Interest robs the miner of his share of the product. Interest robs the consumer, and robs the manufacturer of his proper share of the product. Give us lower interest; give us a system of finance which shall create a rate of interest that will reduce that exhaustive rate which those companies are now paying and bring it down to a comparison with that of England, then you free-traders may have some reason for urging tariff for revenue only.

Mr. Chairman, the South is specially cursed by cheap labor and dear money. If there is a spot on this earth that ought to know what the damning blight of cheap labor is, the South of all others when compared with the rest of this country, ought by this time to know what it means. Cheap labor withers the body and poisons the mind of employed and employer. Cheap labor and slavery are synonymous. Cheap labor breeds ignorance and vice on the one hand, insolence, prejudice, and inhumanity on the other, and wretchedness, death, and damnation to both. With all your advantages in the South, your advantages of climate, your advantages of mineral wealth and all natural resources, why is it that of all this immense immigration to this country you get none of it? Sir, these immigrants have no bitter feeling as to the late war. They are not poisoned with sectional hatred. They come from a foreign country seeking to better their condition, and if you would give them the opportunities, the South would receive these immigrants instead of the West.

The trouble with you men of the South is, that ever since the invention of the cotton-gin you have stuck to the old rotten hulk of Democracy. You have stood by that party through all its career; and ever since that invention that party has been the special advocate of cheap labor, of slave labor. You stand by them to-day. You are to-day urging the necessity of cheap labor not only for yourselves but you attempt to force it upon the North. You have to-day that system which you inaugurated years ago; a system which would classify society; a system which would have the laborer, on the one hand, degraded, wretched, ignorant, and damned, while on the other hand, you yourselves alone would be the "lords of creation," and then wonder why it is that the balmy South is not as successful and prosperous as the cold and barren States of New England.

Why not start in the right direction. That which degrades your labor makes yourselves unfit for any freemen to live among. I speak this in kindness. I have no hard feelings toward you. I am of those who wish Godspeed to the South. I am of those who desire to extend all the assistance, all the charity or protection which may be required. I would lift it up, elevate it, wipe out sectional lines, eradicate all class prejudice, gather all under the broad wing of the National Government without reference to race or class, poverty or riches, section or locality. But you must be told the truth, and until you carry it out you must submit to the curse that has been and still is upon you. Do not stand in the light of your own progress.

What good will your schools do you down South? You are coming here and asking for certain taxes or the proceeds of the sale of certain public lands in order that you may get an educational fund for the benefit of your uneducated people. I shall favor anything that helps to educate the South; but, sir, until you liberate your labor, your schools will do you no good. Your laborers will be too poor to go to school, and too poor to allow their children to go. Under your system of degrading labor, instead of dignifying it you fetter the mind as well as the body, you might as well throw your school-books to the winds, for they can be of no service to you until you have altered the system.

First, start out in the right direction, help to elevate your own labor; then you may not only secure foreign immigration but have your public schools as well, and secure the aid of Northern labor and Northern capital to build up your country and develop your resources.

You must guarantee the free exercise of the elective franchise to the laboring element, white or black; elevate the laborer of the South; get rid of the prejudice that prevents northern men and immigrants from going among you. When you are ready to do justice, grant equal rights to all men, and let the negro and the white man, whatever may be their occupation, have the full benefits and the full fruits of their liberty, then you will receive the blessing along with them, and the South will bloom like a rose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOOKER. I hope the gentleman's time will be extended.

Mr. HAMMOND, of Georgia. I make the request that the time of the gentleman from Pennsylvania be extended indefinitely.

Mr. BRUMM. I only desire a few minutes.

The CHAIRMAN. Is there objection to the time of the gentleman being extended?

Mr. SPRINGER. I object. There are a great number of gentlemen whose names are on the chairman's list. If gentlemen who now have the floor are allowed two hours, those at the bottom of the list can never be reached. There should be some fairness in this thing. This debate cannot last all summer.

Mr. HOOKER. Why not?

The CHAIRMAN. The gentleman from Pennsylvania desires only five minutes more.

Mr. GODSHALK. I hope that will not be objected to.

Mr. SPRINGER. I do not object to an extension of time for five minutes.

Mr. BRUMM. Let me say here that the creation of wealth without a proper distribution is nursing the viper that will sting you to the heart. To create wealth you must with it create the viaducts, the means of distribution among the people, through a proper medium of exchange. To create wealth and have it in the hands of the few to lord it over the many, will be a curse rather than a blessing. Therefore, its distribution by means of high wages and cheap transportation as well as low interest is necessary to secure commercial prosperity, political stability, social progress, and moral improvement.

Take the history of every empire, of every republic that has existed. It rose as the masses rose with it. Its fall became imminent as wealth centered in the hands of the few, and the masses were impoverished. Just as you divide and classify the people, so you endanger your institutions, weaken the state, and drift headlong into barbarism.

The doctrine of Malthus, that the fittest only can survive, is the doctrine of the South, and it is the doctrine that has made such hypocrites as Henry Ward Beecher a possibility in this country. It is the doctrine that makes men doubt the existence of a God. It is the doctrine that says you must murder off your surplus. God has created them and placed them here without fault of theirs, but Malthus and

England and the South and the Democratic party say, under that doctrine you must have war, pestilence, and famine to destroy the images of God. Christ teaches fraternity; Malthus teaches envy. Christ teaches charity; Malthus avarice. Christ teaches love and salvation; Malthus hatred and damnation. One or the other only is correct. Therefore when men become imbued and poisoned with the doctrines of free trade and Malthusian theories, they cannot reconcile them with the doctrines of the Bible. Hence they reject their God, become scoffers of religion, or, worse still, hypocrites, who rob the livery of Heaven to serve the devil, and, in the robes of the Church of God, utter such blasphemy as that "bread and water is good enough for workingmen," and "that we must have a lower class to do the drudgery of the better class."

Sir, not only the solution of the commercial and political problem but also the social and religious problem is involved in the adequate remuneration of labor, cheap money, cheap transportation, and the stability of prices regulated by adequate currency controlled exclusively by the wants and necessities of business and subject to no fluctuations except those incident to supply and demand and the free and honest operation of the laws of trade. Therefore, our policy should always be that which would produce high wages to relieve and elevate labor, and low interest or cheap money and cheap transportation to sustain and secure capital; and just as you thus lift the poor and downtrodden up to a higher plane of civilization and elevate them to a common level with their fellow-man, that all may together enjoy the blessings of this life, you teach all through the harmony of nature to see the glory of nature's God and to realize the great truth of the "fatherhood of God and the brotherhood of man."

Tariff and Tax Commission.

SPEECH

OF

HON. CHARLES M. SHELLEY,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 11, 1882,

On the bill (H. R. No. 2815) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. SHELLEY said:

Mr. CHAIRMAN: I take advantage of the consideration of this bill to present my views upon the question of tariff. I do not propose to discuss the constitutional power of Congress to adopt a protective policy. From the earliest history of legislation on this subject in this country the existence of this power has been disputed by some of our ablest statesmen, but seems to have been settled by the practice of the Government. I address myself, therefore, to the

WISDOM OF THE POLICY,

without reference to its constitutionality. If the civilized world was organized into one government, with a homogeneity of interests, subject to the same laws of business, and controlled by the same commercial and industrial regulations, then, perhaps, the theories of political economists who deal with the abstract science of trade in its general application could be maintained, and free trade would be practicable and wise; but with the existing conditions, divided, as we are, into separate governments and communities, having adverse and antagonistic interests, it becomes the duty of one government, as against other governments, to protect the industries of its own people. That we may adequately and intelligently perform this duty we must first ascertain whether or not, in order to reach the highest degree of prosperity and wealth, it is necessary to diversify our industries. It is admitted by all that

THE PURSUIT OF AGRICULTURE

is necessary to subsistence, to say nothing of the accumulation of wealth. It is believed by many that a people can become great and prosperous who are engaged exclusively in agricultural pursuits. If this opinion could be maintained the whole theory of protection would fall to the ground and its advocates would be driven from the field. Can it be maintained? That is the question first claiming our attention. If the farmer could plant his seed and cultivate his crops without the aid of the manufacturer; if the soil could produce the raw material and then by the same processes transform it into fabrics and other products which render it useful; in other words, if the productions of the soil in the state or form they are gathered from the field were adapted and adequate to all the wants of man, and if tools and implements were not needed to cultivate the soil, we would be forced to admit that manufacturing and diversified labor are not necessary to our prosperity. The conditions, however, named, and which are essential to this admission, do not, and in the very nature of things could not, exist. The production of cotton would not be very profitable without the aid of the gin and spindle and loom. Cotton in its raw state could not well be utilized for the comfort and convenience of man.

The simple growth of these various productions could not bring the largest measure of prosperity if we had to send them to foreign countries to find a market in which to sell or exchange them for such manufactured articles as we are compelled to have. I think it is safe to say that if raw material of any kind has a value, that value to the owner is increased by being molded, shaped, or woven into articles of use. The value of cotton is greatly increased by being woven into cloth, but it requires machinery and at the same time additional labor of a very different kind from that employed in raising it to give it this increased value. It requires a certain kind of labor and certain kinds of tools and machinery to raise iron ore out of the ground, but this labor with the same tools and machinery could not reduce this ore to pig metal; nor could the same labor and processes employed in reducing it to pig metal roll and shape it into the various forms in which iron is used. So with all other material and products in their raw state; they must be molded, shaped, woven, or ground to prepare them for use. Therefore, as we have to live by labor, that

LABOR MUST BE DIVERSIFIED

to promote prosperity, and the greater diversity we can have the larger the measure of our prosperity. This is a principle of political economy which applies to nations, communities, and families with equal force.

The free-trader insists that this diversified labor in a given community is not necessary to its prosperity. He says that the people of one government can engage exclusively in agriculture, and by shipping their products to the people of other countries can exchange them for such manufactured articles as they need. By this division of labor between countries each would acquire the highest skill in its peculiar industry, which would enable them to furnish their products at the lowest possible cost to the consumer. He claims that the only obstacle to the success of this policy is the protective tariff. If that was removed, although we might not be able to manufacture our raw material in competition with other and older countries, yet we would grow strong and wealthy upon the saving of the difference in the cost of goods bought in foreign markets. This is contrary to and an absolute reversal of all the laws of business.

SELF-SUSTENANCE THE KEY TO PROSPERITY.

There is not a progressive government on the earth whose leading policy has not been to encourage its citizens to become self-sustaining. There is not a community in this or any other land which does not accept the fact that the nearer they can become self-supplying the more prosperous they will be. There is not a successful family anywhere engaged in industrial pursuits that has not observed and practiced, as far as possible, the theory of producing all they consume. The people of the United States are under no obligation to foster and build up the industries and commerce of other countries. Their domestic and foreign policy should be shaped with reference solely to the promotion of their own national power by increasing their collective and individual wealth.

The free-trader next insists that if it is desirable for our people to engage in the various branches of manufacturing, the favorable conditions which exist here are sufficient to establish these enterprises in competition with the world without the aid of a protective tariff; and if they were not the Government should not interpose to give encouragement to manufacturing by levying a tax for the benefit of one class of industries at the expense of other and more important interests. Let us inquire whether these manufacturing industries, which are claimed to be so necessary to our prosperity, can be maintained without the aid of a protective tariff. I believe that they cannot, and that

PROTECTION IS A NECESSITY.

I do not believe that the conditions for cheap manufacturing are as favorable in this as in other and older countries. First, the difference in the price of labor (which is cheaper in all foreign manufacturing countries than this) is of itself sufficient to prevent successful competition. This difference is to some extent due to the style and manner of living that prevails among the American laborers and artisans, which on account of their habits and more highly cultivated tastes are much more expensive than those of the laborers and artisans of other countries. Under our American institutions and ideas the laborer and mechanic are encouraged to aspire to a higher degree of domestic comfort and enjoyment than those classes in other countries. The

WORKINGMEN OF THE UNITED STATES

form an important element in the forces which have driven us forward as a nation to the position of greatness and power which we now hold, and they will continue to be our chief reliance for that progress in material development which is so much to be desired. Among that class we have to depend mostly upon those who are skilled manufacturers and masters of the mechanic arts. The merchant is a mere transfer agent, not producing anything—a tax upon the products of labor. Those who are engaged in the various professions add nothing to the material wealth of the country. They, as well as the merchants, are a necessary burden upon the producing class, which burden is greatly mitigated, however, by the fact that they are all consumers and furnish a market for the producer.

So that when we come to analyze and classify the different elements of progress and advancement we must accord to the skilled and educated artisan, who molds and fashions and shapes the raw material into articles of value, the first place in degree of importance among the influences which impel us forward in the march of civilization.

With this conscious power, and with all the avenues to prominence and greatness open to him, the workingman's ambition is stimulated, his aspirations enlarged, his tastes and desires elevated, and his wants multiplied. These aspirations are not unreasonable in the presence of the fact that from his class have sprung many of the nation's most trusted servants. The workingmen of this country have shed luster upon every page of its civil history, while their valor has been conspicuous in all our wars. These circumstances and conditions necessarily enlarge their desires and increase their expenses, forcing them to demand higher wages; not because the cost of mere subsistence is more, but because their wants are greater. Although the foreign laborer may not pay less for the particular articles upon which he subsists, his wants are not so great and his tastes much simpler, and the cost of living necessarily much less; hence he can afford to work for less wages than the workingman in this country. There are other conditions, however, which add to the

DIFFICULTIES IN THE WAY OF THE AMERICAN MANUFACTURER.

The capital employed in these industries in this country is more expensive than elsewhere. The rate of interest is higher, which of course adds to the cost of the manufactured article. It may be that we possess some advantages in having larger resources in the way of raw material, but this slight difference is more than overcome by the difficulties I have mentioned. I think, therefore, in order to reach the highest development of manufacturing capacity we need such a protective tariff as will foster and encourage these interests. These obstacles to cheap manufacturing are of such a nature that they cannot easily be removed. Their removal would involve the depreciation of skilled labor, the abridgment of the privileges and comforts of the working class, and the complete destruction of their aspirations, because the small wages paid them would not supply the means of advancement and elevation. The intelligence and skill of the workingmen of this country demand constantly increasing remuneration, which is only restricted by the constantly increasing competition. The cheap foreign operatives who come to this country soon become Americanized, and their multiplied wants force them to demand higher wages than they received in the old country. For these reasons I have no difficulty in coming to the conclusion that nearly, if not all, of the manufacturing interests of the United States are dependent upon a protective tariff for their highest development and success.

THE EFFECT OF PROTECTION ON THE AGRICULTURIST.

The next question to be considered is, What effect does a tariff which gives sufficient protection to the manufacturing interests have upon the agricultural and other classes not engaged in manufacturing? The free-trader insists that it imposes unjust and onerous burdens upon him; while the protectionist contends that the benefits conferred upon the protected class are distributed among all classes in such natural and equalized form as to promote the good of all. If this latter proposition can be established, then all will agree that it is wise business policy to protect. In my efforts to establish this I shall first call the attention of the House to its result upon the commerce and business of the country at large. The United States, above all other countries perhaps, possesses the greatest variety of material resources. We have every variety of soil and climate, and can produce everything that can be grown by any other country. We have every variety of those minerals which enter so largely into the business and commerce of the world. The raw material for almost every article of manufacture can be found within the limits of the United States. It is only necessary therefore that we should acquire the means of working up all this raw material to enable us to supply the world in its manifold wants.

A NATION IS WEAK AND DEPENDENT

in proportion to the extent it has to rely upon other countries for its supplies. In times of peace it is drained of its substance to purchase articles of consumption. Every dollar that is sent out of the country, whether it goes to purchase the ordinary supplies or to purchase productive property, is taken from the aggregate wealth of the country, and to that extent weakens the national power. In times of war these evils are greatly augmented. Being dependent upon foreign and perhaps unfriendly countries for the goods we consume, with no merchant marine to transport them to us and no navy to protect the transportation even if we had the shipping, the United States would be poorly prepared for successful defense against the hostile operations of the leading powers of the world.

It may be said that the dangers of war should not enter into the consideration of this subject; that the exceptional geographical advantages of the United States and our peaceful attitude toward all nations does not justify us in shaping our policy with reference to such dangers. I agree that the prospect for continued peaceful relations with the rest of the world is good, and trust that it may so continue; but the nations who manufacture our goods and carry our commerce are not as free from these dangers as we are. If they should become involved in wars, with formidable navies to prey upon each other's commerce, our supplies carried in foreign bottoms would not have that protection and security which every wise government should strive to give to its commerce. So that in either event we are at the mercy of foreign countries in proportion to our commercial and industrial dependence upon them. It is one of the first duties of government, as was memorably announced to the American people a century ago, "in times of peace to prepare for war." It is impossible to know at what time we are to become involved in difficulties with other nations. Even our progress in the arts of peace and civilization may excite the envy and jealousy of other countries and lead to controversies which cannot be adjusted except upon the battle-field. The imprudent or thoughtless act of a Government official might precipitate us into a war which would tax our resources to their utmost capacity, and often the very strength of a people is their surest protection against the envy and jealousy of others. It is believed that the highest development of our material power is the most effective means of preserving peaceful and friendly relations with foreign powers.

THAT GOVERNMENT IS STRONGEST

and most powerful which produces all its supplies and has a surplus to dispose of. The encouragement of these various industries adds to the material wealth of our people in their collective life, whether they be located in one State or scattered throughout all the States; and in times of war, this productive power, this self-reliance, this industrial energy, makes us strong and invincible, placing us above and beyond the reach of possible disaster. In times of peace these advantages are great, and attract to our country the enterprise and intelligence and wealth of other lands. In this view of the question it becomes important to foster and encourage every industry that will tend to make us self-supplying and independent. One century of national life has given us wealth and power which command the respect of all nations; and to-day, on account of the vast possibilities of this free country, we occupy a place in the great family of nations second to none. Our greatness has just begun. We have just emerged from the by-paths into the highway of prosperity and power, with the resources of a world at our command, with a virtuous, patriotic, and progressive people; we have only started on that career of progress which will take us onward and upward until we reach the highest eminence that can be attained by civilization and science.

The American of Anglo-Saxon descent is distinguished for his pride and ambitious patriotism. There is no height to which he will not aspire and no sacrifice that he will not make for his country's glory. Actuated by an enlightened self-interest, he seeks to exalt his country and promote the welfare of his people. While he would not obstruct the progress of others, he wisely prefers his own. This wise and patriotic selfishness leads him to foster and encourage their commercial, industrial, and social development. The influences of national wealth are not only felt by other countries but they stimulate pride of country, promote civilization, and elevate the moral tone of the people. All these are the legitimate national

RESULTS OF DIVERSIFIED INDUSTRY.

To the community these advantages are more direct and appreciable. A community which is blessed with these industrial enterprises acquires wealth rapidly, and the temporary failure of one branch of industry does not bring that distress and suffering that comes from failure when you depend entirely upon a single industry, such as agriculture. The agriculturist who has a manufacturer for a neighbor is encouraged to grow every variety of crop that the soil is capable of producing. A market is found at his door for his products, and as these neighbors are multiplied the demand for his products is increased. This increased demand stimulates the price, which reacts upon the farmer, who improves and stimulates his land to increased production, and so on, each acting upon the other, until the highest productive capacity is reached in both agriculture and manufacturing. The farmer may have to pay higher prices for his goods, but he is able to do so because he sells his own products for higher prices and has more to sell. A large proportion of the products of the farm will not bear transportation to a distant market. These products, which in many instances could be grown without any additional cost to the farmer, would not be grown if they could not be sold at their doors.

To show the full force of this point, I call attention to the condition of the farming class in Pennsylvania and contrast it with the farming class in Alabama. In Pennsylvania, where the manufacturing interests have reached a high degree of development, the farmers are thrifty and well to do. Every year they make a support and something over, which surplus is invested in the stocks of these manufacturing enterprises, from which they draw regular dividends, and thus become to a large extent the beneficiaries of this very system of protection which the free-trader (assuming to speak for the farmer) denounces in such strong language. The profits of the factory added to the profits of the farm grow from year to year, until the poor farmer, whose pitiable condition is so pathetically portrayed by the anti-tariff politician, rejoices in the accumulation of a substantial fortune, and his little farm of twenty, forty, or one hundred acres becomes the source of a princely income. The lands upon

which these fortunes are made are valued by their owners at an average price of about fifty dollars per acre. These are the results upon communities who were prepared to avail themselves of the advantages of a protective tariff. Now turn to an agricultural country such as the southern and central portion of Alabama, and see the condition of things there. The farmers there devote most of their energies to the growth of cotton, because it bears the cost of transportation better than anything else they can raise, and if the season should happen to be unpropitious and the cotton crop fail, the whole people are reduced to a state of distress and poverty. A partial failure of the crop in Alabama last year has been most disastrous. Many farmers are not able to buy seed to plant their lands. The price of lands in Alabama average about four dollars per acre. This condition of things would not exist if Alabama, like Pennsylvania, had a factory of some kind in every community. Why do States by legislative enactment propose, (as many of them have done,) to exempt manufacturing enterprises from taxation?

Why do municipal corporations offer various exemptions and privileges to these industries to induce their location and development in their midst? It is because the benefits to the general public are of more value than the exemptions and privileges they bestow. This is nothing more nor less than protection in another form, and the recognition of the principle upon which the policy of protection is based, that the welfare of the State is promoted by such establishments, and they should receive the fostering favor of the Government for their creation and success. A distinguished statesman from the State of Texas, in the other end of the Capitol, whose speech is perhaps the ablest that has been delivered in favor of free trade, admits "that in the immediate vicinity of the factories in the manufacturing States the agricultural interest is compensated for its burdens in the home market furnished for agricultural products by the manufacturers." This being admitted, a logical deduction follows, that the nearer you can bring them together the more nearly would the agriculturalist be compensated, and the factories in New England, being nearer than those of old England, would necessarily be of more benefit to the agricultural interest than the latter. He says in another place:

> If we had free trade now, or what is the same thing, a tariff for revenue only, manufacturing capital, in order to surround itself with the most favorable conditions for free competition with the world and realize the largest profit, would, for reasons I have given, flow at once into the South for investment as its most profitable field for operation.

If this could be so under a free-trade tariff, there can be no good reason why it should not occur under a protective tariff. The superior advantages of the South exist, whether we have free trade or protection, and if capitalists desired to avail themselves of these advantages, the existence of a protective tariff would not restrain them, as the profits would be the same, so far as these superior facilities are concerned, with or without the tariff.

If the result of free trade would be to compel the capital now employed in manufacturing in the New England States to leave that locality and seek investment in the South, where it could be surrounded with more favorable conditions for cheap manufacturing, I submit that such a necessity would work greater hardships and entail greater losses upon the people of the New England States than could be compensated for by the advantages sought. The money invested in buildings and other fixed property which would be destroyed by this transfer of capital or its withdrawal from active use in these various industries is enormous in amount. Certainly the free-trader could not desire such a wholesale destruction of the wealth of an entire section of the country as his policy, if adopted, would lead to.

BENEFITS OF PROTECTION TO THE SOUTH.

There are other reasons why I should favor a continuance of the protective policy, for awhile at least, even if I were a free-trader. They are, however, more of a local nature, and I mention them merely to show southern members who want this system of duties removed, or at least greatly reduced, what will be the effects of their policy if adopted. They are these: heretofore the manufacturing industries have been confined chiefly to the Northern or Eastern States. As a result of their development and growth these States have become densely populated and wealthy. Under this protection the manufacturers there have been enabled to acquire facilities for cheap manufacturing, and a very large proportion of the capital of these States is employed in these industries. In the past the southern people have devoted their energies chiefly to agriculture. Before the war, while they owned slaves, they had an ample field for the employment of all their capital in this direction. While slavery existed it would perhaps have been to their interest to have free trade; but the emancipation of the slaves and the destruction of property resulting from the war has made it necessary for them to change their policy. They are just beginning to diversify their industries. If the tariff is continued at a rate that will give protection, these new enterprises in the South will only have to meet the competition of their own people in other sections. If protection is removed, they will not only have this home competition in the older manufacturing States but they are brought in competition with all foreign countries. The North has always had the benefit of this protective system, and under it this section has grown wealthy and strong. Now, just as the South is beginning to avail herself of them, many of her own people are demanding free trade.

TARIFF REVISION PROPER BASED UPON PROTECTION.

I will admit that the tariff is in some respects too high and not properly adjusted or equalized, and I favor a revision, but I want it done upon the basis of protection, with reference to the material interests of the country and people, and not by politicians for partisan purposes. I therefore favor a commission with power to consider the whole matter and gather information from all sources. I am not competent, and I believe there are very few members of this Congress who are competent, to take up this matter and gather the necessary information to enable them to construct a system of import duties that would be satisfactory and successful. I regret, Mr. Chairman, that my convictions on this important question are not in accord with the views of what seems to be a majority of the Democratic party. I am consoled, however, by the assurance that my views are not undemocratic, and I warn gentlemen, who assume to declare what is Democratic and what is not, that their wild theories and vague abstractions, if adhered to, will in the future, as they have done in the past, lead them to defeat. I do not think the tariff question should be made a party question. It is so directly connected with the material interests of all classes and parties that it should be dealt with purely as a business question, to be settled without reference to party interests. It does not involve any fundamental doctrine of government. It is simply a question of policy, and as such could be abolished altogether or asserted more vigorously without affecting the vital doctrines of our Government. I am therefore opposed to any plan of dealing with the subject that will expose it to partisan influences.

All controversy on this question might be avoided by removing all internal taxes and raising the entire revenue for the expenses of the Government by a duty on imports, which is the fairest practicable mode of raising revenue. Under our present laws the people are unequally taxed to maintain two distinct systems of gathering taxes, either of which costs as much as the collection of the entire revenue would cost under one system. I think our internal-revenue system works greater hardships upon particular classes than the tariff, and the taxes paid under it are more unequally laid and harder to pay than the entire amount would be if laid upon imports. Let us get rid of these internal taxes and there will be no necessity for interfering with the tariff, except to equalize it.

Utah Contested-Election Case.

SPEECH

OF

HON. JULIUS C. BURROWS,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 20, 1882,

On the Utah contested-election case.

Mr. BURROWS, of Michigan, said:

Mr. SPEAKER: The issue between the House of Representatives and the polygamists of Utah is at last made up. At the beginning of the present Congress George Q. Cannon and Allen G. Campbell presented themselves at the bar of this House as rival claimants for a seat in the Forty-seventh Congress as Delegate from the Territory of Utah. Mr. Campbell claimed the right of admission by virtue of a certificate of election

Mr. Cannon contested his *prima facie* case and affirmed that he (Cannon) was in fact duly elected. In reply Campbell asserted that if for any reason his *prima facie* title should be held defective, Mr. Cannon could not be seated for the reasons—

First. That he did not receive a majority of the votes legally cast;

Secondly. That he was an unnaturalized alien; and

Thirdly. That he was a polygamist living in open violation of the laws of the United States.

Pending the discussion of the *prima facie* case of Mr. Campbell, and before its determination, the whole matter was, by order of the House, referred to the Committee on Elections for their examination and report thereon.

After investigation that committee conclude and report to the House upon the first proposition, as follows:

> We therefore find that the evidence establishes that Mr. Cannon received 18,568 votes; that Mr. Campbell received 1,357 votes; and that there were scattering 8 votes. Mr. Cannon, therefore, received a majority of all the votes cast at the November election of 1880, and is duly elected a Delegate from the Territory of Utah, unless he is disqualified from holding a seat for one or more of the reasons alleged in the answer of the contestee.

Upon the second proposition the committee report:

We therefore hold that Mr. Cannon is a naturalized citizen of the United States, and that he is not disqualified, on the ground of alienage, from holding his seat as Delegate.

Thirdly, that he is a polygamist. This fact appears from the following admission:

I, George Q. Cannon, contestant, protesting that the matter in this paper contained is not relevant to the issue, do admit that I am a member of the Church of Jesus Christ of Latter Day Saints, commonly called Mormons; that, in accordance with the tenets of said church, I have taken plural wives, who now live with me, and have so lived with me for a number of years, and borne me children. I also admit that in my public addresses as a teacher of my religion in Utah Territory I have defended said tenets of said church as being, in my belief, a revelation from God. GEORGE Q. CANNON.

It is conceded on all hands that George Q. Cannon possesses all the constitutional qualifications required for a Representative in Congress. A Delegate certainly does not require other or higher qualifications.

The simple and single issue in the case is whether this House has the constitutional power to refuse admission to Mr. Cannon upon the ground that he is a polygamist. While I am in full accord with the views of those who hold that a Delegate is not a Member within the meaning of that word as used in the Constitution, and that our powers touching the exclusion of a Delegate are greater than those over a Member, yet in my view of the case I do not think the establishment of this principle necessary to the determination of the matter. I affirm that if a Representative from any of the States should demand admission to this House under the same circumstances as those surrounding Mr. Cannon, it would be within our constitutional power to deny him admission. If that position be correct, the importance of the distinction between a Representative and a Delegate disappears. In standing upon this ground I am aware of that provision of the Constitution which prescribes the qualifications of Representatives and that other provision which confers upon each House the right to judge of the elections and qualifications of its own members. Nor do I overlook the long and unbroken line of decisions that it is not within the constitutional power of Congress nor of the States to add to or in any way modify these constitutional requirements.

But it will be observed that the Constitution does not undertake to specify those things which disqualify a person for membership. The doctrine is well settled that to entitle a person to a seat in this House he must not only possess those affirmative qualifications mentioned in the Constitution, to wit, age, residence, and citizenship, but he must be free from those things which by common parliamentary law disqualify. In other words, a Representative, though duly elected, a citizen, and of proper age, would not be entitled to membership unless free from personal disqualifications. An idiot or a madman would not be entitled to membership, though duly elected and possessing all the constitutional qualifications. We would deny admission to a person infected with a contagious disease, and would be justified in so doing. Should a member-elect, after he was chosen, be arrested and convicted of some infamous offense and punished by imprisonment in the State prison, would it be contended that if he should present himself at the bar of this House at the expiration of his term of imprisonment and demand to be received into membership, that it would not be within the constitutional power of this body to refuse him admission? Instances of personal disqualification might be multiplied indefinitely. This is sufficient, however, to illustrate my point.

I hold that George Q. Cannon, by confessing himself in this tribunal and in this contest guilty of polygamy, an offense punishable by imprisonment in the State prison, has that personal disqualification which renders him ineligible and a fit subject for the exercise of our constitutional power of exclusion. I could fortify this position by a long citation of authorities, but will detain the House with only a single case.

In 1870 B. F. Whittemore, a member of Congress from the State of South Carolina, was charged with selling a cadetship in violation of law. He admitted the charge, but pleaded in extenuation of the offense that he used the money for charitable purposes in his district. He was about to be expelled from the Forty-first Congress when (and the day before he expected the vote to be taken) he resigned and ousted the House of Representatives of jurisdiction to expel.

A new election was ordered, and Whittemore was returned a member to the Congress in which he committed the offense. The House refused to receive him by a vote of 130 to 24. Now, he had not been convicted of any crime, but the House to which he was re-elected was in possession of his own confession that he had done that which was an offense against the law of the land, and for which he might be imprisoned, and it exercised what I conceive to be its common parliamentary right to decline to receive him into membership. Other and numerous cases might be cited sustaining the same principle. So in this case, Cannon comes into this presence and solemnly admits his great crime; even in his speech just closed does not avoid, but rather justifies and seeks to shield himself under that broad mantle of religious toleration beneath which all religions in this country have ever found the amplest shelter. I regret, sir, that he should have sought to justify his crime by appealing to Holy Writ, and claiming that the inspired Word of God sanctioned this monstrous crime. The words of the poet come to my lips:

Just Father, what must be Thy look
When such a wretch before Thee stands
Unblushing, with Thy sacred book,
Turning the leaves with blood-stained hands,
And wresting from its page sublime
His creed of lust and hate and crime?

I repeat, the issue is made up. Brigham Young once declared in his own peculiar and uncouth phrase, "I will send a polygamist to their Congress and cram polygamy down the throat of the American nation." It was in execution of this audacious menace that he commanded the election of George Q. Cannon to the Forty-third Congress, since which time the representative of polygamy has sat unchallenged in this Hall. Hitherto Mr. Cannon has effected his entrance into this Chamber through the instrumentality of a certificate of election, that potent instrument against which it is difficult to interpose a successful barrier. He presents himself, however, at the door of the Forty-seventh Congress disarmed of this weapon, confessing himself guilty of an offense made by law a felony, but challenges the constitutional power of Congress to deny him admission for that cause. And so the issue is squarely made up, and we are now to see whether the constitutional power of a living Congress is sufficient to cope with and overcome the infamous edict of a dead priest. I trust that the report of the majority of the committee will receive the unanimous support of this House, that the Forty-seventh Congress may place its seal of condemnation upon this relic of barbarism. The American people have long enough endured the shame of having seated in their high council a man who offends public decency, disturbs social order, defies national authority, and outrages the moral sense of all Christendom. Let the humiliation end now and forever.

Chinese Immigration.

SPEECH
OF
HON. WILLIAM S. ROSECRANS,
OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 17, 1882,

On the bill (H. R. No. 5804) to execute certain treaty stipulations relating to Chinese.

Mr. ROSECRANS said:

Mr. SPEAKER: On the bill now under consideration for adoption it seems fitting that I should state to this House the views of my constituents of the first Congressional district of California, and which I may say are shared by all the inhabitants of the Pacific coast.

Our position on the Chinese question is this: we think it not arrogance to say that in education, intelligence, generosity, humanity, attachment to our country, respect for its interests and for its honor, our people are the peers of their fellow-citizens on this side of the Rocky Mountains. We believe this will be readily admitted by every gentleman on this floor, and that all our fellow-citizens will give us the benefit of this assumption.

We have had thirty years' experience of the effects of Chinese industrial immigration to our coast. We have watched it from its feeble beginning on our shores and seen the stream swell, year after year, until within the last four months it has poured a flood of 20,000 adult male Chinese immigrants upon us at the port of San Francisco alone, to submerge our white labor.

As our experience increased year after year public opinion was forced by incontestible facts more and more decisively to the conclusion that their presence among us was unwholesome to the State. Despite its immediate convenience and pecuniary profit to employers, years ago the vast majority of our people demanded that Chinese immigration should be stopped.

Public meetings were held and petitions were presented to the Legislature and to Congress on the subject.

State legislation was invoked, and restrictive laws obtained to abate the nuisance. The Federal courts pronounced these laws in contravention of those of the nation. Recourse was then had to Congress, by petition and resolutions of our State Legislature, asking the Government to stop this immigration by negotiation with China. We waited for this with what patience we could, but in vain. We waited for the fruits of commerce from the Burlingame treaty which, for bare permission to trade in eight ports of China, opened all of ours on both coasts and the vast interior to Chinese trade, and colonization by the pauper classes of China. At last our united and persistent complaints arrested the attention of our generous statesmen. Congress passed the "fifteen passenger bill," which, while it did not meet the necessities of the case, promised to limit the evil, and allay our apprehension that our coast would be overrun. The President vetoed this bill in the interests of commerce, in the

face of the fact that England's commerce with China continued on the basis of mutual interest, despite England's war on that country for the introduction of opium, and even the burning of the Chinese capital.

But the claims of white labor for protection led the party in power to promise negotiations with China to give it relief from the ruinous competition of Chinese labor importations to our shores, but such was their tardiness in fulfillment that Congress was obliged to intervene. Meanwhile it was pretended by Chinese, and even by some unworthy Americans, that this claim for relief arose from the clamor of an "Irish mob," competing for labor.

To put this falsehood to death, in 1878 the California Legislature provided that when the adoption of the new constitution should be submitted to vote by a secret ballot, a vote should be taken "for" and "against" Chinese immigration. The result was 883 votes for and 154,638 against it, or, 994 out of every 1,000 against to 6 in favor.

This astonishing unanimity was sufficient to prove to every reflecting mind that all pretense of our opposition, being the offspring of a prejudice against "color" or of political truckling to the passions of an "Irish" or any "mob," is utterly unwarranted and unfounded in fact.

Congress accordingly provided for sending commissioners to China to arrange for the preservation of the real and supposed interests of commerce under our treaties and for the satisfaction of the demands of our own citizens on the Pacific coast for the suppression of Chinese industrial immigration. It was sent as a party exigency on the eve of the late Presidential election to inspire American labor with confidence in the party.

The Republican party, always lavish in its professions of philanthropy, but wonderfully apt to confine its practice to races and cases subservient to its interests, under the energetic action of some of its members from the Pacific coast, put a pledge of relief to our people in its Chicago platform. Its leader gave that public and official interpretation, and of the nine hundred and ninety-four out of each thousand voters opposed to Chinese immigration, those who voted the Republican ticket did so believing that interpretation and that the party was bound to carry it out.

The commissioners to China met those of that country. They stated our demands and the wishes of our Government for a permanent stoppage of Chinese labor immigration. The latter, desirous of making the best bargain possible, treating the complaint as a temporary excitement, suggested "restricting," or "suspending for a short time." Our commissioners, very anxious to complete their work in time to influence the Presidential campaign in favor of the Republicans, whose fidelity to the cause was put in doubt before the people, were nevertheless true to the object of securing treaties by which, while protecting our commerce, the United States should be able to protect its own labor.

The general result was announced by telegraph before the election. The treaties were not made public for some time after. Although bearing traces of the crudeness and weakness due to the exigencies and haste of their negotiation, they were approved by the Senate as containing ample provision for the redress of our complaints against Chinese labor invasion.

The bill which has just been vetoed was drawn not to give us that full relief which we claim as reasonable and necessary, but to conform to the letter and spirit of these treaties. It was the judgment of overwhelming majorities in both Houses as declared by "ay" and "no" voting that the bill was thus in accord with the treaty.

In the exercise of his constitutional right the President has vetoed the bill and plunged our brave, loyal, and law-abiding people almost into despair. Of the reasons given for this veto, of the trifling pretenses alleged by the Chinese embassador, worthy only of the "Six Companies" he essentially represents, and gravely paraded before an intelligent public; of the contrast between such statesmanship and that of the British Government I will not here speak. They will receive the judgment of the nation, to which they are submitted, and that of history.

Nor will I now arraign those Republicans who enjoy the party benefits of votes obtained from the Pacific coast upon the faith of promises they have helped to render nugatory. But I will say it ill becomes the gravity of the business we have before us to squabble for petty party advantages. Let members of both parties act upon their convictions and leave the people—as they surely will—to decide their responsibilities and those of the parties to which they belong. Still less does it become my honored friend from Iowa [Mr. KASSON] to turn to the members on this side of the House and with tragic energy declare that while he swallows the bitter draft of this bill he must protest against "hounding down people on account of color or race." The assumption that he alone, or conspicuously above, much less contrasting with others, detests such injustice savors of an egotism and pharisaism which so fine a gentleman would not wish to display. Actions speak louder than words, and whenever that test is applied for real beneficence to people of all races, white as well as colored, with less pretense of humanitarianism, members on this side will make quite as favorable a showing as those in whose favor, by word and gesture, the honorable gentleman implied a contrast which I should be sorry to think he made for party clap-trap, as I should also regret that he could bring his mind to believe just.

Under ordinary circumstances the people of our coast would accept the President's veto and appeal to the people of the United States for a more ample and complete redress than was offered by the vetoed bill. They would ask the great American people to decide whether Mongolian or our own civilization shall dominate our fair Pacific coast; to decide whether the interests of great Chinese and American monopolies shall first be conserved or whether American labor shall first be cared for and kept from the depressing influences of Mongolian labor.

But our distress is great; our business paralyzed, our people depressed. Chinese industrial immigration pours into San Francisco about a thousand adult male laborers per week. With the pistol of a Presidential veto at our breasts silencing our demands for justice, as the robbed traveler accepts any portion of the money which the robber pleases to hand him back, we accept whatever relief we can get, and in that sense we accept this bill.

Utah Contested-Election Case.

SPEECH

OF

HON. WILLIAM C. OATES,

OF ALABAMA.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 19, 1882,

On the Utah contested-election case.

Mr. OATES said:

Mr. SPEAKER: The system of governments in the United States is, or ought to be, pre-eminently one of law. Every citizen's rights, however humble or exalted he may be, should in all cases be determined by the law honestly and fairly applied. The question before the House is not one of morals, but of legal right. Approval or disapproval of polygamy is not involved. This House has given a very potential expression of its opinion upon that question in the law passed at this session for the suppression of polygamy.

There is no dispute about the facts. There appears from the reports of the committee to be no issue of fact. All admit that Cannon was elected. The first question, then, to be settled is, Was he eligible to the office when elected? No one, I believe, questions, and certainly the evidence does not controvert that fact. Has anything transpired since his election to render him ineligible or to deprive him of the right to his seat? It is contended by those who oppose seating him that the recently enacted law of Congress, declaring, among other things, any person who is guilty of polygamous practices ineligible to a seat in this House, disqualifies him and presents a legal impediment to Cannon's taking his seat here as a Delegate from the Territory of Utah. It is a sound rule of interpretation of statutes that they shall operate only in future. It is competent, however, for the law-making power to enact retrospective laws or those which relate to or operate upon the past, provided they do not divest vested rights or make that criminal which was innocent when performed prior to the enactment, and punishes the same. It was held by the Supreme Court of the United States in the case of Calder *vs.* Bull, in 3 Dallas, that any law whereby a conviction can be had upon less evidence even than the rules of evidence in existence at the time the alleged illegal act was performed required was *ex post facto* and void.

All writers on statutory and constitutional law lay down the rule broadly that no statute shall be construed to have a retrospective or retroactive operation unless the statute itself so declares. The recently-enacted statute against polygamy, upon which the other side relies, does not declare that it shall so operate. It must therefore be construed as though the word "hereafter" was interpolated into each section thereof. It therefore follows as a logical sequence that Cannon is legally entitled to a seat on this floor as a Delegate from Utah. After he is seated, should charges be then brought against him of violating the recent enactment while sitting here as a Delegate, and his guilt be established by proof, he might be legally expelled from this House, and I for one would vote for his expulsion in that event.

But, Mr. Speaker, he will not be seated. It is a foregone conclusion that the temper exhibited upon the part of the majority of this House unmistakably indicates such a decision. I regret it, for the reason that in my judgment the citizens, the legal voters of Utah will be thereby denied a great legal right. It is no answer to say that the Mormons are violators of the law of the land. Await their trial and conviction; or would you condemn American citizens without a hearing? We are in this case a judicial tribunal. My duty to my country is to advocate the fair and unprejudiced enforcement of the law, and I shall therefore vote to seat Mr. Cannon.

Condemned Cannon.

SPEECH

OF

HON. HENRY L. MOREY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, April 21, 1882,

On the bill (H. R. No. 4745) to authorize the Secretary of War to furnish condemned cannon for the soldiers' cemetery at Hamilton, Ohio.

Mr. MOREY said:

Mr. CHAIRMAN: The soldiers of this Republic are citizen soldiers. We are a nation almost without a standing army. It consists of not more than twenty-five thousand troops. This would be scarcely a nucleus for a regular army in any other first-class nation on the face of the earth. The smallness of our Army is a marvel and a wonder to other nations who keep hundreds of thousands of men in arms even in times of peace. That we are able to preserve good order and command the respect of the world without a larger standing army is the glory of our nation and a proud inheritance of our people. We have just entered upon the second century of our national existence, and have grown from thirteen sparsely populated colonies, in the wilderness of the New World, to the dignity and proportions of a first-class power among the nations of the earth.

We have achieved triumphs in art and science, and in government, that have impressed themselves on the civilization of the age with more marked effect than have the efforts and achievements of any other people. We have grown to be a great nation of fifty millions of souls. We have mastered every art, and excel in all the sciences. Our skilled workmen cannot be surpassed in their cunning by the workmen of any country. In my own city of Hamilton and throughout the great Miami Valley, where it is situate, the hum of industry is heard on every hand. Our farmers are prosperous, independent, and happy. But, sir, our triumphs have not all been the triumphs of peace. Our very existence as an independent nation was ushered in by one of the most remarkable and protracted wars in modern times.

Our one hundred years of national life have witnessed warfare in all its phases. In all it has been shown that free citizens of a free country make the most valiant and courageous soldiers. They have shed luster on the American name and honored the institutions under which we live. As her soldiers have protected and honored her, so will this Government protect her soldiers who have survived the perils of battle, and honor the memory of the heroic dead. I am proud, sir, that this is so. It is an honor to this great Government; it is a credit to every community which is doing what the people of Hamilton and vicinity are doing.

To the soldiers who risked life and health and limb to win her independence, to defend her honor, and to preserve her existence and integrity, is extended the gratitude and munificence of a great nation. We have not needed, nor do we now need a great standing army. Our great country is free from the draft it would make on our Treasury and upon the young men who would be drawn from peaceful pursuits. Every citizen of the American Republic prizes his citizenship as a most priceless inheritance.

It is a part of the system of our Government that each citizen is a component part of the political body. He is prepared to defend his citizenship, as he is to defend his home. When his Government is assailed he is assailed in his personal political rights. He is prepared to defend them with his strong arm; to expose himself to bodily harm, to endanger his health, and, if need be, to lay down his life to preserve to his children that which is dearer to him than life itself. Sir, our citizen soldiers of the colonies dared to challenge the British nation to a conflict of arms to determine the question of American independence.

That great conflict with the foremost military and maritime power on the face of the earth was carried on by the struggling colonists, with matchless courage and endurance, through seven long years, to a glorious victory, establishing the principle of free government on the American continent and forever redeeming it from the supremacy of the old world. Six of the brave men who went forth to battle in that war sweetly sleep in Greenwood Cemetery at Hamilton today. A hundred times has recurring spring brought verdure and flowers to cover the face of the earth, the sweet resting-place of the dead, since they so grandly achieved their country's triumph, welcoming them to peaceful and silent rest.

In the war of 1812 the soldiers of the Republic again engaged in deadly conflict with the mother country to maintain the honor of their country's flag, and in the conflict that followed taught Great Britain and the world that the Stars and Stripes should be respected and honored on all the seas and oceans. In this conflict our citizen-soldiers had not only to meet the red-coats of the British army, but the wily and revengeful savage, who was incited to deeds of courage and cruelty by his more civilized ally. In this conflict of arms, upon land and upon sea, my native State of Ohio rendered conspicuous and valuable service.

The victory of Perry on Lake Erie will be celebrated as long as the annals of naval warfare continue to be read and as long as deeds of valor and daring excite the admiration of men. Thirty-seven of the heroes of this war who have run life's fitful race have found rest and sweet repose in the beautiful city of the dead that adjoins the city on the banks of the Great Miami, among whose people it is my privilege to have my home.

The soldiers of the Republic, recruited from the farm and the workshop, from the factory and the store, from the school and the college, from offices of the professions, and even the pulpit itself, marching through the savannas and pampas of Mexico, carried the flag of our country to Mexico's capital and planted it on the Halls of the Montezumas. And there they dictated terms of peace consistent with our country's honor, and added empires of territory to our vast domain; but, sir, the severest test of the valor of our citizen soldiery was to be experienced. In the wars named and in the many other minor conflicts that make the history of our country our armies fought an alien foe or the native Indian. The last great struggle was to come, the clash of arms was again to be heard resounding through our own land, not with a foreign foe, not with an enemy from without, but from within.

American was to meet American, and on their native soil, and there to draw the sword and invoke the god of battle to decide between the two civilizations that contended for the mastery on the American continent. The issue involved at the threshold the very question of the national existence and life. The assertion of one civilization essentially and necessarily denied the inviolable integrity and unity of the General Government; the other asserted it and denied the sovereignty of the States.

Sir, upon this issue there sprang into existence as it were in a day armies whose numbers and equipment have not been equaled in modern times, and whose mighty tread shook a continent from sea to sea. During the continuance of that great struggle, the President of the United States called for 2,763,670 to go forth in defense of the nation's life and honor. Two million seven hundred and seventy-two thousand four hundred and eight loyal citizens of the Republic responded to the call, and risked life and limb and health to achieve its victory. I have here a statement which displays the magnitude of the Army of the Union and the patriotic fervor that inspired our people:

Statement of number of men called by the President of the United States, and of the number furnished under said calls.

States and Territories.	Aggregate.	
	Quota.	Men furnished.
Maine	73,587	70,107
New Hampshire	35,897	33,937
Vermont	32,074	33,288
Massachusetts	139,095	146,730
Rhode Island	18,898	23,236
Connecticut	44,797	55,864
New York	507,148	448,850
New Jersey	92,820	76,814
Pennsylvania	385,369	337,936
Delaware	13,935	12,284
Maryland	70,965	46,638
West Virginia	34,463	32,068
District of Columbia	13,973	16,534
Ohio	306,322	313,180
Indiana	199,788	196,363
Illinois	244,496	259,092
Michigan	95,007	87,364
Wisconsin	109,080	91,327
Minnesota	26,326	24,020
Iowa	79,521	76,242
Missouri	122,496	109,111
Kentucky	100,782	75,760
Kansas	12,931	20,149
Tennessee	1,560	31,092
Arkansas	780	8,289
North Carolina	1,560	3,156
California	.....	15,725
Nevada	.....	1,080
Oregon	.....	1,810
Washington Territory	.....	964
Nebraska Territory	.....	3,157
Colorado Territory	.....	4,903
Dakota Territory	.....	206
New Mexico Territory	.....	6,561
Alabama	.....	2,576
Florida	.....	1,290
Louisiana	.....	5,224
Mississippi	.....	545
Texas	.....	1,965
Indian Nation	.....	3,530
Colored troops*	.....	93,441
Total	2,763,670	2,772,408

*Colored troops organized at various stations in the States in rebellion, embracing all not specifically credited to States, and which cannot be so assigned.

Notwithstanding the magnitude of these calls, the enlistments exceeded them by nearly 9,000 men. It needs no word-painting, it

requires no play of the imagination, to picture the scenes that followed in the four years of terrible war that preceded the final triumph of the national cause. The sacrifices of the brave men who achieved it are hallowed by the love of a grateful people, and their deeds of daring illumine the pages of our history. I need not recount them here. They are fresh in the recollection of every member of this House. Two hundred and five of the gallant men who went forth in 1861 to battle for their country and its flag, with flush of youth upon their cheeks, with the fire of patriotism lighting their eyes, and with love of liberty in their hearts, sweetly sleep in Greenwood Cemetery now. Then they were quick with life, bouyant with hope, and animated with ambition. To-day they peacefully sleep in that silent city of the dead.

I hold in my hand a list of the names of the comrades who have answered the bugle-call and have gone before; but whose bodies find sepulture in that sacred spot. It was prepared by a comrade who is still waiting for the command to cross over to the other shore.

And, sir, I only wish that I could transfer to the RECORD the beautiful and artistic letters and colors with which his work is done and the list made. That I cannot do. But, sir, the following is a list of United States soldiers who are buried in Greenwood Cemetery at Hamilton, Ohio:

REVOLUTIONARY WAR.

1. Isaac Hammond.
2. John Reily.
3. Pearson Sayer.
4. John Wingate.
5. Joseph McMakin.
6. Isaac Hull.

WAR OF 1812.

1. John G. Rosebom.
2. John P. Reynolds.
3. John Pierce.
4. Thomas Stone.
5. Isaac Falconer.
6. John Caldwell.
7. Thomas Sinnard.
8. Brigadier-General Dr. Dan Millikin.
9. Dr. Jacob Lewis, surgeon First Regiment, U. S. A., under General Wayne.
10. William H. Wilcox.
11. N. S. Smith.
12. Vincent Cohee.
13. F. Perry.
14. William Clements.
15. Robert Clements.
16. John Woods.
17. John Freeman.
18. John Byers.
19. Isaiah Vail.
20. Edward Brown.
21. Isaac Paxton.
22. William Dye.
23. William Sheeley.
24. Lieut. Alex. Delorac.
25. John Crane.
26. Alex. Smiley.
27. James B. Thomas.
28. John Vinnedge.
29. Fred. Devon.
30. Samuel Millikin.
31. James Patchell.
32. William McClellan.
33. Mathew Hueston.
34. Captain John Cleve Symmes.
35. John Sutherland.
36. Wilkins Warwick.
37. Captain Abner Torbett.

MEXICAN WAR.

1. Daniel McCleary.
2. William H. Sinnard.
3. Major William P. Young.
4. William H. Wilson.
5. Joseph Garrison.
6. John Holloway.
7. J. S. Freeman.
8. John Pearson.
9. Oscar Barry.
10. John G. Deinzer.
11. John L. Wilkins.
12. James Moore.

WAR OF 1861-'65.

1. Major John McCleary.
2. S. R. John.
3. Captain John S. Earheart.
4. William Anderson.
5. John Giffen.
6. Jacob Marsh.
7. Mathias Grissle.
8. Hamilton Miller.
9. Adam Richard.
10. Captain John Van Derveer.
11. George D. Dilg.
12. Porter Durell.
13. Henry Smith.
14. J. Gargus.
15. Stephen G. Lefler.
16. B. C. Wilcox.
17. Edward Fairclough.
18. Garret Parker.
19. Robert H. Miller.
20. Captain Robert Clements.
21. Colonel C. K. Smith.
22. Captain J. W. C. Smith.
23. Charles Morris.
24. James McClellan.
25. William Kennedy.
26. J. H. Atherton.
27. C. Chapman.
28. J. W. Miller.
29. E. H. Scudder.
30. Henry C. Renther.
31. Rev. Adolph Gerwig.
32. John Myers.
33. William H. Myers.
34. Thomas S. Myers.
35. Isaac Hagerman.
36. P. C. Schmidtman.
37. Alexander Schmidtman.
38. Wilson Furry.
39. Captain Thomas Stone.
40. Nathaniel Rogers.
41. James Jackson.
42. S. Miller.
43. Samuel Crawford.
44. Colonel Minor Millikin.
45. Dr. F. B. Morris.
46. Jacob Straub,
47. John C. Elliott.
48. James Short.
49. D. P. Beaver.
50. S. P. Stephenson.
51. Lieutenant W. H. Eckert.
52. W. C. Stewert.
53. John M. Stewert.
54. Lieutenant B. F. Kyle.
55. Lieutenant W. H. Miller
56. Major D. C. Becket.
57. Jerome Falconer.
58. Captain J. W. Falconer.
59. Andrew Byers.
60. W. H. Wilson.
61. Captain John W. Wilson.
62. Colonel Oscar Minor.
63. Wilkinson Beaty.
64. Colonel M. C. Ryan.
65. W. J. Williams.
66. Perry Berry.
67. R. Hannaford.
68. J. M. Coppage.
69. John Hull.
70. Ichabod Whittaker.
71. Captain James Gorsuch.
72. H. R. Heck.
73. A. Reely.
74. Thomas Walton.
75. Charles F. Walton.
76. A. S. House.
77. R. G. Rust.
78. Peter O. Mellen.
79. John A. Compton, color-sergeant.*
80. James McCormick.
81. W. H. Kimble.
82. Lieutenant Oscar F. Smith.
83. C. W. Smith.
84. W. C. Sterrett.
85. B. F. Boatman.
86. W. Howenstein.
87. John Schmidt.
88. W. Martin.
89. Henry Burch.
90. Nicholas Hagan.
91. Archey Mahan.
92. J. P. Dietz.
93. John Hall.
94. James Willis,
95. George W. Erwin.
96. Samuel Shellhouse.
97. John Shedd.
98. Philip Huber.
99. James Price.
100. W. Howell.
101. Isaac Earheart.
102. George Kinch.
103. Thomas Corwin.
104. Jacob Hock.
105. David Kimble.
106. Fred. Schweikle.
107. C. W. Bene.
108. Jacob Wetzel, color-sergeant.*
109. John Weine.
110. Dennis Downey.
111. A. W. Sullivan.
112. Lea Brown.
113. Peter O'Hanan.
114. Henry Adams.
115. Dennis Webster.
116. Herman Rinehart.
117. George W. Shelhouse.
118. Lucas Wiles.
119. John Weaver.
120. George Nelson.
121. Julius Shuster.
122. John Mackshouse.
123. John Bench.
124. Robert Ireland.
125. Philip Haley.
126. John Rennel.
127. Mat. Eckenroth.
128. Captain Charles Trousell.
129. William Longfellow.
130. Mathew Miller.
131. Fred. Donges.
132. Peter Van Scyke.
133. James Newell.
134. Samuel Young.
135. John Griscoll.
136. Hiram Shedd.
137. William H. Helmer.
138. Henry Severs.
139. Henry Hursh.
140. Gaspar Decker.
141. Henry Hahn.
142. Fred. Bruck.
143. Lieutenant John Bruck.
144. John A. Miller.
145. William McNight.
146. Captain A. P. Cox.
147. Henry Pieper
148. Charles Waltz.
149. John Post.
150. Rev. N. M. Gaylord.
151. Jacob P. Sorber.
152. Jethro Davidson.
153. Henry Werks.
154. Anthony Dickson.
155. Winston Lewis.
156. Erastus Oakes.
157. Julius Bastian.
158. Frank Theobold.
159. David Fellers.
160. August Craft.
161. G. W. Smiley.
162. Edward Schlottenbeck.
163. Fred Hoover.
164. Edwin Ellis.
165. Captain Alex. C. Rossman.
166. Fred Nollenberger.
167. Peter Flynn.
168. James McBride.
169. Samuel Dunwoody.
170. August G. Heiser.
171. Jacob B. Ruoff.
172. Alex. D. Radcliff.
173. Robert Waterhouse.
174. Robert Benninghoffen.
175. John Schmock.
176. Clarence Arnold.
177. Warren Corwin.
178. John Hull.
179. Earnst Rhodes.
180. Thomas B. Bartlett.
181. Frank Mock.
182. Jacob Kurtz.
183. Daniel C. Cameron.
184. George P. Mathias.
185. Everet Rossman.
186. Lewis Hennis.
187. Robert Parker.
188. Jesse Sullivan.
189. William Hill.
190. G. Pefaist.
191. Finley McGlynn.
192. Charles Gramer.
193. James E. Bosley.
194. George Kimble.
195. D. G. Rose.
196. Frederick Stitzenberger.
197. George Dilg.
198. Daniel Charles.
199. H. Lawder.
200. Thomas P. Saunders.
201. Major A. A. Phillips.
202. J. Castator.
203. Henry Sprong.
204. William Kidwell.
205. Christian Milds.
206. Captain John McKee.

RECAPITULATION.

Revolutionary war	6
War of 1812	37
Mexican war	12
War of 1861–1865	206
Total	261

These names shall stand in the record of Congress illumined by the luster of the heroic deeds that shall make them ever honorable and revered among men. Sir, there are many other of the nation's dead at other cemeteries and burial-places in my county, whose names, I regret, have not been furnished me, but in whose name and memory I also ask for the passage of this bill.

The authorities of my city, at the request of Wetzel-Compton Post of the Grand Army of the Republic, to which I have the honor to belong, have dedicated to the exclusive use of a soldiers and sailors' burial-place the most elevated, conspicuous, and beautiful lot in Greenwood Cemetery.

The Grand Army propose to embellish and beautify it appropriately and lovingly, befitting the sacred memories that must ever cluster round it. I am in receipt of the following letter, which sets forth the action of the city council, the desires and objects of the Post of the Grand Army, and incloses the names of deceased soldiers which I have heretofore given:

HAMILTON, OHIO, *March* 3, 1882.

DEAR SIR: We, the undersigned committee, appointed by Wetzel-Compton Post, Grand Army of the Republic, have secured the grounds desired for a soldiers and sailors' burial lot in Greenwood Cemetery. The city council has passed the ordinance dedicating said grounds to such exclusive purpose, and we are prepared to improve and beautify the same.

In pursuance of the above object we hereby petition you to use all possible efforts to secure the passage of our resolution, lately introduced by you in Congress, for the appropriation of ordnance to our use. We would also request that if said ordnance are donated they be placed on stationary limbers.

We inclose herewith a list of several hundred soldiers now buried here. They embrace men who served in the American Revolution, and in every war in which the United States of America has ever been engaged.

Yours, very respectfully,

JAMES E. CAMPBELL,
F. B. LANDIS,
GEO. H. PHILLIPS,
Committee.

To Hon. H. L. MOREY, *Washington, D. C.*

Sir, the soldiers of the Republic have done much for this nation. They have achieved its independence, they have defended its honor, and have preserved its existence and unity. Through all time their example will teach the generations that are to come to love liberty and to esteem no sacrifice too great to be made to preserve free government and its inestimable blessings. The cannon that we ask for

* Among these dead are comrades Jacob Wetzel and John A. Compton, both color sergeants of the gallant Sixty-ninth Ohio Regiment. Each fell with the national colors in his hands. In their honor our Grand Army Post has taken its name.

have done their part, they have fulfilled their destiny in the field of battle and upon the seas in our vessels of war. They are the mute instruments of our soldiers and sailors' prowess, the silent witnesses of the mighty events of which they were a part. Had they but tongues, and could they but talk, what deeds of valor they would relate, what accounts of wounded and dying men they would give, what pictures of waning hope and despair in the dark days of the war they would reveal, what shouts of victory they would echo upon the final triumph of our arms!

Give us these guns. We will plant them on the banks of the Great Miami within range of old Fort Hamilton, but a few years since a frontier post in the Indian wars. We will place them in the beautiful Greenwood Cemetery, on the highest, the loveliest spot within its limits, where the green grass and the blue violets first come in the spring-time, to remind us ever that they are not dead but gone before. Then these guns shall have tongues, and they shall be loosed, and they shall tell to our children and the children of the two hundred and sixty dead who lie buried there the story of their heroic lives.

It matters not to them whether their graves are marked by stately shafts of marble, by magnificent piles of granite, or whether nature, enfolding in her bosom all vestiges of their last resting place, forever withdraws them from the vision of man. But, sir, it does matter to the living. It is of interest to all generations that follow that the lessons of their sacrifice and death be not forgotten and lost. When we look upon the monuments that are raised to those who have rendered service to the State and to their fellow-man, association of ideas directs our minds to the contemplation of their great deeds and excites us to emulate their patriotic and philanthropic examples.

At Arlington Heights, near this city of Washington, in the beautiful city of the dead that our Government has there established, there stands a magnificent block of New England granite on which is engraved a legend in enduring letters that tells the visitor to that beautiful spot that beneath its massive form lie buried the bones of 2,200 unknown dead, who fell in Bull Run and other battles in Virginia. Their names are lost forever, but the glorious lesson of their sacrifice will never die. Countless thousands in the years to come, as they read that sacred inscription and remember the patriotic sacrifices of the unknown who lie buried there, will go away animated with a better love of country and a higher and nobler ambition to serve their country and benefit mankind.

These monuments are all over our broad land. Their influence is impressed upon our youth. Patriotism and love of country are inspired by them. Every noble and patriotic impulse is quickened by the lessons they teach. Such a monument will my people make of these guns which they ask at your hands. Annually, when the flowers come, when the face of the earth is covered with verdure, and all nature smiles, they will go forth with garlands and wreaths of choicest flowers to deck the last resting-places of their dead heroes with these tokens of their love; and there, in the presence of the sacred memories that will be then invoked, they will dedicate themselves anew to the cause of liberty and free government in the New World, for which these heroes poured out their blood to establish and defend.

Soldier, rest, thy warfare o'er,
Dream of fighting fields no more;
Sleep the sleep that knows no waking,
Morn of toil, nor night of waking.

Army Appropriations.

SPEECH

OF

HON. PHILIP B. THOMPSON.

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 5, 1882.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. No. 5559) making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes—

Mr. THOMPSON said:

Mr. CHAIRMAN: On account of the great interest to my constituents I will trespass upon the patience of the House long enough to call attention to the importance of the amendment which I offered transferring from the Quartermaster and Commissary General's Departments those claims now pending there under theact of July 4, 1864, (which embraces all claims in loyal States for quartermaster's supplies, which includes horses and commissary stores taken or used by the United States Armies during the late war,) to the Court of Claims. The amendment offered by the gentleman from New York [Mr. HISCOCK] provides that no part of the money appropriated in this bill (the Army appropriation bill) shall be applied to the payment of the agents used by the Quartermaster and Commissary Departments to visit the neighborhoods and take proof in regard to claims.

This is eminently proper. Heretofore large sums of money have been used without any specific legislative action appropriating it for that purpose by this Department, amounting yearly to at least $50,000, paying secret-service agents to nominally investigate claims in a few States like Kentucky and Tennessee, but in fact to assist in electioneering for the Republican party. No money should be used in these investigations except upon a specific appropriation by Congress for that purpose, designating the amount. These officers or agents were for long years but spies sent out to defeat the just claims of good citizens upon reports of disloyalty, unless the claimant changed his politics, if a Democrat, and voted Republican, for no amount of services in the Army, even suppressing the rebellion, made a man loyal unless he voted the Republican ticket and co-operated with the Republican party. Their reports were not subject to inspection, but were hid away in the Department, and inspection or knowledge of their contents refused to the claimant and his attorney. They took affidavits without notice, and they, too, were kept secret, under the false pretense that it was unsafe for a man in Kentucky to testify against the loyalty of a claimant, if a Democrat. Men's rights were thus tried and adjudicated in the dark, without notice, without trial, and without law.

No witnesses were called; no cross-examination to elicit the truth tolerated or allowed; no interested person present either at the taking of testimony or its investigation; no record of the evidence ever seen, but by a system of secret court trial, in comparison with which the infamies of the Star Chamber and Inquisition sink into insignificance, and the court of Judge Lynch becomes the type of civilization; law and order, the dearest rights of free American citizens were passed upon in open violation of the Constitution and in utter contempt of every principle upon which republican government rests. The Constitution provides that no person shall "be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation." These principles antedate the Constitution, which is merely declaratory of the law as it already existed. They are part of the Magna Charta, the birthright of every Englishman, yet they have been ignored by the Republican administrations, and the property of our people taken for public purposes without law and without compensation, and when they asked were refused all relief unless reported favorably by a secret agent, whose report was frequently, no doubt, based upon what he received and not upon the truth of the case. Thus the law stood in regard to this secret assassination of honest claims until 1880, when I aided in putting upon the Quartermaster's bill, reported by the Committee on War Claims, the following proviso:

SEC. 2. That the agents appointed by the Quartermaster-General or his subordinates to investigate claims under the act of July 4, 1864, shall give notice to claimants whose claims it is proposed to investigate of the time and place of taking testimony, who shall have the right to cross-examine every witness who may testify in behalf of the Government; and said agents shall also take, at the same time, testimony of any and all witnesses who may be presented by the claimant. And all, both in behalf of claimants and the Government, shall be taken under the law and rules which usually govern the taking of testimony. And the reports of said agents shall be open to the inspection of the claimant or his attorney at all times, on application, subject to such regulations as the Quartermaster-General or Commissary-General may prescribe.

Approved June 15, 1880.

This broke down secret reports but could not root out of the officer who passed upon the claims his intense hatred of our people. Thousands of claims had already been filed away, on their secret reports; they are yet filed away, probably eighteen thousand. They are subject to revision, review, and new trial; for the Quartermaster-General cannot reject a claim. He "can only examine it, and when satisfied that it is right and just recommend it for payment."

Mr. Chairman, in filing these claims away, he shall, and should, act only upon legal evidence, taken upon due notice, after thorough cross-examination, with an open trial, so that public justice may be done. And as the amendment of the gentleman from New York [Mr. HISCOCK] leaves no money to pay investigating agents, and the whole machinery will stop for want of money and the people be deprived of all remedy, I favor their transfer to the Court of Claims. I know he pledges himself to make ample provision for this upon the judicial or sundry civil bill, but even if fully provided other reasons of a cogent nature demand a change.

My colleague from Kentucky [Mr. BLACKBURN] opposes my amendment, which reads as follows:

And holders of such of said claims as are now pending and undetermined in the Quartermaster-General's Department or in the Commissary-General's Department, and which the Quartermaster-General or Commissary-General has, under the express terms and within the limitations of said act of July 4, 1864, and the acts and resolutions amendatory thereof and supplementary thereto, the jurisdiction and authority to have examined and adjudicated, and to report to the Third Auditor with recommendation for settlement, may have the same transferred to the Court of Claims to be tried and adjudicated there as other claims now are.

He would in the light of information he has in his desk compel a transfer. He has exhibited to us corruption among officials, clerks, and employés in and around the Quartermaster's Department and Third Auditor's Office which are appalling. How claimants have been compelled to pay a per cent. upon their claims to those who are to pass upon them to get them allowed. He claims much evidence of this kind has just been furnished him which he will lay before us. This at least should induce a transfer away from the secret and

unconstitutional methods of the present management to an open investigation through the forms of law in an honorable court. The Government had better pay a few unjust claims for want of investigation than languishingly live in the corruption now made public. Why not transfer? The Court of Claims is not a new institution. In 1855 it was first established, with broad jurisdiction and ample powers. Even at that early day it was felt and known that Congress was no place for the investigation of private claims. That justice was not the rule in their settlement, but political prejudice, party passion, and the whim of the moment, not justice, dictated their allowance or rejection.

The most meritorious frequently received no consideration, while the most corrupt were forced upon the Calendar and passed hastily and without investigation. So patent has this become that the Calendar upon which they are placed, even after a favorable report, and frequently repeated from Congress to Congress, that the House turns with disgust from its consideration, or, having entered upon it, meets one around which hang dark clouds of suspicion, and all behind are then postponed because the House must pass over the reeking mass of corruption that blocks the way before they can be reached. If public policy and public justice demanded a transfer of private claims in 1855 to a court of claims, what must be the necessity now when they have increased a hundredfold? Our Constitution never intended that Congress should exercise judicial power, which it does in passing upon the claims of its citizens. The judicial power was committed to another branch of the Government, co-ordinate with the legislative. But as Congress holds the purse, and payment cannot be made except pursuant to an appropriation made by it, they assume to pass upon the justice of the claim. This is a great stretch if not a violation of the Constitution. We are told by enlightened publicists that every nation claiming to be even semi-civilized save ours has by law provided a court wherein the humblest citizen can sue and establish his claim against his government. China has had this law in days of antiquity so ancient that history fails to find its source. Yet here in free America, where sovereignty rests with the people, there is no remedy for the citizen "whose private property has been taken for public purposes without just compensation," save to bribe its way through the Departments or Congress, if it falls into the hands of one subject to such influences. Failing in this, he lingers around the corridors of the Capitol like a sinner in the courts of hell, waiting for that favorable hearing and escape, which never comes.

Political passion now prevents this transfer. The question of the "loyalty" of the claimants is the "ghost" that will not down. The gentlemen upon the opposite side of this House are afraid, it seems, to trust a court of their own selection with the adjudication of these claims. As far as I am concerned, I am now ready to put the payment of the claims of citizens residing in loyal States like my own upon the broad ground of the Constitution and the law. A different rule must hold in the States in rebellion. As the Supreme Court held in the prize cases, they went into rebellion as States, and every citizen residing there became, upon the recognition of the *de facto* government as sufficiently established to entitle its citizens to belligerent rights, alien enemies, to be held and treated as such according to the rules of war and law of nations. Every one recognizes that upon the theater of war the peaceful methods of the Constitution cannot be applied, else the rebel in arms could claim the right to shoot those who attack him, and demand before his gun be seized just compensation, and the process of the law to fix its value. Such folly and impossibility cannot be inferred. When belligerent rights were granted rebellion ceased to be treason and the peaceful methods of the Constitution were suspended, while insurrection was suppressed by the laws of war, under the laws of nations. When the war was over and peace established, the Constitution was again supreme. On this theory only can the right of coercion be sustained. If secession be admitted, they had no constitutional rights against the Federal Government after voluntary withdrawal from under its protection.

Be this as it may, in Kentucky, as was declared by the Supreme Court in the Mulligan case, the Constitution was in force at all times and in all places, and having so remained, its citizens are entitled to full and "just compensation" for all "private property taken for public purposes." And every man in Kentucky under the Constitution and law is a loyal man, unless he be convicted of treason; not proven guilty, but convicted, for the heavy penalty of a forfeiture of property (which can only be even after conviction during the life of the person attainted, and not longer) can be only enforced in a legal way against those convicted upon a trial. Any other rule nullifies the Constitution. The Republicans hate Kentucky and treat her as an outcast in the Union of States. Millions of dollars have been paid to Ohio and Indiana upon claims not so meritorious as ours; yet we are denied a hearing, and turned away empty-handed. They refuse this transfer because they claim the rule applied on the subject of loyalty is not as stringent as in the Quartermaster-General's Office. Such may and no doubt is the case, for being an enlightened court they apply the Constitution as they understand it, and do not ignore it, as the Departments do. The rule, then, is sufficiently stringent, and, in my opinion, in violation of the Constitution and the spirit of free institutions; but we want an open investigation and fair trial, free from the secret-service system of fraud and corruption; and will stand for the present to obtain any rule which Republican malignity imposes upon us.

The amendment which I have offered will, I think, effect the object which the committee attempted to accomplish by this bill, and it cannot possibly work any wrong or injury to anybody. The question of the loyalty of the claimants ought not to be forced into the consideration of this matter at all, because the act of July 4, 1864, under which these claims are adjudicated, applies only to claims from loyal States, and cannot apply to rebel claims as such. It does not apply to the States which were in insurrection. The Government long ago furnished to claimants from such States a remedy. Every loyal man from the insurrectionary States having a claim of this kind was allowed to prefer it before the southern claims commission, as it was called, and have it adjudicated. This act therefore applies only to loyal claimants from loyal States.

When the gentleman from Illinois [Mr. CANNON] argued that this might throw open the door to a great many disloyal claims, he made a mistake, because section 1074 of the Revised Statutes, under which the Court of Claims adjudicates such claims, provides expressly that unless a man can directly prove his loyalty his claim shall not be allowed. Where the claimant lived within territory occupied by the rebel army, he must bring positive proof showing that he adhered to the Government, and gave it aid and comfort, before he is treated as a loyal man or allowed any standing in court, the presumption being by the section referred to against him, presuming his guilt contrary to every principle of law and justice.

Now, so much for that. So far as the suggestion of the gentleman from Maine [Mr. REED] is concerned, I agree with him in part of what he has said; that is, that something must be done. The gentleman from New York [Mr. COX] attacks all these claims on account of their age. He says they have been pending for seventeen years. Why have they been pending so long? Where any have been pending that length of time it is because the Government has not afforded proper remedy to the parties.

A MEMBER. Twelve thousand were only recently filed.

Mr. THOMPSON, of Kentucky. Yes; twelve thousand were filed only recently from Indiana. They were filed under what is known as the Morgan raid, and within six months of the expiration of the time when they could be filed. They were filed when Congress authorized them to be filed. Now, is the gentleman going to repudiate the claims of Indiana growing out of that raid?

Mr. BUTTERWORTH. I think the gentleman is in error. Only three-thirtieths have been filed from Indiana and Ohio both.

Mr. THOMPSON, of Kentucky. I could turn to the report and show the exact number referred to by the gentleman from Michigan [Mr. BURROWS] the other day. They were filed in the last six months preceding January, 1880.

Mr. BUTTERWORTH. Not one-twelfth of the number, as the gentleman will find by turning to that statement.

Mr. THOMPSON, of Kentucky. I only take the statement of the gentleman from Michigan, and I know he is sustained by the reports. I have them before me, and I will insert them to keep the record clear.

Furthermore, of the fifty-three thousand claims before the Quartermaster-General there has been, as stated by the gentleman from Maine, [Mr. REED,] allowed of that whole number only $4,000,000. That small percentage of the whole amount is all that has been paid. So the gentlemen who undertake to frighten this House from giving a remedy to these claimants by declaring $100,000,000 are to be taken out of the public Treasury are not justified by anything in the record, and especially when we remember the fact that all that is left, if every one was allowed dollar for dollar, would not involve more than $12,000,000.

These people are entitled to a remedy, as the proofs and facts before the House show; and as they do not receive adequate adjudication of their claims before the Quartermaster-General's Office, where the claim is of sufficient size to justify it, it should be taken before the Court of Claims, where it can be passed upon, where they are fully prepared to take charge of it, and where a speedy remedy will be afforded to these litigants, who have been so long kept out of their just rights. But where the cases are awaiting the decision of the Quartermaster-General they should not be forced out of his hands unless the claimant should ask that to be done; and the reason why they should not be required to take their small claims before the Court of Claims is that in the Court of Claims the records of the cases are required to be printed, and the printing of those records would cost more to the claimants than the whole amount of their claims. All the machinery for the investigation is provided for by the Government. The Court of Claims has all the machinery necessary for the purpose of properly investigating these claims just as much so as the Quartermaster-General's Department.

I agree with what the gentleman from New York [Mr. HISCOCK] has said, that these Quartermaster-General's agents should be dispensed with, because they cost $30 for every claim, and from the beginning of this whole matter the expense to the Government in that one item has amounted to something like $3,000,000. They are now operating, or rather now using their time, not in the investigation of fair claims, but for the purpose of "whooping the boys up" in certain sections of the country to the polls on the day of election in favor of the men who are demanding that they shall be kept still longer in the service.

American Citizens in British Prisons.

SPEECH

OF

HON. HENRY W. LORD,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 25, 1882,

On the resolution of Mr. ROBINSON, of New York, concerning American citizens in British prisons.

Mr. LORD said:

Mr. SPEAKER: I shall of course decline to vote for the discharge of the Committee on Foreign Affairs from the further consideration of the resolution relating to American citizens held in foreign prisons without trial, and especially since the gentleman from New York [Mr. ROBINSON] has been kind enough to say that if he had been possessed of fuller information in regard to the work and progress of this committee in relation to the matter he would not have made the proposition under discussion.

It now appears from his own lips that the Committee on Foreign Affairs has not only escaped his censure but has actually won his praise, at least by implication, which when his anxious solicitude and very commendable zeal for his countrymen is considered, is a compliment worthy the appreciation of that committee.

The honorable gentleman's heart warms to the green, as did that of the Duke of Argyle—Maccallam More—to the tartan, when a case of imprisonment under other circumstances was brought to his attention.

There has been much said on this floor by the gentleman to whom I refer, and by others, sharing his views wholly or in part, in which I fully concur; and though I shall not join in anything like a clamor for the recall of Minister Lowell, yet I desire to say that if there is any duty to which a minister should proceed with alacrity and all possible promptitude, it should be to assert the rights of American citizenship. There is nothing of a national character that is of equal value; nothing upon which national existence so much depends as the sacred observance of all the rights that citizenship implies and a readiness to fulfill all the obligations for mutual support and defense that enter into the idea. Such rights as an American citizen has when abroad are just as emphatically his as such rights as he has at home are his.

His government at home is bound to see that he is protected in all his rights at home, and to afford immediate relief when necessary. When he is abroad his dependence on his government for protection and defense within the measure of his rights abroad is just as absolute. If he should require relief it should be directly given, and the extent of it should be equal to the necessity. If citizenship does not involve this obligation for mutual defense as well as mutual aid, then citizenship does not exist, and there can be no communities nor States nor nations.

The idea of mutual defense on the part of those associated to form a community does not depend on any very exalted sense of mutual obligation, that through long processes of evolution has at last found development in an element of patriotism by which nations become formidable in proportion to the degree of fraternal affection among the people. It is on the contrary so obvious, so natural in fact, that some companies of brute beasts, instinctively associated in the forests, act upon it with a high degree of energy, and a devotion to each other in the exercise of which there is not one among them who will not lay down his life for the community, or the whole community will risk its existence for the individual member.

The obligations resting on fellow-citizens to protect and defend each other form the very basis of society—society is organized for that purpose, and in fulfillment calls very specially for instant action if danger or disaster overtakes one of the community when far from home. Then his government, whose shield is always over him, is called upon for the exercise of its highest duty in affording instant succor and relief.

The citizen may have some rights at home which he does not have in a foreign country; but there is no foreign country in which he has not rights, and for his protection in those rights his government through its minister is directly alongside of him; the flag of his country is directly over him; and more important than ceremonies at court, or amiable discussions of old conundrums that can wait, is the minister's duty to demand the full measure of lawful privilege for any one of his countrymen who may seek his aid.

Here it may be well to dwell a moment upon the fact that so far as the rights and privileges under consideration are concerned there is but one kind of citizenship, but one class of citizens associated to form this nation. No question of birthplace has any relevancy whatever. The words naturalized or native have no qualifying significance. If the condition of citizenship exists, then the equality is complete, and whatever protecting power the flag indicates, to the extent of whatever force the nation has, is due to the humblest party to the national compact, in whatever quarter of the earth he may become dependent upon the nation's care.

Citizenship means no less than this, and if it does not mean as much, then it is insufficient to hold any people together in the form of what is called a government.

The question of citizenship may be at issue; it may be claimed and denied by parties to the question, either at home or abroad, as it often is, but when inquired into and established, that measures the right of the individual and defines the precise duty of the nation. That there is no difference in this respect between the rights of naturalized and native citizens may appear from this. Let it be supposed that the German Emperor shall determine that Germans naturalized as citizens of the United States and afterward returning to the German states shall, if they remain two years, be deemed citizens of that empire and subject to obligations as such. Let us suppose, further, a native-born citizen of the United States and a naturalized German citizen of the United States shall travel together within the German Empire, remain for more than two years, and the German Emperor shall claim them both, and enforce upon them the obligations, military or otherwise, of German citizens. It may well be assumed that the United States would without much delay go to the rescue of them both. It would not be easy to say, why to the rescue of the one any sooner than the other, or, if to one before the other, then for what reason? If the German Emperor had a reason to give in the one case and none in the other, that would be wholly immaterial to the Government of the United States.

A few words now upon another point. I do not yield a cheerful nor a ready assent to the proposition that a foreign nation, England for instance, may justify a course of conduct toward citizens of the United States on the ground that she treats some of her own subjects in the same way.

If she shall enact, for instance, that from the 30th of September, 1880, until the 30th of September, 1882, the Lord Lieutenant of Ireland may prescribe certain districts and change or alter them from time to time, which shall be as districts politically infected, and within which imprisonments may be according to his own direction, "without bail or mainprise," and if within the net that shall be from time to time drawn over these districts so designated there shall be here and there an American citizen involved in the meshes and thrown into prison, and if neither information as to his fault nor trial as to the truth of the charges shall be afforded to him even after many months' confinement, I am disposed for one to protest that there is no justification in the fact that the foreign government is treating numbers of her own subjects in the same way to which this country should listen with any degree of satisfaction.

There are governments which have passed beyond that stage of national development in which their rights have to be held under humble submission to long and wearying negotiations with superior powers. The United States have survived that epoch. When a question arises so vital to her honor and to her existence as that which now challenges her attention, she has sufficient standing in the earth to demand, as Rome did, the recognition of her citizens as representatives of her power.

Extension of Bank Charters.

SPEECH

OF

HON. AYLETT H. BUCKNER,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 17, 1882,

On the resolution of the Committee on Banking and Currency, to fix a day for the consideration of the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence.

Mr. BUCKNER said:

Mr. SPEAKER: It is not my purpose to enter into the discussion of the details of the bill now before the House. It is not to the form or to the means or mode by which the charters of the banks are to be continued that I make opposition; but to their recharter, however made or with whatever restrictions surrounded. I object to their recharter because there is no apparent popular or even bank demand for such legislation. There is no evidence before this House that the stockholders of the national banks, or their officers, desire the passage of this bill. There are no petitions from the people, no memorials from national-bank owners, no demand from the press that the extension of the charters of these banking associations is either a financial or a banking necessity.

I have not observed a bank president, cashier, officer, or stockholder besieging the room of the Banking and Currency Committee or thronging the aisles and corridors of the Capitol in behalf of continuation of the charters of the banks. Three bills for that purpose

have been introduced into this House and the Senate, each one a *fac-simile* of the other, and all bearing indubitable marks of a common paternity. It seems to be generally understood that the Comptroller of the Currency is entitled to the credit of preparing the original bill for which the majority of the Committee on Banking and Currency have substituted the measure now before the House. And unless he has permitted himself to become the agent and attorney of the banks, in securing the legislation proposed by this bill, I am warranted in the statement that it is not asked for by the banks or demanded by the stockholders, owners, or officers of the banks. Why should they desire an extension of their charters for twenty years, when the law as it now stands invests every five "natural persons" having a sufficient amount of United States bonds with the privilege of incorporating themselves into a national bank? The seventy or eighty banks that have been organized, with a capital exceeding $7,000,000 invested in 3½ percents since the 1st of last July, have under the law a corporate existence running into the next century, and there are new banks now being organized and so they will continue to the end of time, provided the people consent to be taxed for the special purpose of keeping them alive.

The system was designed to be self-perpetuating, while every individual bank is limited in the duration of its corporate life. It was never contemplated that any of these banks should have an existence longer than twenty years, and there is no reason why they should not at the end of that period go into final liquidation, close up their business, and divide their assets. The owners and stockholders can organize a new bank with the same assets, as has already been done by banks in Michigan and Iowa, and those of the stockholders who prefer to realize upon their share of the bank assets will find no obstacle in their way. That is their legal right under their contract of organization, and Congress has no power to divest any one stockholder of that right. It is not sufficient to say that the continued bank will indemnify a dissenting stockholder against loss, or provide a mode by which he may realize the value of his interest in the expiring bank. He has a right to stand upon his contract, and to require that the affairs of the bank shall be wound up and its assets distributed.

The fact stated in the report of the majority of the committee that the charters of two hundred and ninety-seven banks will expire February 25, 1883, involving a return of $54,000,000 of lawful money to the Treasury in order to effect the withdrawal of the bonds securing the circulation of these banks, instead of being an argument in favor of continuing the powers and franchises of these institutions, is a striking illustration of the vast power of contingent mischief which has been vested in these institutions. It is not claimed that the banks expiring at that time, even after the passage of this enabling act, will be under any obligation to continue their charter existence. A large or a small proportion of them may prefer to go into liquidation notwithstanding the passage of this act, and to the extent of their outstanding circulation they will still have the power to disturb the operations of trade, and no remedy can be provided to prevent it by this bill or any other, because it is a vice inherent in the system. This power of contraction or expansion must be a continual menace to the stability and regularity of all the operations of business in any event.

All that can be said in favor of the provisions of the committee's bill is that it affords facilities for reorganization to those banks that desire to continue their corporate existence, and to those that determine to go into liquidation it offers no inducement to continue their business. It is not at all probable that the banks who desire to extend their lease of life would, as the committee suppose, wait until the last day of their existence before they took the necessary steps for reorganization, but that months before that day they would have made the necessary deposit of lawful money and withdrawn their bonds, made a new deposit and obtained new circulation. So that whether we have a contraction of the circulation to the extent of one million or fifty millions in the early part of next year depends wholly upon what each one of these banks considers to be its interest, and the passage or failure of this bill will have no perceptible influence on that decision. For myself, I greatly prefer that they give a practical demonstration, as early as possible, of their vast powers of financial mischief and monetary disaster. By all means, if the people need more proof than they had in March, 1881, of their capabilities in this direction, let us have it next year—the sooner the better. We may be better prepared for it next year than at any other time in the near future, and I would therefore offer no additional facilities to the continuation of a system which sooner or later will convince the most skeptical of the fatuity of those who uphold it.

Mr. Speaker, this bill is a vain and useless effort to galvanize into a short-lived and spasmodic existence a system that contains within its own organism the seeds of decay and death. The breath of its life is debt, and without debt it ceases to live. National banks and national debt are the Siamese twins of our financial system. The one cannot exist without the other. The right to continue their existence for another period of twenty years, as proposed by the committee's bill, cannot add a day to their duration or prolong the period of their final dissolution. That depends entirely upon the rapidity with which the people are willing to discharge the bonds which guarantee their circulation. The president of the American Bankers' Association and president of one of the leading banks of New York City said, in an address before the Niagara convention of bankers of last August:

> It is very obvious that the continued reduction of the public debt is fast removing the foundation of the national banking currency, and that the system itself, thus losing its characteristic basis, is approaching dissolution, and it is evident that the existence of the present system of banking cannot be long protracted, and that very soon some substantial change in the basis of our national currency will be inevitable.

This sagacious and intelligent banker advocated the substitution of some other basis than United States bonds for the bank-note circulation, and neither he nor any other member of that convention even hinted at the necessity or desirability of the law now before the House. Whether expiring banks go into liquidation by operation of law or by the vote of their shareholders, or some or all of the shareholders organize a new bank under the same or a different name, or whether their charters are extended by the provisions of this bill, the foundations of the system will in either contingency continue to be undermined and destroyed as long as debt redemption is continued; and no such patent nostrum as prescribed by this bill will exempt the national banks from their inevitable doom. I say inevitable, because there is no more universal sentiment in this country than the fixed and determined purpose to discharge the last dollar of the public debt-bearing interest as rapidly as the resources of the country will permit. What the banks need, therefore, is not deceptive and unnecessary legislation, such as we have in this bill, but something to restore the constituent element of the system, and to secure a firmer and stronger foundation for their mischievous and vicious note circulation.

The Comptroller of the Currency, notwithstanding his inordinate admiration of a system which he has so long petted and caressed, in his last annual report seems to have a dim but unwilling conception that the object of his veneration and affection is going the way of all earthly things, and that the circulation of the banks will, under existing laws, diminish in volume "as the public debt shall be reduced," but inasmuch as the 2,248 banks now in existence could operate upon a bond guarantee of about eighty-two millions, and that from one hundred to one hundred and fifty millions of bonds would be sufficient to supply the minimum amount necessary to be deposited in the Treasury by all the banks which may be established during the next twenty years, he thinks it would be premature to recommend any substitute at present. These conclusions as to the amount of bonds necessary to maintain the bank-note circulation as a part of our credit circulation I do not purpose to controvert. But when analyzed, and their real significance understood, instead of affording a sufficient reason for the Comptroller's failure to recommend some substitute for the circulation which must diminish in volume as the debt is reduced, as he affirms, they manifest a singular indifference and unconcern as to the effects of such reduction on the business interests of the country. The banking system may have a name to live when it is dead in fact and its feeble and lingering existence becomes a source of desolation and disaster to all the diversified interests it was designed to promote and foster. Such it will be if we follow the counsels of the Comptroller, and fail to make early provision for its approaching dissolution.

Mr. Speaker, it will be my purpose to show that we cannot, without dereliction of duty to those who have confided their interests to our hands, look with such philosophic indifference to the necessary and inevitable effects of the continued reduction of the public debt on the paper circulation issued by the banks. It is a question wholly outside of the expiration or continuance of their charters, and is forced upon our consideration by the constant and rapid diminution of the public debt. Heretofore and even now the bank circulation has been continually on the increase, except during the period when the country was preparing for resumption by the tortures of contraction. Henceforth we may reasonably look for a regular and constant contraction of the national-bank circulation growing out of the payment of the bonds held for their security. Let us suppose that the minimum sum of bonds (namely, $82,000,000) required by the 2,248 banks in operation last November to sustain their circulation could be reached by redemption by the 1st of next January, what would be the necessary effect upon the circulation? It would reduce it under existing laws by about the sum of two hundred and ninety-seven millions of dollars in the withdrawal from circulation of that amount of lawful money deposited in the Treasury for the redemption of the circulating notes of the banks. And notwithstanding this heavy curtailment of the paper circulation, as stated by the Comptroller of the Currency, the banking system could still live and breathe, but its breath would be freighted with universal ruin.

If we look at the probable events of the near future, with reference to the character of the bonds and the probability of their redemption, there is reasonable ground for the opinion that, as we redeem the 3½ percents, the paper circulation will suffer such a reduction as will necessarily inflict serious injury to all the vast industrial and commercial interests of the country. It may be safely assumed that there will be no material reduction of the revenues of the Government during this Congress, and that one hundred millions of the public debt will be discharged during this and several succeeding years. The Treasury is now discharging all its current obligations and paying off this debt at the rate of one hundred and

fifty millions per annum; and any probable reduction of revenues will be more than counterbalanced by the difference in our interest account now and that of the preceding fiscal year, and by increased consumption from increasing population.

The amount of 3½ percents on the 1st of April subject to call was $511,400,000, and of this amount $245,601,000 was held on November 1, 1881, by the Treasury as security for the circulation of the banks, and one hundred and twenty-four millions of 4½ and 4 percents and Pacific Railroad sixes aggregating $369,600,000 as the total amount of United States bonds held by the banks to secure their circulation of $330,000,000 November 1, 1881. In other words $\frac{3}{5}\frac{4}{5}$, or about 68 per cent. of the bonds securing bank circulation, consists of 3½ per cent. bonds, and they also constitute $\frac{4}{5}\frac{4}{5}$, or about 48 per cent. of the outstanding 3½ percents, all of which are payable at the pleasure of the Government. If one hundred and fifty millions of these bonds are called for redemption during the current year, the banks must respond by the surrender and cancellation of their bonds in the proportion of 245 to 511, and the deposit of lawful money by the banks to redeem their circulation will be required in nearly the same proportion as the amount of bonds deposited, the amount of circulation being three hundred and sixty millions, secured by three hundred and sixty-nine millions of bonds. Each bank owning called bonds will thus be brought to the alternative of purchasing 3½ percents, which may be included in the next succeeding call of the Secretary, or 4½ or 4 percents, the former at a premium of 12 to 14 per cent. and the latter at a premium of 18 to 20.

Which will they do, or will they prefer to go into voluntary liquidation, give up their circulation, sell their bonds, and continue in the legitimate business of banks of discount and deposit? Their course of action will be determined by the interest of the stockholders of the several banks. The interest of the public will not be consulted or regarded, but each bank will decide its action with reference solely to its own interest. For myself I do not believe that any fair proportion of the banks whose circulation is based on 3½ percents, will continue their existence by reinvesting in 4 or 4½ per cent. bonds at the rates of premium at which they are now sold. The banks chartered since the 1st of July are based almost exclusively on the 3½ percents, thereby showing that they are unwilling to pay the premium at which the fours and four-and-a-halfs are held, and it is not at all likely that the premium will be less in the face of the increased demand that will arise for them, as all other national bonds are redeemed or in course of rapid redemption. To the extent that the 3½ per cent. bonds are withdrawn and not replaced by other bonds, the monetary circulation must be curtailed, and if the opinion of the late Secretary of the Treasury is to be relied upon, the whole of these bonds will be redeemed within the ensuing five and a half years at the rate of at least one hundred millions per annum.

Can we afford to take the risk of having the volume of circulation curtailed at the rate of from ten to fifty millions of dollars per annum for the next five years? Is our present prosperity so assured, or is the business of this country on so solid and firm a foundation that we can intrust the vast monetary interests of this country to the doubtful and capricious action of banks and bankers. Shall we take no warning from the diminution of our exports, from the short crops of last season, from the expenditure of millions of dollars in unproductive enterprises, from the wild and reckless speculation that is pervading all classes of men in every part of the country, and commit the question whether we shall have two hundred millions of circulation, more or less, to the decision of two thousand national banks? If I do not grossly misconceive the present situation we shall richly merit the execration of the people of this country if we leave them subject to such unnecessary hazards. It is but little over a year ago since the banks gave us a striking illustration of their power to produce a monetary panic. It was a legitimate result of free banking, and of what is known as the "elasticity of the circulation," the power to contract or expand the circulation of the banks at will. Whether the bill of the committee is or is not enacted into law, that dangerous and vicious power still remains to the banks, and if I am not greatly mistaken they will find it to their interest to exercise it in such a way that will not only startle the country but produce such a revulsion in financial and commercial circles as will forever consign banks of issue to the opprobrium they so well merit.

But, Mr. Speaker, let it be conceded that my apprehensions as to the immediate future are groundless; that I am taking counsel either of my wishes or my fears, and that such is the value of the sovereign right of issue to the banks that they will maintain the present volume of paper circulation by the purchase of 3½ percents to replace those that may be redeemed. Is there any one who believes that they will pay the present premium for the 4 and 4½ percents, when all the 3½ percents are redeemed, which will take place, in all human probability, within the next five or six years? Or are they prepared, with the Comptroller of the Currency, never to abandon the national banking system as long as the bonded debt amounts to one hundred or one hundred and fifty millions, and without making an effort, either to strengthen its foundations, or substitute anything in its place, permit the bank-note circulation gradually to dwindle down from its present volume of three hundred and sixty millions to one-fourth of that sum? Instead of extending the charters of the outgoing banks, it becomes this Congress to prepare for the probable contingencies of the future, and either authorize them to issue circulating notes on some other security, substitute some other kind of circulation in their place, or resolve that the taxpayers of this country shall in all time pay an annual interest of twelve millions of dollars, in the shape of interest on an interminable bond, in order to maintain a bank-note circulation.

To this complexion it must come sooner or later, if not in this exact form, by such changes in the revenue laws and by lavish expenditures of the revenues as will practically make a portion of the public debt a perpetuity. Nothing will be done on a question of this character during the next Congress, because no radical change in existing revenue or financial legislation is ever made during the term in which a Presidential election occurs, and in the mean time we are by our non-action exposing the business interests of the country to the doubtful and capricious action of more than two thousand distinct and independent banks, controlled by no other consideration than the pecuniary interests of their owners.

I come now to consider the provisions and principles of the proposed substitute for the bill of the committee, both of which will be found in the appendix to these remarks. And at the outset I beg the House to believe that the proposition involved in the substitute of the direct issues of the Government for its indirect bank issues is primarily a question of monetary circulation, and not a question of interest reduction or debt paying. It involves the question of a stable and steady volume of circulation of far greater importance to the commerce, trade, agriculture, and manufactures of the country than the annual saving of ten or twelve millions of dollars. It is a part of the history of this country that we have had several monetary convulsions, most of which are traceable remotely or proximately to the vicious system of bank issues and the union of banking in its proper sense, with authority in the banker to make money out of his credit by the issue of his promissory notes. In each of these monetary crises—of 1814, 1817, 1837, 1857—when the banks suspended cash payments, the losses and bankruptcies of the country were a hundredfold greater than the saving to the Government of the difference between a non-interest-bearing and an interest-bearing debt of four hundred millions, which will be the effect of the substitute now before the House. Hence I shall treat the question before the House simply as one of currency, that of interest saving being altogether subordinate and incidental.

The substitute I have proposed asserts the exclusive right and duty of the Government to issue all the credit circulation directly, and not through the intervention of corporations, and without shock or disturbance to the business of the country to substitute the promissory notes of the United States for the promissory notes of the banks. It neither increases nor decreases the present volume of national note circulation, and endows the note of the United States with functions conferred by law on the bank note, with the exception of making the former receivable for customs dues, and making the Treasury note redeemable in coin, which the bank note is not. It goes further, and separates the business of banking, and the issue of notes; and except in taking away from the national banks their note issue it does not interfere with their business as banks of discount and deposit. And as an inducement to the note circulating banks to surrender their circulation and to become banks of discount and deposit simply, the substitute offers to repeal all taxes of non-circulating banks on capital and deposits. Such, sir, is the remedy that is proposed to ward off the dangers of a great reduction of the circulation by the payment of the debt on which it is based, and at a time when an unfavorable condition of our international exchanges may be greatly aggravated by this unrestricted action of the banks.

When it is considered that one-half of our paper circulation is now issued by the Government, and that there has never been a successful effort openly made to withdraw this circulation during the score of years it has been in use by the people, it cannot but excite surprise that any defense of a proposition that the other half of the circulation should in like manner be issued by the Government should be necessary. As in the war of 1812, so in the late civil war, when the credit of the banks had failed and they were powerless to meet the exigencies of the occasion, the credit of the Government was resorted to as the only resource to pay its soldiers and carry on its vast military operations. It would seem that a credit and the use of such credit which could be made available to the wants of the people and the Government in time of war might be profitably and advantageously used in peace. Such in fact has been the experience of the people of the United States as to the notes of the Government known as greenbacks, and notwithstanding the various insidious and clandestine efforts to supplant them with the notes of the banks, I hazard nothing in saying that they have a hold upon the judgment and esteem of the people that will make them the last debt of the Government that will be paid, if they are ever paid.

In popular estimation their value as a circulating medium is not enhanced by the fact that they are made a lawful tender in the discharge of debt, or that they are redeemable in coin at the treasury in New York. They are valued because of the faith of the people in the Government which utters them—because of their uniform value in all parts of the Union—and of their receivability for all taxes, national, State, county, and municipal, and necessarily in all the multiform transactions of daily life. And when the plain, blunt common sense of the man of ordinary understanding and average

intelligence demands to know why all the paper money, as he terms it, cannot be issued directly by the Government instead of half of it being issued by corporations created by that Government, no answer that you can give, however fortified by authority or experience, or replete with the theories of monetary science, will satisfy him that in permitting this condition of things we are not countenancing a great folly, if not a great wrong. If I were to answer this question I should say that we employed banking corporations to issue a portion of our circulation because of the proclivity of all governments to legislate for the benefit of privileged classes and special interests, because of the natural distrust of large numbers of men of the capacity of the people for self-government, and of a still larger number who have a morbid and superstitious dread of every innovation upon the existing order of things.

If, Mr. Speaker, Congress, instead of authorizing the creation of two thousand banking corporations, had invested a single individual and his assigns with the right to issue his promissory notes to the extent of three hundred and sixty millions of dollars for twenty years, and had made them receivable for public dues and payable on account of debts by the Government, as provided by the national-bank act as to national notes, and with like power to expand and contract the paper circulation as these institutions now have, I am perfectly safe in the assertion that there is not a member in this House who could be found willing to extend such powers and privileges for a day. Such abuse of our legislative authority would shock the minds and consciences of all men—not because a single individual might not secure to the people as safe a currency and one as uniform in value in all parts of the country as that furnished by two thousand corporations, but because of the special and peculiar privileges bestowed upon this fortunate individual, and of the inconsistency of such legislation with that equality of right which is the corner-stone of republican government.

There is nothing in the Constitution which makes any distinction in favor of a thousand corporations over one, or of any number of individuals over a single individual. If Congress has constitutional power and jurisdiction over any subject or matter there is no restriction upon the means it may adopt to carry into effect the grant of powers. It has the same power to incorporate Jay Gould or W. H. Vanderbilt as it has to incorporate ten thousand bank shareholders or two thousand banks. We should be giving to the favored individual the right to exchange his promissory notes without interest to the extent of three hundred and sixty millions for the promissory notes of others, bearing interest, with the pledge of the Government that it would receive them for hundreds of millions of annual taxation, and pay them out to all employés, officers, and creditors of the Government, except where it had stipulated for some other mode of payment, and at the same time forbid by stringent legislation any interference by other individuals or State corporations with the valuable privileges thus conferred.

Such is the extent of the extraordinary franchise which would inure to the exclusive benefit of the beneficiary of our legislation. Need I say that such a franchise conferred upon a street beggar would in a few years transform him into a millionaire? I speak not of the indirect result of the elastic principle of the bank-note circulation, so much lauded by its advocates, which enables bank-owners to expand or contract their note obligations at will, and thus, by advancing or depressing the prices of commodities, afford them the opportunity of enriching themselves at the expense of the great mass of the people, and at the same time bankrupting merchants and traders and embarrassing all kinds of business. And now, sir, what pretext of justification can be offered for such unjust, partial, and anti-republican legislation? Can we delude ourselves into the belief that what cannot be justified when for the benefit of a single individual will find its justification when the number of beneficiaries is increased a hundred or a thousand fold. Is there such magic in an act of incorporation as to make a franchise conferred upon a corporation justifiable, and without justification or excuse when conferred upon a single individual and his assigns? Can we sugar-coat injustice in the form of class legislation by increasing the beneficiaries of our injustice and multiplying the number who participate in the robbery of the general public?

No, sir. Banks of issue are inimical to republican institutions, and cannot be justified, except by an abandonment of the principle of equality of all men before the law. "Power is ever stealing from the many to the few," and note-issue by banks is one of the chief instruments of power by which the few are aggrandized at the expense of the many. It has been the fruitful source of vast accumulations of wealth in the hands of a moneyed oligarchy in this country, which is the sure forerunner of public corruption and the bane of republican institutions. The present distinguished premier of the English cabinet (Mr. Gladstone) said in a speech in the House of Commons, in March, 1875, in reference to issue banks, that they were subsidized by the state to the extent of their note-issue. "It would be exactly the same thing," he said, "so far as the money is concerned, to grant a legislative privilege to a person to pay over to him a considerable sum from the consolidated fund."

And, strange to say, we are discussing in republican America the question whether we will continue to the national banks the payment from the pockets of the people of a subsidy of millions by allowing them to issue their notes and endowing them with most of the functions of money. Will it be said that they repay the Government for the franchise of note issue by making a market for the bonds of the Government? When first established and the credit of the Government was depressed they served the purpose of sustaining its credit, but it is not pretended that the Government stands in need of any such adventitious aid to sustain its credit now. Its bonds are sought for in every market of the world and stand first on the list of the world's securities. For the last ten years the banks, instead of being a help to the Government, have been an obstruction to every effort to appreciate their value and obtain a lower rate of interest. Even now they are engaged in stealthy, underhand, and indirect schemes to perpetuate the public debt, in order that they may have a plausible pretext to retain their subsidy of note-issue, by a reduction or repeal of all internal taxation.

Shall I be told that the banks pay the Government a bonus of 1 per cent. on their circulation in consideration of the grant to them of the privilege of making money out of their indebtedness. This is an admission that the right of note-issue belongs to the Government as a part of its sovereign power, and has been bartered away for a mere song. If it were any adequate compensation for this valuable franchise, how is it, when the interest on the securities for the circulation has been reduced from 6 to 3½ per cent., that there were as many or more banks organized within the last half year than ever before in the same period of time, and how does it happen that the rate of bank dividends for the last twelve months is greater than the ordinary rate of interest through the country, notwithstanding the continued complaint of ruinous and excessive bank taxation? If there is any profit in bank circulation to justify the payment of a large or small bonus it belongs to the whole people, and not to an inconsiderably small fraction, and should no more be bargained away or farmed out than the transportation of the mails or the coinage of metallic money.

Mr. Speaker, no argument can be urged against the proposition contained in the substitute for the bill of the committee that is not equally potent in favor of the redemption and destruction of the three hundred and forty-six millions of greenbacks. But what party or segment of a party will champion a measure that looks to that result since the policy and design of the resumption act in that respect was defeated and reversed? I do not speak of depriving the greenback of its legal-tender character, but of its redemption and cancellation, and thus permit the bank oligarchy to "filch from us," to use the expressive language of Mr. Jefferson, the exclusive right to issue all the credit circulation for our fifty millions of people. If there were not an urgent necessity growing out of the rapid reduction of the public debt that some substitute should be provided for the national notes, the fact that we have two kinds of currency performing the same office, one issued by the people and for the people, and the other issued by the banks and for the banks, will give the question, "who shall emit the future currency?" a prominence that will demand a final solution in the very near future. It cannot continue to be half greenback and half national-bank note. It must all be issued directly by the Government or by the banks. There is the same irrepressible conflict between the two that once existed in this Union between slavery and freedom, and one or the other must and will be exterminated.

I pass to the consideration of the monetary objections, as I understand them, to the issue by the Government of the entire credit circulation. I grant that it involves a "fixed issue" of the whole credit circulation just as the maximum amount of the greenback circulation is now fixed by law. It is because it is so fixed and possesses no "elasticity," as it is termed, and that it is so fixed in amount by Congress, that it encounters apparently the strongest objection. I maintain that what I have denominated the credit circulation, that is, circulation based on credit and not on coin, however secured or redeemed, should have no elastic power; that is, should not be contracted or expanded at the will of those who make a profit for themselves by loaning it or discounting notes in exchange for it. Elasticity in the sense I have used it, and as it is generally understood, necessarily involves the power to contract as well as expand the circulation. That such a power should not be lodged in the hands of those interested in abusing it seems to be too evident to admit of argument. Banks follow the law of their being when they maintain their circulation at the highest amount. To give them the unrestricted power to increase their circulation as they may consider needful for the demands of trade and commerce, is to give them the power to make or unmake the fortunes of individuals and to advance or depress the prices of all property and commodities.

It is universally agreed that paper circulation has precisely the same influence on prices as so much metallic money, and as it increases in amount the whole volume of circulation, both coin and paper, all other conditions being equal, is relatively depreciated, and the depreciation of the whole volume manifests itself in the advance of the prices of commodities. High prices here diminish our exports and tend to increase our imports, and the result of this state of things is, that we become indebted to foreign countries and the foreign exchanges become adverse to this country. A drain of coin takes place in order to liquidate the foreign balances against us, and if not arrested by increased exports and diminished imports it will result in panic, and not infrequently in a monetary revulsion and general bankruptcy. If there were no increase of paper money—

when a metallic drain sets in—the decrease in the stock of coin produced by the outflow to foreign countries would soon bring prices down to an exporting point; but it is just at this stage that the banks continue their paper issues and thus aid to keep up high prices and stimulate speculation. Especially is this true of the national banks, whose notes are not redeemable in coin and never have been, and therefore would not be affected directly by the unfavorable condition of foreign exchanges.

From a combination of causes there is now an outflow of bullion abroad which will likely continue during the greater part of this year. I doubt not that the increase of bank issues from three hundred and twenty to three hundred and sixty-two millions in three years has tended to this result, and may aggravate it very seriously; and instead of reducing the circulation, and thus aid in bringing prices down to an exporting point, the banks are now adding to an already redundant paper circulation, notwithstanding the vast increase in the gold and silver circulation. That they will continue to do this, not to satisfy any real monetary or trade necessity, but to put money in the pockets of the shareholders, as long as they can obtain United States bonds at a paying rate, is proved by all experience. In truth, the demand for increased circulation is as insatiable as death. It grows by what it feeds on. The more that is issued the more will be wanted. Walker, on the Science of Wealth, (book 3, chapter 6,) says with truth:

> The supply does not satisfy the demand—it excites it. Like an unnatural stimulus taken into the human system it creates an increasing desire for more; and the more it is gratified the more insatiable are its cravings.

He gives the reason for this statement, which has been verified in the experience of every one who has witnessed a period of an increasing volume of paper circulation. He says:

> There are two reasons for this: one that as the currency is expanded prices are raised correspondingly, and more currency is required to effect the same exchanges; that the speculation inevitably following the rise of prices leads to an enormous extension and repetition of indebtedness, which requires for its discharge a greatly increased amount of the circulating medium. Thus, by the action and interaction of these causes, the demand for the issue of this kind of currency is certain to be greatest when it is already redundant.

The idea of having a credit circulation that will expand or contract, according to the demands and the state of trade and commerce, is folly and fallacy combined. Issue banks are organized because they hope to realize profits by loaning their own credit and the deposits of their customers, and not to give facilities to the growth of trade and business, except as an incident to the profits to be derived from making loans on their credit and on their deposits, and the more of their notes they can keep out the larger is their income. An elastic credit currency is as great an absurdity as an elastic yard stick. What is most needed for the permanent prosperity of all kinds of business and all classes of the community is a volume of circulation which will give steadiness to prices and regularity to the movements of trade and commerce. Security to the noteholder is of inferior moment compared with the injury which constant fluctuation in the amount of the paper issues inflicts upon the business of the country by creating corresponding fluctuations in the prices of commodities, and by deranging the equilibrium of exchange with foreign countries, and producing panic and financial disaster. Insolvency and failure to redeem its obligations by a bank of issue will entail loss and inconvenience to individuals and localities, but every industrial interest, and the entire business of the country is affected by the exercise of this power to curtail or expand the credit circulation at the will or caprice of bank owners. Trade and commerce are but other names for gambling and all kinds of mercantile operations are but lotteries in which the prizes are few and far between and the blanks without number. If the notes of the bank were redeemable in coin at the bank counter, or elsewhere, it might offer some slight check to their capacity to inflate the paper circulation, but there is no pretense of coin redemption of the bank note anywhere. The only check which the people have against excessive issues is the condition of the public debt and the premium upon Government securities which tends to reduce their profits on circulation.

If I have failed to show by the application of admitted monetary principles that the elasticity of a paper circulation is necessarily productive of disaster to the industrial and commercial interests of the country sooner or later, it is undeniable that it is condemned by all the most important and advanced nations of the world, and if not abandoned in this country it is because the people are misled by the sophistries and fallacies of those who are interested in the profits of note-issues, or the apprehensions of those who are controlled by a false and fatal conservatism. We have copied our opinions and practice as to bank issues from England; but England has long since discovered the mischiefs which necessarily cling to the exercise of the unrestrained issue of a mere credit circulation. The bank act of 1844 was passed after an exhaustive investigation of all the questions pertaining to coin and currency, and the examination of the most distinguished practical and scientific experts in the United Kingdom. Under this law the credit circulation was fixed in amount, and has been gradually but very slowly decreasing for the last thirty-eight years. Prior to this period Great Britain had a somewhat similar system of currency and banking as that of the United States, during the existence of the last Bank of the United States—the stock banks of England answering to our State banks, and the Bank of England occupying a somewhat similar position as the Bank of the United States. The right of issue, except as to the outstanding emission, was taken from the local banks by the Peel bank act, and the Bank of England fell heir to two-thirds of any circulation thereafter surrendered by the local banks.

So far from there being any elasticity in the present credit circulation, the fixed issue of the whole kingdom is actually less than it was forty years ago, notwithstanding the vast increase in wealth, population, and commerce, and "elasticity" is provided for solely by coin, or the actual representative of coin. An almost exactly similar currency system has been adopted in Germany. The prohibition of any increase of the fixed credit issue is not absolute, as in Great Britain, but any excess of paper issues, except that bottomed on coin, can be made only on the payment of a tax of 5 per cent. on such excess. In France nearly the entire circulation of its great bank is based on coin, and the evident tendency of that institution is to make its note circulation a representative rather than a mere credit circulation. In fact the United States alone, of all the great commercial nations of the world, countenances this vicious elastic credit circulation, which is said to be the chief merit of our national banking system.

Mr. Speaker, I flatter myself that I have shown from admitted laws of monetary and currency science, as well as from the example of two of the most enlightened commercial nations of the world, that what is termed the elasticity of the bank-note circulation is a dangerous fallacy, and that there is no foundation for the objection to my proposed substitute that it fixes and restricts the credit circulation to a given amount. In this respect I am but following the example of those who have unlearned the lessons which we were taught by the nation from which we have inherited so much of our jurisprudence and so many of the principles that regulate our rights of person and property. And in this connection I beg to call the attention of the House to two other important innovations made by the English Government upon the accepted dogmas of Wall-street financiers and the advocates of bank-note issues, and which will be found to be in perfect consonance with the underlying principles of the proposed substitute, and will give abundant evidence that my views are supported by the judgment of the British Parliament not only in 1844 but from that time to the present.

The object of the currency reform of 1844 was, first, to give a greater degree of stability and steadiness to the circulation; second, to secure the absolute convertibility of the note circulation; and, third, to cause the mixed circulation of coin and circulating notes to expand and contract as it would have expanded and contracted under similar circumstances had it consisted exclusively of coin.

> To effect these objects the Bank of England was divided into two separate and distinct departments, the one confined exclusively to the issue, circulation, and payment of bank notes, and the other to the ordinary business of a bank of deposit and discount; that the amount of notes payable on demand uttered by the issue department should be limited to $70,000,000, the amount of such notes issued by the stock banks of England and Wales should be limited to $40,000,000, and that the excess of the bank-note circulation over and above these fixed amounts should be issued against coin and bullion held on deposit by the issue department.—*Torrens act*, 1844, page 57.

The amount of seventy millions of dollars as the maximum of the fixed issue of notes was adopted, because it was ascertained by an investigation running through several previous years that sum was under all circumstances and at all times outstanding. It would be out of place, even if my time permitted, to go into a discussion of the monetary principles upon which the advocates of this reform based their action. It will suffice for me to say that there has been no material change or modification of the act of 1844, notwithstanding at every period of ten years since, the principles of the act have been discussed in Parliament and by financial writers; and on a careful examination of the provisions of the act, as well as of the opinions of those who were instrumental in its passage, it will be seen that while the note-issue of the bank is the issue of the corporation of the Bank of England, it is to all intents and purposes as to such issue a department of the Government of England, and has no connection but is absolutely independent of the banking department, and the banking department independent and disconnected with the issue department. The evils and mischiefs of having the same body of men or a corporation doing the business of loaning money and discounting notes, and at the same time issuing their notes with which to exchange for the loans made and the notes discounted, is thus obviated, while the Government of England, through the issue department of the Bank of England, utters its notes not only to the banking department of the bank but to other banks, and receives bullion and issues its notes thereon, whether owned by the banking department or any of the provincial banks of the kingdom. So that when I propose that the Government shall issue all the credit circulation, which circulation shall be fixed in amount, and that the business of banking proper shall be divorced from note-issuing, I am fortified by the opinions of many of the wisest and most distinguished statesmen and practical and scientific financiers of the nineteenth century.

I am aware that the statement made that the issue department of the Bank of England is an office of the state, is controverted by many of the advocates of bank-issues and of the union of banking and bank-note issuing. I shall be pardoned, therefore, if I put to rest all doubt on this subject by referring to unquestioned authority on this point.

Professor Bonamy Price, in his late work on currency and banking, page 64, referring to the bank act of 1844, says:

The act divides the Bank of England into two departments: one the banking department, the other the issue department. The latter is exclusively concerned with the issue of notes. That operation is carried out, under fixed rules laid down in the statute, and the vital point to observe here is that the corporation called the Bank of England has no voice, discretion, or control over the issues. In the issue department the bank directors have no more authority or right to speak or act than any other person in the kingdom. The banking department is the Bank of England, pure and simple, as private a bank as any other bank in the country.

On the next page he says:

The Bank of England, the private bank so called, is authorized to receive from the issue department fourteen millions of notes, with a certain proportion of the lapsed issues as they lapse. The quantity stands now at about fifteen million pounds. These bank notes the bank receives from the issue department (which in reality is an office of the states) on condition it shall give gold for them to the public whenever they are presented for payment. Of course this fact may be regarded as meaning that the Bank of England is a direct issuer of notes to the extent of fifteen millions, but it is far simpler and truer to look upon the bank as a receiver for special reasons of so many notes from the sole issuer, the office of the state called the issue department.

Speaking of the gold in the bank, he says:

The gold stored and kept in the government office—the issue department—in no sense whatever belongs to the Bank of England; and he regards it as a great mistake that in the weekly reports of the bullion belonging to the state office and the bank they should be mixed together.

And after describing the operations of the two departments he says:

Two amendments would make the act complete. The office of issue ought to be placed in Somerset House or Whitehall. The world would then understand that the state was the real issuer; and, secondly, in the weekly reports the bullion which belongs to the issue department should be kept strictly apart from the bullion which belongs to the Bank of England as a private banker.

In the explanation and defense of the act of 1844 by Sir R. Torrens, he says:

The banking department of the Bank of England is a corporation liable, like other banking corporations, to insolvency. The issue department is not a corporation. It is like the mint, a department of state.

Again, page 76, he says:

By the provisions of the act of 1844 the banking department of the Bank of England was placed upon the footing of an ordinary bank of deposit and discount The directors of that establishment were as completely divested of all control and responsibility regarding the amount of the notes put out by the issue department as if the act had assimilated that department to the Bank of Hamburg, and had required that the whole of its issues should be represented by bullion in actual deposits.

The functions of the banking department were strictly confined to the operation of banking, properly so called; and it is manifest from the testimony of Lord Overstone before the currency committee of 1840, and his writings on the subject of the management of the currency, that the two ideas of a fixed issue of a credit circulation and a separation of the banking and issue departments were among the prominent reforms needed to give stability, steadiness, and security to banking operations. Hence we find him using this language on the subject of issue and banking:

The two things, the management of a paper currency and the management of banking deposits, cannot be blended together in one system and treated as subject to the same laws and to be governed on the same principle. The attempt to do so is like that of the unskillful chemist who attempts to unite together substances which have no affinity and will not combine, and therefore obtains only a confused and useless mixture where he looked for a perfect chemical compound.

I hope I have disposed of the objection commonly urged against the issue of a paper circulation directly by the Government, and with it the false and pernicious theory of an elastic credit circulation and the combination of banking, in its proper sense, with note-issuing. I repeat, this mischievous practice is confined to the United States almost exclusively, and has been repudiated by Great Britain after a trial of one hundred and fifty years, and after the whole subject of currency had undergone, through the press, by committees of Parliament, and by numberless publications, the most thorough and exhaustive discussion. The same may be said of Germany and Austria-Hungary as to the issue of paper circulation being fixed and rigid. Indeed, in the establishment of national banks and in giving them the right to issue their promises to pay many of the attributes of money, and compelling them to pay a royalty into the Treasury on their circulation, the sovereign right of the Government over the whole question is admitted. And the fact that the only redemption of the bank note now authorized by law is in the greenback is equally an admission that the credit of the Government is superior to that of the banks, and for this reason alone, if for no other, the Government should be the sole issuing authority.

The influence of the example of Great Britain and Germany in favor of a "fixed issue" of credit circulation cannot be impeached on the ground that they are governments of a more absolute type or less restrained in the extent of their respective powers, by constitutional restrictions, than that of the United States. No monarchy in Europe or elsewhere posesses more unrestricted control over its currency than the Constitution gives to Congress. It not only has by express grant the power "to coin money and regulate the value thereof, and of foreign coins," but the States are in terms prohibited from coining money, emitting bills of credit, "and from making anything but gold and silver coin a tender in the discharge of debts." The United States has exclusive sovereign power over the whole question of coinage and money, and necessarily, in my opinion, over everything that performs the functions of money. It is not because other governments have taken direct charge of the credit circulation that they are more or less monarchical, or that there are more or less restraints upon the executive or legislative departments of these governments, but it is because by common consent and universal usage the world over, coinage and money are a part of the sovereignty of all governments, whether republican, monarchical, or imperial.

And I repeat that no government has more unrestricted power in this regard than the Constitution gives to the Government of the United States. It is supreme and omnipotent within the sphere of this power. It has the power to regulate commerce, and we build light-houses, improve harbors and rivers. It has power to establish post-offices and post-routes, and we provide for transmitting newspapers, letters, and books, to the remotest hamlet of the wilderness, and we cannot permit any State, community, or corporation, to throw obstacles in the way of the unrestricted exercise of these grants of power. Nor have we ever thought that we could or ought to delegate the execution of these powers to a corporation, partnership, or association of individuals. This Government executes its authority by its own officers and its own agents, with the exception of the sovereign power of issuing and giving to a promise to pay the functions of money. This power it has intrusted to a corporation, not because Congress is incompetent to the task of making proper rules for its issue and management, but for the reason that there are "millions in it" to the members of this corporation. We execute the power to coin money by establishing mints and fabricating eagles, double-eagles, and dollars. We have not called in a corporation to aid the Government in supplying metallic money, for no other reason than capital has never yet seen its way clear, by which it could rob the labor of the country, and satisfy its voracious maw by being incorporated to run the mints. Is it possible for any man to give a reason that will bear the least scrutiny why Congress cannot intrust the power to issue its promissory notes and to pay them out to an officer of the Government or to a board of officers, as it confides the management of the mints to the Director of the Mint and his subordinates? The Treasury Department has been performing this duty for nearly a generation, and the Government of England through the issue department of the Bank of England has been engaged in the performance of the same duty for nearly two generations, and neither on this side nor on the other side of the Atlantic is there any complaint, except from bank-issue advocates and those who delight to fatten on legislative robbery.

But it is said that the Government of the United States ought not to go into the banking business and that the exercise of the power that I claim for the General Government tends to centralization and the absorption by it of the reserved rights of the States and of the individual citizen. The power to borrow money on the credit of the United States is one of the expressly granted powers conferred upon Congress, and under that power the Government has issued its interest-bearing as well as its non-interest-bearing obligations. The Treasury note has been emitted since the foundation of the Government under this grant of power without question from any source and is as clearly within the terms of the power as any of the class of bonds of the United States now outstanding. Nor can it be predicated of any grant of constitutional power, that it tends to centralization or takes from the States the exercise of a power which, if exercised by them, defeats one or more of the great objects for which the union of the States was formed. Centralization is to be apprehended and avoided when by a strained construction of the Constitution the Federal Government obtains jurisdiction of such matters as have not been delegated to it by the States.

It may be conceded that all increase of patronage, and every additional bureau needed by the Government to perform its duties under the Constitution strengthens the Federal authority, but that is a centralization of legitimate and authorized power, and the necessary result of our developement and growth. It is such centralization as was contemplated and provided for by the framers of the Constitution. Aside from the prohibition against the States to emit bills of credit, and yielding to the doubtful authority of the Supreme Court, (Briscoe *vs.* Commonwealth Bank of Kentucky, 11 Peters, 257,) that the notes of banks authorized by the States are not within the meaning of this prohibition, the experience of this country prior and subsequent to that decision leaves no room for doubt that the issue of credit money by banks tends to defeat the object of the mintage of coins. That object was primarily to provide a means of exchange and a measure of values. If the States can, as they have done, enter into competition with each other in the issue of credit money, they will inevitably expel from circulation all the metallic money that may be issued from the mints, and thus deprive the people of the media of exchange intended to be provided them by the Constitution. In vain may Congress provide mints and fabricate the coins authorized by law, if the printing and engraving of paper promises to pay is allowed to the States, and credit money issued according to what each State may deem necessary to supply the real or imaginary demands of trade.

Our own experience alike with the teachings of monetary science enforces the truth that whatever performs the office of money should be under the direct control of the authority that coins the money of the Constitution. Credit or paper money is a convenient labor-saving necessity in the advanced condition of the business methods of the world, and supplements the supply of metallic money. Its

increase or decrease of volume has the same effect on the prices of commodities as a like addition to or diminution of the stock of coin. As long as it is maintained to an equivalency with coin it practically performs the office of coin in all monetary and business transactions. It is a part of one whole and not an independent and distinct element of the national circulation, and the intimate and dependent relations between the two kinds of circulation demand that they should not be controlled by discordant and inharmonious authority. The power to coin money and regulate the value thereof and of foreign coins is a grant of power over whatever is current as money, and is not confined merely to the mintage of coined money. It must of necessity embrace the whole subject of currency in order to make the power of coinage effective and to prevent the depreciation and expulsion of metallic money. To allow national or State banks to issue their notes with the functions of money is to surrender the control of the entire circulating medium, both coin and paper, to them, and to defeat one of the great objects of the Constitution—a uniform and stable metallic circulation. The business of banking in its proper sense belongs exclusively to the jurisdiction of the States; and that is left to them to control and manage as the States may deem best for the interests of the people. Note-issue, or the right to convert debt into money, is an exercise of the sovereign power of the Government, and is no part of the business of banking. That consists in loaning money, receiving deposits, and dealing in exchange, and when combined with that of note-issuing makes a union of incompatible and incongruous functions. It is this mischievous union to which the people of this country have been so long habituated and in which they have been educated for a century that causes them always to associate note-issue as an inseparable part of the business of banking. Hence the objection that the issue of the credit circulation by the Government through the Treasury or by a commission expressly authorized for that purpose will make the Treasury a bank and convert the Government into a mammoth banking institution. If that were true or had the semblance of truth the Government has been engaged in the banking business for nearly twenty years, and if the issue of credit money constitutes a bank the issue of real money by the mints should *a fortiori* constitute a bank also; and, according to this logic, we have never been without a Government bank since its foundation.

Such objections are hardly worthy of the name of argument, especially in the face of the fact that one-half of our credit circulation is now issued directly by the Treasury Department, and no one can be found who entertains the faintest hope that we shall redeem it and substitute bank issues, State or national, for it. They are of a piece with the arguments that were urged against the establishment of the Independent Treasury nearly fifty years ago by the banks and their advocates. The simple proposition that the Government should be the custodian of its own revenues, and not intrust them to the keeping of banks, and thus increase their line of discounts and profits, was characterized as a union of the purse and sword—as a Government bank, and as making one currency for the Government and another for the people. Notwithstanding the false clamor raised against it, it received the assent of Congress, and no one of its opponents has ever dared to ask for its repeal, and is everywhere accepted as a useful and necessary part of the fiscal machinery of the Government. That act decreed a divorce of the Government from the banks in the custody of its revenues; the proposition I am advocating divorces note-issuing from banking in its proper sense, and secures to the Government the direct issue and control of the credit circulation, as it has ever had of the cash circulation, in the interest of the whole people, and not in the interest of bank owners alone.

Mr. Speaker, what shall I say to the objection so current among the bank organs, that Congress would be forever engaged in increasing the circulation, and thus disturb all values and derange all kinds of business? This in fact would be doing just what is considered the chief merit of the elastic bank-note system, and which is one of the most pernicious features of free banking. It is what the banks are now doing, and have been doing systematically for years. But, say the advocates of this bank privilege, this inflation of bank notes is to accommodate the trade and business of the country. I say it is to increase bank dividends, without reference to the wants and demands of trade. The real gist of this objection is that Congress is incapable of legislating on so important and intricate a question, and that it must be relegated to the directories of 2,000 banks. Congress is authorized to provide for coining money, and to regulate the value and quantity thereof. It has unlimited power over the whole subject of taxation, internal and external; it legislates as to foreign and domestic commerce; it declares war and makes peace, but to regulate the issue of the credit circulation for the best interest of the people involves so much financial wisdom and such disinterested patriotism, that Congress should turn it over to the exclusive jurisdiction of capitalists, money-mongers, merchants, and bankers! If there is any force in this argument it proves too much. It proves that our republican Government is built on a sandy foundation, and that the capacity of the people for self-government is a delusion and a cheat.

The British Parliament regulates by law and issues by officers under its control all of the credit circulation for the Kingdom of Great Britain, and has been issuing it for nearly two scores of years, and there has been no increase of this circulation during this period. Are our people less intelligent or less capable of grasping the mysteries of the science of money, or their representatives so destitute of correct information on this subject, that it must be turned over to the exclusive jurisdiction of corporations? It has been announced in the public press that the distinguished statesman at the head of the British Government (Mr. Gladstone) is contemplating legislation which will deprive the Scotch and Irish banks of the privilege of issue, and placing the entire credit circulation of the United Kingdom under the direct control of Parliament. He was a member of the administration of Sir Robert Peel in 1844, and in the debate in the British Parliament in March, 1875, on the Goschen bill, to which I have before referred, (Parliamentary Debates, third series, volume 222, 1869–2030,) he said:

He (Sir Robert Peel) proceeded steadily upon the principle that when the law imposed restrictions upon banks in their business of banking these restrictions should be maintained, with reference to another principle, that the state was ultimately to resume into its own hands the entire business of issue, and that that course should be taken on the first favorable opportunity. I am one of those who firmly believe in the policy of the act of 1844, and to the principle that the issue is the privilege and prerogative of the state.

If my time permitted I could quote from this debate opinions from the most distinguised statesmen of both parties in England to the same effect, "that the emission of circulating notes," in the language of Mr. Lowe, formerly chancellor of the exchequer, "of right belonged to the sovereign power, and that it ought to be placed exclusively in the hands of the state."

England, after one hundred and fifty years of an elastic paper currency emitted by banking corporations, has repudiated the teachings which we are unfortunately still following, and is prepared to extend the principles of the act of 1844 to Scotland and Ireland on the first favorable opportunity, and thus emit the entire credit circulation for the whole United Kingdom directly by the government, while American legislators, unmindful of the principles underlying our republican institutions, are hesitating whether they will continue to pay a yearly tribute of twelve millions of dollars exacted from the labor of our people in order to maintain and perpetuate a system of bank issues that has been rejected and abandoned by statesmen and financiers in all the important countries of the world. How strange it is, Mr. Speaker, that the monarchy of Great Britain is legislating in the interest of the people and that the Republic of America is legislating in behalf of classes, of monopolies, and accumulated wealth!

I have shown that the principle of the propositions embodied in the substitute for the committee's bill is not an experiment. It has been tried in this country by the emission of the greenback, and in England by the enactment of Peel's bank bill, providing for a "fixed issue," uttered in fact by the state. Nor is the principle of a Treasury issue for circulation and a separation of note-issuing from banking without the indorsement of high authority in this country. Mr. Jefferson is on record as one of the earliest advocates of the issue by the Government of Treasury notes, which should take the place of bank-note circulation. During the war of 1812 he declared—

That bank paper must be suppressed and the circulating medium must be restored to the nation, to which it belongs. Let banks continue if they please, but let them discount for cash alone or for Treasury notes.

At another time he wrote:

The banks have discontinued themselves. We are now without any medium, and necessity, as well as patriotism, will make us eager to receive Treasury notes, if founded on specific taxes.

But among all the renowned statesmen who have adorned the history of America, Mr. Calhoun stands pre-eminent in exposing the injustice and anti-republican character of note-issue banking and its corrupting and demoralizing consequences. It is worthy of note that Mr. Calhoun several years before the passage of Peel's bank act of 1844, which separated the issue department of the Bank of England from the banking department, condemned the union of banking and note-issuing as a blending of incompatible and dangerous functions. On two different occasions in the Twenty-fifth Congress he advocated the issue of Treasury notes as a circulating medium in place of the issues of the banks. He had held in 1837 that it was the duty of the General Government to assume entire control of the paper circulation, if the effect of State issues was to deprive the people of the benefits of a metallic coinage, to depreciate it, or expel it from the country, or the channels of circulation, and his wonderfully sagacious and analytic mind did not fail to detect the mischiefs as well as the injustice of uniting the credit of the Government with that of individuals and giving the latter the entire benefit of such credit. I submit a short extract from his speech delivered in the Senate on 3d of October, 1837, (Appendix Congressional Globe, first session Twenty-fifth Congress, 124,) to show that the advocates of the issue of Treasury notes as a circulation are supported by the authority of his great name:

He who does not see that the credit system is on the eve of a great revolution has formed a very imperfect conception of the past and anticipation of the future. What changes it is destined to undergo and what new form it will ultimately assume are concealed in the womb of time and not given us to foresee. But we may perceive in the present many of the elements of the existing system which must be expelled and others which must enter it in its renewed form.

In looking at the elements at work, I hold it certain that in the process there will be a total and final separation of the credit of Government and that of individuals, which have been so long blended. The good of society and the interests of both imperiously demand it, and the growing intelligence of the age will enforce it. It is unfair, unjust, unequal, contrary to the spirit of free institutions, and corrupting in its consequences. How far the credit of Government may be used in a separate form with safety and convenience remains to be seen. To the extent of its fiscal action, limited strictly to the function of the collection and disbursement of its revenue and in the form I have suggested, I am of the impression it may be both safely and conveniently used, and with great incidental advantages to the whole community.

It is that separation of Government credit from the credit of individuals predicted by Mr. Calhoun, and in part already accomplished by the greenback, and which will necessarily separate the business of banking from note-issuing, I propose to accomplish in full by the adoption of the substitute.

Mr. Speaker, it has not been my purpose to make any other change in the existing status of the credit circulation than to substitute the emission of the Treasury note for that of the banks as their charters expire, and to forbid the creation of any new banks or the issue of any additional circulation. The substitute does not interfere with any other portion of the credit or metallic circulation, or with the representative circulation, (gold and silver certificates.) Nor does it offer any impediment to such banks as may elect to do so to continue the business of banking under the restrictions of the national banking act during the continuance of their charters, as many of the banks are now doing in the larger cities. It seeks to redress but one grievance at a time, and in doing this it destroys the "elastic" character of the whole credit circulation. That becomes "the fixed issue" of the Government to be paid out to the creditors of the Government and to be exchanged for specie at the pleasure of the holder. But in order to give elasticity, and elasticity not of credit money but of the money of the Constitution, I would modify the emission of gold and silver certificates by requiring them to be issued upon deposits of gold and silver bullion and redeemable in coin. Instead of giving elasticity to the credit circulation, a stable and uniform circulation will be more certainly secured by a circulation which denotes accumulations of wealth by labor, industry, and economy, and not by an increase of the instruments of credit.

It has been suggested that these certificates for bullion deposits could be used successfully in filling the place of the bank notes, as their charters expire or the banks go into liquidation. This is an equivalent proposition to diminish the circulation by the amount of the bank notes outstanding, because practically the deposit certificates are no more than so much gold and silver coin. If we had never issued any other credit money than the three hundred and forty-six millions of greenbacks the suggestion would be admissible, but I leave to those gentlemen who favor this proposition to consider what would be the effect of such a diminution of the circulation upon the prices of all commodities, and especially its influence upon the debtor and taxpayer. All other things being equal, the effect of a reduction of one-third of the circulation will reduce the prices of commodities one-third and add to the burdens of debt and taxation in the same ratio. I do not hesitate to express the opinion that our credit circulation is needlessly redundant, but having risen up to the present amount through the vices of the national-bank system in great part, the reduction of its volume, now that its bad influence has permeated the business of the country, presents a very different question from that of its original increase. Prosperity usually attends an enlargement of the circulation, whether credit or cash, and it may well coexist with a stationary circulation, but a diminution almost invariably produces pecuniary pressure more or less aggravated.

Mr. Speaker, I am not unmindful that the banks have given us a note circulation of uniform value in every part of the Union, and that the holder of the notes is secured beyond all reasonable contingencies. These are the chief, if not the only merits of the system, and they constitute the prominent features for which it meets the approval of the unthinking multitude and of those who seek to profit by its franchises. Its vices will only be manifest in a season of great commercial disaster and monetary pressure, to which every enterprising and credit-using people seem to be fated and against which no human foresight has ever made provision. Its capacity to expand or contract the credit circulation—the union in the same hands of the making of money with the loaning of that money—its sham convertibility, or rather its utter want of convertibility, and the powerful temptation which it offers to its owners to promote such legislation as will perpetuate the system by perpetuating the national debt, to say nothing of its anti-republican and aristocratic features, entitles it to no just claim to the extension of its privileges, even if we had an absolute assurance that the capacity of the banks for mischief would not be greatly aggravated by the rapid diminution of the public debt within the next few years. Unless we prove faithless to the traditions of our past history and to the principles of republican government, and are deaf to the demands of the producing classes of the country, we will discountenance every measure, of whatever character, which looks to such reduction of taxation as will detract from our power to reduce the public debt and extinguish the last dollar of it.

Already schemes are on foot and plans are laid, the covert if not avowed purpose of which is to perpetuate the twin sisters of class legislation—national banks and our prohibitory tariff. Far better will it be that the taxation on tobacco and whisky shall be undisturbed until every vestige of the internal-revenue system can be obliterated, than that it shall continue with diminished rates of taxation and with its regiments of collectors, assessors, spies, and detectives. Present rates of internal taxation mean payment of the public debt and the total repeal of internal taxation, with the disbandment of the internal-revenue army; reduced rates mean postponement of the payment of the public debt and the indefinite continuance both of the debt and of the service of the internal-revenue battalions. Let those who have so long suffered from the wrongs and exactions of the internal-revenue system console themselves with the reflection that every million of surplus revenue is a knell of the departing power of the banks and a harbinger of the approach of the day when the omnipotent voice of the American people will demand that the millions of interest-bearing bonds held as security for the circulation of the banks shall be exchanged for the non-interest-bearing notes of the Treasury, to be forever used as currency by our growing population. And as that day is ushered into being the last vestige of internal taxation will be consigned to the grave, may we not hope, to rise no more forever?

APPENDIX A.

A bill to enable national banking associations to extend their corporate existence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any national banking association organized under the acts of February 25, 1863, June 3, 1864, and February 14, 1880, or under sections 5133, 5134, 5135, 5136, and 5154 of the Revised Statutes of the United States, may, at any time within two years previous to the date of the expiration of its corporate existence under present law, and with the approval of the Comptroller of the Currency, to be granted as hereinafter provided, extend its period of succession by amending its articles of association for a term of not more than twenty years from the expiration of the period of succession named in said articles of association, and shall have succession for such extended period, unless sooner dissolved by the act of shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law.

SEC. 2. That such amendment of said articles of association shall be authorized by the consent in writing of shareholders owning not less than two-thirds of the capital stock of the association; and the board of directors shall cause such consent to be certified over the seal of the association, by its president or cashier, to the Comptroller of the Currency, accompanied by an application made by the president or cashier for the approval of the amended articles of association by the Comptroller; and such amended articles of association shall not be valid until the Comptroller shall give to such association a certificate under his hand and seal that the association has complied with all the provisions required to be complied with, and is authorized to have succession for the extended period named in the amended articles of association.

SEC. 3. That upon the receipt of the application and certificate of the association provided for in the preceding section, the Comptroller of the Currency may, if he deems it necessary, cause a special examination to be made, at the expense of the association, to determine its condition; and if after such examination or otherwise it appears to him that said association is in a satisfactory condition, he shall grant his certificate of approval provided for in the preceding section, or if it appears that the condition of said association is not satisfactory, he shall withhold such certificate of approval.

SEC. 4. That any association so extending the period of its succession shall continue to enjoy all the rights and privileges and immunities granted and shall continue to be subject to all the duties, liabilities, and restrictions imposed by the Revised Statutes of the United States and other acts having reference to national banking associations, and it shall continue to be in all respects the identical association it was before the extension of its period of succession, with the same rights, immunities, and liabilities.

SEC. 5. That when any national banking association has amended its articles of association as provided in this act, and the Comptroller has granted his certificate of approval, any shareholder not assenting to such amendment may give notice in writing to the directors, within thirty days from the date of the certificate of approval, of his desire to withdraw from said association, in which case he shall be entitled to receive from said banking association the value of the shares so held by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by such shareholder, one by the directors, and the third by the first two; and in case the value so fixed shall not be satisfactory to any such shareholder, he may appeal to the Comptroller of the Currency, who shall cause a reappraisal to be made, which shall be final and binding; and if said reappraisal shall exceed the value fixed by said committee, the bank shall pay the expenses of said reappraisal, and otherwise the appellant shall pay said expenses; and the value so ascertained and determined shall be deemed to be a debt due to said shareholder from said bank until paid; and the shares so surrendered and appraised shall, after due notice, be sold at public sale, within thirty days after the final appraisal provided in this section.

SEC. 6. That the circulating notes of any association so extending the period of its succession which shall have been issued to it prior to such extension shall be redeemed at the Treasury of the United States, as provided in section 3 of the act of June 20, 1874, entitled "An act fixing the amount of United States notes, providing for redistribution of national-bank currency, and for other purposes," and such notes when redeemed shall be forwarded to the Comptroller of the Currency, and destroyed, as now provided by law; and when the amount of such notes shall be reduced to 5 per cent. of the capital stock of the bank issuing the same, the association so extended shall deposit lawful money with the Treasurer of the United States sufficient to redeem all of its outstanding circulation, as provided in sections 5222, 5224, and 5225 of the Revised Statutes; and any gain that may arise from the failure to present such circulating notes for redemption shall inure to the benefit of the United States, and from time to time, as such notes are redeemed or lawful money deposited therefor, as provided by law, such notes shall be replaced by new circulating notes, bearing such devices, to be approved by the Comptroller of the Currency, as shall make them readily distinguishable from the circulating notes heretofore issued.

SEC. 7. That national banking associations whose corporate existence shall expire, and which do not avail themselves of the provisions of this act, shall be required to comply with the provisions of sections 5221 and 5222 of the Revised Statutes in the same manner as if the shareholders had voted to go into liquidation, as provided in section 5220 of the Revised Statutes; and the provisions of sections 5224 and 5225 of the Revised Statutes shall also be applicable to such associations.

APPENDIX B.

Mr. BUCKNER submitted the following proposed substitute for the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the charter of any national banking association is about to expire, or whenever any such association shall, by a vote of its shareholders owning two-thirds of its stock, determine to go into liquidation, and the bonds deposited by such bank to secure its circulation, or any part thereof, shall consist of 5 or 6 per cent. bonds now continued at 3½ per cent. interest and redeemable at the pleasure of the United States, the Secretary of the Treasury is hereby authorized to exchange the notes hereinafter authorized for the bonds so held by said banking association at par and accrued interest, or he may exchange the notes aforesaid for standard gold or silver coin, and redeem said bonds with coin; and thereafter the circulating notes of said bank shall be redeemed at the Treasury of the United States, and when so redeemed said circulating notes shall be canceled and destroyed. And any national banking association whose circulation is secured by bonds of the United States other than those above described, and

whose charter is about to expire, or whose stockholders, by a vote of two-thirds thereof in amount, shall determine to go into liquidation, shall proceed, as provided in sections 5221, 5222, 5224, and 5225 of the Revised Statutes, by making a deposit of the notes hereinafter authorized; legal-tender notes, or gold or silver coin, and thereafter the circulating notes of such banking association shall be redeemed at the Treasury with the notes hereinafter authorized.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to cause to be printed and engraved Treasury notes of the United States, to an amount not exceeding the present outstanding national-bank-note circulation, with such devices and inscriptions as he may direct and approve, in denominations of ten, twenty, fifty, one hundred, and one thousand dollars, and which shall be made payable on demand, at the office of the assistant treasurer in the city of New York, in standard gold or silver coin, when presented in sums of not less than $100; and said notes shall be signed by the Treasurer and countersigned by the Register of the Treasury, or their signatures thereto engraved. Said Treasury notes shall be receivable by the United States for all taxes, customs dues, demands, and claims of the United States, and shall be received at par in all parts of the United States in payment for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except where some other mode of payment is expressly provided by law.

SEC. 3. That no national banking association shall hereafter be organized; nor shall any circulating notes be hereafter issued to any bank now organized, except in redemption of mutilated, worn, and defaced notes issued by such banking institutions already organized and outstanding at the passage of this act; nor shall any existing banking association increase its circulation, or the amount of Treasury notes authorized by this act exceed at any time the amount of national-bank notes outstanding at the passage of this act. And for the purpose of the prompt redemption of said Treasury notes the Secretary of the Treasury shall maintain a redemption fund, in standard gold and silver coin, of not exceeding 25 and not less than 15 per cent. of the outstanding issue of said Treasury notes; and in order to obtain said coin-redemption fund he is hereby authorized to set aside from accruing surplus revenues, from time to time, such sums of standard gold and silver coin as with the redemption fund for the outstanding legal-tender notes now held in the Treasury will constitute the maximum percentage above stated on the outstanding legal-tender circulation and the Treasury-note circulation hereby authorized.

SEC. 4. That all taxes on bank checks now authorized by law are hereby abolished after the expiration of six months from the passage of this act; and section 5214 of the Revised Statutes, so far as it imposes taxes on the deposits and the capital stock of banking institutions and bankers, is hereby repealed as to all bankers and banks not issuing circulating notes.

Payment of the Morgan-Raid Claims.

SPEECH

OF

HON. STROTHER M. STOCKSLAGER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 22, 1882,

On the bill (H. R. No. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government, together with the substitute submitted by Mr. HOUSE, of Tennessee, (H. R. 4467.)

Mr. STOCKSLAGER said:

Mr. SPEAKER: I believe every member of this House is in favor of some measure which will relieve Congress of the great mass of private bills which now find their way to our Calendars, and at the same time furnish honest claimants with a more speedy mode of enforcing their claims against the Government. All admit the great need of some such measure. And yet, Mr. Speaker, every thoughtful person must realize the extreme difficulty of so framing a law as to furnish the claimant a tribunal in which he may have speedy justice and not endanger the rights and interests of the Government. If the members of this House can be convinced that either of the measures now under consideration will relieve Congress of this immense amount of labor, which it has not time to properly perform, and furnish a remedy for every honest claimant of the Government without throwing down the bars and flood-gates which have been heretofore erected to protect the Treasury against that vast avalanche of claims growing out of the late war, which are now effectually barred, that measure, I doubt not, will receive the sanction of this House. But, Mr. Speaker, I propose to address myself to the amendment proposed by me to the substitute proposed by my friend from Tennessee, [Mr. HOUSE.] That amendment is as follows:

Amend section 4 of the substitute offered by Mr. HOUSE, from the Select Committee on Reform in the Civil Service, by adding to the end of said section the following words, to wit:

"Except claims for property taken during the Morgan raid in the States of Indiana and Ohio: *And provided*, That in said claims thus excepted it shall be the duty of the proper accounting officers of the Treasury Department, and they are hereby authorized and directed to receive, pass upon, and settle all claims for property taken and used by the Union forces engaged in opposing or pursuing the rebel forces under General John Morgan while making his raid into the States of Indiana and Ohio, in July, 1863; and said accounting officers are also directed to receive, settle, and pay for all horses taken from citizens of said States by said rebel forces which were afterward captured, retained, and used by the Union Army; and an appropriation is hereby made, out of any money in the Treasury not otherwise appropriated, to pay the same. *And provided further*, That the said accounting officers of the Treasury shall take and accept as sufficient proof, in all claims so disposed of, the adjudications made by the commissions appointed by said States, respectively, together with the accompanying proofs, which claims, adjudications, and proofs were filed in the offices of the adjutant-general of said States, respectively: *Provided*, That all claims not so adjudicated upon may be established as other claims and demands against the United States are now established: *And provided further*, That upon the finding of said respective commissions, or other sufficient proof of the taking of horses or mules by the said rebel forces, their capture, retention, and use by the Union Army shall be presumed and admitted by said accounting officers, and adjudication and settlement made for the same in the same manner as if said property had been originally taken by the Union forces. *And provided further*, That the Quartermaster-General is hereby directed, upon the request of claimants or their attorneys, to turn over to the proper accounting officers of the Treasury all claims heretofore filed in his office for property taken from citizens of the States of Indiana and Ohio during the said Morgan raid."

It will be seen that this amendment excepts from the provisions of this bill claims for property taken during the Morgan raid in the States of Indiana and Ohio, and provides for their settlement by the accounting officers of the Treasury. Why should these claims be excepted from the provisions of this bill? Why should they not take the same course that all other claims are required to take? I will answer these questions briefly and then discuss the provisions of the amendment which direct the manner of their settlement. The reason why they should be excepted is because they stand upon a different footing from any other claims pending before this House or before the Executive Departments of the Government. They have all been investigated and passed upon by at least a quasi-judicial tribunal, and filed in the Quartermaster-General's Department under the act of July 4, 1864, and many of them have been again investigated by that department. Hence, there certainly can be no necessity for sending them to the Court of Claims to be again investigated and reported back to this House before they can be allowed and paid. Whatever may be the necessity for sending to the Court of Claims, or some other judicial tribunal, claims which have never been investigated and the facts found, there certainly can be none in these cases, all of which have undergone one thorough and searching investigation, and most of them a second investigation by the Quartermaster's Department.

The first clause of the amendment provides for the settlement by the accounting officers of the Treasury of all claims for property taken and used by the Union forces engaged in opposing or pursuing General John H. Morgan's forces in Indiana and Ohio in July, 1863, and also to settle and pay for all horses and mules taken from citizens of said States by said confederate forces which were afterward captured, retained, and used by the Union Army, and makes the necessary appropriation to pay the same. This is simply and solely what the act of July 4, 1864, authorizes, and includes no claims not fully covered by that act and which were not properly filed under and by virtue of its provisions.

The second clause provides a rule of evidence for the Treasury Department in passing upon and allowing these claims. Instead of requiring the Quartermaster's Department to retake the evidence and reinvestigate them, it provides for their payment upon the adjudication made by the Indiana and Ohio Morgan-raid commissions respectively, together with the proofs taken by said commissions. It further provides that upon the finding of said respective commissions or other sufficient proof of the taking of horses and mules by the confederate forces, their capture, retention, and use by the Union Army shall be presumed and admitted by said accounting officers, and adjudication and settlement made for the same in the same manner as if said property had been originally taken by the Union forces.

Mr. Speaker, these claims all belong to the class usually known as "4th of July claims," so called because they are all payable under that act of July 4, 1864. They belong to that class of war claims which the Government has always assumed to pay and has all along been paying. But, Mr. Speaker, as before remarked, they stand upon a little different footing from the claims ordinarily payable under that act, and in order that the House may know just what their standing is, and thus ascertain the reason why I so earnestly insist that my amendment is proper and should be adopted, I will briefly as I may give a history of them.

They are claims growing out of what is familiarly known as the "Morgan raid" in Indiana and Ohio in July, 1863.

On the 10th day of June, 1863, General Morgan with a large force of cavalry and artillery left Alexandria, Tennessee, for his famous raid. After rapid forced marches over a broken country and miserable roads, on the 8th day of July, 1863, he crossed the Ohio River at Brandenburgh, about forty miles below Louisville, Kentucky, into Harrison County, Indiana. The horses of his command were badly jaded and worn out. Rapidity of marching being of the utmost importance to the safety of Morgan's command, his men lost no opportunity to gather up all the fresh horses which could be found within reach of their line of march, leaving with the farmers and others from whom they took horses their jaded and broken-down stock. The force passed on rapidly through Indiana and into and through Ohio, to a point on the Ohio River above the city of Cincinnati, when nearly the entire command, together with all the horses and mules in their possession, was captured by the Federal forces, and such of the horses and mules as were serviceable were taken and used by the Federal Army, and those not serviceable were condemned and sold and the proceeds of the sales paid into the Federal Treasury.

The next day after Morgan's forces crossed the Ohio River a large Federal force, under command of General Hobson, crossed the river at the same place in pursuit of Morgan's forces. This force was in the same condition, so far as horses were concerned, if not worse than General Morgan's forces, and the necessity for rapid marching

was greater than with the rebel forces. In this condition of affairs our people, loyal to their Government, turned out their horses, and when they could not be spared by the farmers they were taken by the Federal forces, the owners being assured that the Government would pay for them. In the few instances where regular quartermasters gave vouchers for horses the Government did pay for them promptly; but in the great mass of cases squads of men under command of non-commissioned officers gathered up the horses, sometimes miles away from the command, which was rapidly marching. The consequence was that very few of them got proper vouchers.

Had the Federal Government left the jaded and broken-down horses abandoned by both armies to the men from whom they received good horses, no complaint would ever have been made. But the Government not only sold the horses taken by Morgan's forces from our citizens, and which were all captured by the Federal forces and the horses given to General Hobson's Federal forces or impressed by him, but through the Quartermaster's Department, she gathered up all the horses which were left by both armies and sold them also. General W. H. Terrill, who was at that time adjutant-general of Indiana, in his report (volume 1, pages 198 and 199) thus refers to the action of the Federal Government in the premises:

> The regulations of the United States Quartermaster's Department required that all animals abandoned by either Federals or rebels, whether branded "U. S." or "C. S.," or impressed into the United States service, should be collected together, and, if serviceable, turned into the Quartermaster's Department for issue; or, if not serviceable, they should be inspected, condemned, and sold for the benefit of the United States in accordance with the Army regulations. No animals were allowed to be returned to claimants even on proof of ownership; nor could payment be made, in the opinion of the Government officials, for any property impressed by the officers of the Federal troops, unless it was clearly shown that the officers who impressed the same were regularly mustered into the United States service. All claims for damages by our own troops, and for horses and other property stolen, destroyed, or damaged by the rebels, were entirely ignored. There were many cases where farmers lost horses by the rebels which were subsequently abandoned or recaptured, and upon being turned over to the United States authorities were put up and sold, and their former possessors, the real owners, to supply themselves with teams were compelled to purchase and pay for their own property. These hardships were augmented by the fact that large numbers of the horses not stolen by Morgan on his route were subsequently impressed by officers of the legion and minute-men, whose vouchers were repudiated at Washington. Thus it will be seen that between the thefts of the enemy and the impressments of our own forces those who suffered stood but a poor chance of being compensated for their losses from any source.

In answer to an inquiry made by me of the Treasury Department as to the amount received by the Federal Government from the sale of horses and mules which were condemned as unfit for service in Indiana, I received the following:

> WASHINGTON, D. C., *April* 22, 1882.
>
> To Hon. S. M. STOCKSLAGER:
>
> In reply to your letter I have to inform you that Colonel Ekin takes upon his accounts-currents for August, September, and November, 1863, the sum of $82,630.10 received from sales of property abandoned by the forces of General Hobson and John Morgan, in the raid and pursuit of the latter through Indiana in July, 1863. The above amount was realized from sales made in Indiana.
>
> J. T. POWER, *Chief Clerk.*

This, of course, does not include such horses as were serviceable which were taken and used in the Union Army. Governor Morton, of Indiana, presented these claims to the Federal authorities immediately after the raid, but at that time they refused to recognize or pay them. In March, 1867, the Indiana Legislature passed a concurrent resolution providing for the appointment, by the governor, of three commissioners, whose duties were set forth, as follows:

> To hear, determine, and adjust all claims for losses which have heretofore occurred by reason of the injury, destruction, loss, or impressment of property had or held by any inhabitants of this State by rebel forces under the command of John Morgan, in the year 1863, or caused by the State or national forces engaged in repelling said invasion.

An attorney to protect the interests of the State was provided for, and also a clerk. The claims were required to be separated into the following classes:

1. Claims for property taken or destroyed or injured by the Union forces under command of United States officers.
2. Claims for property taken or destroyed or injured by the Union forces under State officers.
3. Property taken or destroyed or injured by the rebels.
4. Property taken or destroyed or injured where claimant is unable to identify by which force the loss occurred.

In pursuance of these resolutions Governor Baker appointed Hon. Smith Vawter, Hon. John I. Morrison, and Hon. John McCrea, gentlemen eminent for their ability and integrity and probity, as commissioners. He also appointed my distinguished colleague, the able and eloquent General THOMAS M. BROWNE, attorney for the State. This commission sat as a court and took oral testimony in all the cases filed before them, requiring each claimant to clearly prove his loyalty as well as the loss of the property, by whom taken, and its cash value. All the claims were thoroughly investigated; some rejected, others reduced in amount, and only such claims as were clearly right and just were allowed. Their report was filed with the governor, setting forth clearly all the facts which I have stated. It, together with the record kept by them and all the claims, was afterward, by virtue of another concurrent resolution, filed with the adjutant-general of the State, and by that official it was transferred to the Quartermaster's Department of the United States and the claims duly filed within the time allowed by law therefor, where they are now pending.

In the State of Ohio similar steps were taken, a commission appointed, and the claims similarly investigated and passed upon, and they are now filed in the Quartermaster-General's Office, as are the Indiana claims, under the act of July 4, 1864.

The amount of each class of these claims allowed by the Indiana commission is as follows:

Class 1, (under orders of United States officers)	$58,017 51
Class 2, (under orders of State officers)	24,268 80
Class 3, (under orders of rebels)	331,288 17
Class 4, (under orders of unknown)	35 00
Total amount allowed	413,609 48

The property in the State of Ohio taken and destroyed, as found by the State commission, is as follows:

By the United States forces	$141,855
By the State militia	6,202
By the confederates	428,168
Total	576,225

Of the above amount taken by the confederates, the sum of $20,552 worth was traced into the use of the Federal Army.

In Ohio there was allowed 2,732 claims for property taken and destroyed by the confederates, averaging to each claim $156.72. For property taken by United States forces there were 1,504 claims allowed, averaging $94.32. By the State forces there were 129 claims allowed, averaging $48.38.

Of the property taken or destroyed by the confederates, a careful estimate shows that of the $428,168 allowed fully $300,000 was for property destroyed; that about $30,000 was for quartermaster and commissary stores, and the remainder, about $100,000, was for horses and mules taken.

I have not at hand the exact number of the claims of each class allowed by the Indiana commission, and therefore cannot give the average amount of each claim allowed or the proportion destroyed; but I presume it would be about the same as that in Ohio. Assuming the proportion to be the same, there would then be about sixty or seventy-five thousand dollars of the property taken by Morgan's forces for horses and mules; and the claims would probably average about $95 each.

Now, Mr. Speaker, that these claims are just and honest and have been due and owing by the Government to her loyal citizens for nearly twenty years no one will dispute. That they have been fairly and honestly passed upon and the correct amounts ascertained I think can be hardly doubted. At the time the investigations were made by these commissions it was understood that the States respectively would pay the claimants and present the claim to the Federal Government for payment. There can be no question, then, I think, that these State tribunals, fully expecting that their respective States would have these claims to pay at least in the first instance, were just as careful in taking testimony and allowing the claims as the Court of Claims or any other court would have been.

What changes would this amendment make in the present mode of adjudicating these claims, and what reasons, if any, exist why a change should be made? As the law now stands the Treasury Department will not pay any of these claims until after the Quartermaster's Department has passed upon and allowed them, and that department will not allow a single claim—especially from Indiana—until after agents of that department have been sent out and evidence taken. This amendment directs the accounting officers of the Treasury to pay these claims, or such as are for property taken by the Federal forces, and such as are for horses and mules taken by the confederate forces which were afterward captured by the Federal forces, upon the findings of these commissions.

Now, Mr. Speaker, I will attempt to give the reasons why these changes should be made; and if they address themselves favorably to the judgment of the members of this House I shall expect the amendment to be adopted. It seems to me that no argument should be necessary to convince any one of the propriety and economy of the first. That the claims were thoroughly and carefully investigated and reasonable and proper amounts allowed by the respective commissions is shown by the fact that in hardly a single case where the Quartermaster-General has taken testimony and made an allowance has that allowance been either more or less than the amount allowed by the commissions. And in all cases so far investigated, so far as I am informed, the proof of claims has been made, except when witnesses have gone away or have died. Then, in the end, the Government will pay to claimants as much as it would pay upon the State adjudications, except here and there a case where a poor claimant has not been able to keep his witnesses alive until his Governmant gets ready to mete out to him that tardy justice which he should have received nearly twenty years ago. Certainly the United States Government should not seek to take advantage of its poor claimants in such cases.

But let us look at the matter from the stand-point of economy. I have already shown that the average amount of each claim for property taken by the United States forces in Ohio (and they are about the same in Indiana) amounted only to the sum of $94.32. The Quartermaster-General's report for the year ending June 30, 1879, shows that the average expense to the Government in the investigation by that department of this class of claims was the enormous sum of $33.

It will thus be seen that the Government is paying out to agents of the Quartermaster's Department more than one-third of the amount

of these claims for conducting an investigation which I have shown only here and there deprives an honest claimant of his just dues. By directing the accounting officers to pay these claims upon the allowance made by these respective commissions the Government would save large sums of money, and, instead of paying the money to an army of gentlemen of elegant leisure who spend much of their time in idleness, it would go to the persons to whom it is due, and to whom it has been due for twenty years. Again, it will greatly facilitate the payment of long due claims. It will take years to investigate them in the Quartermaster-General's Department or in the Court of Claims should they be referred to it, whereas under this amendment it can be done in a short time.

The Quartermaster-General, in a letter addressed to the Secretary of War on the 8th day of April, 1880, recommends such action, especially so far as the Indiana claims are concerned. He says:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., April 8, 1880.

SIR: Under the act of 4th July, 1864, and the act of March 3, 1879, which bars all claims for quartermaster's stores taken by the Army if not presented before 1st January, 1880, a very large number of claims—about fifteen thousand—were filed in this office in the last six months of the year 1879.

Among these are about two thousand claims for property taken during the Morgan raid in Indiana.

These claims were examined and reported on by commissioners appointed by the State of Indiana, who in their final report classify them as follows:

Class 1, (under orders of United States officers,) allowed	$58,017 51
Class 2, (under orders of State officers,) allowed	24,268 80
Class 3, (under order of rebels)	331,288 17
Class 4, (under orders of unknown)	35 00
Total amount allowed	413,609 48

The report of the commission is entitled to great respect and consideration, but as the duty of deciding whether to recommend settlement of such claims under United States laws is a personal duty imposed on the Quartermaster-General, made to depend upon his being convinced of the facts in the case, he is not at liberty to rest his report solely upon the opinion of the commissioners.

Their report does not give the evidence in the case. Taking a typical case, I find that claimant swears to the facts of ownership, and of taking a horse and to its value.

Neighbors swear to the ownership and value of the horse, and that from their knowledge of the claimant they believe the facts to be as stated by him.

All this is the belief only of the parties—witnesses and commissioners. The only sworn evidence to the appropriation is that of the claimant himself, who is to receive any allowance that may be made in the case.

I believe that if Congress will adopt the report of the commissioners, as above, for appropriation, and provide for payment of all the awards made by them in classes, or for such of these four classes as may be held to be subject of just reclamation against the United States, substantial though long-deferred justice will be done, and that the risks of paying some few unjust claims will not equal the certain injustice inflicted by requiring claimants to submit again full and detailed proof to this office. This will involve long delay in settlement of claims, all of which originated at least fifteen years ago.

There are now about twenty-five thousand claims on file in this office for investigation and settlement, and none can be finally disposed of without careful investigation and personal action of the Quartermaster-General in each. It is his conviction of loyalty of claimant and justice of claim which is to be reported by him in each case. I recommend that this subject of the Morgan-raid claims in Indiana be laid before Congress, and that their attention be called to the equity of making some legislative provision for more speedy payment of all the claims reported favorably by the Indiana State Morgan raid commissioners, than is possible through action of this office under existing laws.

The State of Ohio appointed commissioners to examine and audit similar claims in that State. The report of the Ohio commissioners gives the testimony taken in each case, names of witnesses, and testimony in detail.

Therefore it is possible for the Quartermaster-General, upon the facts and documents reported by the Ohio State commissioners, to take action upon the Morgan-raid claims in Ohio without sending out to the locality agents to make further investigation.

This cannot be done in the case of the Indiana claim for want of the legal evidence.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General, United States Army.

HON. SECRETARY OF WAR.

The Quartermaster-General in his typical case fails to observe that what he calls the only evidence on file is the original claim or complaint filed by the claimant before the State commissioners. The commissioners, however, heard oral proof in open court, and made their respective findings upon such proof, just as any other court does. It is true there is no bill of exceptions filed in each case. The claim sworn to and proved by two neighbors, as General Meigs says, is filed and is now on file in the Quartermaster-General's Office. In addition to this there is the finding of the commission, based upon proof introduced in open court by witnesses who submitted to a rigid and searching cross-examination, all before the department.

It is true, as before remarked, requiring another investigation twenty years after the occurrence, and seventeen years after the first investigation, after witnesses have scattered to the "four quarters of the globe," and many of them crossed the "silent river," may deprive some honest claimants from obtaining what the Government owes them, and giving the result in money to a lot of agents of the Quartermaster's Department, some of whom I would not like to characterize upon this floor in the manner which, as I have been informed, their conduct deserves. But is it just? Is it right? Is it honest? Will the citizen love his Government for swindling him out of the money which is justly due him in order that some one else may have employment in the Government service and live at his ease? I think not.

I have a case in my mind, to which I cannot refrain from calling the attention of the House, which illustrates the injustice of the course pursued by the Government. The claimant was a captain in the Fiftieth Regiment of Indiana Infantry when Morgan made his raid, and was with his regiment at the front. Hobson's forces took a horse from his pasture field in Harrison County, Indiana. When the Morgan-raid commission sat he made his proof clearly by persons who then resided in the neighborhood, and the commission allowed him $125, the fair cash value of the horse. Two years ago an agent of the Quartermaster's Department was in the county, and after months of inquiry he was unable to find a single witness to the taking of his horse. If this amendment does not pass this gallant soldier will loose the value of his horse. But if it passes he will be paid upon the finding of the commission. And again, in these cases I have shown that, in Indiana at least, the Government has received from these claimants and for property abandoned as much money as it will pay to them if it pays all their just claims.

Now for the second proposition, that the accounting officers should also pay upon the allowance made for horses and mules taken by the confederate forces. This is entirely upon the theory, which is true, that they were captured and used by the Federal forces. I have no doubt that ninety-nine hundredths of them were thus captured and used. But the citizens in my district and other places, who were hundreds of miles from where General Morgan's forces were captured, could not and now cannot make the proof of fact in each case: could not identify their particular horse or the actual mule. The fact that nearly all of them were taken by the Federal forces is a historic fact, and well known, but the accounting officers will not pay for a horse or mule unless witnesses can clearly identify the property in the hands of the Federal forces. This is certainly a great hardship. It certainly would not be unfair, where ownership and taking by Morgan's forces are clearly shown, recapture and use should be implied. That was almost universally the case, and the exceptions were so rare that the rule should apply.

When Morgan was captured every one knows the horses and mules were not turned loose and paroled. With a very few exceptions the United States recaptured and used what Morgan seized, and the few exceptions should not become the rule for the wholesale rejection of worthy claims. If this amendment should be adopted and the bill pass, all of these claims which should be paid will receive prompt payment, and they will cost the Government less money than it will cost to settle them in the way they are now being settled, and an army of agents of the Quartermaster's Department will not get what the honest, loyal, patriotic citizens of Indiana and Ohio are justly entitled to at the hands of the Government. The Government has received the money arising from the sale of the horses and mules. The money has been in the Treasury for nearly twenty years. Now, these claimants simply ask that it be refunded to them without interest. Is it not fair and just? Does not every principle of justice and equity demand that they should be paid without further delay and additional expense on their part? Economy, justice, equity, common honesty, and fair dealing all demand that it should be done, and I hope this Congress will not turn a deaf ear to their demands.

Tariff and Tax Commission.

SPEECH

OF

HON. WILLIAM S. SHALLENBERGER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 15, 1882.

The House, in Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws—

Mr. SHALLENBERGER said:

Mr. CHAIRMAN: The district which I have the honor to represent is deeply interested in what is known as the protective system, and by reason of its varied industries and productions is well fitted to illustrate the beneficent effects of a protective tariff. I shall, therefore, earnestly favor by voice and vote, so long as I have a seat upon this floor, the extension of this system until it shall develop all sections of our great country and sufficiently protect every industry possible to America.

I am heartily in favor of the bill now before the committee creating a commission of nine men from civil life, who shall be charged with the duty of considering and thoroughly investigating "all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff, upon a scale of justice to all interests," and making report of the same to Congress not later than the first Monday in January next. Time is so important at this stage of the session that I should willingly waive the privilege of speaking upon the subject if I could be persuaded that in doing so I should

materially hasten a vote upon the bill. The days and weeks in which the proposed commission should be actively at work are passing. Other business of vital importance to the country should be taken up. My conviction is that we should sit day and evening until we shall have exhausted debate and passed the bill. Were the commission promptly appointed and continuously at work, the time intervening between the date of such appointment and the convening of Congress in December would be ample, in my judgment, to complete the work intrusted to its hands. With such well-digested material as the commission may furnish, Congress can and should, even in the short session, by well-directed industry, prepare and pass a thoroughly revised tariff bill.

I do not hesitate to say, Mr. Chairman, that my purpose is to reach such a revision as will give us a tariff more complete in its protective features. Other gentlemen may have different purposes. The results obtained by the commission in the shape of facts will serve equally well those who oppose protection. I am a little surprised that any one should doubt my purpose or affect to be surprised that those who attend a tariff convention should be for protection, as was my honorable friend from Mississippi the other day. I quote:

Mr. MULDROW. Now, Mr. Chairman, after this interruption, in order to ascertain the spirit of that New York tariff convention, I will quote a little further from its proceedings.

Mr. SHALLENBERGER, in giving in his opinion, said:

"I am glad that I came, and I expect to do all I can to have this commission of experts appointed; and then I expect to learn from that commission all I can in order to give this country a thorough, congruous, effective, and radically protective tariff."

He, too, throws off the mask and proposes legislation with an eye alone to protection.

If the gentleman means to say that I propose legislation which will not yield a revenue he is mistaken. The experience of the past abundantly proves that a protective tariff increases consumption, invites importation of luxuries and dutiable goods not produced in this country, and swells the revenue. No mask was ever worn, hence none thrown off.

THE PRESENT TARIFF UNJUSTLY ATTACKED.

I do not admit that the existing tariff, under which the country has so marvelously prospered, is half so bad as our Democratic friends would have the country believe. The objectionable features are the rare exceptions. I admit and enforce the necessity of comprehensive and intelligent revision, but I seriously protest against such radical changes as would disturb greatly the vast business interests of the country.

I do not think the passage of this bill will necessarily defeat all action upon the tariff at the present session. It possibly will, but not necessarily so. The intent of all protective legislation has been so manifestly, and yet, perhaps, so unavoidably violated by recent Treasury decisions and by the action of the courts that some legislation restoring to important industries now prostrate the protection evidently intended by the present tariff should be had without delay. Congress may, and should within a week after the passage of this bill, enact some measure affording immediate relief in the direction named.

BUSINESS TALENT NEEDED IN FRAMING A TARIFF.

The experience of a Democratic House in attempting to pass the abortion known as the Wood tariff bill in the Forty-fifth Congress should forever silence the objections of that party to a commission. Their willingness to trust the present Ways and Means Committee, organized by a Republican House, with a complete revision of the tariff after the experience named is certainly a compliment to the distinguished chairman of that committee.

The refusal of Mr. Wood, chairman of Ways and Means in the Forty-fifth Congress, to hear business men before his committee resulted in the production of a bill which violated the plainest principles of fairness and justice. The bill in many of its features positively discriminated against American manufactures. It laid a duty on the raw materials which the manufacturer was compelled to use and reduced or removed entirely the duty on a number of manufactured products. The Wood bill is fittingly described by Mr. A. H. Jones, of Philadelphia, when before the New York tariff convention he spoke so well in behalf of the chemical industry. He says:

The bill itself showed most lamentable ignorance. It was prepared without consultation with American manufacturers, was deservedly condemned alike by free-traders and protectionists, and was hustled out of existence by striking out the enacting clause.

In his speech supporting the bill, June 4, 1878, Mr. Wood said:

But I deny that a tariff cannot be properly drawn without the aid of manufacturers, &c.

In contrast, we as Republicans deny that a tariff can be properly drawn without the aid of those engaged in agriculture, commerce, manufacturing, mining and industrial occupations. It is just possible that all of these industries may be represented in the Ways and Means Committee, but if so, it is all the more likely that the valuable work of the commission will be respected. Besides, the Ways and Means Committee has enough of other public business when Congress is in session to disturb and distract, rendering it impossible to give time continuously to needful investigations, while during the recess of Congress members are engaged in the activities of the campaign. It is economy of time and money to intrust the work to a commission whose members give undivided attention and have practical knowledge.

PRESENT PROSPERITY.

The past ten years under the protective system have been years of unexampled prosperity. Labor is profitably employed; capital actively invested; productions of the soil unprecedented in abundance; credit at home and abroad firmly established; a currency that goes unchallenged in every hamlet of our wide domain and travels the equal of gold the world around; a debt that might well have staggered any nation at the close of a four years' war now melting rapidly away at the rate of $150,000,000 in the past twelve months; at peace with all the world and peacefully inclined; consuming as a people vastly more of the products of field and factory than ever before, and yet a surplus for the nations around us, this country is to-day both the envy and the admiration of the world.

The present exceptionally prosperous times cannot, however, in all human probability, remain with us much longer. The experience of nations teaches us to expect a reverse. Capital is even now growing timid; speculative enterprises are checked. We should hesitate to launch out upon wasteful or extravagant expenditure. We should deal cautiously as business men with customs duties and internal taxation. We have large surplus revenues, it is true, but we have a large debt unpaid; we have sacred obligations in the matter of pensions which will require perhaps $100,000,000 in the next year. The balance of trade is against us for February. Foreign demand for food crops, on which our exports are largely based, may fail us, so that it is not the part of wisdom for our Democratic friends to attack furiously our protective duties and at the same time strike down, as they attempt to do, our entire internal-revenue system, including tax on whisky and tobacco.

REDUCTION OF TAXES DEMANDED.

Some materal reduction of internal taxes can and should be had at once. Petitions in countless numbers have been presented for the removal of all internal-revenue taxes except those on whisky and tobacco. The present Congress will, I believe, respond to this just demand, and thus reduce the revenues for the next fiscal year perhaps $23,000,000, as reported from committees. I cannot think it safe to depend wholly on customs duties and am, therefore, in favor of retaining the tax on whisky and tobacco as yielding the largest revenue with the slightest possible hardship to the people. They are purely voluntary taxes on what are conceded to be unnecessary luxuries.

PROTECTED AND UNPROTECTED INDUSTRIES.

It has been very popular for Democratic members during this debate to speak of the protected industries as a privileged class against which should be arrayed the so-called unprotected industries. Now, Mr. Chairman, I affirm that the American protective system as expounded by its authors and true friends is a system which is designed to protect to the extent necessary every industry possible to America, and it is not true in fact or in effect that agriculture receives no protection. It does receive specific protection under the present tariff as shown by table submitted, which I find in the excellent speech of the honorable gentleman from Texas, [Mr. UPSON.]

Duties which wholly or in part benefit the farmers, stock-raisers, wool-growers, and other producers of raw materials collected in 1881:

On animals	$783,564 69
On breadstuffs	2,762,128 48
On flax, and manufactures of	6,984,374 90
On fruits and nuts	3,341,848 66
On hemp, jute, and manufactures of	2,261,997 78
On potatoes	325,207 46
On provisions	244,089 19
On seeds	277,977 45
On tobacco, and manufactures of	4,655,591 67
On sugar	45,933,045 09
On vegetables	151,470 08
On wool	4,860,815 40
	72,582,110 85

Duties benefiting manufacturers:

On buttons	912,134 96
On cotton manufactures	10,825,115 21
On clock manufactures	647,657 14
On glass manufactures	3,296,541 42
On earthenwares and china	2,727,476 43
On iron manufactures	12,115,096 22
On steel manufactures	9,347,438 12
On paper manufactures	619,852 86
On tin manufactures	4,194,690 33
On wool manufactures	22,424,809 35
	67,110,792 04

Duties on luxuries:

On confectioneries	2,050,987 75
On diamonds	835,052 19
On embroideries	1,096,756 50
On fancy articles	2,934,850 75
On furs, and manufactures of	911,021 87
On champagne	1,369,763 60
On spirits and wines	6,471,641 54
	15,770,074 20

Duties on other articles:

On chemicals, drugs, dyes, &c	4,635,261 10
On coal	516,006 95
On salt	920,056 90
On spices	1,095,139 10
On woods, and manufactures of	1,536,024 59
	8,612,488 64

Excess of our exported over imported merchandise during the past six years, namely:

1876. Excess of exports	$79, 643, 481
1877. Excess of exports	151, 152, 094
1878. Excess of exports	257, 814, 234
1879. Excess of exports	264, 661, 666
1880. Excess of exports	167, 683, 912
1881. Excess of exports	259, 712, 718
	1, 180, 668, 105

These figures are all suggestive as showing the direct and indirect benefit the farmer or agriculturist derives from the protective system. The benefit is of course indirectly to a much greater extent.

Mr. CARLISLE. Will the gentleman allow me a question on this point?

Mr. SHALLENBERGER. Certainly.

Mr. CARLISLE. I wish to know whether the gentleman considers the rates of duties imposed upon agricultural products as protective duties; because if he does he and I can get upon the same platform, I think, without much difficulty. In other words, if he is willing to accept as protective duties for the manufacturing interests of this country the same rates now imposed upon agricultural products, we can get together, I think, very easily.

Mr. SHALLENBERGER. I am very glad indeed to have this question put to me by my distinguished friend from Kentucky, because I think that we should get together on that very subject.

Mr. CARLISLE. Will the gentleman answer my question?

Mr. SHALLENBERGER. I say in answer to the gentleman that I do regard the present duties upon agricultural products as protective, not against European products, but against Canadian products in the main. We do not need more protection for our agricultural products against the products of Europe. If we did, I would ask the gentleman from Kentucky to join me in imposing a duty of 50 per cent., or if need be a greater per cent., so that we might prevent the markets of this country from becoming overrun by the great agricultural products of Southern Russia or Australia or East India or any other country. I want it understood distinctly that the American protective system does extend directly to every product of agriculture that needs it.

But with so fertile a soil as ours, with lands so cheap, and with our agricultural machinery at such a state of perfection that the labor once performed by ten or twenty men can be performed by one, we do not need the same protection for agricultural products, such as cereals, that we should have for those manufacturing industries which must compete with the pauper labor of Europe, just as eligibly located as the labor of this country.

Mr. CARLISLE. I beg the gentleman's pardon; but he has not answered my question. The question was whether he was willing to accept the same rates of duty upon manufactured articles as are now imposed by law upon agricultural products. That question the gentleman has not answered.

Mr. HORR. Will the gentleman from Pennsylvania permit me to put a question to the gentleman from Kentucky?

Mr. SHALLENBERGER. Will the gentleman from Kentucky please repeat his question?

Mr. CARLISLE. My question was whether the gentleman from Pennsylvania, having declared that the agricultural products of this country are protected, is willing now to accept the same rates of duty for the protection of manufactured articles that are imposed, as he says, for the protection of agricultural products.

Mr. SHALLENBERGER. By no means.

Mr. CARLISLE. So I supposed.

Mr. SHALLENBERGER. And the gentleman cannot expect it. We put a tariff on manufactured products to protect not only the labor expended in the factory upon those products but also the labor in mining and handling the raw material from the time it is sought in the bosom of "mother earth," through all its varied forms, up to the finished product.

Mr. CARLISLE. Is not the difference between the rates of wages paid for agricultural labor here and the rates paid in Europe greater than the difference between the rates paid to manufacturing laborers here and those paid to manufacturing laborers in Europe?

Mr. SHALLENBERGER. It perhaps is, for reasons I have in part named.

Mr. HORR. I would like to ask the gentleman from Kentucky if he thinks any horizontal rule can be adopted, which shall not make any distinction between different industries?

Mr. CARLISLE. Why, Mr. Chairman, I do not believe that any horizontal rule can be laid down or adhered to, because I believe there are some species of products which will bear a higher duty as a revenue duty than others will bear; and in imposing a duty for revenue no one expects, of course, that there shall be precisely the same rate of duty upon every class of articles.

Mr. SHALLENBERGER. Mr. Chairman, I ask the gentleman from Kentucky how he could expect, for instance, the same rate of duty upon woolen manufactures that could be adopted, if our raw materials were free as they are in foreign countries?

Mr. CARLISLE. I do not; but I would reduce the duty on wool as on the manufactures of wool.

Mr. SHALLENBERGER. To what extent, may I ask?

Mr. CARLISLE. To the revenue point, whatever that is ascertained to be after an examination by the proper committee of this House.

Mr. SHALLENBERGER. Do I understand the gentleman to say that he would reduce the duty on wool to that point which would admit foreign wool to be used in place of our own?

Mr. CARLISLE. I would reduce it to that point which would prevent the producers of wool in this country from fixing their own price on their article and excluding the products of foreign countries. In other words, I would give the manufacturers of woolen goods in this country an opportunity to purchase their raw material at a fair price wherever they could procure it, just as I would give to the consumers of their products the same right and privilege.

Mr. SHALLENBERGER. Does the gentleman say that foreign wool is not now imported in competition with the American product?

Mr. CARLISLE. Certain classes of foreign wool are.

Mr. SHALLENBERGER. How can the gentleman say then that the wool industry is a monopoly?

Mr. CARLISLE. I have not said so.

Mr. SHALLENBERGER. I understood the gentleman to say we fixed our own price on wool.

Mr. CARLISLE. I did not say so. I said I would reduce the duties to a point where it would be impossible for that to be done.

Mr. SHALLENBERGER. I claim that our duties on wool are reduced to the point indicated, for we are now largely importing foreign wool, and I can assure my friend that the production of wool in Australia and in other colonies of Great Britain, together with the South American production, is so largely increasing in recent years, that if we materially reduce the duty on wool we will have an influx equal to any demand for years to come.

I understand the position of the gentleman from Kentucky to be that he would reduce the duty on American wool to such a point as to admit wool from all these foreign countries, grown by servile labor in South America, or in the rich fields of Australia, where the climate permits the sheep to run every day in the year without food or shelter.

I ask the 400,000 growers of wool in this country, representing as they do an interest so grandly national that it plants itself in every State and in every Territory of the Union, to answer the gentleman with one voice for protection to an industry which has grown up under the present tariff until in round numbers it has given us probably 290,000,000 pounds of wool in 1881, as against 60,000,000 pounds in 1860, and which has also given us in that time cheap animal food, and which has had as one of its results the reclaiming and enriching of lands worn out by wheat and other crops. I ask these 400,000 farmers to answer the gentleman, and to answer him in tones not to be misunderstood, whether they will advise him to reduce duties to the revenue standard, as he proposes, or insist upon that protection which every man engaged in practical sheep husbandry knows is scarcely sufficient at present to keep out a vast influx of foreign wool which will surely come with the reduction of duty.

If any one questions the fact that we must insist upon the present rate of duty, at least upon fine wool, as against the demand of my learned friend from Kentucky, who advises a reduction, I beg to refer him to the report of Consul-General O. M. Spencer, dated Melbourne, Victoria, November 30, 1881, and published in the February number of Consular Reports. I quote statistics showing the number of sheep in Australian colonies for 1880–'81, with remarks appended:

	No. of sheep.
Victoria	10, 355, 282
New South Wales	32, 399, 547
Queensland	6, 935, 967
South Australia	6, 463, 897
Western Australia	1, 231, 717
Total	57, 386, 410
Tasmania	1, 783, 611
New Zealand	13, 069, 338
Grand total	72, 239, 359

The above figures sufficiently indicate the enormous pastoral wealth of Australia, while its capabilities for the multiplication of live stock is practically without limit. Such is the mildness of the climate and the adaptation of the country for grazing purposes that no provision is necessary for food and shelter during the winter season other than that provided by the bounty of nature. It is believed that Queensland alone "could easily 'run' from thirty to forty million head of cattle without cultivating an acre of ground for fodder or spending a sixpence in the improvement of the natural pasturage." (A Glance at Australia in 1880.)

The number of sheep in the United States in 1860 was 22,471,275 head. In 1870, under the protective-tariff rates established in 1867, sheep had increased in the United States to 28,477,951. During the next ten years of protection there was a gain of 43 per cent. in sheep husbandry against a gain of a little over 3 per cent. in the ten free trade years from 1850 to 1860, the number in 1880 having been 42,381,389 and the number in 1850 having been only 21,723,220 head.

And yet, after all this remarkable increase in the United States, the Australian colonies have over 72,000,000 sheep against our 42,000,000. It is absolutely impossible for us to compete with such a country if we strike down our tariff.

But can we reduce the duty as Mr. CARLISLE insists we may? I

say not, and I offer in proof the following table showing the wool imported in the fiscal year 1881. From these figures it appears that one-half of all wool imported under the present rate came from these same Australian colonies, and was of the finer grade, worth only 20 cents per pound average in 1880 and 18 cents in 1881, amounting to nearly 27,000,000 pounds. The total export of wool from Australasai for year ending September 30, 1880 was 876,923 bales. Only about 21,000 bales of this immense yield came to the United States, according to statement of Messrs. Goldsborough & Co., wool brokers of Melbourne; but if our tariff shall be reduced or abolished the destruction of our woolen industry is seriously threatened. Please note figures:

Imports of wool from foreign countries in fiscal year 1881.

Countries of shipment to United States.	Pounds.	Average cost per pound in 1881.	Average price per pound in 1880.
		Cents.	*Cents.*
England, chiefly Australian	24, 556, 110	18	20
Argentine Republic	6, 163, 223	16½	13½
Uruguay	4, 823, 562	18½	18
Russia	4, 400, 151	14⅔	11
France	3, 311, 775	12⅔	13
British Possessions in Africa, Cape of Good Hope	2, 587, 305	16. 8	15
Australia	2, 199, 065	24¾	25
Chili	1, 852, 751	10	.....
Canada	1, 670, 305	30	.....
Mexico	1, 009, 376	10	.....
All other countries	3, 390, 613		.....
Total	55, 964, 236	17½	18½

In 1880 the average cost of wool at places of shipment was 18½ cents, or a little more than 1 cent per pound greater than the importations of 1881. E. YOUNG.

The Boston Commercial Bulletin, which is good authority on such subjects, estimates the total wool clip of 1881 at 290,000,000 pounds. Of this amount, the county of Washington in my district contributes over three million, perhaps over three and one-fourth million pounds. The census of 1870 shows that this same county owned more sheep and produced more wool than any other county in the United States, the number of sheep at that time being 426,621, and wool clip 1,862,752 pounds.

The importation of wool in 1880 was greater than I have stated for 1881. In order to show the rates of duty imposed upon the several grades of wool, the average cost of wool imported, amount of duty collected, &c., in 1880, I submit a table prepared by Mr. Young, author of Labor in Europe, &c.:

Statement showing the kinds, quantities, values, amount of duty, &c., of foreign wool that entered into consumption during the fiscal year 1880.

Kinds.	Pounds.	Value.	Average cost per pound.	Per cent. of quantity of each to the whole.	Amount of duty.	Equivalent ad valorem duty.
			Cents.			*Pr. ct.*
No. 1 clothing	26, 785, 171½	$6, 412, 273	24	27	$3, 512, 896 38	54. 7
No. 2 combing	13, 266, 856½	3, 801, 730	28⅔	13½	1, 783, 361 46	47
No. 3 carpet	59, 320, 412	7, 699, 663	13	79½	2, 077, 950 04	27
Total	99, 372, 440	17, 913, 666	18¼	100	7, 374, 217 00	*41

*Average.

This table shows that fine wool pays over 50 per cent. duty, and coarse carpet wool, which we do not specially care to raise in this country, pays 27 per cent.

HIGH DEMOCRATIC AUTHORITY SAYS ABOLISH DUTY ON WOOL.

Before passing from this subject, I must call attention to the remarkable speech of the gentleman from New York, [Mr. HEWITT,] delivered in this House a few days ago. It is justly regarded a very able presentation of the question from a Democratic stand-point. It is being circulated by tens of thousands, I am informed. And yet, when closely examined and compared with previous utterances of its distinguished author, it will be found one of the most inconsistent and unfortunate speeches the gentleman ever made or the party ever indorsed. First, it absolutely proposes to wipe out the great wool industry. I quote as follows, (in reply to question by Mr. RUSSELL:)

Mr. HEWITT, of New York. I am absolutely in favor of the abolition of the duty on wool, and I am confirmed in this view by the opinion of the largest wool manufacturer in the United States. If the wool-growers have removed from them the burdens of the extra price they pay on everything they consume they will receive ample indemnity for any sacrifice they may make in the reduction of the duty on wool.

Here we have Mr. HEWITT defending his proposed destruction of this great agricultural industry in deference to the opinion of a manufacturer whom alone he would protect.

I shall further on take occasion to show that the burdens of the extra price wool-growers pay on everything they consume are purely imaginary burdens. They do not deserve to be named as against the profits and benefits of protection. But we are told by others of our Democratic friends that the woolen manufacturers are receiving much greater protection than the wool-grower, and continual efforts are made to prejudice the wool-growing farmer against the manufacturer who buys his product by citing the high duties on manufactured goods. The truth is that the manufacturer did not ask and does not receive more than 25 per cent. net, while the wool-growers receive on the average on all wools 41 per cent. Besides the main principle governing the present tariff duties was mutually agreed upon by a joint committee of wool-growers and wool manufacturers, which formed the basis of the tariff of 1867, in these words:

All manufactures of wool or worsted shall be subjected to a duty equal to 25 per cent. net; that is to say, 25 per cent. after reimbursing the amount paid on account of duties on wool, dye-stuffs, or other imported materials used in such manufactures, and also the amount paid for the internal-revenue tax imposed on manufactures and upon the supplies and materials used therefor. (See joint report of wool growers and manufacturers, page 431 of Report of Revenue Commission.)

Here we have an illustration of the need of a commission of business men to show what amount of duty will reimburse the amount paid on account of duties on all materials used in manufacture. Even so able a member of the Ways and Means as Mr. TUCKER, of Virginia, proposed in his tariff bill of 1880 a duty of 35 per cent. on wool and only 40 per cent. on blankets, giving about 5 per cent. protection to the manufacture of blankets, an industry which supports about fifty thousand persons and has an annual production of $7,000,000.

THE COST OF WOOLEN GOODS GREATLY EXAGGERATED.

The growth of the woolen industry has been marvelous under the present high tariff, but the charge is constantly made that a heavy burden is imposed on the consumer for the sake of thus benefiting the farmer and wool-grower. A special attack is made on blankets. Now, as a sufficient answer to all this, I will give the price of leading woolen goods in 1860, under a Democratic low tariff, and the prices in 1882, under a Republican high tariff, giving trade names of goods for accuracy.

Goods.	1882.	1860.
Fitchburgh cassimeres, per yard	$0 85	$0 95
Haile, Frost & Co. cashmerets	38½	46
Men's ribbed socks, per dozen pairs	4 50	8 00
Ladies' ribbed hose	3 00	4 25
Blankets, 9-4 Gonic	1 75	1 87½
Blankets, 10-4 Gonic	2 25	2 37½
Blankets, 11-4 Gonic	2 75	3 00
Blankets, 12-4 XX Rochdale	9 00	8 00
Moscow beavers, all wool	3 00	4 00
Moscow beavers, cotton warp	1 00	1 35

The woolen goods selected for comparison are such as are adapted to the wants of the poor.

The lightest duties are, as my friend from Kentucky [Mr. CARLISLE] has said, upon the more expensive fabrics, and the result is that while the cheaper grades of goods are now produced here at a lower cost than ever before, the higher classes, less thoroughly protected, are costing higher in some instances than in 1860.

Nor is it true, Mr. Chairman, that the high duties upon wool and manufactures of wool have extravagantly increased the cost of staple clothing in this country. Perhaps as fair an index of the cost of substantial clothing as I can present would be the price paid by the United States for Army clothing on July 1, 1881, as shown by General Orders No. 52, dated Headquarters of the Army, Adjutant-General's Office, Washington, D. C., June 14, 1881. A few articles I shall mention, taking that for ordnance sergeants as a sample: great coat, $12.70; uniform coat, with chevrons, $9.02; blouse, lined, $3.41; trowsers, (privates',) light or heavy quality, $2.80; shirt, dark-blue flannel, $2.54; knit undershirt, 76 cents; drawers, 62 cents; woolen stockings, 26 cents; blanket, (woolen,) $3.93. Materials sold to officers for their personal use: dark-blue flannel, 6-4, $1.10 per yard; dark-blue cloth, 6-4, $2.67 per yard.

Thus it will be seen that the two industries, wool and woolen manufactures, which have been so grievously assailed by our Democratic friends, have given us cheap clothing and besides are contributing largely to the sources of national health and wealth.

But perhaps the most gratifying result of protection to these twin industries is found in a table herewith submitted showing the rapid increase in the consumption of woolen goods per capita in the last twenty years or more. Our people dress warmer and better. The price has not materially increased, but instead of each inhabitant having goods to the value of $1.86 as in 1860 he has now woolens to the value of $5.32, an increase of 517 per cent., while population has only increased 116 per cent. in the same time.

Statement showing the increase in the production and consumption of woolen manufactures in the United States from 1850 to 1880, by decades, absolute and as compared with the increase of population.

Fiscal year—	Foreign wool imported.	Domestic and foreign wools used in manufactures.	Product of woolen goods.		Increase of woolen goods in each decade.	Increase of population during each decade.	Population.
			Total value.	Value per capita.			
	Pounds.	*Pounds.*	*Dollars.*	*Dolls.*	*Per ct.*	*Per ct.*	
1850 ..	18, 869, 849	70, 862, 829	†43, 207, 545	1. 86	.....	36.	23, 191, 876
1860 ..	*28, 781, 100	95, 452, 159	†73, 454, 231	2. 33	70	35.	31, 443, 321
1870 ..	38, 634, 067	172, 078, 919	‡116, 846, 138	3. 03	59	22. 6	38, 558, 371
1880 ..	99, 372, 440	295, 315, 229	266, 798, 454	5. 32	128	30.	50, 155, 783

Increase in 20 years: quantity, 209 per cent.; value, 263 per cent.

Increase in 30 years: quantity, 316 per cent.; value, 517 per cent.; value per capita, $3.46; population, 116 per cent.

* Quantity estimated; value, $4,317,165.

† Not including hosiery or wool hats.

‡ Gold value, reduced from currency value, $155,405,358; currency price of gold, 133 per cent.

It will be observed from the above figures that the increase in the value of domestic woolen manufactures was far more rapid than the increase in the population, which augmented in the thirty years from 1850 to 1880, 116 per cent., while the value of manufactured woolen goods increased during the same period 517 per cent. The consumption per capita rose from $1.86 in the census year 1850 to $5.32 in 1880.

EDWARD YOUNG.

BUREAU OF INDUSTRY AND TRADE,
Washington, March 31, 1882.

PRESENT TARIFF SATISFACTORY AS TO WOOL.

In passing, Mr. Chairman, from the wool industry to which I have given so much attention, because it has been so seriously threatened by our Democratic friends, and because it is an industry so vital to the immediate constituency I have the honor to represent, I will call attention to the fact that wool-growers everywhere throughout the country have expressed themselves satisfied with the present duties on wool.

I spoke, by request, in behalf of the National Association of Wool Growers at the New York tariff convention for a few minutes to that effect, and was followed by the president of the Vermont Merino Sheep Breeders' Association, Mr. J. B. Mead, who used these words:

Mr. Chairman and gentlemen, I simply desire to say on behalf of our association that we indorse the good words spoken by the gentleman who preceded me, and that the sheep-breeding interest of Vermont to-day is as prosperous as it can be, and we are entirely satisfied with the tariff as it is.

He in turn was followed by Mr. J. C. Stephens, representing the Ohio wool-growers, who said:

As far as wool-growers are concerned, they need no meeting of this kind. All that we want, as far as the wool-growers of Ohio are concerned, (and I think I can speak of the entire Union,) is to be let severely alone. The great want of our policy of protection is stability in legislation. Frequent changes of tariffs unsettle values, unsettle prices, and put the wool-grower at a great disadvantage.

PROTECTION BENEFITS EVERY KNOWN OCCUPATION.

There seems to be a singular disposition to array some one occupation or more against the principle of a protective tariff. My friend from Tennessee [Mr. MCMILLIN] who has just addressed the committee made reference to the blacksmith as surely one of the many who reap no benefit from protection. He tells us that the gentleman from Illinois [Mr. SPRINGER] proposed the question "How is the blacksmith benefited?" to the gentleman from Kansas [Mr. HASKELL] during his excellent speech the other day and it was not and cannot be answered. The gentleman tells us ironically the blacksmith pays a heavy per cent. tax on his tools and his iron and his clothes and that is how he is benefited. Let me illustrate by an item I clip from a local paper, published in my district, the practical effect of protection on one community.

The town of Beaver Falls, Pennsylvania, near my own home, serves me well as the illustration. This town has grown up within the memory of young men. It has natural advantages of water-power, but not better than a thousand places all over the land that wait to be touched by the same magic wand of enterprise and pluck. It has only between six and seven thousand people, but twenty-one different manufacturing establishments are named in the list referred to from the local paper, employing 1,466 hands. A rolling-mill, steel works, hinge works, cutlery works, car works, variety works, three planing mills, pottery company, shovel factory, file factory, ax works, saw works, glass works, knob works, two stove founderies, paper-box factory, brush works, bridge works, &c.—a hive of industry that might well be considered a tariff speech. Will my friend from Tennessee say that the blacksmiths of that community and of the county have not been benefited by the progress of that town, possible only under a protective tariff? Does he not suspect that blacksmiths to the number of a score at least have established themselves there as the most eligible point for business? More than this, every hundred dollars sent out from that town to the farmers and gardeners of the most remote sections of the country makes glad the heart of some local blacksmith who profits inevitably by the profits of the farmer.

What is true of the blacksmith is true of the wagon-maker, the cooper, the shoe-maker, the grocer, the doctor, the lawyer—true of every man who has a will to use head or hands in honorable toil. All are attracted to such a town and reap a benefit from every new industry that is planted. My friend in Tennessee should maintain the tariff and invite such industries. A State that has such stores of mineral wealth, of iron and coal, should not want for men to sustain rather than condemn the policy which makes possible these prosperous towns and these well-paid workmen. Build up your industries. Give employment to the coopers, the blacksmiths, the wagon-makers, that all men who now need employment may find it at remunerative wages.

Mr. MCMILLIN. I will say to the gentleman that in my State the resources are so extensive and so admirably situated that the owner of an iron furnace can stand within its heat and see the point from which his coal and iron ore and limestone are taken, all within easy reach. And we can make iron and compete in price with any part of the world. It is not the blessing of protection that I speak against, but the curse.

Mr. SHALLENBERGER. May I ask the gentleman from Tennessee whether in that part of his State there are any blacksmiths?

Mr. MCMILLIN. Yes, sir.

Mr. SHALLENBERGER. Are they in anywise injured by the industry that you refer to?

Mr. MCMILLIN. The blacksmith in that part of the country, as is the case all over the United States, has the curse of the existence of a tariff upon him which enables our iron producers to raise their prices of the material to the blacksmith, and he pays the additional cost imposed upon the iron by this duty; so that the cheaply-made iron costs him as much as the imported iron. The fact is that while we can make iron in Tennessee at from five to seven dollars a ton cheaper than you can in Pennsylvania it sells as high as in Pennsylvania.

Mr. SHALLENBERGER. Will the gentleman from Tennessee state that the blacksmith is any worse off, admitting the fact that he has to pay a little higher price for his iron, if it be true that he gets ready sale for the product of his anvil?

Mr. MCMILLIN. The iron founderies have not increased the number of horses that have to be shod.

Mr. SHALLENBERGER. Do they not increase employment?

Mr. MCMILLIN. It increases certain kinds of employment.

Mr. SHALLENBERGER. Does not the iron industry give life to general business and freely distribute wages in the neighborhood?

Mr. MCMILLIN. It increases certain kinds of labor; but the masses of the people are not benefited by it. The benefit derived goes to the manufacturer of the iron.

Mr. SHALLENBERGER. If my friend will allow me, I will touch the point to which he refers a little further on.

DEMOCRATIC PROTECTION.

It has been claimed that many of our Democratic friends are earnestly and intelligently in favor of protection. Especially in Pennsylvania do we hear the assertion boldly made that Democrats are as good tariff men as Republicans.

Now, let us see how this is. I presume if there be one man more than another to whom Pennsylvania protectionists have turned their ears for proofs of Democratic soundness on the tariff, it is the very able manufacturer from New York, Mr. HEWITT. If he cannot be trusted pray who in that party can?

We cannot forget that in 1870, in a letter to Jay Gould, Mr. HEWITT said:

Free trade will simply reduce the wages of labor to the foreign standard. * * * The only reason why a tariff is necessary is to supply the laborer with such wages as will enable him to travel and consume, not merely the necessaries but some of the luxuries of modern civilization.

Now, hear him in a speech delivered the other day which I am informed is to be the great speech of the coming campaign, and already ordered by the ten thousand:

Wages in this country are therefore not regulated by the tariff, because whatever wages can be earned by men engaged in the production of agricultural products, the price of which is fixed abroad, must be the rate of wages which will be paid substantially in every other branch of business. If other branches pay better, labor will quit agriculture and take to manufacture; and *vice versa*, if agriculture pays better manufactures will decline and agriculture will progress. Wages, like water, seek a level. Thus we dispose of the first great fallacy of the protection system, which declares that a high tariff produces high wages.

Thus we present the latest fallacy of the gentleman from New York—refuted in his own words.

No one believes that all who are now engaged in manufactures, or half of them, could be profitably engaged in agriculture. We are largely exporting cereals now, after supplying an immense home demand for perishable crops which could not be exported, and which would not be consumed but for manufacturing industry. Mr. HEWITT knows this well, and speaks it forcibly in the letter to Jay Gould from which I have already quoted. Note his words:

Besides, if we have free trade we cannot expect to procure our supplies from abroad by increased shipment of grain, for already the European markets take from us all that they require, and no amount of purchase of goods from them will induce them to buy more food than they need and which they now take as a matter of necessity.

If Mr. HEWITT believed that in 1870 how can he think less of it now when our machinery has so simplified agriculture and so im-

mensely increased the returns for labor therein employed in the last ten years that we can more than supply any possible foreign demand. Why in the name of reason should Mr. HEWITT now strike down any one industry and send its well-paid labor into agriculture to produce rather than consume? Why does he demand that iron ore and coal and wool, and all raw materials that now employ capital and labor in mining and in farming, shall be admitted free of duty?

May I answer as I suspect the reason? It is that he may divide the army of protectionists by appealing to special manufacturing interests. The same tactics were resorted to in the Wood bill. Crumbs of comfort were thrown special leading industries in the hope that for special gains the leading spirits engaged in those industries might be silenced or seduced from the grand line of battle, which must be kept intact if we would protect the whole country and all its people. Mr. HEWITT can well afford in a business way to urge upon Congress free ore and coal and scrap iron. So can all manufacturers on the Atlantic seaboard. In defending this proposition to make free all raw materials he says in his late speech:

No injury will be done to any existing interest, because on these raw products the freight is always sufficient to compensate for the difference of the rate of wages prevailing in this country and in the countries from which these products are imported.

Not so, however. The transportation question is a vital one in this connection. Ocean freights would not compensate for difference in labor employed in mining and transporting raw materials to Mr. HEWITT'S establishment. Personally he would gain largely by free materials, while interior manufacturers would suffer and farmers be left out entirely in the cold.

This advantage in freight is nowhere better explained than by Mr. HEWITT himself in his report on depression of labor, Forty-fifth Congress. He says, in reply to Mr. Horace White, who was testifying:

I suppose you are aware that iron is brought over in ballast sometimes as low as two and six-pence a ton, which is less than I can have it carried in this country for ten miles, so that the item of transportation from England is merely nominal.

Thus speaks Mr. HEWITT. He would have the advantage of another manufacturer who happened to be even fifteen miles away by rail from his ore, coal, &c. The matter of transportation here alluded to must inevitably be considered in adjusting a tariff which will deal justly with American iron and steel industries. The difference in transportation and the difference in wages as well as in interest are all factors in estimating cost of production. I quote from report of J. M. Swank, tenth census:

With regard to the cost of transporting raw materials in the United States and Europe, the testimony of a distinguished iron-master will be sufficient to show the great disparity which exists in the distances over which they must be transported. Mr. I. Lowthian Bell, a commissioner from Great Britain to the Philadelphia exhibition of 1876, says in his official report: "The vast extent of the territory of the United States renders that possible which in Great Britain is physically impossible; thus it may and it does happen that in the former distances of nearly one thousand miles may intervene between the ore and the coal, whereas with ourselves it is difficult to find a situation in which the two are separated by even one hundred miles." From the ore mines of Lake Superior and Missouri to the coal of Pennsylvania is one thousand miles. Connellsville coke is taken six hundred miles to the blast-furnaces of Chicago and seven hundred and fifty miles to the blast-furnaces of Saint Louis. The average distance over which all the domestic iron ore which is consumed in the blast-furnaces of the United States is transported is not less than four hundred miles, and the average distance over which the fuel which is used to smelt it is transported is not less than two hundred miles.

The protection of the gentleman from New York [Mr. HEWITT] would benefit the few manufacturers at the expense of all the rest. But he is also in favor of a tariff for revenue only. I quote his words in his recent speech again:

I have thus established my fourth proposition, which is that a tariff designed to produce an adequate revenue on the average of years will give all the protection which American industry needs.

Again:

Thus it is apparent that "a tariff with incidental protection" and "a tariff for revenue only" are in effect identical, and are convertible phrases.

Mr. HEWITT, before closing the speech, adapts it to the average necessities of free-trade districts, which also have a right to know the Democratic position on the subject of the tariff from a standard authority. He says:

The primacy of industry will be transferred gradually but steadily from the Old World to the New, and free trade will give us the markets of the world which are now controlled by the mother country, and this without impairing our ability to pay the higher rate of wages due to cheaper food, lower taxes, and greater personal intelligence in work.

* * * * * * *

But let us reverse the picture, and see what is likely to happen in case we delay the reforms in the tariff, which are demanded by both political parties and by every consideration of public interest. If good harvests should be secured abroad we shall have a great surplus of food upon our hands and the price will fall; wages will go down with the fall in price; the reduction of wages will be resisted by strikes and lockouts; the conflicts between capital and labor will be reopened, and indeed have already begun; the prosperity of the country will be arrested; railroad transportation will fall off; new railroads will cease to be constructed; our shops will lack work; there will be a dearth of employment all over the country; the volume of immigration will fall off, and the career of expansion and general development will be brought to a disastrous conclusion; the sad experience of 1873–'79 will be repeated until, through the gate of suffering, poverty, and want, we shall establish a lower rate of wages, and the products of the country, weighted as they are with obstructive taxes, which must be deducted from the wages of labor, will force their way into the open markets of the world in spite of the tariff. We shall then reach the era of free trade, but on conditions which will deprive this generation of workmen of all the benefits which they would have derived from it if the way had been properly prepared for its final triumph.

Note carefully these remarkable statements of the gentleman. He favors such reforms in the tariff as will properly prepare the way for the final triumph of free trade; and this triumph not in the distant future. "This generation of workmen" must have its benefits. Meanwhile he is for a tariff for revenue only, which he thinks he has proven to be the same as a tariff for revenue with incidental protection. Moreover, so long as we must bear the infliction of a tariff which yields even incidental protection, he would confine that protection to the manufacturers alone and wipe out the wool-growing industry and every other industry producing raw materials. And to this feast of free trade the workingmen of this generation are invited.

PENNSYLVANIA AND THE TARIFF.

The State of Pennsylvania has been charged with being purely selfish and unjust to her sister States by insisting upon ample protection for her iron and steel industries. True, Pennsylvania is more deeply interested in maintaining protection for these industries than any other State, but I deny that she is unmindful of any other State or unwilling to claim equal protection for every other industry adapted to our people and soil. This nation needs protection for iron and steel in the interest of other States more than in the interest of Pennsylvania. The competition which will give cheap iron and steel must come from this country and should come from different sections of it. Under the present tariff this industry is extending into new States and Territories. Thirty States made iron in 1880, and about half of these made steel, we are told by Mr. Swank in his able report embodied in the tenth census.

If Pennsylvania prospers under the tariff other States will share that prosperity and are free to engage in the same profitable industry. With the varied climate and immense resources of this country, with capital in abundance, free to change from unprofitable to profitable employments, there cannot long be even the semblance of monopoly. There should be no jealousy between industries. Pennsylvania claims that all should be protected. If any one has less than it needs, give it more. If capital anywhere thinks the iron business is most profitable, let it invest and share the risk and the profit. What we demand is work for all our people. We cannot afford to be idle and import what we can make at home. No nation can be independent which does so. Nor can we permit our scale of wages to be reduced in order to compete with cheap labor of other countries. Our workingmen must assume the responsibilities of government as foreign laborers do not. They must have means to educate their children, to contribute their share to the establishment of such civil and religious institutions as will prepare our whole people for usefulness and for the greatest comfort. Our highest national duty, it seems to me, is to so shape our customs laws as to secure necessary revenue while we specifically protect every industry possible to our people, for we shall need them all. The struggle of the ages has not been after cheap food and clothing, as our Democratic friends seem to think when they ring the changes upon the per cent. of tax, so called, that the laboring-man has to pay on what he buys. The struggle is for work, work—steady employment. No man ever failed to get food and clothes if he had work. Nor did any workingman care particularly that the goods and produce of the merchant were cheap when the mill and the factory were idle.

Start the mill, the furnace, the factory, by the imposition of a tariff, and how soon will the farmer be able to get 20 per cent. more for his produce? Even if it were true, which we deny, that prices are permanently higher under the operation of the tariff, labor is employed and labor is the source of all wealth.

Wealth can therefore afford to pay higher prices for manufactured goods and have larger savings than before. This we shall show has been the experience under the protective tariff.

Pennsylvania is proud of her iron and steel industries. As appears from the report of Mr. Swank, the total production of iron and steel in the United States in 1880 was 7,265,140 tons, of which amount Pennsylvania produced 3,616,668 tons, or a trifle less than 50 per cent. of the whole. The total production of the country in 1870 was 3,655,215 tons, of which amount Pennsylvania produced 1,836,808 tons, or a little over 50 per cent. The increase in the entire product in ten years of present tariff was 98.76 per cent. The increase of Pennsylvania's product was 97 per cent. The county of Lawrence, which is within my district, has increased its iron product—pigs, forged and rolled iron—from an annual value of $138,500 in 1860 to $1,139,326 in 1870, and $2,864,509 in 1880, an increase of 90 per cent. in the last ten years. Since the census of 1880 the increase has been greater still. It will not be an easy thing to convince the farmers of that county, whose wagons throng the streets of Newcastle, that the tariff oppresses them. Nor will the argument find greater favor with merchants, doctors, lawyers, blacksmiths, or men in any honorable occupation.

COAL INDUSTRY.

The magnificent development of the coal industry is largely dependent on the iron production, and both on the tariff. Coal is a prince among forces. The area of the coal-fields of the world is said to be 260,000 square miles, of which the United States contains 192,000 square miles—74 per cent. of the whole. True the value of deposit is estimated not alone by area; quality, thickness of vein, and accessibility are essential. The bituminous coal-fields of Western Pennsylvania in 1880 furnished nearly 25 per cent. of the entire product of the country, which was 260 per cent. greater than in 1870,

as will appear in the admirable document issued by the Pittsburgh Chamber of Commerce, from an advance copy of which I quote. Western Pennsylvania has 14,000 square miles of coal territory; Great Britain has less by about 3,000 miles, and yet Great Britain produced in 1872 53 per cent. of the world's production. What may not our State and our country produce if capital and labor are protected as they should be?

It is said that the energy or force contained in a pound of coal is equal to the average day's work of a man. If so, the coal-miner is a benefactor to his race. If he digs one hundred bushels of coal in a day he adds by his labor to the labor forces of the world an equivalent to the labor of 8,000 men. In 1880, 3,396,331 tons of coal were sent through the locks of the Monongahela River alone, 92 per cent. of which went south by the Ohio River. And here we stop to emphasize the importance of improving the navigation of that river. Coal can be shipped 2,000 miles by water to light the fires of industry in southern and western cities at a cost of ninety-five cents per ton, including return of boats, while for distances of eight to twenty miles by rail in the neighborhood of Pittsburgh the freight is from twenty to forty cents per ton. Railroads are the largest consumers of iron and steel, and they alone have made it possible by immense competition and great reductions in through freight to send the products of western farms across the continent and over the sea to redeem our bonds in foreign hands and to change the balance of trade so largely in our favor.

But I must hasten. The immense resources of this country clearly demonstrate the duty of our people to produce at home what we need and to have a tariff that will compensate for the difference in wages, interest, and transportation until we do produce all we need. When that point is reached the tariff will not affect the price to the consumer, but the cost of production and that alone will. That cost, under our system and by virtue of the inventive genius of well-paid, intelligent labor, is diminishing every year.

TAX ON THE CONSUMER.

So much is said about the heavy tax paid by the consumer for products of protected manufactures that it is a pertinent question how much of the living expenses of a family go out for manufactured products or products that are affected by the tariff. It will scarcely be claimed that flour and beef and agricultural products generally are any higher than they would be if the tariff upon them was 100 per cent. Why? Because we can raise them, ship them by rail to New York, pay freight across the ocean, and sell them in foreign markets. They are all cheaper to the American laborer, while his wages are double those of foreign laborers. An English writer, who is good authority on this subject, Professor Leone Levi, of King's College, London, thus speaks of the expenditures of workingmen:

The expenditures of our workingmen may be divided into four distinct heads; namely, first, food; second, house-rent, with fire and lighting; third, clothing; fourth, education, health, and recreation. The proportion which each of these bears to the whole must, of course, vary considerably; but generally we may calculate that more than half, or rather two-thirds, of the income is devoted to food, and the remainder is expended in the other three items.

BENEFITS OF PROTECTION TO LABOR.

The strongest plea for protection is that it does materially increase the returns of labor. The most skillful handling of figures I have yet seen to disprove this proposition is in the speech of the gentleman from Kentucky, [Mr. CARLISLE;] and yet I quote his words to show that his own figures are in themselves the refutation of his argument. He says:

In the census year 1860, when the average rate upon all dutiable goods was 19 per cent. ad valorem, and the rate upon all goods, dutiable and free, less than 15 per cent., there were employed in all the mechanical and manufacturing industries in this country, consisting of more than six hundred different branches, 1,311,246 hands, whose wages amounted to $378,878,966; the capital invested was $1,009,855,715; the cost of material was $1,034.605,092, and the total value of the product was $1,885,861,676. Labor received a little over 20 per cent. of the value of the product. In 1870, after nearly ten years of high protection, the number of hands employed was 2,053,996, and the wages paid amounted to $775,584,345; the capital invested was $2,118,208,769; the total cost of material was $2,488,427,242, and the value of the product was $4,232.325,442. The excess of the product over the total cost of labor and material was $968,313,855, which was 45.7 per cent. on the whole amount of capital invested. Labor received only a little over 18 per cent. of the value of the product, nearly 2 per cent. less than in 1860.

If this means anything it means that the workingman in 1860 under a revenue tariff was better off than in 1880 under protection.

Now take his figures. In 1860, 1,311,246 hands employed; aggregate wages, $378,878,966, an average of $288 per annum. In 1870, under protection, hands employed were 2,053,996; aggregate wages, $775,584,345, an average of $377 per annum.

Of course one day's labor in 1870 produced more than in 1860. For instance, a man might in 1860 have made one vest in one day and been paid $1; value of product, $5. He would receive 20 per cent. of product for labor. If in 1870 he should make three vests in a day by the aid of machinery and get $2 for his day's work, value of the product, say $12, we should find that he had only 16⅔ per cent. of the product, while he had 100 per cent. more wages. And at the same time the manufacturer would in the instance I have named be giving the consumer or purchaser goods in 1870 for $12 for which he paid $15 in 1860.

So I might go through all other fine-spun theories and deductions from statistics to show the workingmen of this country what they know and what every immigrant that seeks our shores knows, namely, that labor has gained immensely under the American system of protection.

The workingman of to-day lives better than he did in 1860. Our per capita consumption of woolens, as I have shown, rose from $2.33 in 1860 to $5.32 in 1880. Our per capita consumption of all cereals, according to figures which Mr. Edward Young furnished me, rose from 38 bushels in 1860 to 48 bushels in 1880. In 1850 it was only 35 bushels, round numbers. The homes of workingmen have become tasteful. Children have the benefits of schooling as never before. The hours of labor are being shortened and with gratifying results. On this point I quote from Mr. Swank's report:

AN INNOVATION IN THE EMPLOYMENT OF LABOR.

In this connection reference may be made to the innovation which has taken place at a few of the blast furnaces and steel works of the country in dividing the day of twenty-four hours into three turns, or shifts, of eight hours each, with one set of hands for each turn. The recent experience of the general superintendent of the Edgar Thomson Steel Works may be quoted in favor of the proposition that this new departure in the employment of labor in exhausting situations at American iron and steel works is beneficial alike to the employer and his workmen. He says: "In increasing the output of these works I soon discovered that it was entirely out of the question to expect human flesh and blood to labor incessantly for twelve hours; therefore it was decided to put on three turns, reducing the hours of labor to eight. This has proved to be of immense advantage to both the company and the workmen, the latter now earning more in eight hours than they formerly could in twelve hours; while the men can work harder constantly for eight hours because they have sixteen hours for rest."

The above is a very important indorsement of the principle of eight hours for a day's labor. I hope it may lead to a fuller test of the system in other branches of industry. No one doubts the possibility of compressing more professional work in eight hours than is usually done in ten—all that is needed is the will to do it—and better work is the result. The added time for rest and recreation is certainly needed. Health, education, and culture, contentment and good order would be subserved by it. No lover of free institutions should wish to see the wages of labor reduced or the hours of labor increased. Contrary to the teachings of other countries, we have found that the best labor in all places is educated labor, which recognizes in capital but the accumulation of labor.

One of the brightest illustrations of the position workingmen may and should hold in the public and educational assemblages of the country was the presence and *extempore* speech of John Jarrett, of Pittsburgh, in the New York tariff convention. I will quote a few extracts as published:

MR. PRESIDENT AND GENTLEMEN: I was requested simply to say a few words here. I have not got any prepared speech. I am simply here to express the sentiments of the workingmen. I presume I represent about 65,000 workingmen; a solid phalanx of protectionists.

* * * * * * *

I do not care for one moment that there should be any insinuations thrown out that may reflect upon either capital or labor. I stand here as a workingman, having for some twenty-five years worked in a rolling-mill; and during that twenty-five years I have always advocated the principle that the interests of capital and of labor are identical. What will conduce to benefit capital will conduce to benefit labor. We are glad to recognize that fact. Labor is beginning to recognize the fact that whatever will conduce to benefit capital also benefits labor.

* * * * * * *

We must not be controlled or governed in our actions by any other country, or the opinions of any other country. We want to be free from every other land. We do not want cheap labor imported here; neither do you, gentlemen, want cheap raw materials imported here. I regret that we have a market here for so much of the raw materials of other countries while we have the same materials here in the bosom of our mother earth; and I think that we ought to utilize them. I would like to see as high a tariff on raw materials as on many manufactured materials that come into our markets. I want to give the farmer the same chance as every other man who works by the labor of his hands. An increase of industry is what we want.

EXPERIENCE IS THE BEST ARGUMENT FOR PROTECTION.

The history of our country for the past ten or twenty years under protection contrasted with its history under a revenue tariff from 1850 to 1860 is abundant answer to the distinguished gentleman from Kentucky, [Mr. CARLISLE,] who spoke as follows:

There never has been such a period of general prosperity and growth in this or any other country as that extending from 1850 to 1860, when we had, not free trade, but a tariff for revenue with such incidental protection as necessarily resulted from the imposition of moderate duties upon imported goods; a tariff under which the average rates during the whole period on all dutiable articles were less than 23 per cent., and on free and dutiable only 19 per cent. It was the golden era in our history, notwithstanding the financial disturbance of 1857, from which the country recovered in a single year.

In the midst of that golden period a Democratic President, James Buchanan, gave us his opinion of the situation in a message to Congress in December, 1857. He says:

The earth has yielded her fruits abundantly and has bountifully rewarded the toil of the husbandman. Our great staples have commanded high prices, and, up till within a brief period, our manufacturing, mineral, and mechanical occupations have largely partaken of the general prosperity. We have possessed all the elements of material wealth in rich abundance, and yet, notwithstanding all these advantages, our country, in its monetary interests, is at the present moment in a deplorable condition. In the midst of unsurpassed plenty in all the productions and in all the elements of national wealth, we find our manufactures suspended, our public works retarded, our private enterprises of different kinds abandoned, and thousands of useful laborers thrown out of employment and reduced to want. The revenue of the Government, which is chiefly derived from duties on imports from abroad, has been greatly reduced, while the appropriations made by Congress at its last session for the current fiscal year are very large in amount.

Not even revenue was produced from the so-called revenue tariff, much less industry and thrift.

It was a time of profound peace at the close of that period in 1860, expenditures of the Government were light—no war debt, no pensions

to pay, and yet, as every school-boy knows, the Government had to borrow money at 12 per cent. to meet current expenses.

The distinguished chairman of Ways and Means, [Mr. KELLEY, of Pennsylvania,] my colleague, has graphically described the period referred to from the establishment of the revenue tariff of 1846 until the year 1860. I quote from one of his speeches:

At the close of that brief term, the ship-yards of Maine were almost as idle as they are now when railroads traverse the country in all directions and compete with ships in carrying even such bulky commodities as sugar, cotton, and leaf tobacco; and while the families of thousands of unemployed workmen in our great cities were in want of food, Illinois farmers found in corn, for which there was no market, the cheapest fuel they could obtain, though their fields were underlaid by an inexhaustible deposit of coal that is almost coextensive with the State. Capital invested in factories, furnaces, forges, rolling-mills, and machinery was idle and unproductive, and there was but a limited home market for cotton or wool. Taking advantage of this condition of affairs, foreign dealers put their prices down sufficiently to bankrupt the cotton States, to induce many of our farmers to give up sheep raising, and to constrain many thousand immigrants who could not find employment to return to their native countries.

Contrast with this exhibit the condition of the country in 1880, as I have already partially shown it, after twenty years of high tariff. Not only have our people employment under the present tariff, and at better wages than those of foreign countries, but the purchasing power of wages is ever increasing. While our workingmen live better and spend more than ever before, they are also saving more of their wages. It is said by good authority that seven-eighths of the deposits in savings banks are wage earnings of laboring men and women. Take the State of New York, the largest in the Union—I refer to Bankers' Magazine, volume 29, page 415, when I state that in the year 1860, at the close of the golden era, miscalled by the gentleman from Kentucky, the deposits in New York savings-banks were $58,178,110, or say $15 per capita. In 1870, under ten years of protection, deposits were $194,360,217. In 1880, after twenty years of protection, they were (as shown by the report of Comptroller of Currency) $353,629,657, or about $70 per capita. I quote from same volume, page 417:

The deposits of the savings-banks per head of the population in New York (1874) is $65; in Massachusetts, $129; in Connecticut, $134; in Rhode Island, $203. In Austria, the amount per head is only $8.20; in France, $3; and in England, $9.20. These European figures offer a suggestive commentary on the statements of those who pretend that the sober, industrious mechanic in this country is in no better circumstances, and can save no more of his wages than in the Old World.

Thus hastily and imperfectly I have tried to group some facts which sustain the American people in the demand voiced in the last Presidential election, that a protective tariff as against a tariff for revenue only (which when last tried under Democratic auspices yielded neither revenue nor protection) a comprehensive, fair, and just protective tariff must and shall be maintained.

If ever a doubt existed as to the wisdom of a protective tariff and a sound financial policy as they have both been maintained against all opposition for the past twenty years, that doubt should yield now to the inexorable logic of events. In the past decade we have reduced taxation about one-third, the per capita of debt over 40 per cent., of interest over 50 per cent. We have paid the principal of a huge war debt at the rate of $116,000 a day in round numbers, for every day in the year, including Sundays and holidays; we have paid many millions in pensions as an additional legacy of sacred debt left us by the war, and withal we are to-day richest in all that constitutes material prosperity of the nations of the earth. Let us stand by the systems, revenue and financial, which have yielded such fruitage.

The mission of the Republican party has not been fulfilled. The attempt now being made with such desperate vigor to so revise the tariff as to destroy its protective features, to so cripple the national banks as to produce a monetary panic, must be met by the party which has so wisely established them. The party to safely deal with corrective legislation in the interest of both is the party that has proven the friend of free labor and a sound currency.

Tariff and Tax Commission.

SPEECH

OF

HON. JOSEPH H. BURROWS,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 11, 1882.

The House, in Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws—

Mr. BURROWS, of Missouri, said:

Mr. CHAIRMAN: We have been engaged in discussing the tariff-commission bill ever since the 28th of March with some little cessation, and what has been said *pro* and *con.* would make a respectable volume; and still I do not believe that a single vote has been lost or won to either side; and as the discussion has progressed I have fancied the effort was more to gain a partisan victory rather than arrive at a wise and just conclusion as to the best means and methods of adjusting the tariff and collecting the revenues of the nation so as not to discriminate against any interest, calling, or vocation, and at the same time give such protection and encouragement as was possible or practicable, and this without arraying section against section, State against State, or calling against calling.

Surely the object of good government and true statesmanship is to protect life, property, and advance the general well-being of society, and at the least cost or tax to the whole. The taxes of a nation or State should be so justly and evenly distributed and apportioned among its citizens as to bear with equal force upon the high and the low, the rich and the poor, in proportion to their wealth or what they possess. This, it is true, is not so easily done as may at first appear.

And then, again, our country is so vast, its industries and products so varied, that it is a very difficult task to adjust the laws in the collection of the revenues, whether by tariffs and internal revenues or either, so as to prevent murmuring and the feeling that one avocation is oppressed and burdened for the benefit of another. This is a serious question.

That the nation must have money no one doubts, and large quantities of money; and the question is how shall it be collected? Ninety years ago it required less than $1,000,000 per month to defray the expenses of government, or for the year 1791, $10,210,025; now almost $1,000,000 per day, and it has been over $2,000,000. Now, in the collection of this vast sum of money we should experience no trouble if the products and industries of each State and section were alike; but instead of this we have a vast empire or domain 4,000 miles east and west and half as much north and south, embracing every diversity of soil, climate, and product, with forest and field, mines and manufactory; some on the seaboard and others interior and far removed from the markets of the world. It is not strange that we should differ in our views and opinions; it would be if we did not. And then our local interests, jealousies, and State pride are sure to bias our judgments and prejudice our conclusions.

It is very difficult to make a purely agricultural district and (we have many) see how it is to their interest to be taxed to build up and protect a manufacturing or mining one, and yet neither is independent of the other; and that nation or community that can come nearest supplying all its requirements must ever be regarded as the most independent. Then, again, the home market must ever be regarded as the best, the safest, the most regular, and the varied industries become so interwoven that we are mutually dependent, the one upon the other. In the South they have too much cotton, sugar, and rice; in the West and North it is wheat, corn, oats, rye, beef, and pork; in the East it is boots and shoes, cotton cloth, and other manufactured articles; then, again, some States and localities are blessed with an abundance of iron, coal, timber, salt, building material, &c., and still others the precious metals. Now, what we want to do is to protect, encourage, and promote each others' interest, and good must result to the whole.

"'Tis said a 'rose would smell as sweet by any other name.' Now, if a 'tariff for revenue only' protects, and a protective tariff does no more," what is the difference? Ninety-nine men out of every one hundred would prefer a tariff to a direct tax. More than one-half the money paid into the Government Treasury is collected from import duties. If these be taken off, by what methods are the revenues to be collected? All may see at a glance that for many years to come we shall need from $300,000,000 to $400,000,000 per annum to meet the expenses of the Government. That the internal-revenue laws need amending there is no doubt, and that some things that are among the common necessaries of life and are purchased by the poorest in the land should be stamp free and duty also. While this bill was being discussed in the Senate, Senator BROWN, of Georgia, while upon this particular point presented my views as well or better than I can myself, and I here incorporate them:

FREE TRADE AND DIRECT TAXATION.

Senator BROWN, of Georgia, sees the logic of free trade with a clear vision. In a speech in the Senate in favor of the tariff-commission bill on Monday, March 27, he said:

"I notice by turning to the report of the Secretary of the Treasury that there were collected during the last fiscal year $198,159,676.02 on imports. In round numbers I will call it $200,000,000 per annum. How do we propose in future to raise this sum if we cannot dispense with it? How do you propose to collect this $200,000,000? There are but two modes that I am aware of. One is a direct tax upon the people, the other is to collect it upon imports. Which will we choose? I have heard no Senator on this side who has discussed what might be termed the free-trade side of the question propose to raise it by a direct tax. What would it amount to? We have thirty-eight States. Take my own State, Georgia; say it is an average State. If $200,000,000 should be raised by direct taxation, Georgia must raise each year, in addition to what is now raised by the collection of internal revenue, a sum amounting to over $5,000,000. Her people must submit to the present State tax, school tax, county tax, corporate tax, and all the taxes now collected which they consider burdensome, and we must add to that, if we are to collect it by a direct tax, more than $5,000,000 a year, which would be about four times as much as we now raise by taxation added.

"I take it for granted no Senator on this floor representing any one of the States will advocate that course for the collection of all our Federal revenue. If he does my opinion is he will find a large proportion of his constituents differing in opinion with him. Then how do we propose to collect it? We must collect it as heretofore, by levying a tariff upon imports. The addition of about five and a quarter millions a year to the internal revenue paid in cash by the people of Georgia for Federal purposes would knock all the poetry out of the able free-trade speeches to which we have listened with so much interest. Doubtless the same would be true in all the other States. Our people prefer a tariff to direct taxes. They are will-

ing that those who buy the most imported goods shall pay the most tax. * * * What will you put the tariff upon? Will you protect American industry and American productions, or select such articles as tea and coffee and others that we do not cultivate in this country, and in which we do not compete, and put it upon them to avoid the protection of American industry? I presume not. Then where will you place it? You have to collect it, or if not, tell me how you will get rid of it, and what substitute you will put in its place as a mode of collection of revenue to support the Government? I apprehend no one will suggest a new plan. Then it seems to me that it is proper we should so adjust it as to afford, as far as possible, incidental protection to every American industry and every American laborer."

These words are as true as if inspired. Missouri tax would not be less than six or seven millions of dollars, in addition to her pro rata of the amount collected through the internal-revenue laws.

This whole subject when condensed and brought down to the simplest questions and answers are:

Do we desire to develop and bring out all the capabilities and possibilities of our country as a whole? Do we want to render it independent and free, commercially speaking, in that sense that enables it to supply all its wants as near as is possible, and thus make us as free commercially as we are politically of the nations of the world?

Do we desire to afford the amplest compensation for labor, a fair remuneration for capital invested, and a steady and regular protection to both? If so, our policy must not be vacillating nor attempt to walk in the foot-prints of the Old World. If we do, we shall as surely arrive at the same results. I will read a short article from our German consul, Mr. Wharton, of Sonneberg. The facts are undeniable, the reasoning good, and the recommendation excellent:

CHEAP GERMAN MANUFACTURES THE RESULT OF CHEAP LABOR; REPORT BY CONSUL WHARTON, SONNEBERG.

I am fully convinced that the most important method of increasing American trade, especially in regard to such articles as form the chief exports from this part of Germany to the United States, is to cheapen the price at which they are placed on the market. We need no higher proof that articles of German manufacture of like character and quality with those made and sold in the United States are cheaper than said articles that we find in the large and ever increasing shipments which are made to that country by German manufacturers, against the small imports brought hither, while the German manufacturers at the same time labor under the disadvantage of a tariff of 50 per cent. ad valorem imposed by our Government, and an additional cost of 10 per cent. for hauling. The importer of German goods in New York is compelled to add this 60 per cent. to the cost he pays in Germany for his goods, and yet the facts show that he is still able to cope successfully with the American manufacturers of these goods. By looking at the statements of declared exports from the Sonneberg district, it will be seen that they consist almost entirely of dolls, toys, china and glass ware, cotton hosiery, musical instruments, guns, seed, and plants; and yet all these articles are manufactured in the largest quantities in the United States.

In order, therefore, that American manufacturers should increase their trade at home as well as abroad, they must manage to diminish the price at which their goods are offered for sale. The great question is, How can this be done? I answer, first, by diminishing the cost of production; secondly, by diminishing the cost of transportation—two things that enter into the price of any article. First, then, the cost of production must be diminished. This can be done by cheapening labor. One reason why German articles are made so cheaply is labor is so plentiful and so cheap here. Compare the prices paid in the United States for skilled labor with the following table, which shows the prices paid here, and the correctness of this remark will at once be seen. For example, cabinet-makers receive per day 70 cents; carpenters, 60 cents; blacksmiths, 60 cents; doll-makers, 50 cents to $1; females and children, 25 to 50 cents; glass-makers, 50 to 75 cents; glaziers, 60 to 80 cents; gun-makers, $1 to $2; kid-glove makers, 50 to 75 cents; females, 25 to 40 cents; machine sewers, 30 to 50 cents; locksmiths, 53 to 70 cents; painters, 60 to 75 cents; *papier-maché* makers, 50 cents; females, 25 cents; polish, (French,) 75 cents; tobacco-pipe makers, 50 cents to $1; females, 25 to 50 cents; upholsterers, 70 to 75 cents; weavers, 40 to 50 cents. A most important industry is china-ware making, and the following is a schedule of prices: modelers and chief decorators, $1.50; decorators, 80 cents; formers and turners, 75 cents to $1; females, 36 to 60 cents; firemen, 60 to 75 cents; packers, 50 to 60 cents.

If laborers cannot be found in the United States, let our manufacturers import them; for there are thousands here living on mere pittances who would be only too glad to find employment in the United States. The laborers already employed there could be induced to work more cheaply if the German habits of living could be adopted by them. Here, "as for their means they husband them so well they go far with little." While articles of diet are dearer here than in America, the laborers manage to live on less. They eat meat but once a day, living chiefly on vegetables; their staple diet being rye bread and beer. They work ten hours a day, and sometimes twelve and even fourteen hours. Secondly, the cost of production can be diminished by lessening the cost of materials. Another reason why German articles are so cheap arises from the fact that all materials employed here, except, perhaps, wools and cottons, are much cheaper than in America. This is especially true of chemicals, so largely used in the manufacture of dolls, toys, and other painted goods. If our manufacturers cannot buy materials sufficiently cheap at home, let them buy them here in bulk and import them; and this course will obviate the difficulty, and soon result in the reduction of the price of materials in their own land. Another thing to cheapen our manufactures is to encourage cottage industries and discourage the idea that vast sums must be expended in brick and mortar in the erection of magnificent factories, which, in consuming the capital of the owners, at the same time increase the prices of the articles manufactured. Some of the most splendid and beautiful goods shipped through this consulate to America come out of the plainest warehouses, with nothing of an appearance of beauty about them save the glittering contrast presented by the beautiful wares they contain.

There is no disputing the fact that the American laborer and American mechanic is much better paid than the European or Asiatic, and that they live better and enjoy more of life, and I have no sympathy with that party, principle, or policy that would rob our toiling citizen of one particle of the comforts they now have. Labor is man's inheritance, and his honor and glory. The world owes us nothing but what we labor for, though we owe the world much. But what a man works for should be his to enjoy. The higher our civilization, the more numerous our wants and the greater will be the labor required to supply them. Our desires are to a great extent measured by our means of gratifying them. Pay a laborer $1 per day and he is compelled to bring the expenses of himself or family within that limit; increase it to $2 and his desires at once increase, and so on. We thereby increase consumption of food, clothing, and the comforts of life in general. To restrict the laborer to such food and clothing as are barely sufficient to support existence is to rob society and sink humanity to a level with the lower animals, which is the case with millions of our race in the Old World. I beg to incorporate the following tables; they are reliable; they will show the comparative prices of the necessaries of life and of labor in the United States and Europe:

Retail price of necessaries, 1879.

Articles.	England.	Germany, $125.	France, $141.	New York.
Bread	3½ to 4½	3 to 7	3	4 to 4½
Flour	3½ to 4½	5½	.....	4½ to 5
Beef	15 to 26	12 to 14	16 to 20	12 to 16
Veal	18 to 27	14½	17 to 20	8 to 12
Mutton	17 to 25	14½	.....	9 to 14
Pork	12 to 23	17 to 20	12 to 14	8 to 12
Lard	15 to 18	21	15	10 to 12
Butter	29 to 38	22	20 to 50	25 to 32
Cheese	15 to 21	24	20 to 25	12 to 15
Rice	3½ to 8	9	.....	8 to 10
Beans, per quart	9	9	.....	8 to 10
Milk, per quart	9	10	.....	7 to 10
Oatmeal, per pound	3½ to 4	8	.....	4 to 5
Tea	43 to 88	75	.....	50 to 60
Coffee	28 to 42	35	25 to 45	20 to 30
Sugar	5½ to 9	11	.....	8 to 10
Soap	5½ to 9	10	.....	6 to 7
Starch	10 to 12	9	.....	8 to 10
Coal	$3 20 to $4 10	$4 25	.....	$5 25

Comparative statement of weekly wages.

Occupations.	England.	Germany.	France.	New York.
Bricklayers	$8 12	$3 45	$4 00	$12 to $15
Masons	8 16	4 00	5 00	12 to 18
Carpenters	8 25	4 18	5 42	9 to 12
Gas-fitters	7 25	3 95	4 90	10 to 14
Painters	8 10	4 60	.....	10 to 16
Plasterers	7 75	4 35	.....	10 to 15
Plumbers	7 90	3 90	.....	12 to 18
Slaters	7 90	3 90	.....	10 to 15
Blacksmiths	8 12	3 90	5 45	10 to 14
Bakers	6 50	3 90	5 45	5 to 8
Bookbinders	7 83	3 90	6 85	12 to 18
Shoe-makers	7 35	4 32	4 75	12 to 18
Butchers	7 23	4 20	5 42	8 to 12
Cabinet-makers	7 70	4 95	.....	9 to 13
Coppersmiths	7 40	3 90	5 40	12 to 15
Cutlers	8 00	3 90	4 63	10 to 13
Horseshoers	7 20	3 50	5 40	12 to 18
Millwrights	7 50	4 95	.....	10 to 15
Saddlers	6 80	3 90	5 00	12 to 15
Laborers	5 00	2 60	3 15	6 to 9

CLARK THREAD COMPANY,
Newark, New Jersey, January 25, 1882.

DEAR SIR: As requested, we herewith send to you a list of wages paid the workers in Clark & Co.'s, Paisley, Scotland, and the wages paid the same class of workers in Newark, New Jersey:

Employés.	Paisley.	Newark.
Girls:	*Per week.*	*Per week.*
Spoolers	$3 50 to $3 75	$7 00 to $9 00
Reelers	3 50 to 3 75	7 50 to 8 50
Cop-winders	3 50 to 3 75	7 50 to 8 50
Twisters	2 25 to 2 50	5 00 to 6 00
Strippers	1 50 to 1 75	3 00 to 3 00
Bobbin-cleaners	1 25 to	2 50 to 2 50
Men:		
Carpenters	7 00 to 7 50	16 50 to 18 00
Machinists	7 00 to 7 00	16 50 to 18 00
Dyers	7 00 to 7 00	15 00 to 15 00
Bleachers	6 50 to 6 50	13 50 to 13 50
Firemen	6 00 to 6 00	12 00 to 13 00

The above is, to the best of my knowledge, correct.

These facts and figures plead more eloquently than I can, and we behold them as in the mirror of truth and would do well to ponder them. It will be seen that the necessaries of life are higher here than in Europe, showing conclusively that the home market is better than our foreign. I do not desire to enter into a detailed defense of this question as against free trade. This has been done repeatedly. I am dealing with the question rather in the abstract, and would say in this connection we have done some things which we should not have done and that we should repent of, and I allude as one instance to the treaty with the Sandwich Islands, the effect of which has been evil, and that continually. I incorporate the following article from a New York paper, the Truth:

THE SANDWICH ISLAND TREATY.

This treaty was made through the efforts of Senator Newton Booth, of California, in 1876.

By its terms the United States was to be allowed to carry machinery, &c., into Hawaiian ports free of duty, and the Sandwich Islands to send to this country certain staples, among which was sugar, on the same terms.

It was supposed in this country that the effect of the treaty would be, first, to open a new market for the sale of our manufactures, for, up to the time of the passage of the treaty, the Sandwich Islanders had bought what they needed from the countries which held protectorates over them; second, to reduce the price of one of our most necessary articles of food.

But neither our people nor Congress suspected the power that was engineering the treaty or the purpose intended to be subserved.

It is only after a trial of four years that we have been brought face to face with the concealed African—namely, sugar monopoly in the West, the effect of which is to cripple our dealers in sugar in the East.

And the treaty has been of no benefit to our people; for while the duty on Hawaiian sugar has been taken off, we have to pay as much for sugar now as we did before the treaty was made.

Further, in four years we have paid out, in addition to what we have exported to the Sandwich Islands, nearly $1,700,000 a year in money for their sugar. This money, if the same conditions had existed in the West as in the East, would all, or nearly all, have been sent to the sugar plantations of the South in exchange for their products, and thus nearly $7,000,000 would have been saved to this country.

Our exports to the Sandwich Islands for the four treaty years from 1877 to 1880, inclusive, amounted to $6,516,940; while our imports from that country for the same period amounted to $12,960,900. The imports exceeded the exports by $6,443,960, or 97.3 per cent., in these years. In 1880 the excess of imports was the greatest, being $4,832,600, against exports, $2,139,400; leaving an excess of imports, $2,693,260, or 125.9 per cent.

All sugar brought from any foreign port into the eastern ports of the United States has to pay a duty of from 3 to 5 cents per pound, while that brought into the port of San Francisco from the Sandwich Islands is admitted free of duty; so that when we consider the duty paid on sugar brought into the port of New York, which averages about 3½ cents per pound, as a basis on which to calculate the duty that ought to be paid at all ports of the United States, we find that our Government loses a duty of $67.20 on every ton of sugar brought into the port of San Francisco.

But this is not all. Admitting sugar duty-free from the Sandwich Islands means great injury to the interests of the sugar-planters of Louisiana, who have as much right to the benefits of a protective tariff as the iron-workers of Pennsylvania or the cotton-spinners of Massachusetts and Georgia.

It is a sad commentary on the judgment of our national legislators that they should allow such a state of affairs to exist—free duty at one end of our country and a high tariff at the other.

We do not charge ex-Senator Booth with having known what the result of the treaty he pressed upon this Government would be, but we now know what it has been.

The people of the Pacific coast have to pay the same price for sugar now that they paid before this reciprocity treaty was made, and the western market has been closed so far as eastern merchants are concerned.

And now there is in existence a combination between the sugar monopolists and the Union and Central Pacific Railroads, by which the former are enabled to bring their sugar as far east as the Missouri River, there to compete with sugar brought into eastern ports and sent west by our merchants; and it is a fact that in New Mexico, Colorado, and parts of Texas the Hawaiian sugar is driving our eastern imported sugar out of the market. These railroad companies will bring the western sugar east to the Missouri for 1 cent per pound, while our merchants have to pay 2 cents per pound to eastern railroads for taking their sugar west. When we consider this extra charge of 1 cent and the average duty of 3½ cents our merchants have to pay to place their sugar in the Western States, it can easily be seen that competition on their part is impossible when the non-duty-paying sugar of the Sandwich Islands is brought forward as a rival.

There is still another little game in progression among the sugar monopolists. It is in the cards that they will shortly, to increase their supply of sugar, commence the shipment of that article from the East Indies to the Sandwich Islands, from which point it will be sent to San Francisco as an Hawaiian production.

The sugar question now resolves into a simple proposition of justice. If sugar is admitted into our western ports free of duty, it should be admitted duty-free into our eastern ports; if a duty has to be paid on sugar brought into our eastern ports, a duty should be paid on all sugars entering our western ports, regardless of whether it comes from the Sandwich Islands or any other place.

Protective tariffs give but little relief so long as monopolies like these are created by acts of Congress that prey like cormorants upon the people, eating up their substance and demanding tribute of all.

A special correspondent of a New York journal, under date of March 15, 1882, writes from Rome, Georgia, as follows:

The new South of to-day and the old South before the war are very different sections. Then it was almost purely an agricultural country, relying upon the North and the mother country for nearly all her manufactured articles; now it is an agricultural as well as a manufacturing country. Before the war only a few tobacco and cotton factories dotted it here and there at great distances apart; now in every State, and notably in Georgia and Alabama, mines are being opened, furnaces lighted, mills of almost every conceivable kind erected, and an era of agricultural and mechanical thrift is being evidenced in every direction. The South now feels a sufficient assurance to lift the shield of the Constitution over her head and prepare for the fruitful works of peace; she is no longer threatened with political changes, and hence capital is bold and labor gives a steady hand to the implements of industry.

To retrospect a little: the war closed in the greatest spectacle of ruin of modern times. There were eleven great States lying prostrate; their capital all absorbed; their fields desolate; their towns and cities ruined; their public works torn to pieces by armies; their system of labor overturned; the fruits of the toil of generations swept away into a chaos of destruction. But, animated by that invincible will and determination which characterizes the Anglo-Saxon race, the people aroused with a lion's strength, went to work to repair their losses, and to-day the new South has sprung, phœnix-like, from the ashes of the old, and has put on her robes of gladness, prosperity, and joy. To give your readers a glimpse of what the South is doing, I mention a few examples in the line of her fleecy staple alone.

A northern company, with $15,000,000 stock, has organized to build an immense cotton-mill at Athens, Georgia.

The immense buildings of the Atlanta cotton exposition have been bought by a company that will fill them with looms and spindles.

The Sibley Mills, with the aid of a million dollars, turned their first spindles last month.

Mr. Benjamin McAdams is building an immense mill near Charlotte, North Carolina.

The Central Falls Manufacturing Company, of Ashborough, North Carolina, will begin operations next month with 3,000 spindles.

Mr. Benjamin Ricks, of Mississippi, will soon erect a two-thousand-spindle mill, with ginnery and cottonseed-oil mill attached.

A mill to cost $500,000 is to be erected at Weldon, North Carolina, by Mr. Robert Peeples, of Northampton County.

Mr. W. H. Inman, of your city, has subscribed $500,000 for a new cotton-mill at Augusta.

The Adams Manufacturing Company of Montgomery, Alabama, has just started a yarn-mill with 5,000 spindles.

The Wesson Mills, of Mississippi, pays 26 per cent. dividend, with stock worth $300.

The John P. King Mill of Augusta will cost $1,000,000.

The Langley Mills, of Augusta, pays 47½ per cent. dividend, in addition to which it has a surplus from earnings of $200,000.

The Clifton Manufacturing Company, Clifton, South Carolina, in their semi-annual report for the six months ending December 31, 1881, show a net profit of $21,829.11, being 10.99 per cent. on their capital of $200,000. They manufacture yarns, drills, sheetings, and shirtings, and have the reputation of making a first-class grade of goods. Their yarns, as well as that of other mills, which are sold in the northern markets, are said to be of a superior quality, and are eagerly sought for at highest market rates.

A northern company has recently paid $30,000 for property near Athens, upon which it will erect factories costing $750,000.

A cottonseed-oil mill is flourishing in Selma and Montgomery, Alabama; one is being built in Rome, Georgia, and others are in progress of erection.

Thus, in part, the work progresses, and everwhere our people, appreciating the fact that it is best to bring the mills to the cotton; that our climate is well adapted to the manufacture of the fleecy staple, and that for divers reasons it is better to manufacture the cotton where it is produced, are pushing forward and bending every energy to start the spindle and the loom. Nor is this confined to cotton alone, for everywhere new mines are being opened, new furnaces erected, and fires kindled in them for the first time. The traveler, in passing through Georgia and Alabama, would be astonished at the large number of iron furnaces he beholds on every side with their happy, well-paid workmen, who produce a striking contrast to the half-starved and illy-paid pauper laborer of Belgium and other European countries. And this prosperity is not alone confined to the laborer; the employer is making money, and even the farmers are greatly benefited by the ready market those furnaces establish for every product of the farm. Thus they spread over the country a face of thrift, gladness, and prosperity heretofore unseen.

PROTECTION IN THE SOUTH.

The question of tariff has undergone a marked change in the South in the last year. Before the war free trade was taught in the newspapers, in colleges—everywhere. Now, these old ideas, derived from text-books, are giving way and the South is beginning to open its eyes to the fact that "protection," which built up the North and West, will foster, protect, and encourage its enterprises, and build it up also—in fact, it is building it up as fast as pick and spade, and nerve and muscle can do it. As an evidence of this fact, it may be cited that one year ago the Rome (Georgia) Tribune was the only protective-tariff paper in the State, while now quite a number of representative papers, seeing the error of their ways, have reformed. Indeed a new party is forming in Georgia with protection as its main plank, and it is rapidly gaining, and will doubtless sweep the State at the approaching elections. Thus the South is progressing, blooming, budding, and giving forth fruits, justifying the utterances of Mr. Orr, late governor of South Carolina, who said: "I am tired of South Carolina as she was. I court for her the material prosperity of New England. I would have her acres teem with life and vigor and intelligence, as do those of Massachusetts."

And, Mr. Speaker, I would court for the whole country this same degree of prosperity, and as a means to an end I would demand "protection for all with special privileges for none." Now, Mr. Speaker, while we seek to protect the industrial and laboring classes from the ravages and competition of pauperism in the Old World—and in this my keenest sympathy is enlisted—would it not be well to so change our financial legislation as to place the control of the money of the nation wholly and solely with the Congress of the United States? We would in so doing give to labor, enterprise, and commerce in this country such protection, encouragement, and stability as it has not enjoyed for almost a score of years; and we would at the same time take from the national-bank oligarchy a power more inimical and dangerous to labor than "free trade" ever was or could be, because they have the power to inflate the currency and increase the volume of money and thus advance prices, and when to their interest, and inside one week if they choose, can contract and depress prices, force collection, and bring about general consternation. Is this not a very dangerous power?

I call the attention of the House to the action of one single bank, as reported by United States Treasurer Gilfillan in the financial reports for 1880; and if one national bank may do this all may do so; and is there a man upon this floor wise enough to portray the evil which would result from such action if it were a united action by the 2,200 national banks? He says:

In January and February, 1875, a certain bank retired its circulation from $308,490 to $45,000 by deposits of legal-tender notes. Between September 26, 1876, and May 26, 1877, and before that deposit was exhausted, it increased its circulation to $450,000. Between August 14 and September 10, 1877, it again reduced its circulation to $45,000. On September 19, 1877, nine days after completing the deposits for this reduction, it began to take out additional circulation, although $42,550 of prior deposits remained in the Treasury, and by the 26th of that month its circulation had again been increased to $450,000. July 22, 1872, its circulation had again been increased to $450,000. July 22, 1878, it for the third time reduced its circulation to $45,000, and in August and September, 1879, again increased it to $450,000, at which it now remains, the balance of its former legal-tender deposit then in the Treasury being $112,615. From January 13, 1875, to the date of this report, $778,275 of its notes have been redeemed, of which only $40,700 were redeemed at the expense of the bank, although during more than one-third of that period it had outstanding and was deriving the benefit from the full amount of circulation which its capital authorized. The only assessments which have been made on the bank for the expense of redeeming its notes were $24.14 in 1875, and $4.39 in 1878. At one time there were in actual circulation $852,550 of its notes, although the highest amount ever borne on its books was $450,000.

Is this a safe power to be lodged anywhere outside the people themselves, through their representative, the Congress of the United States? I beg to read in this connection the reasoning upon this point by the venerable sage, patriot, and philosopher, Peter Cooper, in his Review of Comptroller Knox's Report. It is timely and to the

point. I commend it to the candid consideration of every member of the Forty-seventh Congress:

The Treasurer informs us that other banks have been increasing and decreasing their circulation in a similar manner. Now, in what situation does such a condition of currency place the business of the country, we ask? A stable currency is one of the essential elements of stability and prosperity to business enterprises. A fluctuating volume of currency is one of the worst devices ever discovered to enable the manipulators of that currency to bankrupt business men and defraud the producing classes of the country.

In strong contrast to this fluctuating bank currency stands the legal-tender notes, the volume of which has only changed under the grinding force of laws enacted by bankers especially for the purpose. Since May 31, 1878, the volume of Government currency has been invariable, and it will so remain until some law is passed either to increase or decrease that volume.

The banks, on the contrary, inserted a clause in the resumption act giving them the power to increase their circulation to more than five times its present volume, or to within 10 per cent. of the entire bonded debt, and under existing laws, also, they can retire the entire amount of their circulation at their pleasure. In February, 1881, in order to defeat a bill passed by Congress depriving them of the power to thus suddenly contract and expand their circulation, they retired about eighteen million dollars of their notes in a few days' time. We all know the disastrous effects caused by that act. Had not the Secretary of the Treasury come to the rescue and put legal tenders in circulation by the millions in exchange for bonds, widespread business disaster would have followed. The business interest of this country must not be left at the mercy of men who would thus abuse the power placed in their hands. These banks should be deprived of the power they now hold over the volume of currency.

The facts and figures here given are mainly taken from the reports of the officers of the Government, and therefore they cannot be ignored nor set aside by the members of Congress. It will not do either for the present legislators to reject them. The men now in Congress have it in their power to strangle this monopoly that is sucking the life-blood out of the people. Many of these banks have now about outlived their legal chartered existence given to them by ignorant and corrupt legislators, and the verdict of the people is, Let them die. This Congress should pass an act forever prohibiting the organizing or rechartering of banks of issue. A general law authorizing banks of deposit and discount, by which the money of the people shall be made secure, is desirable. But no bank should be allowed to issue currency or to control its volume. Why should the Government create money and give it to rich bankers for nothing? The legal-tender notes were issued in exchange for labor and property given to the Government by the people who received them. The bankers have given nothing of value to the Government for the $362,000,000 of currency they have received.

The amendment to Senator SHERMAN's bill, offered by Senator PLUMB, of Kansas, contains some of the best features in reference to the currency and public debt of any bill yet presented that we have seen. It could be improved by making the coin certificates and notes it provides for issuing a legal tender for all debts public and private. Senator PLUMB's bill, or one similar, should certainly be passed by this Congress.

As suggested in my letter to Senator BECK, if Congress was to pass a bill to issue $362,000,000 of legal-tender Treasury notes, to take the place of the present bank currency, it could provide the labor and material to build and equip two lines of railroads from the Atlantic to the Pacific Ocean, and place fifty first-class iron steamers on the ocean, thus providing cheap transportation both for our national and international commerce; and it would leave the currency in a far better condition than it is now in.

Is the present Congress wise enough to see, appreciate, and inaugurate these great reforms in our currency? We ardently hope and trust that it is, and will.

The facts and figures here given may be verified by consulting the late reports of Comptroller Knox and Treasurer Gilfillan. They are submitted with the ardent hope that Congress may see the immeasurable importance of our preventing banks of issue, and of providing a currency of Treasury notes based, as they should be, upon the embodied wealth of the nation, and made receivable for all forms of taxes, duties, and debts. Such a currency would be unfluctuating in volume and as uniform in its measuring power as the yard-stick and pound weight.

These are words of wisdom and are sustained by an experience of nearly three-fourths of a century. Their author has witnessed six or eight of the most distressing panics that have swept over our country, and, judging the future by the past, it is safe to say we may still expect these periodical financial panics whenever it is to the banking interest to produce them and thereby bring about a change in the ownership of property, which is sure to be the case when bank accounts are closed, margins, discounts, and interests settled. The living issues before the country and the questions that are most vital and that most affect the peace and prosperity of the nation are finance, transportation, the labor problem, and the payment of the indebtedness of the whole country, for there is no disputing the fact that we are a debt-cursed people; that our debts are not only millions but billions. I have recently read with great interest the "Solution of the Labor Problem," by Walter S. Waldie, of Philadelphia, and I will incorporate a good part of the same in my remarks and commend its perusal. It is full of common sense, justice, and wisdom:

To labor men:

The present movement among workmen is a repetition of similar movements periodically and spasmodically made every time business begins to recuperate after panic prostrations, and like its predecessors will accomplish no permanent improvement in labor position, though it may procure temporary relief in some cases.

Either there is or there is not a remedy for this inharmonious relation of employer and employed. If there is no remedy let it be so understood at once and have a well-arranged system of serfdom, where the duties of each party are distinctly defined, with power to enforce their fulfillment. Proclaim at once that "the right of life, liberty, and pursuit of happiness" is alienable, and by this contract is made void except in so far as this contract permits.

But there is a remedy and can be obtained, as I think every one will admit who will carefully read the following pages.

The principle of republicanism is not a failure, though legislative errors may retard its development. It is bound to win.

PRESENT CONDITION OF THE PRODUCING CLASSES.

Comparing the condition of the labor-producing classes, as graphically portrayed by Walter Scott in his novels of "Ivanhoe" and "Monastery," with the condition of the same classes to-day, there is a great contrast for the better in the present condition, but the social improvement is not equal to the political. The right of labor has not kept pace with the right of suffrage.

In the past all land was owned or controlled by the feudal baron or the monastery. The peasant laborer had to purchase protection to his life and privilege of earning a miserable existence by paying the larger share of his productions. To-day, the political equal of all, he is still dependent for the privilege of earning an existence, none of the best when granted, and often denied.

Who it is that controls this power over labor, and how it manages to make a political freeman a social slave, will be explained in following pages:

THE INSTRUMENT OF MEASURE.

When civil power supplanted feudality, the old form of vassalage was commuted into payment of stipulated rent, sometimes paid in kind, but gradually settled into payment of rent in coined money, generally of gold. The peasant tenant, unable to produce coin of any kind, had his services measured by what his productions would bring in gold.

All monarchical countries to-day retain the coin measurement, though at same time granting apparently liberal political freedom, because political liberty is merely a sentiment easily coerced by social arrangement. Coin measurement takes the place of the standing army. Feudalism still prevails, though robbed of its former grossness.

A republic adopting coin measurement has no right to expect different effects of its use, and if republican legislation was honest in its intention, it would be extremely jealous of monarchical arrangements, but on the contrary our national legislators are extremely servile in their adoration of monarchy. The opinions of English economists have more authority and influence in our national legislation than the opinions of the ablest of American statesmen.

Coin measurement of industrial services brings American freemen and monarchical serfdom upon same level.

At Saratoga in 1879 a convention of national-bank presidents officially declared in their report that—

"The farmer was not rich according to the number of bushels of grain, nor the iron manufacturer rich according to the pounds of iron he produced, but were rich according to the amount of gold these articles would bring."

Do American industrial producers want any better evidence to convince them that the bank power of to-day is the lineal descendant of the feudal baron and monk? These bankers do not give any reason why productions are only valuable according to the gold they will bring. With such valuation the productions of all non-gold-producing States would have no value.

The gross absurdity and still grosser injustice of the bankers' assertion is apparent to common sense, and if it were not for the fact that our national financial policy is based upon its assumption it would not be worthy of a moment's notice.

Whatever man cannot produce at will cannot ever be a suitable agent to represent his services. These bankers are well aware "that the enslavement of man, when not by brute force, is done by making man dependent upon an agent he cannot produce." Coin being an accidental occurrence entirely beyond the control of man, all coin-based money is an unreliable agent, and cannot avoid producing social confusion even when honestly intended, and it becomes, under unscrupulous legislation, a most terrible instrument of oppression.

GOLD DOLLAR AND BANK DOLLAR.

While bankers assert that gold measures industrial productions they deny the same standard to their own productions.

The Federal coin table reads:

10 mills make one cent.
10 cents make one dime.
10 dimes make one dollar.

This is a coin dollar.

A mill is not represented by any material, it is a mere expression for the sake of calculation. There is not any law defining what a mill shall be, so the bankers "coin" a dollar from a mill of their own standard. They say:

10 bank mills make one bank cent.
10 bank cents make one bank dime.
10 bank dimes make one bank dollar.

Let me show you what a bank dollar is. From the sworn statement of one of the most conservative banks in Philadelphia as to its condition on March 11, 1882, it shows that the bank owed in round numbers—

Individual deposits subject to check		$6, 338, 000
Demand certificates and checks		27, 800
Cashier's checks		277, 500
Due to national and State banks		841, 600
		7, 484, 900
Nearly 7½ millions of dollars the creditors have the right to claim any day between 10 and 3 o'clock. To meet which the bank held—		
Specie, including United States Treasury gold certificates	$1, 030, 600	
Legal-tender notes	240, 000	
Other cash items	800, 000	
		$2, 070, 600
Excess of immediate liabilities over cash on hand		5, 414, 300

These $5,414,300 are bank dollars, (based upon debts of its customers,) and what the bankers call "honest money." It is "honest" money because they create and control it, and "coin" immense profits from its use.

This bank dollar is the real dollar of business, as about 95 per cent. of business settlements are made with its use.

The ratio of actual gold to liabilities in the foregoing statement is about 1 to 7. That is while industrial productions must have a ratio of 1 to 1, the bank dollar needs only one-seventh of its value to make it equal to wheat or iron. The assertion of a day laborer that he was worth seven days' wages for every day's work he performed would not be any more absurd than the banker's assertion that his bank dollar is worth seven coin dollars.

What is sauce for the bank gander is not sauce for the labor goose under this arrangement.

If business transactions cause gold to leave the country so as to make a drain on the banks, the banks in self-defense are forced to contract the amount of their dollars and business contracts in proportion, less men are employed, and consumption diminishes, raising the cry of "overproduction," and the laborer becomes a tramp.

This bank dollar is the author of all our panics.

THE DOLLAR OF PRODUCTION OR ANTI-PANIC DOLLAR.

As production precedes and creates the need for an agent of exchange known as money, it is self-evident that producers have an inherent, inalienable right to select a money best adapted to serve their purpose, and to discard the use of any money that fails to keep ever flowing the current of exchanges of productive industry.

No workman would use a tool not adapted to his work, if he could help it. The coin dollar and bank dollar have both failed to serve the interests of producers. They were not created for that purpose, and producers should blame themselves

for permitting the use of such useless agents, when they have the power to create an agent obedient to their welfare.

How shall we create a dollar capable of doing its duty?

As each production or service has its special relative value to every other production or service, which values are determined by their respective owners, according to circumstances, it is self-evident there cannot be any standard of value.

We want a dollar to express the various relative values of productions, but not to measure them. The measuring or valuing them must be done by the producers.

The coin dollar and bank dollar started with an imaginary mill, but we will start our labor dollar upon a tangible mill, which may be represented by one or more blows of a hammer, stitches of a needle, or of any other act of industry. We can see multiples of our mill in the production of some article of the innumerable avenues of industry.

Our money table reads:

10 mills of labor make one cent of production.
10 cents of labor make one dime of production.
10 dimes of labor make one dollar of production.

Who shall create or issue this labor dollar? Shall it be the producer or non-producer? Shall it be any one or chartered few of the producers?

Is it not self-evident that justice demands an equal voice from each and every producer to grant the power to "coin" this labor money?

Congress is theoretically the voice of the nation, and if producers will be true to their duties as citizens, they can make Congress practically the voice of the nation. To such a Congress should be given the power to create this money.

Not on any pretext should Congress be allowed to delegate this money power to any man, or set of men, chartered or unchartered. To create the money of a nation is too important a duty to be intrusted out of the hands of the direct representatives of the people.

The "greenback," redeemable in coin, is but little better than the bank-note redeemable in coin. The ebb and flow of coin will fluctuate the greenback almost as much as the bank-note.

Every form of money redeemable in what labor cannot produce with certainty will fail to free labor from dependence, no matter how large the volume of money may be.

The expansion and contraction of the bank dollar opens and shuts your shops and other avenues of employment. It is the "boss" of your boss and makes him do many things he otherwise would not do.

What is called the conflict between "capital and labor" is in reality the fight between labor and the bank dollar.

The "labor dollar" is the perfect union of labor and capital, harmonizing alike the interest of employer and employed.

Witness the greenback before its contraction began. There was no difficulty then with employers, except that they wanted all the hands they could get. The contraction began and the "greenback" was no longer a labor dollar, because it was steering for a coin basis. Then the troubles began, ending in the panic of 1873, from which we are just beginning to recover.

When contraction and expansion of industry goes step and step with contraction and expansion of the bank dollar it is difficult to realize that producers are freemen with political power. They certainly can read and think if they will; but how few do think. A few weeks of comparative good wages and their past troubles are forgotten, with no lookout for the future.

Permit me here to suggest that while labor organizations have a right to get the best price for their labor, let them not conceive the idea that such organizations create a demand for labor, for they do not. It is the expansion of the bank dollar that gives the present impulse to business, but if labor gets too sanguine in its expectations of high prices the bank dollar will contract and shut the shop and send labor adrift, as it has done time after time in the past. Labor is better off to-day than a few years ago, when thousands were made tramps, and should be cautious in its movements until it can get command of the labor dollar.

HOW TO GET THE LABOR DOLLAR.

As Congress is the only power capable of giving this dollar, every energy must be concentrated in each Congressional district upon some reliable, intelligent debater to be sent from the district. There is time to organize and effect such a purpose if men will determine to do it.

Earnest action does not require much money. Sensible talk with your neighbor will do much and will be successful. At no time in our political affairs were the intelligent men of each party so disgusted with their political leaders as at present. The hour is ripe for a new movement. In the West is growing rapidly a movement for this labor dollar, and only needs co-operation in the East to elect the next President and Congress.

Until producers get possession of this labor dollar they may "whereas," "resolve," "parade," and talk about the right of labor until doomsday, the bank dollar will always conquer in every conflict.

If the bank dollar working from ten to three o'clock, five hours, can earn immense fortunes for bank capital, why cannot the labor dollar do as much for labor?

CONCLUSION.

Money is the greatest instrument of man's association. In fact the want of money is the root of all evil, driving men to despair, crime, or suicide, while the supply of a legitimate demand of money is the author of all blessings.

Money is indeed the great engine and lever, and it is worse than useless to talk of protective tariffs in the interest of labor so long as organized and legalized monopoly is permitted to ride rough-shod over the people, selecting and rewarding its few and robbing and plundering the many. The fact is monopoly is the order of the day, and the evil goes on while Congress and the State Legislatures stand aghast or as if stricken with paralysis, and unable to move hand or foot in defense of the tax-ridden people.

Once more I ask the attention of the House to a statement made by the able chairman of the Committee on Ways and Means, Hon. W. D. KELLEY, of Pennsylvania, in a speech before the anti-monopoly convention held in New York some months ago. I do not do this because the matter presented is new and unknown to the country, but because the statements are trustworthy and reliable. Here is a danger and a power more to be feared and dreaded than the half-paid, half-clothed, and half-fed laborers of Europe, because concentrated in the hands of so few men with no limit to the tribute that may be demanded or the guarantee of justice save that which greed and avarice will alone prescribe. He said:

A good example of the rise of monopolies is furnished by the Standard Oil Company. [Hisses.] Of the 650,000,000 gallons of petroleum which are annually produced in this country all but a trifling amount passes through the Standard Oil Company. Every man in the country who uses petroleum is forced to pay a price 75 per cent. higher than is right, and this 75 per cent. goes to John Rockafeller and his associates. [Hisses.] The Standard Company, on a nominal capital of $2,500,000, is said to pay an annual dividend of over $10,000,000. How was this monopoly attained? By means of the railroads. Less than twenty years ago the Standard Company was started by Rockafeller, who was then a clerk, together with a laborer named Andrews. But they soon obtained the assistance of the railroads, and their oil was carried over the New York Central for 62 cents per barrel, when other refiners paid $1.37 per barrel. The Pennsylvania Railway contracted with the Standard to double its rates for freights and to pay back to the Standard $1 for every barrel of oil which was carried over the road. The end was that the Standard Company ruined the other refiners. Of 58 oil refineries which existed in Pittsburgh in 1867, 28 have been crushed and 29 are now run by the Standard Company. That company now owns the oil-cars, the oil-reservoirs, the oil-pipes. Not only the public, but the owners of oil-wells are at the mercy of the company, and the stores of oil which bounteous nature has given us are made, by the railroads and the Standard Company, a costly luxury.

This is but one of many examples. Does it occur to the public that two men in this city now exercise, by their railroads, a greater practical control over the country than lies in the power of our President? If W. H. Vanderbilt and Jay Gould should desire to greatly increase the freights to and from New York, they could in a few years transfer our trade to Baltimore and Boston, and ruin the great commerce on which the prosperity of New York City depends. It is not too much to say that two men, if unchecked by legislation, could in a few years ruin this city, which has been the work of generations. The history of the world shows that the grants of lands given by kings have made the people almost slaves, because the rulers hated to give up possession, and the people, who expended their time in developing the land, only had a small subsistence for their families.

The Saint Paul and Sioux City Railway received in 1864 a grant from the National Government of 400,000 acres of the best farming lands of the country. At present it is said that the president and nearly every director owns a large farm on the road, and receive special reduced freights on their produce. This is disastrous to the small farmer, and is forcing him to sell out his small farm to the owner of thousands of acres. This is the case through all the West. If we are to protect our people we must legislate for them.

By protecting our laborers and mechanics from competition with the poverty-ridden labor of the Old World we enable them to earn more and save something, only to be fleeced and taxed in a legitimate way and indirectly by the power of organized capital which we call monopoly. It stalks abroad at noonday, and flaunts its chartered rights (so called) in the face of legislative powers and bids defiance.

Some one has said, "Let me make the songs of the people and I do not care who makes their laws." This may do for a song or ballad writer whose bread and butter depends upon his compositions and their sale. But give to me or any set of men outside of Congress the power to provide, issue, and regulate the circulating medium or money of a country, and it is only a matter of time before that power will possess all the wealth of that country. Next to this, and almost as omnipotent as the first in a country like ours, is the power to levy tribute and lay taxes upon commerce between the States, and which we are pleased to term interstate commerce. The transportation question is one of which the people have complained for years, and our predecessors were almost inundated with petitions for protection in this direction. The States through their Legislatures have tried, but their power was limited by the boundary of their territory, and hence only partial success.

The late Executive, James A. Garfield, was led to describe this evil as follows:

The modern barons, more powerful than their military prototypes, own our greatest highways and levy tribute at will upon all our vast industries. And as the old feudalism was finally controlled and subordinated only by the combined efforts of the kings and the people of the free cities and towns, so our modern feudalism can be subordinated to the public good only by the great body of the people acting through their Government by wise and just laws.

An honest management of the railroads is not and will not be objected to. It is what the country needs, and badly needs. No people in the world have welcomed and encouraged the building of railroads and entered into their construction so joyfully as Americans. No nation ever did so much by land-grants and loans of the public credit; and our people recognize the true value of railroad transportation. And if this generosity, confidence, and cordiality has decreased, and distrust has sprung up in its place, railroads have no one to blame but their shortsightedness and crookedness. Railroad pools and rings and watered stock have done the work, and the united voice of the American people is for an abridgment of the powers of these corporations that to-day menace the liberties of our citizens and threaten our free institutions. I cannot refrain from reading the statement of a railroad president before a committee of this House:

On the twenty-seventh day of January, 1880, Mr. Gowen, then president of the Philadelphia and Reading Railroad, in an argument before the Committee on Commerce of the House of Representatives of the United States, in Washington, said: "I have heard the counsel of the Pennsylvania Railroad Company, standing in the supreme court of Pennsylvania, threaten that court with the displeasure of his clients if it decided against them, and all the blood in my body tingled with shame at the humiliating spectacle."

The late Secretary of the Treasury, Hon. WILLIAM WINDOM, in a letter to the president of the Anti-Monopoly League, said:

The channels of thought and the channels of commerce, thus owned and controlled by one man, or by a few men, what is to restrain corporate power or to fix a limit to its exactions upon the people? What is then to hinder these men from depressing or inflating the value of all kinds of property to suit their caprice or avarice, and thereby gathering into their own coffers the wealth of the nation? Where is the limit to such a power as this? What shall be said of the spirit of a free people who will submit without a protest to be thus bound hand and foot?

Senator WINDOM here alludes to the telegraph as well as railroad monopoly. Shall these great powers of steam and electricity which God and nature has given to us, and that are and should be a blessing, be permitted to pass into corporate organizations who will employ them as a means of unduly and unjustly taxing the public for

their use? Is it not high time that the statesman and law-maker awake to this widespread feeling of discontent and danger and see that in the future corporate grants shall be environed with safeguards and a limitation of powers, and that the constitutional functions of the Government be employed to protect our commerce and guard the rights of every citizen? Laws should be passed compelling all transportation companies to base their rates or charges upon the "cost and risk of service," with a fair profit or interest added.

The fifty millions of people in this land should not be at the mercy of those whose pity is governed and rates are fixed by "what the traffic will bear." It is unwise to array labor against capital; they should be friends, allies, not enemies, and our laws should mete out justice and protection to both. I believe in the rights of the many. I am opposed to privileges for the few. The mutterings of the "voice of the people," which is said to be the "voice of God," is heard all over the land, through the press, by public meeting, and in petitions, and I beseech you to "put not off the evil day," but act now and at once. Let not these issues be ignored, for if delayed a few years longer nothing but a miracle will save us from a revolution as violent as that of France to overthrow these oppressions. Daniel Webster said:

> The freest government cannot long endure where the tendency of the law is to create a rapid accumulation of property in the hands of a few and to render the masses of the people poor and dependent.

The bank monopoly, railroad and telegraph monopoly, standard oil monopoly, Hawaiian sugar monopoly, and some others of less note are, in my opinion, more dangerous to-day if left unrestrained than free trade could possibly be; yes, tenfold greater.

I would remind the House that within the short period of two weeks the bankers were enabled to advance the value of money in Wall street to 1 per cent. a day, and had President Hayes not vetoed the funding bill they threatened to reduce values 50 per cent. in thirty days.

Secretary Folger, on page 11 of his report for 1881, says:

> There need be no apprehension of a too limited circulation. The national banks are ready to issue their notes in such quantity as the laws of trade demand, and as security therefor the Government will hold an equivalent in its own bonds.

Yes, there can be no doubt that the "national banks are ready to issue their notes" and just as ready to withdraw or retire them, as I have once before shown, and instead of their being governed by the "laws of trade" as assured by the Secretary, they will be governed by the price of United States bonds and the interests of the banks as determined by those who control them. This is the truth.

But did not the national banks furnish the money to put down the rebellion, &c.? Upon the contrary they lacked a great deal of it. When Lee surrendered there was about $92,000,000 of United States bonds owned by national banks. On this they would be entitled to almost $83,000,000 in circulating notes. The cost of putting down the rebellion, including the present debt and interest paid to date, is not far from $5,000,000,000. Thus it may be seen at a glance how fraudulent this claim to patriotic sympathy on this score. The war dollar is the greenback; the bank dollar cannot possibly be better; it is a good currency because secured by the Government. But what would be thought of a man who should pay for the privilege of indorsing another man's note? It seems to me he would be liable to be called a lunatic.

That eminent and able statesman who for thirty years was a Senator of the United States from Missouri, Hon. Thomas H. Benton, said:

> The Government ought not to delegate this power if it could. It is too great a power to give to any banking company whatever, or to any authority but the highest and most responsible which is known to our form of government.

Jefferson said:

> The nation may continue to issue its bills (Treasury notes) so far as its wants require and the limits of its circulation will admit. * * * Let banks continue if they please, but let them discount for cash alone or for Treasury notes

Jackson said:

> If Congress has the power to regulate the currency, it was conferred to be exercised by Congress and not to be transferred to a corporation.

Mr. Speaker, I have made a great many quotations during my remarks because I greatly prefer the wisdom and statesmanship of others rather than self, and especially when I can bring to my support the fathers and founders of the Republic.

I will make one more and conclude my remarks. This is from ex-Treasurer Spinner. In a letter to a former Treasurer he says:

> The greenback currency, or Treasury-notes, which the banks are strenuously laboring to have suppressed or funded into an interest-bearing debt, at an annual cost to the nation of $20,000,000, is the one redeeming feature in the American financial system. * * * The whole system on which the American national banks is predicated is nothing but a gigantic fraud on the public and a gross absurdity when brought to the touchstone of scientific reasoning.

This to me is the acme of financial reasoning and arrives at the climax of wisdom in its conclusion.

Mr. Speaker, I shall vote for the bill, but shall be far more impatient to vote for measures looking to the correction and remedying of the evils I have labored more to present for consideration than I have to explain the tariff-commission bill, believing its passage assured.

Chinese Immigration.

SPEECH

OF

HON. JOSEPH R. HAWLEY,

OF CONNECTICUT.

IN THE SENATE OF THE UNITED STATES,

Wednesday, April 26, 1882.

The Senate having under consideration the bill (H. R. No. 5804) to execute certain treaty stipulations relating to Chinese—

Mr. HAWLEY said:

Mr. PRESIDENT: I supposed that the Senate was done, and certainly that I was done, discussing this bill; but having listened to some of the remarks in favor of the bill, I am impelled to submit a few myself, in opposition. I propose only to make some few points and not to enlarge upon them. I caught part of the words of a Senator yesterday, dwelling upon the evils of cooly immigration, and I desire to correct him simply in a matter of fact. I believe there is none of such immigration or importation, and certainly this bill does not attempt to legislate upon it if there were any. It would be unnecessary; there is a law upon the statute-book, passed, I think, in 1862, which prevents cooly immigration. As to the question of fact as to whether there is anything of the kind nowadays, I beg to read a few words from a constituent, if not an American citizen, of my own town. By the way, I have had in my own district a Chinaman by birth, a naturalized American citizen, an intelligent and educated gentleman, who did me the honor to vote for me when I was a candidate for Representative in Congress. I believe there are none such there now.

Mr. FARLEY. Will the Senator allow me to ask him one question?

Mr. HAWLEY. Certainly.

Mr. FARLEY. Were they naturalized in the State of Connecticut, or where were they naturalized?

Mr. HAWLEY. They were naturalized in Connecticut, I believe. One of them I know was a graduate at Yale College, had taken prizes in English composition there, and was regarded as a man of superior ability and education. One of these intelligent Chinese gentlemen, residing in my own town and within a quarter of a mile of my own house, communicates to the New York Herald the following:

> I constantly see in the newspapers, particularly the California ones, the statement that the Chinese immigration is a kind of slave trade. On this ground the Alta California charges the Senators from Massachusetts with inconsistency in having opposed negro slavery and now advocating a system of Chinese slavery. Remarks like this are based upon a false assumption. Emigration from China, whether to Australia, Singapore, or the Pacific coast, is in no sense cooly emigration. In fact the only cooly emigration that ever did occur was from the single port of Macao to the two countries—Cuba and Peru. Macao is a Portuguese colony, and trade was conducted by Portuguese, who reaped the benefit. The Chinese Government always opposed it, and Chinese law prescribes the penalty of beheading to any of its citizens who shall engage in it. This offense is put upon the same level with piracy.
>
> After persistent efforts the Chinese Government succeeded in inducing the Portuguese Government to abolish the cooly trade in 1874.
>
> KWONG KI CHIU.

He was late a member of the Chinese Educational Commission.

Therefore I conceive that the argument against cooly immigration has no force here for the reason that it is already sufficiently forbidden by statute twenty years old, and for the further reason that there is none, and there is no tendency of it toward this country, because cooly emigration is punished by beheading in China.

The Chinese immigration, while it affords a serious question to the people of the California coast, and I sympathize with certain of their feelings, has not, in my judgment, reached anything like the threatening proportions which have been represented. I am sorry it is not distributed more throughout the country, for I appreciate the painfulness of my position in discussing a matter that does not immediately affect my own State at all, and I am willing to contribute to the charitable and sympathetic feeling for those who sincerely feel themselves afflicted.

I am willing to regulate the immigration. I think the Chinese Government is willing. I am willing to limit it; to restrict it. I admit, nay more, I assert, the right of a government to defend itself against a hostile or dangerous immigration. It is a question of fact as to whether this is such. It is further a question for rightful consideration whether we are wisely legislating against it even if there be an evil. If we could suppose a bill that should admit only such Chinamen as came with their families, and admit such only as came with a purpose to permanently settle with us, admitting none to be citizens and voters unless they should be able to speak and read the English language, you certainly could defend such a bill with much more consistency than you can defend this bill as it stands with the clause forbidding naturalization, because that makes no distinction upon the ground of merit or education or intelligence or patriotism. It simply excludes a man by reason of his race or color, and we have said as emphatically as we could to the world that no man should be excluded for that reason.

An exclusion based purely upon race or color is unphilosophical, unjust, and undemocratic. For the purposes of my argument I do not care what you make the restrictions, but make them such as may be overcome, and then apply them to one race or to all races if you choose. When you say that a man is excluded because he is of a certain race or a certain color, that is something from which he can never recover by his own efforts, and, as I say, it is not only contrary to our fifteenth amendment, but contrary to our whole tradition and policy.

Possibly I could draw a bill that I should be willing to support, but it would not base a distinction upon the fact that a man is a laborer, which I consider an insult to labor all over the world, nor upon the fact that he belongs to any particular race. I should base it rather upon his moral and intellectual character and his purposes in coming to this country.

You say these men come and make a little money and go away and leave their families at home, where they support them cheaply; and that they compete with our laborers at a very small price. I admit there is some force in it; but in answer to that I can say that the prices of labor are very high in California certainly, and I can say that one of the objections to this very Chinaman is that he is too shrewd in taking care of his own interests. Therefore I am very sure that he is not permanently going to labor for less wages than he can get; he will get all he can in the end. I think that objection is rather overstated; too much weight is given to it, but it has some.

Mr. President, it is best for us to legislate in times of excitement and under popular impulses rather in accordance with the principles that we have adopted in cooler days or when no imagined emergency was resting upon us. The general determination of this country after a hundred years of experiment in free government is different from that enacted in this bill. I beg leave to say that I think this American Congress is acting under the influence of a temporary passion and a prejudice that I am sorry to say is not so temporary.

It is not the first time in our history that we have felt these storm-waves of class and race prejudice. All of us of middle age here can well remember that it is but a comparatively short time, as it seems to us, since there was something more than a prejudice against a race of whom no politician now says any evil—against the Irish. All remember that in some of the leading cities of the country their schools and convents were destroyed. I remember how Philadelphia was disgraced by the riots of the anti-Irish; I remember how the neighborhood of even conservative Boston was disgraced by riots——

Mr. MORRILL. And Baltimore.

Mr. HAWLEY. And Baltimore and other places. I remember further, when the prejudice not only went against the Irish but when it went against all men of foreign birth, and when a great party, a secret party, an oath-bound or promise-bound party—I never belonged to it, thank God—a secret party of some description, arose in this country and carried portions of it as by a tornado, based upon a hatred and jealousy of the foreigner of all sorts.

The good sense, the democratic principle, the Christian principle of the American people may be trusted to ride over and put down all such temporary hatreds and prejudices. I have mistaken the country I love if it was intended to be a country of such sentiments. The prejudice against the French, the cultivated and generous and chivalrous French, who were our friends in the Revolution, was very great at certain periods in our history. I need not speak, of course, of another prejudice which we are overcoming; a prejudice against the Englishman and the very name of Englishman. The prejudice of class hatred and race hatred against the African has made the great chapters of our history. I did think until this bill arose that if there were any question in the world this people had discussed in the light of republican and Christian principle it was the question of race hatred.

For purposes known to Him best, the Almighty permitted us to bring to this country hundreds of thousands, now millions of Africans. It is not necessary that I should discuss the prejudices under which they were compelled to labor. I wish I could quote literally the words of Abraham Lincoln when he said, in substance, that for every drop of blood drawn from the back of the slave by the lash white men must shed another drop. We have done so. I think we have overdone it. We have upon the statute-book at least recovered from this. That hated, despised, and condemned and lashed African stands now as a freeman. He has occupied this Chamber; he has occupied this seat; he is a voter and a citizen. He is spoken of with respect in all our debates, and if I could speak of executive sessions, which I do not, I could tell of the high commendations given to individuals, eminent men among them. We are as nearly recovered from that as a nation can well be after four years of awful war in which we made due atonement to Almighty God for our sins.

I do not know but that I am preaching. I am a little too much, perhaps, of an old-fashioned Puritan, but I was taught to believe that a government not founded upon the truths of God was founded upon sand, and that it is unsafe to disregard them.

This bill is vastly improved, but I hold it to be still a violation of the treaty, for as I read the reports of our commissioners concerning their conferences with the Chinese commissioners I do not understand that they were anticipating any such exclusion as even a ten years' limitation. The utmost of which they speak is five years.

The impression one gets from reading the reports of the commissioners that the Chinese anticipated not perhaps a diminution of the total number, but a temporary limitation, a restriction of one year, or two years, or three years, or even, it is said, to the extent of five years, or alternating years, the immigration so regulated by a certain number admitted each year that the total should not be increased in the country.

I object very seriously to that section of the bill which prohibits naturalization, and I have indicated perhaps sufficiently my reasons. It is undemocratic and un-American. I object further to certain very odious details in this measure. I casually referred to some of them yesterday. I find in the second section that the master of any vessel who shall knowingly bring within the United States or permit to be landed any Chinese laborer shall be punished by a fine of not more than $500 and imprisonment for not more than a year. I find further in the eleventh section something I think contradictory to that, or which may perhaps require attention from the friends of the bill:

That any person—

Not a master of a vessel alone; he might be supposed to be more guilty than anybody else, but—

That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall knowingly aid or abet the same, or aid or abet the landing in the United States from any vessel of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding $1,000, and imprisoned for a term not exceeding one year.

The same term of imprisonment, but double the money penalty. The captain of the vessel may be fined $500 and imprisoned a year, but any citizen, which includes in its general term, of course, the master of the vessel also, shall be punished by a fine of $1,000 and imprisoned for a term not exceeding one year. Mind, this is not alone the bringing in of Chinese deliberately from China, 3,000 miles across the sea, when the captain knew well what he was doing all the time, or might well have known, or ought to have known; but it is knowingly bringing in or causing to be brought in, or knowingly aiding or abetting the same. That is the clause to which the Senator from Florida [Mr. CALL] instinctively objected yesterday as contrary to his reading of our doctrine of liberty as brought down from English law and history.

Mr. EDMUNDS. Will the Senator from Connecticut allow me to suggest to him——

Mr. HAWLEY. Certainly.

Mr. EDMUNDS. That I think on a more careful reading he will see that he is mistaken in supposing that there is a difference in the quantity of penalty in these two cases. In the first case it applies, as he has correctly stated, in section 2, to the master of a vessel who knowingly brings in Chinese laborers, and he shall be punished, on conviction, by a fine of not more than $500 for each laborer so brought in. When you come to section 11, it is now so framed, as the committee thought, as not to touch the master again; but, first, applies to bringing by land into the United States; and, secondly, to aiding or abetting the bringing in by water. It then provides that such a person shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding $1,000. Under that section, if one aids and abets in landing twenty, fifty, one hundred Chinese laborers, it makes one single offense; whereas the second section is more intense in its punishment, I submit to my friend, than the eleventh section is.

Mr. HAWLEY. Yes, but the eleventh section punishes any one who aids or abets in the landing in the United States from any vessel of "any *Chinese person.*"

Mr. EDMUNDS. Yes.

Mr. HAWLEY. Therefore, if there be a hundred or more, is the aider and abettor punishable for but one offense, when the law threatens punishment for aiding the landing of "any Chinese person?"

Mr. EDMUNDS. The Senator is mistaken, if he will pardon me. The law is clear in a statement of that kind. It has been decided a thousand times that if you aggregate a hundred persons they merely make the mass. In order to hold the master liable there for each person it is necessary to say so, as it is said in the second section.

Mr. HAWLEY. Then the Senator holds, and I bow to his judicial construction, that if I should aid or abet in the landing of a thousand I could be punished no more than the man who aided or abetted in the landing of one; I could be punished by a thousand-dollar fine and imprisonment not exceeding one year.

By the way, the twelfth section provides that no Chinese person shall be permitted to enter the United States by land, and any Chinese person found unlawfully within the United States shall be caused to be removed by the President.

I should feel, I think, a sense of shame if I were called upon to explain that provision to an intelligent Chinaman or an intelligent citizen of any European government. I think I should have to say to him that my individual preference would have been to impose that duty upon a marshal or deputy marshal, or the collector of a port, or some officer of inferior importance; but by this proposed statute the Chief Magistrate of the United States is made the captain of the hunters; he is compelled to cause those Chinamen to be removed.

Mr. MILLER, of California. Will the Senator allow me to interrupt him?

Mr. HAWLEY. Certainly.

Mr. MILLER, of California. Does the bill say that the President of the United States shall do this?

Mr. HAWLEY. I said he would have to cause it to be done. I referred to the section which provides that it shall be done by direction of the President.

Mr. MILLER, of California. That means that the President shall make such needful rules and regulations as he may prescribe, and he may designate a marshal or any one else for the purpose.

Mr. HAWLEY. It is to be done by the direction of the President. He is the chief of police for that purpose, and ought to issue a code of instruction to all the deputy marshals, and I suppose perhaps also a proclamation, and an earnest request if not a command to me and to you and to all of us to disclose a Chinaman, to catch him if we could. I do not know but he would have authority to direct me as a citizen, as part of the *posse comitatus*, to assist in arresting such a person or to have something to do as a witness before the court to prove that he is unlawfully here. He would call a long time on me before I should go under those circumstances. It is too much like the old fugitive-slave law. I do not understand this aiding or abetting the landing of a Chinaman. I am very sure if I were standing on the wharf in San Francisco or in New York, and looking at the landing of passengers from a ship coming from no matter where to the land of liberty, of universal freedom, and where we are forbidden to exclude any man by reason of race, color, or previous condition of servitude from citizenship even, and if I should see coming down the gang-plank some yellow men among the rest, I should not trouble myself to inquire whether they had papers or not; and yet if I should hear anybody on board say, "These men are not coming, I think, under the law; I think they have not their permits, they have not their passes," (after the fashion of the old slave system,) and if I should say, "Very well, I do not care," I am quite sure I should be guilty of aiding and abetting the landing of those people. I think under such a statute it would be my duty to inform the President of the United States, so that he might cause those people to be removed under his direction.

Sir, do you suppose that you will get anybody to obey such a law outside of the sand lots? We have made experiments like that. I referred casually to that yesterday. I refreshed my memory of a bitter old time by looking at the fugitive-slave law of 1850. It is not necessary to go into details, for that terrible law burned itself into the memories of the people of that day; but it is extraordinary in its despotism. It provided—

That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant—

of a negro—

or shall rescue or attempt to rescue such fugitive from service or labor, * * * or shall aid, abet, or assist such person so owing service or labor as aforesaid, directly or indirectly, to escape from such claimant, * * * or shall harbor or conceal such fugitive—

Shall permit him to sit in a shed in the back yard or lie there over night and give him a crust of bread. Any such person—

shall, for either of said offenses, be subject to a fine not exceeding $1,000, and imprisonment not exceeding six months.

The penalty was not so great as it is to be in the case of aiding and abetting the unlawful landing of a Chinaman. Moreover, when the hue and cry was raised against the black man the law said:

And all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose.

The marshal was authorized to call out the *posse comitatus*, to call upon the bystanders and good citizens of every community to aid him, and they were subject to penalty if they did not go. I justify my reference yesterday to the pending bill as analogous somewhat in its general character and in its antagonism to Christianity and humanity, and in its non-conformity to old-fashioned English laws, to the fugitive-slave act.

Mr. BUTLER. May I ask the Senator if the words "aiding and abetting" have not a very well-recognized meaning in the criminal law of this country?

Mr. HAWLEY. Certainly, I suppose they have, and I will confess that I do not precisely remember what it is. I am not sure but that I will make my case a little stronger; I will suppose myself standing upon the wharf, and, if you choose, giving my hand to a Chinese man or woman coming down the gang plank, and being informed by the Chinaman that he had no pass or certificate I invite him home to dinner in my house. I will make it aiding and abetting.

Mr. BUTLER. The Senator certainly has not read the law-books, or he would not put that construction upon it.

Mr. HAWLEY. Then I will say that I did aid and abet. Will the gentleman give me his own definition of aiding and abetting? I should be very happy to have the Senator from Vermont [Mr. EDMUNDS] tell me what aiding and abetting is if it be not physical assistance, as housing and feeding and moral approval also. I will suppose that the moment such a Chinaman landed I take him to my house and give him a free dinner, tell him that I thank God he came to my country, teach him what the flag means, and read the Declaration of Independence to him, and ask him to send for his wife and children. Would not that be aiding and abetting?

Mr. BUTLER. He would be here then.

Mr. HAWLEY. He would not be here when I first saw him; he would be on the deck of the vessel.

Mr. BUTLER. He must be here when you invite him to your house.

Mr. HAWLEY. He would be on the deck of the vessel; I would meet him beyond the harbor, three miles beyond Sandy Hook, if you please. I will make it aiding and abetting.

Mr. EDMUNDS. If my friend from Connecticut is really in earnest, as I presume he is not, in talking this kind of law, I should be glad to say to him that I think he will find that what aiding and abetting means in any unlawful enterprise, (granted that we declare it shall not be lawful for a certain particular description of Chinese to come,) is the entering into a scheme of bringing Chinese into the United States against the law and in spite of it, and in order to defy and evade the law. If the Senator wishes to do that, it is merely because he does not like the law and thinks it is unconstitutional; but short of that he could not be convicted of aiding and abetting anybody.

Mr. HAWLEY. I do not pretend to measure my knowledge of the law, criminal or civil, with the Senator from Vermont, but I venture to say that it is quite possible for one to make himself an aider and abettor without going to China for that purpose.

Mr. EDMUNDS. I think so.

Mr. HAWLEY. I venture to say that it can be done on the street or the wharf at New York.

Mr. BUTLER. It requires some overt act.

Mr. EDMUNDS. It requires both the intention and the act to defeat the law.

Mr. HAWLEY. Then, I say, make what limitations you please upon it, men will aid and abet in spite of your law and in contempt of it and be justified by public sentiment eventually, as they were in the case of violations of the fugitive-slave law, and that to a large portion of the country your law will be substantially a dead letter, as being against the moral sentiment of the people.

I object to the expression "laborer" without further specification or description. Let this proposed statute be read a hundred years hence, dug out of the dust of ages and forgotten as it will be except for a line of sneer by some historian, and ask the young man not well read in the history of the country what was the reason for excluding these men, and he would not be able to find it in the law. He would find the Chinese laborer excluded for no cause except that he is a laborer. Will that answer the question? Is that in accordance with the doctrines of the dignity of labor which we have taught? If he goes further for a reason, all he can find is in the preamble, where it says that the coming of Chinese laborers may endanger good order. I think that is a monstrous preamble. I should have supposed that when the committee had time for sober second thought and amended this bill they would have in some way modified it in that respect. [Mr. FARLEY rose.] I know it is quoted from the treaty.

Mr. FARLEY. I was about to remark to the Senator that if the student a hundred years hence should read the law, the chances are that he would also read the treaty, in which it is provided that such legislation may be had as is set forth in the bill.

Mr. HAWLEY. It may be, but the treaty does not disclose any good philosophical or economic reason for it. It says this immigration endangers the peace of the country, the good order of the country, but there is no explanation of the reason why it endangers good order.

Mr. EDMUNDS. I might make a suggestion to my friend from Connecticut, if it would not disturb him, on this point.

Mr. HAWLEY. Not at all.

Mr. EDMUNDS. As I think he knows, I agree in his general notions about the value of universal humanity; but history does seem to prove that good order on the Pacific coast has been disturbed, to put it from his point of view and mine, not by the misconduct of some Chinese laborer or gang of Chinese laborers, but by the sand-lot people, who have raided Chinatown and have upset everything with cruelty and wrong. That therefore endangers the good order of the community. It does not make any difference which class of the community it is that disturbs the public peace, the public peace is disturbed and if you can save it by giving time for reason to restore itself and passion to cool, is it not wise?

Mr. HAWLEY. The Senator from Vermont has not at all modified what I was saying or my impression of it. The student will read the expression "endangers good order," and his first thought will be that the people who were coming here were very bad.

Mr. EDMUNDS. Then he will not be a philosophical student.

Mr. HAWLEY. That is what the preamble says.

Mr. EDMUNDS. Oh, no.

Mr. HAWLEY. Let us see:

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

Mr. EDMUNDS. It is not the people who come who endanger it of themselves, but it is the act of coming. That does not imply that it is the act of the people who come, but that the fact existing of their coming here produces a disturbance. We all know that it does produce a disturbance; but I believe with my friend, in general, that it is without their fault.

Mr. HAWLEY. The Senator from Vermont, I understand, believes that it is without the fault of the Chinese?

Mr. EDMUNDS. In general I think so.

Mr. HAWLEY. I think any stranger to this history reading the preamble would say that the fault does not appear on the face of it to lie with the Chinaman. It appears to be a fact that if the Chinese laborers come here, somebody on our soil will trespass upon the personal rights and natural rights of the Chinaman, which is the fact.

Mr. EDMUNDS. Then let us protect the Chinamen by having them hold up a little while until they get over their trouble.

Mr. HAWLEY. But unless there be some reason beyond that our first duty is to compel the people on our own shore to obey the law. That is the first question; it is not to say that these sand-lot riots are to be excused. The mobs of California or of any other part of the country would be excused upon that ground. A statesman and an executor of the laws of this country has no right to begin by the removal of the innocent party. I protest against that doctrine. I had my first lesson in the putting down of mob law during the theater riots of New York in 1849, when as a youth I was in and out of the theater both of the riotous nights, and I was never more proud of the execution of law in my country as when I heard the rattle of musketry under the windows of the theater and stood there close to the wall and watched the shooting down of twenty-five of the mob. I went the second night with the greatest satisfaction to the theater because Mr. Macready was invited by the leading citizens of New York to come there and repeat his performance, though under the view of the Senator from Vermont Macready should have been removed from New York because his coming the second night was going to endanger the good order of society.

Mr. EDMUNDS. The Senator is entirely mistaken, and he entirely misrepresents me, without meaning to do it. Mr. Macready had a natural right, under the law as it stood, to go where he did and do what he did, and probably it was a wise thing for law and good order that all the forces which he and his friends and the law could muster should carry it out. I maintain that no foreigner has a natural right to come to this country at all. If I am wrong about that, my whole case is gone. It turns upon our own judgment of what is wise for our own welfare. If that be so, the foreigner having no natural right to come, if his coming produces, with no fault of his, a riot and discontent of wicked men on any coast, be it East or West, that disturbs the peace and good order of innocent men as well and upsets society, then I say it is wise for that society to hold up a little while and see what can best be done next. That is the distinction. I hope my friend sees it.

Mr. HAWLEY. That is not the precise point of difference between us. I hold the first duty of a decent government to be to compel the rioter to be silent, that the law-makers may have time to consider whether they will exclude the men hereafter or not.

Mr. EDMUNDS. So that if the nihilist or whatever criminal may exist in any other country——

Mr. HAWLEY. That is dodging the question. The Senator says a "nihilist or any other criminal."

Mr. EDMUNDS. I know, but we are on the principle of the question whether the Government can say to any foreigner, "Wait until we can get our own state of society so that it may be willing to receive you." The nihilist, the murderer of kings and princes, and of all other people who do not agree with him, chooses to say, "It is a little too hot for us in Russia, or Germany"—or wherever it may be, the socialist, the communist in Paris says, "The Republic cannot stand us any more, and it is too hot for us here; we will now all emigrate to the United States." They come. The people of New London and Burlington, and so on, do not want that sort of people; they are not their kind, and they are discontented at it. Now, my friend says, if I understand him, "Let them come in; do not stop to inquire the propriety of their coming, but first let them come in peace, and establish themselves and their doctrines, and then consider the matter." I do not agree to that.

Mr. HAWLEY. I am glad the Senator does not, because I do not know anybody so foolish as to do so.

Mr. EDMUNDS. It is the same case exactly.

Mr. HAWLEY. Not at all. I was not talking of men known as the political thugs of the world, universal conspirators and murderers, nor was I speaking of criminals of any description. I was speaking of a peaceable, industrious, too economical and careful class of people, who come to this country.

Mr. EDMUNDS. Then it comes to a mere question of expediency. You have to judge first.

Mr. HAWLEY. It is a question of expediency whether we will exclude them or not. They are not criminals. They are confessedly, according to all men's testimony, not doing anything themselves to disturb the peace of any community. They are here under a solemn treaty with the same right to protection that Macready had. They labor. They labor too much. They work. They work too cheaply; they save too much money, and therefore certain people in this country are so dissatisfied with their coming that they raise riots and threaten greater riots.

What did I see on the floor of the Senate? I saw a Senator arguing in support of this bill and another Senator rising when the question of consideration was raised and asking what was the condition of public sentiment on the Pacific coast, and the Senator who was anxious to bring the bill up said there was a condition of very great excitement over there, and there was danger of riot, and that was considered an argument in the Ameriean Senate in favor of immediately bringing up the bill for consideration. The American Senate should have said, "The consideration of this question is postponed one month. General Sherman, keep order on the Pacific coast. They raise the question of riot or no riot; we will have no debate on that question." That is what the American Senate ought to have said.

Mr. FARLEY. Will the Senator allow me a moment?

Mr. HAWLEY. Certainly.

Mr. FARLEY. The Senator I suppose refers to the remark I made in the Senate.

Mr. HAWLEY. I do not remember really who it was; I remember that it came from that side of the Chamber.

Mr. FARLEY. At the time the proposition was made to refer the veto message and bill to the Committee on Foreign Relations, after the original bill had been vetoed, I stated as an objection to such a reference that the people on the Pacific coast were anxious and excited over the proposed veto and that there was perhaps danger of violence, violence having been heretofore resorted to in my State; but the better classes of people, all classes, not the sand-lotters that my friend from Connecticut refers to, but the most respectable people in that State, united in order to avoid that state of things; and I stated that the excitement there was so great that they were afraid of violence in the midst of that great turmoil.

I want to correct the Senator in another statement which he made in regard to the sentiment of the people of the Pacific coast, and particularly of California. The feeling there is not confined to the element that he has referred to, the sand-lot element. It extends throughout the entire State, embracing all classes, merchants, farmers, lawyers. The mayor of the city of San Francisco, a leading Republican, a man who has been probate judge and county judge of that city for years and years, publishes to the world his views upon this subject, and does not go further than the people the Senator refers to, who have been sand-lotters, except in their violent way of expressing themselves. The people of that State, 152,000 out of 161,000 voters, voted against the further immigration of Chinese into this country and excluding those who are here if we could do so legitimately under the forms of law.

Mr. HAWLEY. I am well aware that a majority of the people of California love peace and will obey the law; but they are not the people to whom I refer. It runs through all of the gentleman's own statement just made that there is an element in California of which he was afraid, and he had good reason to anticipate the open, defiant violation of law if we did not act speedily upon this subject.

Mr. FARLEY. I did not say that I was afraid of any particular element of the State. The whole people of the State were alarmed for fear that there would be riot or violence. I did not say by whom; I did not say by the sand-lotters or any other class of people.

Mr. HAWLEY. I will not bring the gentleman into such a condition as to prejudice him with the sand-lotters, if I can help it. He has just said and repeated it that the people of that coast were greatly apprehensive that a certain element known as sand-lot people would break out into open violence if we did not act speedily. He has said that three times over now. That is all I said to begin with. But I have prolonged these remarks fourfold beyond what I intended.

Mr. FRYE. Before the Senator sits down I want to call his attention to one point that he has not noticed.

Mr. HAWLEY. Certainly. I marked several points in the bill, but I did not care to prolong the debate.

Mr. FRYE. Section 10 is the most outrageous one of the whole lot; under which, if Mr. Low, of New York, sends a ship worth $100,000 to China to buy tea, and the master of the ship takes a Chinaman and brings him into San Francisco, the master may be fined $500 and imprisoned one year, and in addition to that the vessel-owners are punished by a fine of $100,000; that is, a forfeiture of the ship without any remedy whatever.

Mr. HAWLEY. I thank the Senator. I had marked that section on this copy of the bill particularly. I call attention to that again:

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

The man who knowingly brings one Chinaman over here illegally is to be fined $500 and imprisoned one year, and the $200,000 clipper ship is liable to seizure and forfeiture.

Mr. President, these things overleap themselves. When this question was taken up yesterday, I took the bill and silently thought "they have really modified the bill a good deal now, and I will read along patiently and try to avoid saying another word on this question; I am overridden; I am temporarily in the minority, but I can wait." I read on, and read on, until I came to these provisions, and then I uttered five lines of denunciation—I could not help it. I leave the bill to posterity for its condemnation. I plant myself here now, this moment, on the ground of unconditional hostility and denunciation. I will make no terms with it now or elsewhere here or hereafter, at any time.

Miami Lands in Kansas.

SPEECH

OF

HON. WALPOLE G. COLERICK,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 1, 1882,

On the bill (S. No. 328) to provide for the sale of the lands of the Miami Indians in Kansas.

Mr. COLERICK said:

Mr. SPEAKER: This bill affects the rights and involves the interests of a large number of Miami Indians residing in the Congressional district which I have the honor to represent, and as the bill in its present form ignores their rights and extinguishes their interests in the lands referred to in the bill, it becomes my duty to oppose its passage, unless it is first amended so as to protect their rights and guard their interests.

I ask the attention of the House for a few moments until I briefly state the reasons upon which my opposition to the bill rests.

By the provisions of a treaty made on the 6th day of November, 1838, by the United States with the Miami tribe of Indians, then a powerful tribe, who held and occupied the territory which now constitutes a large portion of Northern Indiana, the tribe ceded to the Government a vast area of land, and as a part of the consideration to be paid for the same the United States, by the tenth article of the treaty, stipulated, in the language of the treaty, "to possess the tribe of, and guarantee to them forever, a country west of the Mississippi River to remove to and settle on when the said tribe may be disposed to emigrate from their present country, and that guarantee is hereby pledged. * * * And when the said tribe shall have emigrated the United States shall protect the said tribe and the people thereof in their rights and possessions against the injuries, encroachments, and oppressions of any person or persons, tribe or tribes whatsoever." (See Revision of Indian Treaties, page 5047.)

The next treaty was made November 28, 1840, and proclaimed June 7, 1841. By the first article of this treaty the tribe ceded to the United States all of the remaining lands then owned by the tribe in Indiana, and the United States by the twelfth article of the treaty, in part consideration for the cession so made, set apart and assigned to the tribe for their occupancy a tract of land therein described west of the Mississippi River, and estimated to contain 500,000 acres, to which the tribe agreed to remove within five years. (Revision of Indian Treaties, pages 510, 5117.)

The last treaty was made June 5, 1854. By its first article the tribe ceded and conveyed to the United States the 500,000 acres which had been so assigned and set apart to them, "excepting and reserving therefrom 70,000 acres for their future homes," and by the second article of this treaty it was provided that the lands so reserved shall be surveyed, and within four months after the approval of the survey "each individual or head of a family of the Miami tribe now residing on said lands shall select, if a single person, 200 acres, and if the head of a family a quantity equal to 200 acres for each member of the family."

By the same article of the treaty it was provided "that if by reason of absence or otherwise any single person or head of a family entitled to land as aforesaid shall fail to make his or her selection within the period prescribed, the chiefs of the tribe shall proceed to select the lands for those thus in default;" and it was also further provided that "after all the selections shall have been made, the chiefs shall further proceed to select in a compact body and contiguous to the individual reservations the residue of the 70,000 acres, * * * which body of land shall be held as the common property of the tribe, * * * provided, that if any single person or family entitled to land shall have been overlooked or wrongfully excluded, and shall make the fact appear to the satisfaction of the chiefs, such person or family may, with the approbation of the Commissioner of Indian Affairs, receive their quantity by the rule prescribed in this article out of the tract to be thus selected and held as the common property of the tribe."

At the time of the making of the treaty of 1840 all the members of the tribe resided in Indiana, and afterward, in 1846, a large number of them went to the State of Kansas, where the reservation was located, and took possession of it, but more than one-half of the tribe remained in Indiana, where nearly all of them still reside. Those who went to Kansas received their allotments of land, consisting of two hundred acres each, while those who remained in Indiana, excepting certain ones to whom I will hereafter refer, have been denied the right to participate in the division of the lands by the action of the chiefs of the tribe, who refused to recognize their right to receive allotments of lands, although the treaty expressly declared that "if by reason of absence or otherwise any single person or head of a family shall fail to make his or her selection within the period of time prescribed, the chiefs of the tribe shall proceed to select lands for those thus in default." This imperative duty the chiefs failed and refused to perform, and now it is proposed by this bill to sell the lands unallotted and pay the proceeds arising from their sale to those Indians who received their allotments, and thereby wrongfully exclude and unjustly deprive the Indians residing in Indiana from making selections of lands or participating in the distribution of the money arising from their sale.

The Miami Indians as a tribe no longer exist, as their tribal relations were abolished by an act of Congress passed March 3, 1873. (See United States Statutes, volume 17, page 631.) By reason of this statute the allotments of lands to which the Indians residing in Indiana are entitled cannot now be made in the manner provided by the treaty, as the Miami Indians are no longer recognized by the Government as a tribe, and those who went to Kansas have since united with other tribes, and have not maintained a separate tribal existence, and have no chief clothed with legal authority to execute the power conferred and perform the duty imposed by the treaty in making assignments of lands to absentees, and, therefore, in order to make allotments to them it becomes necessary for Congress to confer authority to do so upon some other person or power. The question to be decided arises out of the construction to be given to the provisions of the treaty, whether or not those members of the tribe who reside in the State of Indiana are entitled to receive allotments of these lands.

That they are entitled to receive such allotments has been determined by Congress, by an act approved June 12, 1858. (See United States Statutes, volume 11, page 332.) The Secretary of the Interior was authorized and directed to place upon the pay-roll of the Miami Indians of Indiana the names of a large number of Indians residing in that State who prior to that time had been excluded from the roll, and cause annuities to be paid to them thereafter the same as those then on the roll; and it was also provided in the statutes to which I have referred "that the Secretary of the Interior is also authorized and directed to cause to be located for such persons, each, 200 acres of land out of the 70,000 acres reserved by the second article of the treaty of 1854 with the Miamis, to be held by such persons by the same tenure as the locations of individuals are held which have been made under the third article of said treaty."

And thus Congress construed the treaty, and determined that Miami Indians residing in Indiana were entitled to receive allotments of these lands, and directed the Secretary of the Interior to make them, and he, in obedience to the mandate of this law, did afterward make the allotments to them as directed to do, and no one has ever disputed their right to hold the lands so allotted.

It is true that afterward the names of those persons who were so placed upon the pay-roll were stricken therefrom by means of an opinion rendered by the Attorney-General, to whom the question was referred as to the power of Congress to add additional names to the pay-roll in the face of an express provision of the treaty prohibiting it from being done. While their right to be placed upon the pay-roll was denied by reason of the mandatory provision of the treaty, which expressly declared that they should not be placed on the roll, yet no question was raised or presented, and none has been since then, as to their right to participate in the division of the lands.

I also desire to call the attention of the House to the fact that section 7 of the act of March 3, 1873, to which act the bill under consideration refers and relates, provides:

That the provisions of this act shall not in any way affect the rights or claims of those individual Miamis or persons of Miami blood or descent who are named in the corrected list referred to in the Senate amendment to the fourth article of the treaty of June 5, 1854, or their descendants. (See United States Statutes, volume 17, page 633.)

The Indians referred to in the provision of the act which I have just read are those residing in the State of Indiana, and I have embodied this provision in the amendment which has been offered by the gentleman from Kansas, [Mr. HASKELL,] who, as chairman of the Committee on Indian Affairs, has charge of this bill. The amendment was carefully prepared by me and presented to him, which he accepted and has offered the same in accordance with his promise to me. The amendment so prepared and offered has an additional provision that the question whether these Indians are entitled to receive allotments of lands or participate in the distribution of the proceeds arising from the sale of the lands shall be submitted to the Attorney-General for his opinion, and if he decides that they have such right, then that the Secretary of the Interior, out of said proceeds, shall pay to each of said persons in money a sum equal to the value of 200 acres of said lands as appraised for sale.

Under an act of Congress, approved March 3, 1873, a large quantity of the unallotted lands have been sold, and this bill is to authorize the Secretary of the Interior to sell the quantity yet remaining unsold. For the purpose of ascertaining the quantity unsold and other information in relation to these lands, I addressed a letter to the Commissioner of Indian Affairs on the subject, and in his answer to me he says:

Under the treaty of June 5, 1854, there were set aside as a reserve for the Miamis 70,633.55 acres of land; of this 60,025.58 acres were patented to 300 members, including the 73 above referred to—

Meaning the ones to whom allotments were made by the Secretary of the Interior under the act of June 12, 1858, to which I have referred—

of the tribe between the ratification of the treaty and the year 1870, thus leaving 75 persons of the original roll of 1854. of 302 names, to whom no allotments have been made.

By the act of March 3, 1873, Statutes 17, page 6317, the Secretary of the Interior was directed to have the unallotted lands and the school sections, 10,607.97 acres, appraised and sold. The appraisement was made and approved October 30, 1873, and 3,293.55 acres were then sold. On February 7, 1874, there was sold at auction 120 acres additional, leaving 7,194.42 acres undisposed of. Of this last amount 404.64 acres have been settled on, and one-third of the purchase-money paid, and 4,416.74 acres have been settled upon but no entries made.

You also state that a number of persons embraced in the list of 1854 have never received allotments, and ask "What is necessary to be done by them in order to obtain the same?" As these lands have been opened to sale and settlement by the act last above referred to, it would be necessary for Congressional action to be taken covering their cases.

Mr. Speaker, it will be observed by this letter that but a small quantity now remains unallotted and unused, but I am informed that the proceeds which were realized from the sale of those lands that were sold by the Secretary of the Interior has not been distributed, and it is for the purpose of reaching this money, as well as that which will be received by him from the sale of the residue of the lands, that my amendment, presented by the gentleman from Kansas, [Mr. HASKELL,] was prepared and offered, which amendment is in these words:

Amend by adding after section 3 the following:

"SEC. 4. That the provisions of this act shall not in any way affect the rights or claims of those individual Miamis or persons of Miami blood or descent who are named in the corrected list referred to in the Senate amendment to the fourth article of the treaty of June 5, 1854, or their descendants. And before the proceeds which have been or may be hereafter realized from the sale of said lands shall be applied for any purpose, or distributed, the Secretary of the Interior shall obtain the opinion of the Attorney-General as to what rights or interests, if any, said persons have or had in and to said lands; and if in his opinion they are or were entitled to have parcels of said lands allotted to them, under the provisions of said treaty, and failed to receive the same, then said Secretary of the Interior is hereby authorized and directed to pay to each of said persons, out of the proceeds of the sale of said lands as aforesaid, a sum equal to the value of two hundred acres of said lands, as appraised for the purpose of making said sale, for and in lieu of their interest in said lands, and that of the surplus of said proceeds which may then remain, if any, that they receive their *pro rata* share thereof the same as other members of said late tribe of Miami Indians."

The wisdom of submitting this question to the Attorney-General is demonstrated by the result which occurred when the question of the right of Congress to add additional names to the pay-roll to which I have referred was submitted to him. He decided that the names so added, and which had then been on the roll for about ten years, must be stricken therefrom, which was done, and now a bill is pending in this House for the relief of the persons who were properly on the roll, and whose money was taken to pay those who were improperly placed thereon, and by which bill they seek to recover the amount of the money which was during those ten years wrongfully paid to others. It involves thousands of dollars, which the Government in honesty and justice must repay. Safety to the Government and justice to these Indians require the adoption of the amendment which has been offered, and I hope that it may be adopted.

Tariff and Tax Commission.

SPEECH

OF

HON. CHESTER B. DARRALL,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 11, 1882,

On the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. DARRELL said:

Mr. CHAIRMAN: It was not my intention or desire to engage in the debate on the bill under discussion. The proposed measure is not one that, it appears to me, admits of any extended discussion or should admit of any great difference of opinion among those who only desire the greatest good to the greatest number of our people, and no unfair or unjust discriminations, either in favor of or against any of the great industries of the country.

But the members of the committee reporting this bill, and others who have spoken, following them, have gone into a discussion of the tariff question to its fullest extent, and in its bearings on all the industries of the country—agricultural, commercial, and manufacturing. Under such circumstances, representing as I do an agricultural constituency, whose two principal productions are directly affected, I feel it my duty to briefly give my reasons for supporting the tariff-commission bill, and to state as near as I may be able to do so the views of the people whom I represent, the sugar and rice planters, and the laborers on those plantations, on this whole question of tariff and protection—protection not only to the products of the rich alluvial lands of that State but protection to the laborers on those lands against the slave labor of Cuba and the cooly labor of China and India.

Let me refer first to the measure under discussion and state my reasons for believing that it is wise and judicious and should be adopted by Congress. I may be indulged, Mr. Chairman, perhaps, for a few moments in calling the attention of the committee to the bill under discussion, the proposal to create a commission to whom this subject of a revision of our tariff laws and regulations may be referred. Gentlemen who have preceded me in this debate have for the most part, in their anxiety to discuss the whole questions of revenue and tariff, lost sight of the bill simply to create a commission now under discussion. And of all the speeches so far made only one, that of the gentleman from Ohio, [Mr. TOWNSEND,] has been confined to the wisdom and justice of obtaining the views of a commission of experts representing all the industries of the country, and these views obtained by a thorough investigation made on the ground before action be taken by Congress.

Let us look at the bill and its provisions. Section 1 provides for the appointment of a "tariff commission," composed of nine members; section 2 provides for their compensation and traveling expenses; and sections 3 and 4, defining their duties and powers, and the time of making their report, are as follows:

SEC. 3. That it shall be the duty of said commission to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff, upon a scale of justice to all interests; and for the purpose of fully examining the matters which may come before it, said commission, in the prosecution of its inquiries, is empowered to visit such different portions and sections of the country as it may deem advisable.

SEC. 4. That the commission shall make to Congress final report of the results of its investigation, and the testimony taken in the course of the same, not later than the first Monday of December, 1882; and it shall cause the testimony taken to be printed from time to time and distributed to members of Congress by the Public Printer, and shall also cause to be printed for the use of Congress two thousand copies of its final report, together with the testimony.

The above act is the one we are discussing, and as I said at the outset it seems to me that its passage would be wise and judicious, and I am at a loss to understand the opposition that has been made to it on any other ground than the fact that it comes from our friends on the other side of the House, of whom it has been said they learn nothing and forget nothing. For six years they had complete control of the legislation of this House, and on this question of tariff showed conclusively that they had learned nothing by being witnesses of the unparalleled prosperity of the country under a policy of protection. And now that it is proposed to secure for our guidance on this all important question of a revision of the tariff the views and opinions of a commission representing all the various industries of the country, to the end that exact and equal justice may be done to each and all, we find our Democratic friends in opposition. Their failure of the last six years has learned them nothing, and their course on this measure is evidence that they forget nothing.

In listening to the various speeches from that side of the House I have been surprised to find so few objections to the actual bill under discussion. The inequalities, iniquities, and injustice of the present tariff has been the burden of their theme, and but little has been said, nothing really of any weight, against this plan of securing before action all the light possible to be obtained on the subject.

Now, Mr. Chairman, let us look at the practical side of the question. Let us consider what the effect of the appointment of the proposed commission will have on the duties and labors of this Congress and on the probability of our being able to accomplish that which all admit to be both desirable and necessary, a change or revision of the existing tariff laws.

This Congress, elected November, 1880, met in session December, 1881, and has been in continuous session ever since. The committees were not appointed in time to do any work till after the holiday recess. Our Committee on Ways and Means, appointed from members of most experience and service of greatest length, have as the result of their labors up to this date reported by a majority of their members this bill, and have urged upon the House in able and exhaustive speeches its passage. They have shown us the absolute necessity, if we desire action by this Congress, of the passage of this bill and the creation of this commission, whose duties shall be as specified in the sections I have quoted, to consider the whole subject, to visit different sections of the country, to print and distribute to Senators and members of Congress from time to time during the summer the result of their investigation and inquiries, and to report the final result of these inquiries with all the testimony taken on or before the first Monday in December next.

They have said to us that it is not possible for their committee to do this work without the assistance of this commission of competent and experienced men specially appointed for this purpose. And, as I said, if we desire action it is the part of wisdom and common sense to follow the advice of our committee. Further than this, the same or a similar bill has been before the Senate, has received there the fullest discussion and consideration, and was passed by a large majority, thus giving evidence that it is the opinion of that body—the Senate of the United States, representing the States themselves—that on this subject they desire this commission to be appointed, this investigation to be had, and this report to be made before they proceed to act on the question.

The Senate of the United States have said to us that they are not prepared to act on this subject, that they desire time for further con-

sideration, and that they desire the assistance in the investigation of this vital question of this commission of experts, representing all industries and all sections of the country. Now, while I claim that this House and each member thereof is the only and sole judge of its and his duty, still we must bear in mind that no act can become a law through one branch of Congress alone, and if we desire, as all claim we do, action by this Congress on the tariff question, if we mean to accomplish something by the Forty-seventh Congress for the relief and good of the country, we must in our action consider what is likely to be the action of the other legislative branch of the Government. Simply then, Mr. Chairman, the situation is this: the Senate have said to us that they are not prepared, without further information, to act on any bill that we might pass and send them. Our own committee, charged under our rules with the special duty of preparing and presenting to the House all bills of this nature, have come before us, after considering the subject for several months, and tell us in their report that they are not able with the present light before them to bring into the House such a bill as they can recommend to our favorable consideration, and, as I said, they ask us to adopt the Senate bill or a similar one providing for the appointment of a commission. Under such circumstances what else is there for the House to do? Nothing but to pass the bill; the sooner the better; and but for the opposition of our Democratic friends the commission bill would have been a law before this, and we would even now be receiving its benefits from the investigation being had of the industries of different sections of the country, their development and necessities.

For myself, Mr. Chairman, the appointment of this commission has commended itself to me as being the very wisest act we could do. It is provided that there shall be nine members of the commission. We may presume that the President in making his appointments to this important body will be governed by the peculiar fitness of each individual selected, not only that each one shall be thoroughly qualified for its duties, but shall represent and be qualified to speak for one or more of the great industries of the country. We may presume that all portions of our great country will be represented; that in making these selections the President will know neither North nor South, East nor West, but will select from each their wisest and best; that the first and leading industry of the country, the source and foundation of our wonderful prosperity, our agricultural industry, will be represented by at least four members of the commission, selected from practical agriculturists of different parts of the country; that our next greatest industry, our manufactures, may be represented, and also our commercial, mercantile, and mining interests. From the labors of such a commission, so constituted, visiting and inspecting different parts of the country, consulting with and taking the testimony of leading men of all our great industries, we may, it seems to me, expect the best results.

We may expect when we meet the first Monday in December next to have such evidence and such a report on which to act that this Congress may proceed at once to establish a judicious tariff or revise the existing tariff upon a scale of justice to all interests; may be able to make for the country a tariff law that will be permanent for at least a number of years, and till such time as our increasing population and changed condition may demand a new law. What we want now is no half-done work, but work that will stand for years. Nothing cripples and injures the business and industries of the country so much as the uncertainty in regard to what Congress may do on this measure. We want wise, judicious, and final action that will give the country security for at least twenty years.

And now a few words here as to the necessity of a change or revision of our present tariff laws and regulations. It is well known to every member of this House that for several years the various Secretaries of the Treasury have called the attention of Congress to the pressing need of this revision in their annual reports, and, during the last Congress, Secretary Sherman appeared in person before the Committee on Ways and Means and urged immediate action. He especially urged action on that part of the law which regulates the collection of the duties on imported sugars, but Congress failed to take any action. The necessity for some further law regulating the collection of duties on sugars arises from the fact that under the color or Dutch standard of classification sugars are artificially discolored in making, and then imported at much less than their proper grade, and the duty collected instead of being 3½ to 4 cents per pound is 2½ or less than 2½ cents per pound. This the Secretary endeavored to remedy by the use of the polariscope, but the courts have decided that under the law as it now is he could not adopt any other than the color or Dutch standard test, and, as a consequence, near $2,000,000 justly collected will have to be refunded and the gates will be wide open to a further continuation of this fraud on the Treasury, by importing high grades of sugars artificially discolored so as to pay only the duty of the lower grades.

On this necessity of a revision of the tariff I beg to quote from the last annual report of the honorable Secretary of the Treasury. He says:

A revision of the tariff seems necessary to meet the condition of many branches of trade. That condition has materially changed since the enactment of the tariff of 1864, which formed the basis of the present tariff as to most of the articles imported. The specific duties imposed by that act, for instance, on iron and steel in their various forms, had then a proper relation to the ad valorem duties imposed on the articles manufactured from those metals; but by a large reduction in the values, especially of the cruder forms of iron and steel, the specific duty imposed thereon now amounts, in many cases, to an ad valorem duty of over 100 per cent.; while the ad valorem duties on manufactured articles have not been changed. The growing demands of trade have led, also, to the importation of iron and steel in forms and under designations not enumerated in the tariff, and the great disproportion between the specific and ad valorem duties is a constant stimulus to importers to try to bring the merchandise under the ad valorem rate. This produces uncertainty, appeals from the action of collectors, and litigation, which prove embarrassing to business interests as well as to the Government; and what is instanced as the case with iron and steel will be found to be the case with other articles. An equalization of the tariff and a simplification of some of its details are needed.

And in a letter to a member of the Committee on Ways and Means, [Mr. DUNNELL, of Minnesota,] from which I beg to quote, he speaks of specific articles as follows:

SUGARS.

The action of the Treasury Department in regard to the collection of duties upon sugars is based upon the order of Mr. Secretary Sherman, of September 2, 1879, which related to sugar claimed by the officers of the Government to have been artificially colored for the purpose of evading the duty due thereon by the Dutch standard. A copy of that order is inclosed herewith. Some three hundred suits are now pending at the port of New York upon the question involved, and the claims therein amount to over one million two hundred thousand dollars, besides interest. One case was tried at New York, and the verdict was against the Government. The question was lately argued in the Supreme Court of the United States on a writ of error, and it is expected that a decision will be reached at an early day. Considering the fact that the duties on sugar collected last year amounted to $43,000,000, or about 21 per cent. of the total revenue from customs, the importance of some plan by which disputes can be avoided, and the proper duties collected, cannot be overrated.

COTTON-TIES.

Schedule E imposes duties ranging from 1¼ to 1¾ cents per pound, according to width and thickness, upon band, hoop, and scroll iron. A cotton-tie is a piece of hoop-iron which has been cut to the proper length of 11 feet to go around a cotton-bale. In connection with the band is a buckle, designed to fasten both ends around the bale. Some of the bands as imported have the buckles riveted to the end of the band, while others have the buckle detached, to be placed on the end of the tie in the act of baling.

The question in this class of cases is whether cotton-ties are to be classified as hoop-iron, or, as claimed by the importers, as a manufacture of iron not otherwise provided for, at 35 per cent. ad valorem. Under the present decisions the cotton-ties which have the buckle permanently attached to the bands are admitted at 35 per cent. ad valorem, while the bands not having the buckle permanently attached are classified as hoop-iron. The courts have ruled against the classification of the latter as hoop-iron and in favor of 35 per cent. ad valorem; and a case involving the question is now before the Supreme Court of the United States. The minimum rate of duty on hoop-iron is 1¼ cents per pound, or $28 per ton, while the duty at 35 per cent., based on present prices in England, is about $13.50 per ton.

SILK AND COTTON GOODS.

Under the act of February 8, 1875, (18 Stat., p. 307,) all goods made of silk, or of which silk is the component material of chief value, not otherwise named in the act, are liable to a duty of 60 per cent. ad valorem, provided they do not have as a component material 25 per cent. or over in value of cotton, flax, wool, or worsted. If the goods have over 25 per cent. in value of either of these materials they are remanded for duty to the provisions of Schedule H.

A large number of appeals have been taken on the question of fact whether goods have 25 per cent. or over of the named materials, and it seems unwise to have a double test for the classification of these goods, namely, silk, chief value, and then 25 per cent. in value of the named materials.

WOOL KNIT GOODS.

The question in this class of cases is whether such goods are dutiable under the provision in Schedule L, reproduced from the act of March 2, 1867, under which they have been classified by the Treasury Department both before and since the passage of the Revised Statutes, or whether they are dutiable under the provision in Schedule M for articles made on frames of whatever material composed, except silk and linen, at a duty of 35 per cent. ad valorem. One case involving the question went to the Supreme Court, which decided in favor of the lower rate of duty. The mandate was, however, subsequently stayed, and the case is now waiting a motion for permission for a reargument. It is a very important question, involving large interests to importers and to domestic manufacturers of this class of goods. This question arose out of a blunder in the Revised Statutes, which reproduced in Schedule M the paragraph referred to, and which had been repealed, so far as concerns woolen goods, by the act of 1867.

STEEL BLOOMS.

Schedule E, reproduced from the tariff act of 1864, provides for duties according to value on steel in ingots, bars, coils, and sheets. These duties range from 2¼ cents per pound to 3½ cents per pound and 10 per cent. ad valorem. The first form of steel is an ingot. An ingot is cut into a number of pieces and rolled, and is then a bloom. Blooms are not named in the tariff, and it has been stated that at the time of the passage of the act of 1864 the name "blooms," as applied to steel, was not known in the United States; at all events blooms are not named in the law. The question arose in 1867 whether steel blooms were liable to the duty imposed on steel in ingots and bars, and it was held that they were not, but were dutiable under another provision in Schedule E for manufactures of steel not otherwise provided for. Against this decision appeals have been taken, based upon the ground that the article is not a manufacture of steel, but is dutiable at the rate of 30 per cent. ad valorem under the provision in Schedule E for steel in forms not otherwise provided for. It certainly is anomalous that steel in ingots, which is the first form of steel, and bars, which is a more finished form, should be assessed with the high rate of duty imposed by the tariff, while the intermediate forms of steel in blooms should be subject only to a duty of 45 per cent. ad valorem, or 30 per cent. ad valorem, which is only about one-fourth of the duty on steel in bars, according to the present prices of the materials abroad.

There are some other articles specified on which, under the present law, it has not been found possible to fairly fix and collect the duties, but I have quoted enough to show the losses to the Treasury and the difficulties under which our customs officers labor with the present law and regulations. Of course no exact estimate can be made of the loss in duties that should justly be paid, but I am informed by one of the best-posted officials of the customs branch of the Treasury Department that the annual loss is at least $20,000,000. Besides this loss to the Government of its just dues, we must take into consideration the annoyance, loss, and detriment to the business of the persons engaged in the importation and sale of these various articles, and the resort even to the courts to decide and settle disputes

between the customs officials and citizens, which should all be avoided, and could be if the law was amended, made plain and specific.

If there be any one of our industries that has just cause of complaint against the present tariff it is the sugar-producing industry of Louisiana and other Southern States. If there be any of our people who can fairly ask from the Congress of the United States a change and revision of the existing tariff laws, it is those engaged in the cultivation of the sugar-cane in the South and the sorghum-cane and sugar-beets in the North and West. Let us look at the existing tariff and its manner of enforcement and effects, both in giving protection to our sugar-producing industries, as also in defrauding the Treasury of large amounts of revenue. The present tariff differs from all former tariffs in providing that raw sugar, so called, that is, sugar under No. 13 Dutch standard in color, should be classed into six different grades, from No. 7 up to No. 13, according to the lightness of color. Under all former tariffs the duty was levied as so much on raw or brown sugars, and so much on refined sugar. That is, as an instance, the duty from 1819 to 1830 was 3 cents on brown sugar and 12 cents on refined sugar, and so on up to the time the present tariff was made. But by it the Dutch standard of color alone and not quality or saccharine strength is made the test; and while it is said that the duty on sugar is in proportion higher than on many other articles, being according to the tariff schedule about 62½ per cent., it is not in reality over 40 or 45 per cent., because of the fact that sugars of a very high saccharine strength, which should pay at least 60 or 70 per cent., by being discolored so as to grade low according to the color standard, pay only 30 to 40 per cent. ad valorem; and therefore it is that the present, instead of being a high protective tariff on sugar, is really comparatively the lowest on this article that we have ever had, except perhaps from 1857 to 1861, when the duty was only 24 per cent. ad valorem. The Secretary of the Treasury, in his last annual report, says this:

> The duties connected with sugar, molasses, and melada during the past fiscal year amount to $47,997,137, or nearly one-quarter of the whole amount of our revenues from customs. The difficulties attending the collection of these duties have largely occupied the attention of committees of Congress during several past years. The Dutch standard of color as applied to the apparent color of imported sugars is no longer a test of the saccharine strength or value for refining purposes.

This fully bears out what I state, and shows the absolute necessity of going back to our old method of a uniform tariff on all raw sugar tested both by color and by the polariscope and chemical tests, this to include all sugar below No. 13, which may be considered the line of division, and all above that to be classed as refined sugar and pay a higher duty in order to protect our refining industries. But to further illustrate this branch of the subject I beg to call attention to the following table, showing the grades of sugar imported into this country for the year ending June 30, 1881:

Statement showing the quantity of each grade of sugar and the total quantity of sugar of all grades imported into the United States and entered for consumption during the year ended June 30, 1881, *not including sugar imported from the Hawaiian Islands under the reciprocity treaty.*

Description or grade.	Pounds.	Tons of 2,240 pounds.
Not above No. 7	401, 626, 484	179, 298
Above No. 7, and not above No. 10	1, 323, 451, 981	590, 827
Above No. 10, and not above No. 13	142, 797, 277	63, 749
Above No. 13, and not above No. 16	1, 267, 216	566
Above No. 16, and not above No. 20	12, 241	5
Above No. 20, and all refined, loaf, lump, crushed, powdered, and granulated	18, 699	8
Total dutiable	1, 869, 173, 898	834, 453

According to this table it is shown that nearly all the sugar brought into this country is of the lowest grades, below No. 10 in color. It is entirely safe to say that 90 per cent. of this low-grade sugar according to color-test is of a much higher grade according to a saccharine test. And therefore it is that while sugar producers are charged with receiving the highest protection of any agricultural product, in reality the protection is lower than on many other articles. The present tariff is unfair, unjust, and unsatisfactory to the sugar-producing industry, and they desire such a revision and amendment as will give them in fact what they now have the credit of receiving, that is 62½ per cent., instead of 35 to 45 per cent. Under such a tariff, instead of sending abroad yearly nearly one hundred millions in gold to purchase the slave-grown sugar of the West India Islands, at least half of that sum could be saved to the country, because at least half of the sugar consumed can be produced from our cane-fields in Louisiana, Georgia, Alabama, and Texas. More than this sugar would be furnished at cheaper rates than ever before in the history of our country.

This bill, therefore, receives my heartiest support, because I am entirely satisfied that a revision made and based on the investigation and report of such a commission will give to the sugar-producing interests of the section I represent and of other portions of the country protection fairly and justly of at least 62½ per cent. and not as now, of 30 to 45 per cent., with continual openings for fraud, and will at least retain the present duty on rice, the other important production of that section. The sugar and rice producers of the country ask no more in the way of protection than is granted to all other industries, agricultural, manufacturing, and commercial, but they do ask and insist on two things: first, that any duty levied shall give actual protection to the full amount claimed by the schedule on a basis of quality as well as color, and not an apparent high protection which is in reality very low; and second, that some final action be had fixing the rates of duty on these articles of sugar and rice for a term of years. One of the greatest drawbacks to the prosperity and advancement of the sugar and rice industries of the South has been the continual tinkering at the tariff by Congress and the fear arising therefrom of legislation inimical to those industries. The production of sugar, the planting, cultivation, and making into sugar of the canes requires an immense outlay of capital, and requires large credits which can only be based on a permanent investment and income.

The reclaiming of the rich alluvial lands of our southern coasts, the best rice-producing lands in the world, can only be done at large expense, and in order to be successfully carried on must have the products of those labors and that expense protected, if it be protected at all, on some permanent basis. I feel safe in saying to this committee that a revision of the tariff on a basis of this kind, with an assurance that it would be permanent for at least twenty years, would in less than ten years' time so accelerate the production of sugar that at least 50 per cent. of our consumption of that article would be produced at home, and instead of importing, as we now do, one-third of the rice we consume, we would in the same length of time from now—that is, ten years—not only be producing all the rice we consume, but be exporting it, as we did before the war. And more than this, the prices to our people of both articles would be less than they now are. The statistics of the production and consumption of rice in our country before and since the war are very interesting. Rice as an article of food, especially in the southern half of our country, cannot be overestimated. It is highly nutritious and wholesome, in warm climates especially, and much more should be used as an article of food both in warm and colder climates. It is especially adapted to the use of the laboring classes, and its production and consumption by them should be encouraged. The following tables show the condition of the exportation, production, and consumption of rice before the war:

Years.	Tierces.	Pounds.
1791	96, 980	58, 368, 000
1800	112, 056	67, 233, 600
1810	134, 341	78, 804, 600
18.0	71, 663	42, 997, 800
1830	130, 697	78, 418, 200

Beginning with 1840, the statistics, until then wanting in positive data as to production, become more instructive as they become more complete. The following table exhibits the production, export, and home consumption in the decades stated:

Years.	Production.	Export.	Home consumption.
	Pounds.	*Pounds.*	*Pounds.*
1840	80, 841, 422	60, 996, 000	19, 845, 422
1850	215, 313, 097	68, 000, 000	147, 313, 097
1860	187, 167, 032	75, 373, 000	111, 794, 032

During the war the whole system of home production, till then so successful, was almost totally destroyed and the States not in rebellion were compelled to depend entirely on the foreign production. Since the war the production has steadily increased, as has also the consumption. The following table fully illustrates this, and shows that we may reasonably expect inside of ten years, and perhaps inside of five, to produce all the rice we consume.

Table showing domestic production, exportation, and consumption of rice.

Years.	Domestic production.	Domestic rice exported.	Domestic rice consumed.	Total consumption.
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*
1865–'66	11, 592, 600	639, 080	10, 953, 520	63, 362, 280
1866–'67	12, 206, 729	2, 212, 901	9, 993, 819	76, 851, 823
1867–'68	14, 602, 600	1, 394, 007	13, 208, 593	53, 314, 734
1868–'69	26, 790, 200	3, 074, 043	23, 716, 157	70, 947, 911
1869–'70	53, 937, 000	2, 232, 833	51, 704, 167	95, 900, 697
1870–'71	47, 348, 000	2, 133, 014	45, 214, 986	73, 126, 092
1871–'72	39, 625, 990	445, 842	39, 180, 148	93, 623, 048
1872–'73	52, 634, 400	403, 835	52, 230, 565	114, 621, 237
1873–'74	62, 900, 380	276, 637	62, 623, 743	126, 176, 194
1874–'75	68, 241, 400	558, 922	67, 682, 478	115, 099, 317
1875–'76	72, 360, 800	277, 357	72, 083, 443	119, 145, 857
1876–'77	81, 391, 800	439, 991	80, 951, 809	135, 903, 047
1877–'78	77, 240, 400	1, 306, 982	75, 933, 418	125, 462, 837
1878–'79	84, 739, 200	631, 105	84, 108, 095	121, 941, 380
1879–'80	86, 996, 800	178, 534	86, 818, 266	135, 389, 719
1880–'81	117, 766, 000	150, 451	117, 615, 549	175, 535, 691

Retain the present duty on rice, and give the producers assurance that they can depend on that protection for at least ten years, and I venture to assert before the expiration of those ten years we will be producing all the rice we will need, and at a price at least 25 per cent. cheaper than at the present time. Before the war very little rice was produced in Louisiana, but of late years the production in that State has increased to a wonderful extent, being for each of the last three years over 40 per cent. of the total amount produced. And there are in that State enough suitable rice lands, easily reclaimed and of inexhaustible fertility, to produce at least as much as is now produced in all the Southern States. The rice lands of the one district in that State which I have the honor to represent, including as it does nearly the whole Gulf coast line of Louisiana, from the mouth of the Sabine to the mouth of the Mississippi, are sufficient in extent, if all were reclaimed and worked, to produce at least 100,000,000 pounds of rice. The finest natural rice lands in the world are those bordering on the Calcasieu, Atchafalaya, and Mermenteau Rivers, and the Vermillion, Terre Bonne, La Fourche, and other small bayous of that section of the State.

It is the part of wisdom then, Mr. Chairman, to foster and protect these two great agricultural industries, the production of sugar and rice, to the end that the millions of dollars now sent abroad to purchase these articles may be kept at home, that those rich and fertile lands may be improved, and, instead of remaining wild and uncultivated as they now are, may be teeming with happy and contented people, and that here, right at the door of the great food-producing States of the Upper Mississippi, may be found a market for much of their surplus products; that the barges and boats plying backward and forward on that mighty river may come to us of the South laden with the flour and meal, the grain and meats, the live stock and implements of husbandry produced on the farms of the West and in their factories, and shall go back to them in return laden down with our sugar, rice, and molasses, with our tropical fruits and vegetables.

In conclusion I will only briefly state why the people whom I represent on this floor believe in protection in preference to free trade, reserving to the discussion and consideration of the new tariff bill, which I hope to see perfected and reported by our Committee on Ways and Means at the next session of Congress, any extended remarks on the special needs and development of the sugar and rice industries of my State.

While it is true that most of the owners of the sugar and rice lands of the South are at the present time Democrats, and vote with that party because of the feelings and prejudices engendered by the war, many of them, indeed a large majority in the sugar and rice section, were Whigs before the war, and believed firmly in the principles of protection advocated by the great Whig leader, Henry Clay. And they are protectionists for the great part because they believe in the policy of protecting not only the products of their lands but equally in protecting the products of the farmers of the West and of the manufacturers of the East. While, as I said, they may vote with the free-trade, tariff-for-revenue, go-as-you-please Democratic party on a national ticket, no man can come here to represent them in Congress unless he is a firm believer in protection and as willing to vote protection to the cotton and woolen manufacturers of Massachusetts and the iron and steel manufacturers of Pennsylvania as to sugar and rice in Louisiana.

But, Mr. Chairman, the day is soon coming when the sugar and rice planters in our State can be chained down by war feelings and past prejudices to the Democratic party no longer. They have seen a free-trade Democratic majority in this House for the last six years endeavoring by every means in its power to crush out and cripple their industries. They know that for many years that party, in their platforms and by the votes of a large majority of its members in the House and Senate, have at all times favored either absolute free-trade or what is called a tariff for revenue only. And they will observe from the debates and the votes cast on this measure that the Democratic party is now, as it has been from the days of Henry Clay down, the consistent and persistent enemy of all their interests. Under such circumstances these men will in the near future not only continue to be protectionists, but they will ally themselves with that party in the nation which always has believed in the doctrine that it is the first duty of a nation to protect its own people. This question, I admit, should not be a party question, but it is no fault of the Republicans that it has become so. The Democratic party, from the early days to the present time, have insisted on making it a party issue, and we are compelled to accept it as such. This being true and unavoidable, it is time that the owners of the sugar and rice lands of the South should waken to their own interests, and the speeches and action on this bill will go further to open their eyes to the true position of the two great parties than anything that has occurred for years.

But, Mr. Chairman, the laboring people of that section and of the whole South, the people whose willing hearts and strong hands have redeemed and built up all those industries, are both protectionists and Republicans; whether they be owners of small farms or tenants, whether they be manufacturers in a small way or only laborers by the day, week, or month on the lands of others, they are all alive to this vital question, and are as well informed as to what would result to them from the adoption of a free-trade policy as any man on this floor. They believe and feel with their brother laborers of the North and West, "the toiling millions all over the country," that it is the first and paramount duty of the Government to protect them and their labors from competition with the poorly-fed, ill-paid, pauper labor of England and other European countries, and the slave and cooly labor of Cuba, India, China, and the Hawaiian Islands.

Many of these people, indeed a large majority of them, know by sad experience what slave labor means, and after these years since the war, of freedom, happiness, and prosperity, they do not want their labor to be placed on a level with the slave labor of Cuba, as is proposed to be done by our free-trade Democratic friends. These people made free as the result of a long and bloody war, enfranchised and clothed with all the rights and privileges of American citizenship by acts of Congress, have come up from the degradation of slavery and assumed these new duties with grateful hearts. They have for the most part remained on the old plantations, the homes of their former years. They are working there for or with their white neighbors, either as tenants or hired laborers, and between them exists only the friendliest and kindliest feeling. They have proven themselves since they have been made free so worthy, so competent, and so faithful that nowhere can be found any one of their former owners but that rejoices they are free, and will say that with free labor the South is entering on an era of prosperity never dreamed of under slavery.

Speaking then, Mr. Chairman, for the planter and the laborer, I say continue the policy of protection to the products of our lands and to the laborers in our fields. Aid us, from an overflowing Treasury, to protect our country from the floods of the mighty Mississippi by a national system of levees, and the delta of that great river will become what nature intended it to be, the garden-spot of the world.

Hennepin Canal.

SPEECH

OF

HON. SEWELL S. FARWELL.

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 5, 1882,

On the bill (H. R. No. 2248) to provide for the construction of the Illinois and Mississippi Canal, and to cheapen transportation.

Mr. FARWELL, of Iowa, said:

Mr. SPEAKER: The Legislature of Iowa at its recent session, recognizing the needs and wishes of that State, and of the great grain-growing and stock-producing regions of the Northwest, by a unanimous vote passed a memorial asking Congress to provide for the extension of the great eastern water system of transportation to the Upper Mississippi Valley, by the construction of a commercial canal from Hennepin, on the Illinois River, to the Mississippi River, at a point at or above Rock Island, thereby securing a continuous water route from the head of navigation on that stream to Chicago and New York, as well as connecting that system with the southern system, having its outlet at New Orleans and the Gulf of Mexico. For years the attention of our people has been called to this project, and its great value to the commerce of the country has become deeply impressed upon their minds. It is my purpose to call the attention of the House to some of the reasons why this so-called Hennepin Canal should be built, and also to answer some of the objections which have been submitted to the House by the minority report of the Committee on Railways and Canals.

Early in the session the gentleman from Illinois [Mr. HENDERSON] introduced a bill (H. R. No. 2248) providing for the construction of the Illinois and Mississippi Canal, from Hennepin, on the Illinois River, to a point at or above Rock Island. The bill was referred to the Committee on Railways and Canals, and carefully considered. Governor CARPENTER, of this House; Edward Russell, editor of the Davenport Gazette; General Henderson; Hon. J. C. Dore, of Chicago; A. B. Miller, chairman of transportation committee of the New York Board of Trade, and others, made carefully prepared and able speeches before the committee, pointing out the great advantages which would result from the construction of the work. After several weeks' deliberation, the committee decided, by a vote of 8 in the affirmative and 2 in the negative, to report the bill back to the House, and recommended the passage of the same.

In the brief report accompanying the bill the committee say:

One of the great questions of the present day, which deeply interests the people of every section of this great country, and especially such parts of it as are remote from the seaboard, is the transportation question, and that every improvement which gives the people cheaper transportation and increased facilities to enable them to reach the markets of our own country and of the world in the exchange of the productions of their industry, is demanded by the highest wisdom and the ablest statesmanship. One of the highest objects of all good government is to promote the public welfare, and there is no higher duty which our Government owes to the people than to provide for them the cheapest and best facilities

for reaching the markets with their surplus products. For this purpose the Government annually expends millions of dollars in improving our rivers and harbors, has granted millions of acres of our public domain, and guaranteed large sums of money to aid in building railroads, and may, in the opinion of your committee, with just as much propriety construct, or aid in the construction, of a canal when such canal will promote the public welfare and benefit the commerce of the country to such an extent as to justify the expenditure for that purpose.

* * * * * * *

By the construction of sixty-four miles of canal * * * the Upper Mississippi and its tributaries will be connected with the lakes, and we will have a continuous water-route from Minneapolis, on the Upper Mississippi River, to the Atlantic seaboard. It will open up a new avenue of transportation and trade, and enable the farmers and producers of the Upper Mississippi Valley to reach the merchants, the manufacturers, and mechanics of New England and the Middle States largely engaged in manufacturing, at much less cost with their products, while the manufacturers can also reach them with their manufactured fabrics at cheaper rates of transportation.

The report concludes as follows:

In view, therefore, of the earnest, urgent, and increasing demand, especially of the agriculturists of the country, for cheaper transportation, to which they are justly entitled, and in consideration of that sound public policy which demands such transportation facilities as will most conduce to the increase of the agricultural exports of the country and to the cheapening of the same to all consumers in the Eastern States who receive their supplies so largely from the West, your committee are of the opinion that said canal should be constructed without unnecessary delay, and they, therefore, report back said bill and recommend the passage of the same.

THE MINORITY REPORT.

The two distinguished gentlemen composing the minority of the committee have presented their reasons for opposing the bill in a very elaborate and exhaustive manner. An attorney employed to exhaust every argument against having the Government continue to carry on the great work of extending the people's highways of commerce and cheap transportation could hardly have improved upon this effort to influence the House against this bill. Unfortunately for the country, it is not always possible for members of this House to command the time to make a careful presentation of the merits of the measures on which they are required to report, and they are often compelled to rely upon such statements as are presented to them by interested parties, which frequently prove incorrect and misleading to those who are seeking an accurate knowledge of the facts. Thus it is that, while in the exercise of the most conscientious care, members are frequently led to give the sanction of their names to allegations and assertions which will not stand the test of examination.

Of this the minority report bears evidence on every page. Indeed so striking and palpable are the misunderstandings in that report of the plainest facts involved in the discussion of the Illinois and Mississippi Canal bill, that the conclusion of every careful and candid mind examining the report must be that the honorable gentlemen whose names appear thereto as signers have, under the pressure of other duties, hastily accepted as their own statements offered for their adoption by careless or reckless aids or attorneys for opposing interests.

It would be much more congenial to choice and taste could the errors of statement thus referred to as clearly made in the minority report be here passed over without challenge. This, however, cannot be. The vast importance of the interests involved forbids that the demand so urgently made by our people of the Northwest that the water-ways of the Upper Mississippi shall be connected with and become a part of the great eastern water route to the seaboard shall be allowed to be ingnored by Congress under an utter misconception of the essential facts.

First, then, as to the more noticeable errors of fact embraced in the minority report.

1. There is no "Rock Island Canal" alluded to on page 2.

2. The "merits of the proposed canal" were not "discussed in the constitutional convention of Illinois in 1870." (See page 3 of report.)

The question as to the construction of the Illinois and Mississippi Canal was not at all in issue in that convention. The section (not an amendment) of the constitution referred to makes no mention of "this canal," and was never understood by the people of Illinois as having any sort of relation thereto. The sole object of that section of the present constitution of Illinois was expressed in its own words, as follows:

The Illinois and Michigan Canal shall never be sold or leased until the specific proposition for the sale or lease thereof shall first have been submitted to a vote of the people of the State at a general election, and have been approved by a majority of all the votes polled at such election.

The general assembly shall never loan the credit of the State or make appropriations from the treasury thereof in aid of railroads or canals: *Provided*, That any surplus earnings of any canal may be appropriated for its enlargement or extension.

The object had in view by the above provision is evident enough. It applies with special force to railroads as well as to canals. The secretary of state, Col. Henry C. Dement, writing under date of April 22, 1882, in a letter now before me, says:

The Hennepin Canal question was never considered in our convention *per se*, but the convention desired to prevent a repetition of our early experience in internal improvements, which cost the State millions and had nothing to show for it.

3. The "residents along Rock River," in whose behalf the minority of the committee have had their sympathies aroused, have wickedly imposed upon the person who wrote the report. The statements of the citizens of Sterling copied by the minority are gross exaggerations, misrepresentations, and in one instance a direct forgery. As the last mentioned vitiates the whole of the marvelously concocted document, of which it forms an important part, it is sufficient for the present to point out and expose that shameless imposition upon the minority of the committee and the country.

In this letter from citizens of Sterling (page 7 of report) it is asserted as a fact of official record that "Mr. F. C. Doran, who had charge of the survey of the Hennepin Canal, estimates the amount of water required for such improvement at 2,064 cubic feet per second." This allegation is wholly untrue, and has no foundation whatever. No "report of Colonel John N. Macomb, made to the Chief of Engineers, United States Army, January 25, 1875," gives any estimate of "the amount of water required" for the Hennepin Canal, as made by Mr. Doran. No such report gives any such estimate from anybody at that date as to such or any other amount of water required for that canal. Mr. Doran never made such a report at any time, nor ever made such an estimate or any estimate as to water for said canal. Mr. Doran did make a survey, and a careful one, of the Illinois and Michigan Canal from Chicago to La Salle. As to that, and that only, Mr. Doran reported to Colonel John N. Macomb, under date of January 9, 1875, that the supply of water required and to be used for that canal (the Illinois and Michigan) would, when the contemplated improvements should be completed, equal 2,064 cubic feet per second. His report, embodied in that of Colonel Macomb, dated January 25, 1875, is as follows:

It is proposed to draw the supply of water for the canal and river from the lake, (Lake Michigan.) * * * I have calculated the probable quantity of water necessary to supply the river and canal after improvement and find that 2,064 cubic feet per second will be required. (See page 528 of report of Chief of Engineers for fiscal year ending June 30, 1875.)

Thus it will be seen that the words of Mr. Doran, written solely with reference to a water supply from Lake Michigan for the Illinois and Michigan Canal are falsely and by direct forgery applied to the Hennepin Canal, and to a supply therefor from Rock River. As well apply to the harbor at Cleveland, Ohio, soundings taken on the Potomac flats!

But why were not the exact facts pertaining to the water supply of Rock River and the probable demand thereon for the use of the proposed canal given in this report. They were easily procured; indeed they must have been directly before the vision of whoever looked at and copied into that statement the estimate of Assistant Engineer Gorham P. Low as to the flow of water in Rock River on October 11, 1870. Instead, however, of copying those facts entire for the information of this House, the investigator of former surveys found it more convenient to the purpose in hand to jump from the report of the Chief of Engineers dated June 30, 1871, to the report of that officer dated June 30, 1875; then, by putting together the fragments of these two widely separated reports, which had no relation the one to the other, a seeming case is made against the Hennepin Canal.

What, then, were the statements in the report of Mr. Low, from which a few lines are quoted by the Sterling people? I quote from pages 304–306 of report of Chief of Engineers for 1875, thus:

For the supply of the canal it will be necessary to bring water from the Rock River at Dixon to the summit level north of Sheffield. * * * The length of the main canal between the Illinois and Rock River, or that portion to be supplied through the feeder, will be sixty miles. The length of the feeder will be 38.12 miles. The loss from evaporation and leakage I assume at 2.5 cubic feet per second per mile, or 245 feet per second total loss. Assuming the number of passages over the summit level in twenty-four hours corresponding to 180 lockages, 656 cubic feet per second will be required to supply the locks, making the total demand for the canal and feeder 901 cubic feet per second.

Now, referring to the third paragraph of the Sterling statement as printed on page 7 of the minority report, it will be seen that only the three and a half lines of the report of Mr. Lowe which immediately follow the words which have just been herein quoted are presented or at all noticed. "We were fortunate," Mr. Lowe is correctly cited as saying, "in making a careful measurement of the amount of water flowing in Rock River at a time, October 11, 1870, when, according to the residents of that city, [Dixon,] the river was at its lowest known stage." The amount of water at that date was "found to be 2,446 cubic feet per second." There the Sterling statement ends its quotation from Mr. Lowe. It had carefully hidden from view the fact, as hereinbefore shown in full quotation above, that Mr. Lowe had estimated and expressly stated that even for a ship-canal only 901 cubic feet per second would be required, and boldly falsifies the record by making Mr. Doran say that 2,064 cubic feet per second would be required from Rock River for the Hennepin Canal, when in fact he had said nothing about that river or that canal, but had simply estimated the flow of water needed from Lake Michigan for the Illinois and Michigan Canal.

But let Mr. Lowe be heard for himself as follows, copying from his report of April 10, 1871, (pages 304–306 Chief Engineer's report for 1875) in continuation from the words "for the canal and feeder 901 cubic feet per second:"

We were fortunate in making a careful measurement of the amount of water flowing in the Rock River at a time, October 11, 1870, when, according to the residents of that city, [evidently Sterling or Dixon,] the river was at its lowest stage. The amount of water at that date was found to be 2,446 cubic feet per second, which under the present available head of seven feet gives theoretically 1,943 horse-power. To economize earth work upon the feeder line and the summit level it will be advisable to raise the crest of the Dixon dam two feet, thus increasing the head of water to nine feet. After deducting 901 cubic feet per second for the

canal there will be available for manufacturing purposes in the dryest times 1,545 cubic feet or 1,578 horse-power under the nine-feet head. The loss of power at this point, after allowing for increased height of dam, will be equal to 365 horse-power or 18.8 per cent. of that at present available. The loss at Sterling not being compensated for by a higher dam will be equal to 66.8 per cent. of the present power. The dimensions of the feeder section recommended and estimated upon are 140 feet in width at the water surface, 112 feet on the bottom, and 7 feet deep, giving an area of 882 feet and calling for a velocity of 1.1 foot per second to pass the necessary supply. The slope given to bottom of the feeder, as shown on the profile, is a little over one-tenth of a foot to the mile, or 4 feet in 38 miles. (See page 305.)

These estimates, it is very important to note, are all given for a canal feeder of nearly four times the capacity required by the pending bill, which alone the House is asked to consider. For the latter, as will be seen in the quotation yet to be given, the area of the feeder will be only 228 feet, against that of 882 feet for the ship-canal. But let Mr. Lowe state the case himself. (See page 306 of his report:)

The facts in relation to the large canal having been brought to your notice, you verbally directed me to report and estimate upon a smaller section. I have therefore proposed a canal section 60 feet wide at the water-line and 6 feet deep, and having a slope of 2 to 1, with locks 150 feet in length and 21 feet in width. These dimensions correspond with those adopted by J. O. Hudnut, civil engineer, in his estimates for a canal over nearly the same route, based upon surveys made in the summer of 1866.

The line recommended for this work corresponds nearly with that shown upon the maps for the larger canal, and the elevation of its surface and bottom are indicated by broken and dotted lines upon its profile. Upon the main portion the bottom of the channel corresponds with that before proposed, making its water line one foot lower. Composite locks have been estimated for, and in number, location, and lift are similar to those already enumerated. No swinging bridges or inside protecting walls will be necessary. The amount of water for this canal is estimated as follows: for evaporation and leakage 1.33 cubic feet per mile per second, or 130 cubic feet per second for canal and feeder; for two hundred lockages in every twenty-four hours 87 cubic feet per second, making a total demand from Rock River at Dixon of 217 cubic feet per second. With a feeder 50 feet wide and 6 feet deep, with slopes of 2 to 1, the sectional area will be 228 feet, and the velocity required to the above quantity 0.95 feet per second. To obtain this velocity through the above section it will be necessary to give the bottom of the feeder an inclination of 0.16 feet to the mile, or 6 feet fall from Dixon to the junction with the main line.

These are the simple facts pertaining to the supply of water to the canal from Rock River, as given after a careful survey and estimates by an officer of the United States Army. They effectually dispose of the pretense of these Sterling people that their water power will be ruined by the construction of this canal. Mr. Lowe concedes a loss of only 217 cubic feet per second out of 2,446 cubic feet flowing in Rock River at its lowest stage, and gives as the basis of this loss "two hundred lockages in every twenty-four hours," whereas the average lockages for the season in the Erie canal are officially stated at only one hundred each twenty-four hours. The most enthusiastic supporter of this canal will not claim business for it in excess of the Erie Canal, and yet a business as large as has ever been done on that canal can be carried on with less than one-twentieth of the water flowing in Rock River at its lowest stage. Another fact which should be noticed is that the proposed feeder will take its water from above the Dixon dam, which furnishes water power no less valuable than is obtained at Sterling, a few miles below; yet not a solitary voice has ever been heard from Dixon in opposition to the feeder and canal. Instead, the unanimous desire of the people of that city is that the canal shall be immediately constructed. Mr. Lowe continues his report as follows:

The eastern division, from the Illinois River to the feeder, is estimated to cost $1,467,202.44, or $56,736.37 per mile; the western division, from the feeder to the Mississippi, $1,429,708.50, or $36,241.03 per mile; the feeder, $1,002,811.70, or $26,306.71 per mile; making the total for the whole work $3,899,722.64, or $8,579,970.63 less than for the larger canal. A tabular detailed statement of this estimate accompanies this report. The surveys were made wholly for the purpose of locating a canal 160 feet wide, and the narrower section would probably admit of following the bluffs more closely and thus effect a large saving of earthwork. The locks proposed for this work will admit boats of a capacity of 280 tons. At three lockfuls to a boat, 18,700 tons could be passed daily. Freight could be brought in tows from points on the Upper Mississippi to the canal, and thence by horse-power through this canal to the Illinois River, and through the Illinois and Michigan Canal to Chicago without breaking bulk. I have not considered it any part of my duties to report upon the commercial advantages of the project, nor have I at hand sufficient data for the purpose. I have endeavored to make the estimate sufficiently high, and am of the opinion that the amount stated above would fully cover the cost of construction. The amount of earth-work would probably be somewhat reduced upon a final location. (Page 306 of report.)

Thus do the facts of record fully meet and dispose of the gross violations of truth so recklessly indulged in by the Sterling statement. Indeed, so glaring are the misrepresentations to any person acquainted with the actual facts, no answer would have been required had not the halo of respectability been thrown around it by its adoption into the minority report. The assertion of these Sterling people that "the loss to the manufacturing establishments by the destruction of the water-power could possibly be estimated by taking into account the sum of $200,000,000 invested therein and the sum of $600,000,000 of manufactured articles shipped therefrom every year" is of apiece with all the rest. The figures would be gross exaggerations had they been reduced from millions to thousands. Verily, these people are the champion liars of America.

The statement of the minority report as to estimated cost of a ship-canal from Hennepin to Rock Island (page 7) is so misleading as to constitute a real error of fact. It does not matter whether a "ship-canal" would cost $12,500,000 or any larger sum, for a ship-canal is not proposed or thought of. All that is proposed by the pending bill, and all the people desire, is a commercial canal, the cost of which has been placed at less than $4,000,000, on a careful estimate of the United States engineers.

The statement also of the minority (page 7) as to "the estimate of Colonel Macomb for a commercial canal from Chicago to Rock Island" is also misleading and erroneous in fact; for this bill does not embody any proposition for a canal to "Chicago." It simply provides for a canal from Hennepin to the Mississippi River, with a requisite feeder. A water route from Hennepin to Chicago is now in successful operation, and is equal in its present condition to all demands upon it as a connecting line with the proposed Hennepin Canal. In approving of the construction of the latter canal, as provided in the pending bill, Congress does not authorize the expenditure of a dollar between Hennepin and Chicago.

It is wholly erroneous as to fact to state, as does the minority report, (page 5,) that "few memorials have been received favoring the Hennepin Canal except from a limited section of the country, in the vicinity of the proposed canal." The truth is, Congress has been memorialized to authorize and provide for the construction of the Hennepin Canal from a "section" more widely extended in area than has been heard from in behalf of any other single work of internal improvement yet presented to the attention of our National Legislature. By specific and unanimous votes of the Iowa General Assembly such memorials have four times been forwarded to Congress from that body, namely, in 1864, in 1870, in 1874, and now again in 1882. The Illinois Legislature has similarly memorialized Congress at different times. These two bodies represent five millions of the people of the United States. The Chicago Board of Trade, the Buffalo Board of Trade, the New York Board of Trade and Transportation, and the New York Produce Exchange and other commercial bodies have sent their memorials to Congress requesting the Government to take hold of this work.

The minority report seriously misleads and conveys a wrong impression of the facts when it affirms (pages 1 and 4) that there are now "five distinct channels of water communication" between the two systems of water-route transportations, *i. e.*, between the east and west system of the lakes and the Erie Canal and the north and south system of the Mississippi River. It was going a long distance for a very small argument against the passage of this bill to parade the fact that the Ohio River was connected with Lake Erie by canals from Portsmouth to Cleveland, from Cincinnati to Toledo, and from Evansville to Toledo, constructed more than forty years ago, and which were of untold benefit to the people, the country, and the world in developing and furnishing an outlet for what was at that time "the West" of the United States.

The other routes named are the Wisconsin and Fox River and the Illinois and Michigan Canal. The minority report affirms that through these routes "boats have gone from the lakes and down the great river, and *vice versa*;" which is true, and so, too, boats did so pass over these routes a century ago, before either was in part improved. As a matter of practical fact, however, whenever has a single boat-load of produce passed from the mouth of Wisconsin River up that stream and into Green Bay, or *vice versa*? Can anybody tell? Still more to the purpose, where is the proof that such passage is at all possible?

Whatever may be the merits of that improvement in other directions, it is clear that it can promise but exceedingly small benefit to the Upper Mississippi commerce even when completed. This for the simple reason that when Green Bay, the eastern terminus of that improvement, is reached, there still remains a distance of two hundred miles to be traversed to reach Chicago. But thus far only the one hundred and sixty miles of canal, river, and lake improvement, extending from Portage City to Green Bay, is completed and capable of use. This is undoubtedly of vast benefit to the State of Wisconsin, and to the Lake Michigan commerce therewith. There yet remain, however, the one hundred and eighteen miles of canal to be constructed along the Wisconsin, from Portage City to the mouth of that river, before any boat or barge or a pound of freight can pass from the Upper Mississippi to Portage City and thence to Green Bay. That is to say, there must yet be one hundred and eighteen miles of improvement made before the producers of the Upper Mississippi can so much as attempt to transport their cereals over the three hundred and seventy-eight miles stretching between the mouth of the Wisconsin and the great grain market of the Northwest at Chicago.

The route of the Illinois River and the Illinois and Michigan Canal is of no practical use to the people of the Upper Mississippi, for the simple reason that from Rock Island to the mouth of the Illinois River and thence up that stream to Hennepin is more than five hundred miles; a detour, together with the up-stream navigation of the Illinois, or *vice versa* of the Mississippi, which utterly precludes the possibility of freightage at reasonable rates, whereas the distance from Rock Island across to Hennepin by the proposed canal is only sixty-five miles. Here, then, are no less than seven distinct errors of fact in the statements of the minority report. Others might be cited, but these are specimen illustrations of the heedlessness with which that document has been gotten up and the carelessness with which it has been attested to this House by the signers thereof.

It would not be a difficult task to take up the reasons given in support of opposition to the pending bill. Were they examined one by one in the light of historic precedents, the now clearly established policy of the Government, the demands of commerce, the needs of the producers and consumers of the country, the actual facts in

regard to the cost of the proposed canal and the real merits of the project, they would be made to appear no less unworthy of acceptance than are its proven errors of fact. The "minority doubt" as to the "constitutional right" of the Government to undertake a work of this kind would have been very forcible twenty-five years ago, in the days of strict construction, and when a great political party denied the right of the Government to improve the navigation of the great rivers of the country; but we have moved forward a great way in the right direction since that time, and now only a few, except old fogies and croakers, are found raising the constitutional question when new works of internal improvement are proposed, and which are necessary on account of the growth and development of the country. It is too late to raise constitutional objections to undertaking works of this character when already the United States own, operate, and keep in repair canals as important and expensive as the one proposed, and lying within single States.

The question is, Shall the Government of the United States undertake the construction, maintenance, and control of the Hennepin Canal, so as to secure for the benefit of the people, east and west, an all-water route from Minneapolis and Saint Paul, and all the country tributary to the Upper Mississippi, to Chicago and New York? In other words, shall the cheapest possible channel of communication be provided between the grain and stock growing regions of the West and the manufacturing and commercial regions of the East? The Legislatures of Iowa and Illinois have asked unanimously that this question be answered in the affirmative. Two great commercial conventions were held last year in the Mississippi Valley, one at Davenport, Iowa, and the other at Saint Louis, and each passed resolutions urging upon Congress the importance of immediately taking hold of this work, in the interest of cheap transportation, and in order that the railroads should be regulated in their charges by the competing rates furnished by a water route to the eastern seaboard at every point where their lines cross the Upper Mississippi.

But the minority urge that this work cannot be undertaken by the Government without "rings for political and corrupt purposes" being the result. Now, I undertake to say that while the Government has been expending from eight to ten millions of dollars yearly for the improvement of rivers and harbors and in such work as is now going on at Hell Gate, New York, on the Saint Mary's Canal, in Michigan, and on the canal around the lower rapids at Keokuk, under the direction of United States Army officers, not an instance can be found where the money was not honestly, wisely, and necessarily disbursed, or where it has been expended for any political, dishonest, or corrupt purpose whatever. The ring rule or corruption evolved in public works in Pennsylvania or any other State should not be evoked to bring into discredit the work of the engineers of the Army, a body of men holding office for life on good behavior, educated to service for the nation, jealous of our national fame and of the interests of the Government. These men do not carry on the work placed in their hands in the interest of any political party, and they can be relied upon to do honest service for the people.

The Hennepin Canal thus to be constructed by the United States engineers is a very simple and easily understood work. From Hennepin to the summit it will be twenty-five miles in length, with nineteen locks, the aggregate lift of which will be two hundred and seven feet. From the summit to the Mississippi River will be nearly forty miles, with nine locks and a fall from the summit of ninety-two feet. The canal, with feeder, Mr. Lowe estimates, will cost $3,899,722.64, or $747,277.36 less than was expended by the United States in the construction of the canal around the lower rapids at Keokuk, a distance of seven and six-tenths miles.

It will furnish a vast region of country—the most fertile in the world—with a competing water route to Chicago, the great market of the Northwest. What is furnished by that country for the Chicago market is shown by the following table, prepared by Colonel Milo Smith, of Clinton, Iowa, a railroad expert, for the report of Mr. Nimmo, for 1879. (Appendix, page 97:)

Eastward over bridge at—	*Tons.*
Winona	46,000
La Crosse	202,450
Prairie du Chien	153,970
Dubuque	16,736
Sabula	36,636
Clinton	709,990
Davenport	743,460
Burlington	572,070
Keokuk	46,342
Quincy	175,752
Making a total of	2,851,406

The eastward tonnage, Colonel Smith states, was much less in 1878 than in 1875 in the aggregate, because of the "almost total failure of the wheat crop" in Northern Iowa and Minnesota for the former year. But of that aggregate "65 per cent. was grain and flour, 20 per cent. live stock and 15 per cent. miscellaneous. All of this immense product of Western farms and industry is carried hundreds of miles before it reaches the point where the influence of water competition and a low rate of freight is reached, and it is safe to assert that this produce pays more freight charges for being carried across the State of Illinois than it pays on all the rest of the way from Chicago to New York. On through bills of lading there were exported to Europe in 1881 from Chicago 256,653 barrels of flour; 3,237,319 bushels of wheat; 7,638,535 bushels of corn; 222,850 pounds of hides; 535,822 boxes of bacon and hams; 264,551 tierces of lard, and 154,661 other packages of lard; 1,776,339 pounds of fresh beef; 14,195,737 pounds of cheese; 2,774,027 pounds of butter, besides large quantities of seventeen other specified products. During June last the total shipments of grain from Chicago for markets east and exportation reached a total of 413,449 bushels in a single week. (See Randolph's report to Chicago Board of Trade.)

These statistical facts show that it is cheap transportation to Chicago which is needed by the farmers of Iowa and the Northwest, because from Chicago eastward the great water route by the lakes and the Erie Canal exerts, in the language of Mr. Nimmo, "a potential regulating influence over the charges imposed on railroads for the transportation of the Western and Northwestern States to the seaboard." This is admitted by Mr. R. C. Blanchard, the attorney for the railroad companies, in his argument against the Reagan bill, when he says:

> The rates being fixed from Chicago in manner I have proven, that city is now recognized as the Western pivotal point on which all others hinge and turn, and all other competing points, whether of railway against water, or railway against railway, rail rates are fixed by certain percentages of difference more or less from Chicago as their distances vary.

The Upper Mississippi Valley, therefore, needs a connection by water with Chicago not only because that is the market for its cereal products, but because the highest price can always be obtained at that point on account of the minimum of freight rates from that city eastward permanently secured by the influence of the lakes and the Erie Canal on all freights carried both by water and by rail.

In order to show the vast importance of this subject to the whole country I quote again from Mr. Nimmo, (report of 1880, page 154:)

> The price of all commodities of low value in proportion to weight is in every market greatly affected by the cost of transportation. Especially is this the case in regard to the surplus agricultural products of the Western and Northwestern States. The low rates which prevail for transportation upon the northern waterline, therefore, exercise an important regulating influence over the price of all the surplus products of the West, not only in the markets of the Atlantic seaboard States, but also in foreign countries. It is due chiefly to this fact that during the last ten years the value of domestic exports from the United States has greatly increased, and that since the year ended June 30, 1875, the value of exports from the United States has largely exceeded the value of imports to the United States.

That is to say, the cheaper freights secured from Chicago by means of the competition of the northern water-route have made possible the large exportation of Western products, from which has resulted the inflow of gold from Europe by which the resumption of specie payments was made easy, the large reduction of our national debt accomplished, the interest greatly reduced on what is still unpaid, and the entire country aided to a full return of prosperity after the panic of 1873, with its accompanying depression of business and commerce. Surely, then, in "the cant phrase of cheap transportation" (see minority report, page 4) is wrapped up concerns which may well arouse true statesmanship to the mighty interests which surround this question.

Again, in his report for 1879, Horatio Seymour, jr., State engineer and surveyor of New York, thus directed attention to the advantages conferred upon the entire country as a result of the competition in freight charges of the Erie Canal:

> The property carried to the seaboard through our canals amounts to 3,973,269 tons. [This was for 1879. In 1880 the Erie Canal carried 6,462,090 tons.] But this shows only a part of the service they have done. They have kept down freights and increased our exports, as no combination or pooling arrangements can be made by roads with the owners of thousands of boats. In this way the Erie Canal has been of great value to producers in all parts of the Union who send grain or provisions to the Eastern or European markets.

Yet again let a distinguished railroad authority be noted on the same subject. Once more I quote from Mr. G. R. Blanchard, in his argument before the Committee on Commerce of this House last March, (as see printed report issued for Mr. Blanchard in New York, page 16:)

> The rail-carrying charges upon the great east-bound traffic to the seaboard for both consumption and export are therefore, and must continue to be, limited by natural causes, and cannot be beyond or as much as those which in their absence would be deemed fair and reasonable, and are always below the rates for like distances, articles, and speed by rail anywhere in the world. So potent are these facts that it is within the power of and is often the case that the combination or independent action of a few sail-vessels at Chicago can, in their seasons of navigation, procure rates from owners of an equal capacity of Erie Canal boats from Buffalo to New York, which, added to their own rates to Buffalo and transfer charges, will fix and have in actual practice, fixed and regulated, the entire eastward through maximum rail freight charges for a time upon all kinds of grain and many other articles.
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> This combined wealth of interior water-ways forms an aggregate of parallel rivalry unknown in other countries, and so restrains not only through but local and interior rates to maxima which have been constantly decreasing for the past ten years, which can never exceed the water prices, risks, and charges, and which afford the people a strong and just security against transportation extortion or abuse. Can any safer limitation or check be legislated than the inflexible limitations nature enforces in its uncontrollable rivalry? * * * The application of water results ascertained as I have described are inexorable in their effects upon railroad rates within periods ranging from seven to eight months in each calendar year, and usually all the year in rivalry with Western rivers. * * * In view of all these facts I now say, with Mr. Fink: "Compared with this natural powerful regulator of railroad transportation tariffs the efforts of State or Congressional legislation to prevent extortionate charges appear to those at all conversant with the subject as perfectly useless."

With this testimony of a railroad attorney, embodying the emphasized opinion of the great railroad freight tariff adjuster of the country as to the efficacy of water-ways as regulators of freight charges, the case may well be rested so far as this division of the argument is concerned. It only remains for this Congress to extend to the Upper Mississippi Valley opportunity to share fully in the benefits of which Messrs. Blanchard and Fink, as railroad experts, speak so assuringly.

That the construction of the Hennepin Canal will do this is the conviction of many of the leading minds of the country; men who have devoted years to the study of the transportation problem. As long ago as January 12, 1875, Senator WINDOM expressed his views as follows:

With reference to the Hennepin Canal I desire to say that having carefully investigated its merits I am very earnestly in favor of it and will exert every effort in my power to secure favorable action upon it. In the report I submitted to Congress last spring I gave it prominence among the improvements I recommended and urged it upon the attention of the country. I shall continue to do so and hope to have it included in a system of improvements to be entered upon at the present session. I have studied this subject until I have become an earnest and enthusiastic advocate of improved water routes, and I know of none that will make a greater return for the money invested than the Hennepin Canal.

Senator ALLISON says:

The experience of the New York Canal shows that one central water route not only enables the products to be transported cheaply by water, but also has the effect to reduce the rates of freight on all railways moving in the same direction. The proposed Hennepin Canal would probably save to the producer and consumer annually nearly the entire cost of the improvement.

Governor Gear, of Iowa, in a carefully prepared address, estimated that the saving in moving freights from the different points on the Mississippi River over the proposed canal, instead of paying the present charge by railroad, would be from 45 to 56 per cent.; and says:

Assuming the cost to be $4,500,000, less than three years' savings in the cost of moving Iowa crops eastward could suffice to pay for it.

Governor Merrill, in his message in 1870, said:

The great want of our State is cheap transportation to the markets of the world. The most feasible plan to secure this end is to provide a direct and continuous line of water communication between the Mississippi and the Atlantic seaboard.

Hon. Carter Harrison, mayor of Chicago, says:

France has paid for canals and canalized rivers, of which she has over 5,000 miles, the enormous sum of $205,000,000. England, up to 1874, had spent $370,000,000, while America, a government of the people, by the people, has expended but $46,000,000. The Mississippi River should be improved and the Hennepin Canal constructed.

Hon. R. W. TOWNSHEND says:

The improvement of the water-ways by which the lakes and the Mississippi may be connected will prove of incalculable advantage to a very large portion of the producers of the Mississippi Valley, and will afford them one of the surest means of protection against the extortions of railroad monopoly.

F. H. Parker, esq., president of the New York Produce Exchange, says:

The New York Produce Exchange will use its influence in all legitimate ways for the construction of the Hennepin Canal.

Governor Carpenter says:

I am in favor of the Hennepin Canal. I see * * * the renewal of a purpose to connect the Mississippi and the Atlantic seaboard by canal and river and lake, which has seemed to me for many years to be the true theory of opening a practical route for the heavy and bulky freights to an eastern market.

Extracts from the views entertained by leading statesmen and newspapers might be multiplied indefinitely, but I will introduce one more, an extract from an able editorial reviewing the report of the minority from the Syracuse Journal of April 14, 1882:

One link in a chain has all the value of the whole; and such is the relation of this proposed public improvement, which completes a great east and west inland water-way of more than two thousand miles with ramifications reaching into seventeen States and Territories. It is not, then, a mere local enterprise, but by reason of its necessary and indispensable connections, part of a great system of interstate water-ways, by far the greater portion of which would be cut off from the vast commerce of the Northwest were this apparently insignificant link to be left unsupplied.

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Another objection, that the canal would be inadequate as a remedy for excessive freight charges, is not borne out by experience. Though this canal may in fact carry but a small amount of the vast production (1,300,000,000 bushels) of the Northwest, it is inevitable that it will affect the cost of transportation of every pound of produce seeking a market by whatever route. The history of the Erie Canal, of the great lakes, and of the Illinois and Michigan Canal emphatically refutes this objection.

* * * * * * *

Locally there is naturally deep interest in the opening up of the vast regions of the Northwest as a market for our salt productions. While this may not be an argument in favor of the construction of the canal, it is a strong reason why the completion of this link in the chain of water-ways extending to the great States and Territories of the Northwest, and also to the West and South, should engage and hold the sympathies of this section.

After the foregoing it is hardly necessary to give further answer to the final objection of the minority to the passage of this bill, which is in effect that it will interfere with the business of the railroads. The people of Iowa have no quarrel with those corporations. A few years ago rates of transportation to the Eastern markets were so high that our farmers burned corn for fuel, because it did not pay them to haul it to market and buy coal. They attempted to remedy the evil by enacting the "granger law," but soon learned that a single State was powerless to regulate the rates of freight to the markets of the world, and the law was repealed. They believe Congress should provide in some way against unjust discriminations and exorbitant charges, and if it can be done by improving and connecting water-ways, they will be satisfied, but if the railroad or any other influence unites to prevent this it will only require a return of hard times, low prices, or poor crops to make the producers of the West unite in demanding of Congress such legislation as will protect the country from all discrimination and extortion and uncertainty as to rates.

Since Congress has been in session we have seen the passenger rate from Washington to Chicago increased 300 per cent., without a day's notice being given to the public, and similar fluctuations in freight rates are of frequent occurrence. I for one am willing and anxious that the plan of controlling railroad rates by improving, extending, and connecting our water-ways shall be tried and carried to the utmost limit, but if this plan proves unsuccessful, and that, too, by reason of the hostility of railroad corporations, it will be found that "the American people are as just as they are determined, and while they are resolved to solve the transportation problem, they will do it as they have others of great concern in the past, firmly, but justly. If they make mistakes they will correct them; for they mean to do right to all interests involved. There is no wrong without a remedy. They know they have the power to effect that remedy."

Tariff and Tax Commission.

SPEECH

OF

HON. JOHN F. DEZENDORF,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 11, 1882,

On the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. DEZENDORF said:

Mr. CHAIRMAN: I am in favor of the bill now under consideration, and desire to present a few suggestions which may, I think, be of value to the commission when appointed and to the Ways and Means Committee.

One of the most interesting problems now taking up the attention of the thoughtful business men of the country is, How are we to restore the ocean carrying trade to the control of citizens of the United States? On the 19th day of December, 1881, I introduced the following bill, which was referred to the Committee on Ways and Means, and which I doubt not will receive such consideration as they may think it deserving when reached:

A bill providing for a drawback of 10 per cent. of duties on all goods hereafter imported in American-built ships owned exclusively by citizens of the United States, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a drawback shall be allowed, equal to 10 per cent. of the duties, on all dutiable goods hereafter imported in American-built ships belonging exclusively to citizens of the United States, and whereof the master shall also be a citizen of the United States.

This, sir, is a very short bill, but I believe its adoption would revolutionize the carrying trade and build up the American merchant marine to and exceeding its *ante-bellum* proportions, and at the same time afford a reduction of duties which would in most instances be for the good of the people. The value of dutiable merchandise entered for consumption for the year ended June 30, 1881, amounted to the sum of $448,061,587.95, upon which the duties collected were $193,800,879.67, or 43.25 per cent. of the value of dutiable merchandise entered for consumption. The total amount of foreign tonnage entered at ports of the United States was in the year 1856, 3,117,034 tons, and in 1881, 12,711,392 tons, an increase of 308 per cent.

The total amount of American tonnage entered from foreign ports in 1856 was 1,891,453, and in 1881 was 2,919,149 tons, an increase of only 54 per cent.

In 1856 38 per cent. of the tonnage entered from foreign ports was carried in American bottoms, while in 1881 only 18¼ per cent. was so carried.

Under present law the American ship-owner and ship-builder compete in the matter of freight charges upon the same terms with the ship-owners and ship-builders of other countries while they are laboring under greater local taxation and cost of construction.

The growth of the American merchant marine was rapid from 1800 to 1850, and even up to the outbreak of the late war. Our merchants, ship-owners, and seamen were by their energy and skill and by the superiority of our ships making serious inroads against their foreign competitors for the carrying trade.

The war came on and the operations of the Alabama and other confederate cruisers caused a rapid transfer of American ships to foreign owners. This, together with many other causes, combined to

bring the condition of the American merchant marine to the low condition in which we now find it.

The English have in the mean time been active and control the large portion of the carrying trade of the world. Of the tonnage from foreign ports entered in the United States during the last fiscal year 66½ per cent. was in British vessels.

Cromwell and the Long Parliament framed the navigation laws and founded the prosperity of the British Empire. They provided that the importation of foreign articles into British ports should be in British ships, and that ship must have been built in England; and they insisted that the master and three-fourths of the crew should be British subjects, who were always ready in case of war through the admirable system of apprenticeship; and in consequence of this wise provision the flag of England has floated upon every sea, and her merchant marine is now doing, as I have said, the large proportion of the carrying trade of the world. This act, now repealed, was perhaps one of the wisest laws ever framed.

A merchant marine, large and powerful, is one of the best defenses against war, furnishing, as it does, at a moment's notice thousands of well-trained officers and seamen "ready for the fray."

Great Britain and other nations have encouraged the building up of their merchant marine by postal subsidies, and France has recently granted subsidies for ship-building for the purpose of compensating ship-builders for the duties on imported materials entering into ship-building, as follows: for iron and steel vessels, 60 francs per ton; wooden vessels, of 200 tons or more, 20 francs per ton; wooden vessels, less than 200 tons, 10 francs per ton; composite vessels, 40 francs per ton; steam-engines and apparatus connected therewith, 12 francs per 100 kilograms.

The subsidies granted for the employment of vessels are for the purpose of compensating the merchant marine for the service it renders the country in the recruitment of its navy, and are as follows: one franc fifty centimes per registered ton for every 1,000 miles run for new vessels, confined to vessels engaged in foreign trade, and to be reduced annually for ten years, when it ceases altogether.

This bounty is increased 15 per cent. for steamers built in France and according to plans furnished by the Navy Department, and is reduced one-half for vessels of foreign construction, but sailing under a French flag. Ship-building is reviving in France under these influences.

We have thus seen, sir, that England, France, and other foreign governments are taxing their people by way of subsidies to build up their merchant marine.

I believe, Mr. Chairman, that the same result would be accomplished in this country, and much more effectually, by the passage of the bill above referred to, and at the same time we would reduce the tariff upon many articles which enter into daily consumption, and upon which almost all agree that a revision of the rate of duty would be desirable.

Tariff and Tax Commission.

SPEECH

OF

HON. WILLIAM D. KELLEY,

OF PENNSYLVANIA.

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 5, 1882.

The House, in Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws—

Mr. KELLEY said:

Mr. CHAIRMAN: I felicitate you upon the near approach to the termination of this protracted debate. Charged with the duty of summing up so elaborate a discussion I cannot promise to be brief but will promise to be as brief as circumstances will permit.

PATERNITY OF THE BILL.

It was not my purpose to allude to the paternity of the bill under consideration; but the suggestion that it is in the nature of an affidavit for a continuance, just made by the gentleman from Virginia, [Mr. TUCKER,] requires me to do this. I beg gentlemen to remember that the affiant was a Democratic Senator, Mr. Eaton, of Connecticut, and that his application was granted by a Democratic Senate.

Why should they resort to such a dilatory or evasive measure as the gentleman declares this to be unless they felt that the Democratic party had been in power for six years and shown itself incompetent to deal with the tariff question? Is it not probable that it was to relieve their party from this responsibility that the Democratic promoters of the measure asked for a commission to give them counsel and guidance? Sir, it may be that the bill is in the nature of an affidavit for a continuance; but if so, the fact is to the discredit of the party which, though it maintains a perpetual clamor for immediate tariff reform, in six years of power was able to make a change in the duty on but one article, quinine.

Though neither I nor my party is responsible for its origin, I am in favor of the passage of the bill. In its support I adopt as my own all that was said yesterday by the gentleman from Massachusetts [Mr. CANDLER] as to the impossibility of Congress as now constituted dealing wisely with this concrete and complex question. That gentleman is a merchant of large experience. This is his first term in Congress, but his representative position as a merchant has made him familiar with the difficulties that beset the consideration of the tariff question. Through three successive Congresses he and his associates sought modification of the provisions of law regulating the means of ascertaining the proper duty on colored sugars. They found each Congress alike unable to deal successfully with that single question. He could have told us of the fate of the Robbins sugar bill in the Forty-fifth and of the Tucker bill in the last Congress. He could also have reminded us of the absence of proper provisions on this subject from the tariffs proposed by Mr. MORRISON and his successor, Mr. Wood. His experience in this connection justifies me in saying that I do not believe that the tariff law can in many years be judiciously revised, unless it be by the aid of such a commission as this bill proposes.

THE REAL QUESTION AT ISSUE.

The controversy which has so fiercely raged in Congress for some years is not on questions of detail. Were it, these might be arranged; but it is on fundamental principles, being, Shall our impost duties be adjusted in accordance with the abstract doctrine of free trade as we have heard it presented by the gentleman from Virginia [Mr. TUCKER] in the last two hours, or upon the basis of a national polity, the aim of which shall be the promotion of the power of the nation by the development of its material resources, and the quickening into profitable activity of the genius and aptitudes of its people? In the presence of this doctrinal controversy, judicious action and harmonious conclusions are impossible. There is no common ground on which the adherents of these antagonistic theories can meet for compromise.

Sir, who can doubt that had the Committee on Ways and Means reported a bill proposing to change the duty on any one commodity, it would have opened to the free-trade side of the House the coveted opportunity to force by innumerable amendments the discussion of every item in the tariff law?

The effect upon the productive and commercial interests of the country of such an agitation is always prejudicial and sometimes disastrous, though the subsequent action may be to lay the whole bill on the table, as was done with the one submitted by my immediate predecessor.

PRESENT TARIFF NEEDS ONLY AMENDMENT.

Mr. Chairman, I am not prepared to admit that the existing tariff needs such revision as implies overthrow and reconstruction. It needs amendment in matters where, by the development of new resources or the progress of science, art, and inventive power, new commodities, new forms of matter, novel combinations of materials in familiar use have been called into existence, and new commercial designations into invoices. These should have their appropriate classification in the tariff law, and not depend on departmental decision under rates designated for articles "not otherwise provided for," a phrase to be found in each schedule of the statute. The report of a commission, consisting of nine discreet men, uninfluenced by the partisan spirit that pervades this House and the Committee on Ways and Means, will, I believe, while suggesting appropriate modifications of some of its provisions, vindicate the patriotism, wisdom, and prescience of the framers of the existing law. I have no apology to make for the part I have taken in maintaining and, in accordance with my judgment, perfecting that law. Its provisions are philosophical and harmonious. Its framers regarded all forms of American labor, and, placing a duty upon the primary element of an article if of native production, advanced the rate as the article was advanced by an increased expenditure of labor.

In this they followed not only the teachings of social science but the example of France, who still maintains many of the provisions of her tariff law of 1793. Her tariff from the days of Colbert has been a series of graded duties, increasing with the increased labor involved in each step of the advancement of the article. Let me invite the attention of the committee to the result of the industrial stability secured by this permanence of wisely adjusted rates of duty. Dynasties have risen and perished; the doctrine of the divine right of kings was swept away by the breath of a new-born democracy; an empire subdued the violence of this new-born giant, and restored monarchy succeeded the empire. But, though political revolutions have occurred at brief intervals throughout the century, the industries of France have been stable, the French people have prospered and French industry and art have conquered the world by their excellence and elegance; and it is still true that a pound of cotton manufactured in France, and beautified by her cultivated artisans, will pay for scores of pounds of coarse and adulterated British fabrics. France, while aiming to combine beauty with utility, fashions raw material into the finest textures, into the most

delicate forms of beauty; and what she saves in raw material she devotes to the augmentation and further improvement of her productive power. On the necessity for the steady increase of the workshops of a nation M. Leon Say, in his latest contribution to the commercial and industrial literature of France, said:

Has any one pictured to himself what would happen at the moment when the capital account of the French industries should be closed; that is to say, when the industrial workers should cease to enlarge their workshops, when they should buy no more machinery, no more tools, when none of them should endeavor to enlarge the field of his industry or the amount of his capital? If such a moment arrived it would be on the day when French industry entered on a period of decadence. All is bound together in industrial life. Year after year industry demands four hundred or five hundred millions more of capital; and that the movement shall not slacken is a necessary feature of the progress of the country of that economical power on which depends its political weight.

It was in conformity with the experience of France that our tariff was framed. Its classifications, like its scales of graded duties, were scientific. With the law here before me, I challenge gentlemen to indicate where confusion is to be found in its original classification of commodities. Its works are its ample vindication. It has accomplished the objects its framers had in view; has promoted the development of the vast and varied resources of the country by such a diversification of employment as secures work, wages and an opportunity for the exercise of the aptitudes of all our people, whether the brawny man with ax or sledge-hammer or the feeble but gifted girl with her pencil; work for all, but not for women and children the work in which they are engaged in Britain and in the iron regions of France and Belgium. For such rude toil our tariff secures such rewards as enable unskilled men to earn support for wife and children.

I do not exaggerate, and I appeal to the gentleman from New York, who represented the iron interests of our country at the French exhibition of 1867, to check me if I exaggerate, when I say that women and girls, little girls and little boys, are employed in all the coarser branches of unskilled labor in the countries I have named; and that it requires the services of both parents to bring food which shall include meat at one meal in each week to the family. Thank God our protective tariff has, by stimulating the diversification of our industries, furnished attractive and gentle employment to the feeble, the crippled, the early-orphaned, and has thus called into exercise the genius and special endowments of our people. While doing this it has so augmented the power and glory of the country that we have come to be a beacon-light, seen of all the world, and by the luster of our career are showing oppressed nations the means by which to escape from the fangs of the vampire of nations, England.

A NATIONAL VAMPIRE.

Sir, this ghastly figure of speech is not mine, nor is it the language of one who was given to heated debate or rashness of speech. I borrow it from a philosopher whose fame, which is world-wide and undying, rests on the persistency with which he labored to promote the application of nature's laws and subtle forces to the amelioration of the condition of his fellow-men. Said Baron Liebig:

England is robbing all other countries of the conditions of their fertility. Annually she removes from the shores of other countries to her own the manurial equivalent of three millions and a half of men, whom she takes from us the means of supporting and squanders down her sewers to the sea. Like a vampire she hangs upon the neck of Europe, nay, of the entire world, and sucks the heart blood from nations without a thought of justice toward them, without a shadow of lasting advantage for herself.

It is impossible that such iniquitous interferences with the divine order of the world should escape its rightful punishment; and this may perhaps overtake England even sooner than the countries she robs. Most assuredly a time awaits her when all her riches of gold, iron, and coal will be inadequate to buy back a thousandth part of the conditions of life which for centuries she has wantonly squandered away.

Sir, her day of retribution for this iniquitous interference with the divine order of the world is at hand, and the vampire nation is shrinking from inanition, because, having exhausted the powers of Ireland, Turkey, India, and other victims to purchase her productions, she can find no others upon whom to feed. Yes, England can no longer boast that she is the workshop of the world. The American people conduct the world's most successful workshop, though we do not manufacture, nor attempt to manufacture, for all the world. No, sir; we cannot yet supply the ever-increasing power of our prosperous people to consume; and the world's markets offer us quick purchasers at remunerative prices for every commodity we can produce in excess of our own wants.

Nations governed by sound economic laws export only surplus productions. The condition of a country which has to cross oceans to obtain its food and to sell its manufactures is in an artificial position which cannot long be maintained. It must find markets for its wares and fabrics or starve. To monopolize markets it must sell more cheaply than others can, and to do this it must put its laborers on such wages as will furnish them with the humblest measure of sustenance that will enable them to live and labor; it must also cheapen the cost of material by adulteration wherever this can be resorted to. Thank God, we cannot enter the world's markets with articles which can be produced only by reducing the laboring classes to the condition of the British workman. Thank God, we cannot offer clothing to Turkey in competition with the shoddy cloths of Lancashire; that we cannot make articles of so low a grade for our own market that there can be a surplus of cheap and nasty American goods to be thrown upon subordinated markets in competition with England. We cannot produce to sell at prices that prevail in India, or make goods mean enough for Egypt and Turkey; and I pray God that the day may never come when we shall be able to enter these markets in successful competition with England. [Applause.]

WHY I SUPPORT THE BILL.

Mr. Chairman, I support this bill with increasing earnestness because the discussion it has invoked on this floor has demonstrated the unfitness of Congress in its present temper to handle the subject judiciously, and has in the exposure of the conflict of opinion that prevails in this Hall given us an insight into the condition of the popular mind upon this question. During twenty years, the life of the existing tariff, the Cobden Club, which embraces the entire British Government except the Queen—her sons, her prime minister, and his official associates are the life of the Cobden Club—and these eminently proper advisers for the Republic of America have for twenty years, through this governmental club, been lying and lying and lying again about the provisions and effects of the American tariff and flooding our country with their specious falsehoods.

With unblushing effrontery this club enters into our Congressional and Presidential campaigns. Look at the pamphlets it distributed in the campaign of 1880. Take the letter of Augustus Mongredien to the American farmer. Examine it carefully, gentlemen, and if when you shall have finished its perusal you shall have found a paragraph that contains an unqualified truth you will be prepared to conclude that it got there by accident.

Again, the Cobden Club is not without agents in this country. Many able American writers have entered its service. Then, again, we have a number of mad philosophers, some of whom occupy professorial chairs, who believe that the business affairs of this country are to be regulated exclusively by their system of dialectics. Their philosophy is deductive and their mode of reasoning is consequently *a priori*. I had occasion recently, when addressing a club of his adherents in Brooklyn, to apply some *a priori* reasoning to a gentleman of this school, Professor Perry, of Williams College. I had before me the report of a speech he had recently made before the same club, a number of copies of which had been sent me by his admiring friends. In spite of its many falsehoods, some of which were of a personal character, I found amusement in exposing the want of foundation for its alleged facts.

I could not speak of it with entire freedom in the presence in which I stood, but by repeating an incident in the life of President Lincoln, which had occurred under my observation, I found an opportunity to say, with the sanction of his great name, that a lie could be told just as easily in a grave paper by one who assumed to be a teacher of morals, as by anybody else; and that to misrepresent facts, or to state them imperfectly as the basis of a conclusion, was sometimes the worst kind of a lie. The professor had told his audience, as he has told many another, how I had relieved the country of the tax on tea and coffee that I might increase duties on manufactured articles. The truth is, it was my brother RANDALL who did this good work, for which I honor him. In the professor's brief address he made a large range of statements, which were entirely without foundation in truth, though stated with much circumstantiality. The vagaries of this professor are widely circulated by the Cobden Club and its affiliated clubs in this country. Being a respectable man and professor in a college of good standing, people who read his writings suppose that they are thereby acquiring knowledge of our tariff and its effects, while the writer, if he knows the facts of the matters of which he speaks, can have no appreciation of the difference between truth and falsehood.

In view of these circumstances, and the ignorance that has been disclosed in this protracted debate, I would have an intelligent commission investigate the tariff law from the egg up, and lay the results of their investigation before Congress in monthly reports, as the bill before us proposes to require them to do. Such action might bring the people at large and some of the members of this House to something like an intelligent comprehension of the questions involved in tariff legislation and the interests to be affected by action thereon.

If, by a hasty review of the speeches of two of the leading members of this House, I shall show by these their latest utterances that neither of them at the time he spoke seemed to have a perception of the questions at issue, of the sources of our public revenue, or of the character and relations of some of our leading industries, with which they both profess to be familiar, I will, I think, have gone far to make out my case. And if, in addition to illustrating the utter unfitness of these gentlemen, I shall also show that a gentleman whose candor and fairness are without challenge, and who when investigating questions in the line of his familiar studies is so exhaustive that the results of his research may be accepted as verity, has in the discussion of this question omitted vital elements, the absence of which render his conclusions valueless, I think I shall have sustained my view beyond a peradventure.

MR. ABRAM S. HEWITT.

One of the speeches I propose to examine is that of a Democrat and the other that of a Republican; the Democrat, a possible candidate for the Presidency, and some would say more than a possibility in that direction; a gentleman honored by his Government for his connection with our industries, who more than sixteen years ago was made

known to the nations of the world as a representative of our industries by the publication and world-wide distribution of his report upon the iron and steel industries of the world as they appeared at the Paris Exposition of 1867.

The other is that of a gentleman whose whole manhood has been passed in the public service of his native State, Maine, and his adopted State, Minnesota, and who told us in his speech that he has been here eleven years. I need not tell the committee that he is a member of the Committee on Ways and Means. Now, if gentlemen so distinguished as these can make such blunders that one hates to allude to them lest he may give personal offense, I take it you will agree with me that the popular mind cannot be fully and accurately prepared for the consideration of this many-sided question.

I send to the Clerk's desk the speech of the gentleman from New York, [Mr. HEWITT,] and ask the Clerk to read the passage I have marked.

The Clerk read as follows:

Resolved, That the bill creating a tariff commission be recommitted, with instructions to the Committee on Ways and Means to report within thirty days, or an earlier date if it be practicable, a bill based upon the following instructions:

First. That all raw materials, meaning thereby all materials which have not been subjected to any process of manufacture, and all waste products, meaning thereby all waste materials which are fit only to be manufactured, and all chemicals which are not produced in this country, and alcohol for use in manufactures, shall be placed upon the free list.

Second. That so far as possible specific duties shall be substituted for ad valorem duties, and that in determining such specific duties the average dutiable value of imports during the last three years shall be taken as the standard of value, upon which no higher rate of duty shall be imposed than shall be necessary to compensate for the difference in the cost of the labor at home and abroad expended in the production of such products, after making due allowance for the expenses of transportation, and that the rate of duty shall not in any case, except on luxuries, exceed 50 per cent. of such average dutiable value.

Mr. KELLEY. That I may not be deemed guilty of injustice to either my Democratic or Republican friend in associating them as I do, I beg leave to remind the committee that as soon as the resolution just read had been presented to it, the author hastened to say:

Those gentlemen who have followed the distinguished Representative from Minnesota [Mr. DUNNELL] in the remarks which he has just concluded, will find that in the resolution which has been read there is no issue to be made with him. But there is an issue which presents itself clearly and unmistakably with the doctrines which have been proclaimed on this floor by other gentlemen on his side of the House.

Mr. Chairman, the grammar, the rhetoric, the euphony of the gentleman's preamble and resolutions are perfect. It is only when you come to seek for their purport and meaning that you find them slightly defective. They want interpretation or explanation. Indeed, to make them sufficiently definite, to exclude false or double conclusions, it would require a book as big as Adam Smith's "Wealth of Nations," with all the elaborate notes that have been appended thereto. The Democratic party in six years of power was not able to originate a tariff bill which could stand on the floor of this House; yet, so high is the gentleman's estimate of the intelligence and practical ability of the Republican party, that he would order its Representatives to prepare a bill in thirty days, or less time; and before he gets through with the speech by which he supported his resolution, he tells us we must not hurry the work—that there is great danger in hurrying a matter of such delicacy and importance. Like the good master of childish story, he says, "Don't hurry; but if you don't go as quick as your legs will carry you, I will thrash you." We must complete the bill in thirty days or less, but we must not hurry. For in the course of his speech the author of this order to act with unprecedented speed says:

We must therefore proceed slowly so as not to interfere with the occupations of people, and not to dislocate industry to such an extent that men are compelled to seek new occupations by a sudden stoppage of those in which they are engaged.

The resolution of the gentleman provides:

That all raw materials, meaning thereby all materials which have not been subjected to any process of manufacture, and all waste products, meaning thereby all waste materials which are fit only to be manufactured, and all chemicals which are not produced in this country, and alcohol for use in manufactures, shall be placed upon the free list.

Who shall determine what constitutes "raw materials?" Who shall determine what is "fit only to be manufactured?" In the course of this discussion we have received some help from the gentleman in this respect; for we have learned that he includes scrap-iron in this class. In making the announcement he, with a very graceful flourish of the hand, said, "Give me these things and I ask for no protection." I should think not. I am sufficiently grasping and selfish, but if I owned iron works on tide-water, near the great commercial port of our country, and you would give me scrap-iron free of duty I would not want to deal in mines in Colorado or anywhere else. [Laughter.] I should have a monopoly that would be richer than the best of them; that would enable me to drive out of existence the whole class of well-paid laborers known as puddlers of iron, and to absorb the capital of all those engaged in iron works involving the process of puddling.

The gentleman is perfectly willing that the duty on pig-iron may remain. It is scrap-iron that must be free. I received to-day the last issue of the Iron Age. It contains its usual weekly report of the prices of iron in London, from which I read:

LONDON, WEDNESDAY, *May* 3.

Middlesborough pig-iron No. 1, foundery, 46*s.*; No. 2, 44*s.* 6*d.*; No. 3, 42*s.* 3*d.* to 43*s.* 9*d.*; No. 4, forge, 41*s.* 6*d.*

That is the article with which our pig-iron makers have to contend. Lower down in the same report I read:

Scrap-iron: The market is quiet with small demand, and prices are steady. We quote heavy wrought, nominally £4.

The gentleman from New York is perfectly willing that you may protect by a duty of $7 per ton pig-iron, which is worth 40*s.* or a little more, if you will only give him scrap-iron, which is worth 80*s.*, free of duty; under such provisions he will not ask any protection. [Laughter.]

What is scrap-iron? What is constantly imported as such? Sir, under the existing duty on scrap-iron, which is much lower than that on steel in its lowest form, the custom-house officers have to exercise constant vigilance to prevent the importation of advanced articles of steel under the name of scrap-iron. For instance, and the case is but one of many, there came in invoiced as scrap-iron tons of steel tips for spades. They are rough looking little pieces of steel and with a little sea water sprinkled over them the surface corrodes and they look like old iron. They were thrown among real scrap-iron and when they reached the storehouse of the consignee were carefully sorted. Thus the advanced steel escaped most of the duty it owed the Government. A single other illustration—fish-plates for railroads. I have known them thus corroded to be taken by the ton from a cargo of scrap-iron.

Give the gentleman from New York free scrap-iron and he need not pay the duty on any steel or much iron. Cargoes of free goods are not closely scrutinized by customs officers. He can then enlarge his works so that when another period of depression comes he may lose $200,000 instead of $100,000 a year for a series of years, and make it all up, as he told us he did the loss of $600,000, as soon as the depression passes away; for with free scrap-iron he will have but little competition in making bar-iron east of the Mississippi.

FREE WOOL.

Again, sir, the gentleman told us that wool should come in free, and it therefore goes without saying that shoddy should. I said I thanked God that we did not manufacture articles mean enough for Turkey, Egypt, and India; and I also thank Him that we do not now afford the chief markets for the products of English shoddy mills, as we did under a tariff for revenue only, when this book was written by Rev. Samuel Jubb, in 1860. It is entitled the History of the Shoddy Trade. What are shoddy and mungo? Why, sir, there is not a *chiffonnier* with stick and nail and bag scouring the gutters of any city on either side of the Atlantic for woolen rags who is not collecting material for the manufacture of shoddy and mungo. The cast-off clothing and the blankets which have wrapped putrefying carcasses in the lazar and pest-houses of Europe and Asia, are gathered and thrown into running streams whose waters are dammed at intervals, and when the law of gravitation and the flow of waters have made it safe to handle them they are collected and sent to Lancashire to be converted into shoddy cloths, flannels, blankets, and carpets. When gentlemen talk about the high rates of duty on low-priced woolen goods I deplore the fact that the duty is not twice as great and sufficient to protect our poorer classes from wasting their money on these nominally cheap but worthless and consequently high-priced articles. Speaking of colored blankets, Mr. Jubb says:

These have been made largely for some years for the American market; gentian, gray, blue-gray, and green are the prevailing descriptions. The widths and qualities vary materially, and consequently the values. The lowest kind is a very inferior gray fabric, at a correspondingly low price. The writer understands that the bulk of these blankets is consumed in the slave States of America, and that the low gray blankets just adverted to are designed chiefly for the use of the slaves, both as coverlets and materials for garments. Dewsbury and Earlsheaton are the centers of this manufacture.

This book incidentally pays our American woolen goods a well-deserved compliment. It grades the rags of America as first in value, those of London next; and then it gives the descending grades of other countries.

Wherever American rags are referred to by the author they are certified to be the best. This is because they are made of wool, while shoddy has entered in all others. Says the author: "Scotland sends her stockings and her mixed rags, Ireland her whites, Germany her knitted stockings," &c.

One would not suppose that Turkish rags would be worth much; for Mr. Jubb naively says:

A blue cloth of a poor description called "Turkey cloth" has been made from time to time. This, it is understood, is for the Turkish army. If this cloth may be taken as a criterion of the value of the Ottoman soldier, it is plain he is not rated very highly. The price of the article is only about 2*s.* per yard, 54 inches wide; and of course there cannot be much service in it.

Though the gentleman demands free wool, I hope he will unite with me in an endeavor to protect the industrious poor by duties on shoddy and shoddy cloth, flannel, blankets, and carpets. I do not want the cheap and nasty stuff to be imposed on any of our people.

British carpets, we have been told, are much cheaper than ours. I hope the gentleman who represents the Macon (Georgia) district is on the floor. I want to mention a few facts which he can probably verify. The Bibb Manufacturing Company of Macon runs 11,000 spindles in the production of carpet-yarn. Led by the persistent efforts of the Democrats of the South for what they call tariff reform to believe that the duties on carpets would be greatly reduced, Mr. Hanson, the superintendent of the mill, sought a foreign market. He sells all he can now produce to the carpet-makers of Philadelphia,

New York, and New England. The capacity of the mill is to be greatly increased in order to meet the growing home demand for its yarn.

But, impelled by fear that the duties on carpets would be reduced and his home market be thus destroyed, he addressed the most distinguished carpet manufacturer of England, sent him samples of his yarns, with price-list or tag attached to each parcel. His letter was courteously responded to, and with the answer came specimens of the yarns used by that distinguished carpet manufacturer in his immense works at Rochdale. The best of them did not equal the most inferior product of the Bibb Company, and John Bright stated candidly that such yarns as these could not be used by British carpet-makers, as they had to sell in countries in which low prices prevailed, and must consequently use the cheapest materials. No fresh cotton, said Mr. Hanson, could be found in any of those English carpet-yarns, and the lower grades were literally made of what might be called cotton shoddy, the waste of ordinary cotton-mills. I say again, let high duties defend and protect our farmers and laborers from being swindled into the purchase of these worthless fabrics. To this end I will vote to increase the duties on all such goods whenever opportunity may offer.

SPECIFIC DUTIES AT FIXED AD VALOREM RATES.

But let us consider another clause of the gentleman's carefully prepared instructions to the committee. It is, "so far as possible," to report "specific duties," and to so adjust them that they shall not "in any case except on luxuries exceed 50 per cent. of their dutiable value." Mark the practical character of these provisions. The duties are to be fixed specific rates. That is easy of accomplishment; but by what process are we to so regulate prices that the specific duty will never be more than 50 per cent. ad valorem? Prices fluctuate.

A MEMBER. Make the duties ad valorem.

Mr. KELLEY. But they are not to be ad valorem. The gentleman's resolution says they are to be specific, and at a rate not to exceed 50 per cent. ad valorem. What I want to know is how can we, by statute, establish precise and fixed relations between fixed and fluctuating quantities? To illustrate my difficulty, let me remind gentlemen that in 1870, when $28 a ton duty was imposed on Bessemer rails, they were selling at $106.75. Therefore $28 was 27 per cent. ad valorem; but when, during the depression, there was no market for either American or foreign rails the price fell to $40; and then $28 was equivalent to an ad valorem duty of 70 per cent. Will the gentleman in his next speech indicate the legal machinery by which we may so regulate prices as to prevent a fixed specific duty from representing ever-changing ad valorem rates? Shall we have a tariff commission every week to readjust relations, or may we possibly take the risk of running for a month or a quarter before restoring the defined measure of equality?

Let me further illustrate the difficulty of maintaining an established relation between a specific duty and the ad valorem rate a commodity will pay at different times under that duty by referring to that portion of the speech of my friend from Minnesota in which he descanted upon the fact that the duty on rice, which in 1864 was put at 2½ cents a pound, at which it still remains, is, if calculated at an ad valorem duty, now 105 per cent. Such a duty should in his judgment be promptly reduced. In 1864 rice was selling at from 15 to 17 cents a pound, and we imported our entire supply from China. Now we derive half our supply from the rice fields of the Southern States; and I will let Colonel John Scriven, of Savannah, tell how the duty on rice, of which the gentleman complains, has reduced the price of that article of almost universal consumption from 17 to 5½ cents a pound, and thus raised a specific duty of 2½ cents from 25 to 105 per cent. ad valorem. In addressing the tariff convention at New York, Colonel Scriven said:

> The interest I represent is a very humble one in comparison with the great interests I have heard set forth in this assembly. It is simply the rice industry. The time was, before the war, when this industry formed a very important integer in the business of this country. We then had a system of labor so cheap, so entirely controllable (I speak not of sentiment, for even in that, slave-holder though I have been, I go with you there also) and so economical as to enable the rice industry of the South and the cotton industry of the South to compete; no, not to compete, but to make its products stand king in the markets of the world. Now these facts are all changed. The war has obliterated our system of labor. It has now become free labor; and I, as a Southerner and as a man, rejoice in the fact. I have no complaint to make of its consequences, nor is there anything under the beneficent influences and results of the system under which you are existing today, nor is there anything in the results of the changed system with us for these Southern men to regret.
>
> If under the change of the system of labor, and the consequent changes of the price of labor, we had been placed under the continued manipulation of Mongolian and East Indian labor, the rice industry of the country must necessarily have succumbed and been obliterated from American soil. But the facts are these: in the crop year 1865–1866 there were produced 11,600,000 pounds of rice; in the crop year just passed, 1880–1881, the production has been 117,766,000 pounds. I may say that the whole of the American product of rice is consumed in this country, for but 150,000 pounds of the American crop were exported in the past year. And the same instructive lesson is to be derived from the investigation of the facts of the decade anterior to 1881. The gross production of rice in the Southern States from 1870 to 1880 was 667,000,000 pounds. Of this, nearly the whole crop was consumed.
>
> Now, come nearer to the point. You must be aware that there is a very large importation of eastern rice into the American ports. Therefore, in the decade I have named there were imported into the United States 639,000,000 pounds. It must strike you with remarkable force that the American people are permitted to consume as much foreign rice as they please, and that the quantities of American rice and foreign rice consumed in the United States are so nearly equal that it absolutely puts the foreign rice and the American rice in a system of competition, and purely under the influences of the present duty upon foreign rice.
>
> I have only to add that the total consumption of rice in the United States at the present time is 135,000,000 to 145,000,000 pounds per year. We will assume that nearly half of this is foreign rice. It is plain that if you abolish the duty, and take away the sustaining power afforded by it to the Southern producer, the result will naturally be the establishment of the same monopoly which brought large quantities of foreign rice into the United States during the late war. What was the result of that? Simply that prices of rice then rated per pound at from 13 to 17 cents. What do we see now? The average price of rice in this country is about 5 to 5½ cents per pound. That is brought about for the benefit of the American people, and I believe solely and entirely from the beneficial influences of your tariff.

CHEMICALS.

But to recur to the gentleman's resolution of instructions. It demands the transfer to the free list of "all chemicals which are not produced in this country." I have here our tariff, and I want to show gentlemen the largest free list ever embodied in a tariff law. It covers eight pages of the Revised Statutes, and embraces three hundred and fifty articles or paragraphs, each of which includes a number of articles. What chemicals are there that we cannot produce that are not already in this list? It was my privilege to put most of them there, and while engaged in the work I corresponded with every chemical-producing city and town in the country; and if the gentleman can show me any chemicals which we cannot produce, and therefore have to import, it shall be my labor to transfer them to the free list, as I am now trying to put all spices there.

ALCOHOL.

But to proceed: "And alcohol for use in manufactures shall be placed upon the free list," says the resolution.

Mr. Chairman, this brings me to a rather delicate question, but one which being thus presented I must discuss. I beg gentlemen to contemplate the impolicy of this provision, in the gross outrage it would inflict on the farmers of the corn-growing States of the country.

We impose a tax of 90 cents on every peck of corn the farmer or his patron advances by one stage of manufacture, and that the simplest and most prompt and economical process of conversion. Three dollars and sixty cents a bushel is the minimum tax imposed by our internal-tax law on corn when advanced one degree in manufacture. The tariff we are told robs the farmer. What will this proposed provision do? The gentleman's respect for the commercial system of England should have protected our farmers, if sympathy with them did not, against the suggestion of such a wrong as this proposition involves. Here is England's so-called free-trade tariff. Here in the Statistical Abstract is an official copy of the tariff of Great Britain. It appears under four heads: "Ordinary import duties," in which division duties appear which involve protection amounting to several hundred per cent. against American competition and in favor of British manufacturers of tobacco, snuff, and cigars. There is a high duty on raw tobacco, but when the Government of free-trade England comes to deal with it in any of its manufactured forms, duties are imposed which are so protective as to put ours to the blush for the modesty of their proportions and to prohibit the importation of manufactured tobacco.

The second division of this tariff embraces "Import duties to countervail excise duties upon British beer."

The third "Import duties to countervail excise duties on British spirits."

And the fourth and last division is made up of "Import duties to countervail stamp duties on British-made articles."

England taxes all these classes of articles, and then makes them the basis of further revenue by putting protective, or what she calls countervailing, duties upon them for the protection of those who have paid the excise taxes. But the gentleman would tax our farmers 90 cents a peck on distilled corn, and to further oppress them he would invite foreign manufacturers of alcohol to send it in free of duty, and thus drive the American product out of our own market.

Mr. HEWITT, of New York. Will the gentleman permit me to say a word in this connection?

Mr. KELLEY. Certainly.

Mr. HEWITT, of New York. I find that my proposition was not only misunderstood by the gentleman from Pennsylvania but largely also by other gentlemen who have criticised it. My proposition was intended to remove the internal-revenue tax on alcohol used in manufactures. I admit that it was very crudely expressed; but that was the intention, and of course the gentleman from Pennsylvania in criticising that portion of my speech will accept my interpretation of it. Further, the gentleman from Pennsylvania knows, or ought to know, that alcohol used in manufactures in Great Britian is relieved from duty by special statute. A bonded system is provided by which manufacturers may procure alcohol free of duty for manufacturing purposes.

Mr. KELLEY. I am sorry the gentleman from New York did not say what he meant in his resolution, considering that its purpose was to instruct the Committee on Ways and Means.

Mr. HEWITT, of New York. I had rewritten the resolution with a view to this correction before I heard the remarks of the gentleman, because I understood that the language had been misunderstood. We are exporters of alcohol, and therefore a repeal of the customs duty would not help the manufacturing interest. It is the internal-revenue duty which hurts.

Mr. KELLEY. I hope the error has been corrected in the two hundred and fifty thousand copies of the gentleman's speech he has caused to be printed for circulation by the Democratic compaign committee. [Applause on Republican side.]

Mr. HEWITT, of New York. There are no copies being circulated through the Democratic campaign committee, and the correction, certainly as to the meaning of the phrase, will probably reach the public without the interposition of any campaign committee.

Mr. KELLEY. I have heard from what I considered very good authority that there were tons of copies of the gentleman's speech being folded in the room below, but probably the time of the gentleman and his associates has been so much taken up during the discussion of this question, and they have been so much interested in the debate, that they could not spare time to frank and direct them.

Mr. HEWITT, of New York. The number folded, I will say to the gentleman from Pennsylvania, are those for which application has been made to me personally or by letter, and I pay that portion of the expense myself, and suppose that I shall also pay for the folding.

Mr. KELLEY. I have heard that the gentleman paid for them most liberally. [Laughter and applause on Republican side.]

Now, as to the English provision for allowing alcohol to be used in the arts. There is a statutory provision that methylated spirits can under certain restrictions be used. Methylated spirits are a mixture of wood naphtha with alcohol, and I have heard wood naphtha spoken of as the skunk of chemistry. [Laughter.] Its odor is not attractive; and, what is more, that it is so persistent and enduring that while scientists admit that it is possible as a test of the powers of science to extract naphtha from alcohol, they assure us that the process is so expensive that it is impossible it should be resorted to for practical use. The amount used in England is very small, and is confined to that which is used in the process of manufacture and which is recovered so as to leave neither alcohol nor methyl in the product.

Methylated spirit cannot be used in any of the finer chemical operations. It cannot be used in chloroform, collodion, cologne water, the ethers, or in any of the infinite variety of products of which 95, 97, or 99 per cent. in bulk and gravity are spirits. Of all such articles we would, but for the spirit tax, be large exporters. This tax is retarding our manufacturing progress and restricting our exports. An improved process for the manufacture of tobacco has been discovered, but this tax precludes its extensive use. Mr. Goldsborough Robinson, of Louisville, Kentucky, appeared before our committee in this connection. A more intelligent and well-bred gentleman I have rarely met. Let me read a brief extract from his argument.

Alcohol is nature's great solvent, and is required in nearly all industrial pursuits. In this use it is as absolute a necessity as machinery or a paint-brush, and in taxing it we tax a product of our own industry, and through it lay a burden upon our own manufacturers.

The tax is so excessive as to be almost prohibitory, and our people are placed at a great disadvantage in competition with those of foreign countries who have free alcohol.

No government, wisely conducted, will levy excessive taxation on its own industries.

This principle is so well established that machinery is in many cities exempt from local taxation.

The only justification of the extreme tax on spirits (it is six times their value) is the popular belief that they are harmful luxuries, and should therefore bear the burden, but this justification fails utterly where spirits are used in manufactures, in the preparation of drugs, as a burning fluid, and in all the common wants of the people. This tax being almost prohibitory every shift has been adopted to escape its burden; benzine (dangerous always) is substituted as a burning fluid, and fusil oil (a poison) as a solvent.

All inventions leading in the direction of the use of alcohol are barred. It has great bleaching powers, and might be employed with advantage on textile fabrics; but its cost prevents any experiment in this direction. For nearly twenty long years—the most progressive years in the world's history—the American people have been practically deprived of the use of this great solvent. Its absolute necessity in scientific pursuits has been admitted, and colleges have been granted, by special enactment, its use without tax; but no provision has been made for that army of humble laborers in the scientific fields to whose efforts all our great inventions are due and who have no access to college laboratories.

The constantly increasing surplus in the Treasury, the impossibility of applying that surplus to our debt except by buying bonds at an extravagant premium, forces the conviction on all minds that taxation must be reduced.

What is more reasonable than that this reduction should take place in that direction which will encourage industries and remove from the burden which the people carry those points of friction which gall and irritate more than the weight of the burden itself? The people have made no complaint of the tax on matches, and who will thank the representatives of the people for its removal? But for many years petition after petition has come to this committee-room for relief from this alcohol tax on industry.

In support of Mr. Robinson's views let me invite attention to a letter addressed to me by William A. Gellatly, of the firm of W. H. Schiefflin & Co., importers and manufacturers, of New York:

I beg to hand you herewith inclosed some remarks with reference to the taxation of alcohol used in chemical and pharmaceutical manufactures, which I trust will be of some interest to you, and perhaps of some use in the effort you are making for the relief of manufacturers who use this article largely.

I fear that not many men in Congress have had the opportunity to familiarize themselves with this subject to such an extent as will enable them intelligently to understand how great a burden this tax is on an industry which it is certainly for the interest of the country to foster and develop.

WHY ALCOHOL USED FOR CHEMICAL AND PHARMACEUTICAL PURPOSES SHOULD NOT BE TAXED.

1. Because English and German chemical manufacturers are able to buy alcohol duty-free, *i. e.*, at actual cost.

2. In the preparation of many fine chemicals the use of alcohol is necessary in order to insure a pure product. (Instance many of the expensive alkaloids, as atropia; many salts, as iodide of ammonia; many preparations, as iodoform, chloroform, ether, &c.)

3. In the performance of the necessary manipulations much alcohol is lost through evaporation. In many cases this loss of alcohol is a greater item of expense than is the cost of all other materials, apparatus, and labor.

4. In many tinctures and fluid extracts the alcohol, necessarily used simply as a solvent, adds more expense than the total value of drug and labor. What should usually be considered a less important ingredient, a mere solvent, becomes actually the most expensive substance in the compound.

5. From what has been stated above it appears:

(*a.*) That the excessive tax on alcohol entirely prohibits the manufacture in this country of many of the finer chemicals and gives the whole trade to German and English manufacturers.

(*b.*) The cost of American-made chemicals in whose preparation alcohol must be used is artificially enhanced by the exorbitant tax on alcohol. Often the cause for the high cost of these articles is not apparent to the purchaser, because the alcohol used does not appear in the finished product, but has been lost through evaporation during the preparation of the substance.

6. Alcohol is necessary in the preparation of most medicines; there is no known solvent which can replace it. As a rule its office is that of a solvent for the extraction and preservation of valuable medicinal ingredients of drugs.

These medicines are used and must be paid for by the sick, *i. e.*, by those least able to pay exorbitant prices. The excessive tax on alcohol does, however, make the cost of many medicines very heavy, far more heavy than is just and right. The tax on alcohol used for these purposes is accordingly a very heavy and unjust tax imposed upon a legitimate industry, (manufacturing chemistry and pharmacy,) and it is also a heavy tax on individual users of medicines.

Medicines should not be excessively taxed like luxuries; they are necessities.

The entire removal of the tax on alcohol used for these purposes is desirable and proper, but the immediate removal of the tax would result in financial disaster in thousands of cases, for the reason that all over the country various dealers have in stock considerable amounts of goods manufactured with alcohol which has paid this excessive tax. These goods have cost, consequently, much higher prices than they could be replaced for if free alcohol were used.

If a law be enacted which names a date, six months or a year in advance, when the tax shall be reduced say 10 or 20 per cent., and which makes provision for future annual or semi-annual reductions until alcohol is tax-free, there need be no fear of serious commercial disturbance. Such a revision of the law would result in stimulating and greatly expanding our chemical manufactures.

At present the value of a barrel, of forty gallons, of alcohol is approximately—

Cost of forty gallons of alcohol	$21 92
Tax	67 68
Total	89 60

One hundred and eighty-eight degrees over proof alcohol is worth to-day about $2.24 per gallon, $89.60.

As appears above, fully three-fourths the cost of every barrel of alcohol is due to the internal-revenue tax.

Were coal thus taxed the value of iron and steel would be so enormously enhanced as to prevent their use in any but the smaller and finer tools, while iron rails and iron steamships, to say nothing of steel, would be impossible.

Manufacturing chemistry and pharmacy are just as heavily hampered, just as truly restricted and dwarfed by the excessive duty on alcohol as would be the iron industry were the tax on coal to be placed at three times its actual cost.

Yours, truly,

W. A. GELLATLY.

And here is a short letter from the Metallic Cap Company, of New York, to the Committee on Ways and Means:

NEW YORK, *March* 17, 1882.

House Committee on Ways and Means:

GENTLEMEN: We use from fifteen to twenty barrels alcohol per month. We ought to use fifty barrels with tax reduced. We are obliged to export alcohol to Saint Thomas and make crude material and import same back. By so doing we are able to hold a portion of trade; but if we were to pay present price of alcohol in States we could not do business, even with 40 per cent. duty on blasting caps, which is in force. Germany sends most all that is used here.

Yours, respectfully,

METALLIC CAP COMPANY.
H. S. CHAPMAN.

These communications show how greatly this tax is reducing the consumption of American corn by restricting our ability to export it in the form of alcoholic drugs and medicines, perfumery, cosmetics, and many other classes of articles.

Corn is a commodity of which we produce an annually increasing surplus, and for which we should therefore seek foreign markets. To show how rapid this increase has been and is likely to be, let me inform the committee that the production of corn in 1880 exceeded that of 1870 by 130 per cent., having been 1,754,861,535 bushels in 1880, against but 760,944,549 bushels in 1870. It is, however, too bulky and cheap for distant transportation. One bushel of corn on an Iowa or Minnesota farm will not, I am assured, pay the cost of transporting another bushel to the seaboard. To convert it into beef or pork is a slow process; and with loss of interest through the years a steer is coming to marketable condition makes beef thus produced too costly for competition with the vast herds raised on the plains of Texas and the Rocky Mountains, which feed on bunch, buffalo, and other grasses, the spontaneous growth of untaxed land. Corn is, however, easily converted and condensed into alcohol, and through it into an infinite number of preparations which readily bear the cost of transportation even to foreign countries, and for which there is always a foreign demand. One bushel of corn converted into alcohol will, I am authoritatively assured, carry five bushels to and beyond the seaboard. When the two bushels of corn in bulk have gone from the farm, their nutritive and fertilizing power have gone to enrich other fields; but when corn is distilled near the field on which it is produced, the nutritive and fertilizing power remains, first as food for cattle, and then for the land from which in its growth it extracted its own elements.

In the last report of the Commissioner of Internal Revenue I find a statement of the cattle, swine, and sheep fed on the residuum of distilleries, and of the additional weight acquired while being thus fed. This is a class of facts which were never before collected, but which

may well command the consideration of the farmers of the corn-growing States:

CATTLE, SHEEP, AND HOGS FED AT DISTILLERIES.

State.	Number of cattle fed.	Average increase in weight.	Total increase in weight.	Number of hogs fed.	Average increase in weight.	Total increase in weight.	Total increase in weight of cattle and hogs.
		Lbs.	*Lbs.*		*Lbs.*	*Lbs.*	*Lbs.*
Alabama	100	750	75,000	100	200	20,000	95,000
Arkansas	24	350	8,400	1,035	107+	110,975	119,375
California	.....	.....	.....	3,369	109+	369,122	369,122
Connecticut	106	172+	18,336	11	300	3,300	21,636
Georgia	372	150	55,800	2,863	74+	213,059	268,859
Idaho	.....	.....	.....	300	100	30,000	30,000
Illinois	29,920	223+	6,675,472	3,850	148+	573,376	7,248,848
Indiana	8,899	222+	1,977,022	6,441	166+	1,069,978	3,047,000
Iowa	2,712	200	543,912	.....	.....	.....	543,912
Kansas	.....	.....	.....	844	78+	65,866	65,866
Kentucky	24,219	213+	5,174,560	22,055	103+	2,272,305	7,446,865
Maryland	73	507+	37,050	704	118+	83,290	120,340
Massachusetts	180	327+	59,000	25	300	7,500	66,500
Missouri	66	28+	1,900	2,449	.....	150,779	152,679
New York	2,311	278+	644,264	.....	.....	.....	644,264
North Carolina	617	187+	115,865	6,956	152+	1,063,000	1,178,865
Ohio	11,250	224+	2,523,588	22,463	113+	2,545,787	5,069,375
Pennsylvania	818	247+	202,580	10,398	120+	1,251,678	1,454,258
South Carolina	43	489+	21,050	752	73+	54,902	75,952
Tennessee	1,185	174+	206,480	6,577	82+	540,359	746,839
Texas	.....	.....	.....	300	60	18,000	18,000
Virginia	22	250	5,500	2,036	88+	179,963	185,463
West Virginia	.....	.....	.....	1,912	39+	75,115	75,115
Wisconsin	950	157+	149,625	158	140	22,120	171,745
Total	83,867	.....	18,495,404	95,598	.....	10,720,474	29,215,878

SUMMARY.

Number of cattle fed at registered grain distilleries in the United States		83,867
Average increase in weight of cattle	pounds..	220.53+
Total increase in weight of cattle	pounds..	18,495,404
Number of hogs fed at registered grain distilleries in the United States		95,598
Average increase in weight of hogs	pounds..	112.14+
Total increase in weight of hogs	pounds..	10,720,474
Total number of cattle and hogs fed		179,465
Average increase in weight of cattle and hogs	pounds..	162.79+
Total increase in weight of cattle and hogs	pounds..	29,215,878

California.—Three distillers sell slop and feed cattle for others, but keep no data.
Illinois.—Two distillers sell their slop.
Indiana.—One distiller sells his slop.
Kentucky.—A large quantity of slop sold.
Maryland.—Distillers sell their slop.
First Missouri district.—Slops all sold.
Nebraska.—There were 21,635 cattle fed *in transitu* and 822 hogs fed, but no data as to weight could be furnished.
First Ohio district.—One distiller sold all his slop, and all sell more or less.
Sixth Ohio district.—One distiller fed stock, but kept no data.
Eighteenth Ohio district.—Three hundred sheep fed, but no data as to weight.

Mr. Chairman, in view of the facts I have thus hastily presented, one may well suppose that the production of American alcohol had rapidly increased, but such is not the case. Between 1870 and 1880 our population grew from something over 38,000,000 to over 50,000,000, showing an increase of 11,597,412. With the astounding increase in our corn crop, and with this immense increase in population, what increase has our production of alcohol shown? None, sir; on the contrary, though the fact is admitted that the spirit tax was much more closely collected in 1880 than in 1870, we collected the tax upon 7,585,203 gallons more per year, by an average of the years 1870, 1871, and 1872, than we did by a like average of the years 1879, 1880, and 1881. Sir, I am unwilling that any new burdens shall be added to a tax that is already reducing the price of corn while, by restricting the use of nature's great solvent in the arts, it is increasing the cost of hundreds of articles for which the farmer must pay out of the reduced price he receives for his corn. So that, if the gentleman from New York [Mr. HEWITT] at the time he penned his resolution meant what he said, I am against his proposition; and a thorough investigation of the practicability of the scheme he now presents has demonstrated its worthlessness as a measure of relief alike to the farmer, the chemist, and the manufacturer. I am therefore opposed to it. The relief our farmers, manufacturers, and consumers should have is an immediate reduction, and the earliest practicable repeal of the last vestige of this oppressive and restrictive tax.

The CHAIRMAN. The gentleman's hour has expired.

Mr. HEWITT, of New York. I move that the time of the gentleman from Pennsylvania be extended indefinitely.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Pennsylvania have leave to proceed indefinitely. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY. The gentleman from New York and the committee have my thanks for this courtesy.

THE VAMPIRE'S INSTRUMENTALITIES.

Sir, the day of England's tribulation was nearer than Liebig could have believed. It is upon her now. The vampire has exhausted the blood of Ireland; her more than eight millions of people now number less than five millions. Turkey, in natural endowments as rich as the same number of contiguous square miles anywhere in the world, is the Sick Man of Europe, and instead of furnishing the world with Damascus blades cannot make a plow or hoe of iron. Egypt is scarcely better off than she. Representatives of British and French holders of her bonds practically administer her finances. Frequently occurring famines and insufficient means of sustenance are rapidly reducing the population of impoverished India. And the vampire, having absorbed the blood of these and other nations, is suffering and shrinking from inanition. She is feeding upon her accumulated capital, and not upon her current earnings, and is appealing to our sympathy, to our relationship by blood and language, and by every argument save the one by which she persuaded China and Japan—force—to permit her to fix her fangs upon the industries by which we live, which may Heaven forefend! [Applause.]

What are the instrumentalities and processes by which she accomplishes these terrible results? They are free trade as taught by the Manchester school, which she forces upon feebler nations at the cannon's mouth, and tariffs for revenue only, as advocated by the American disciples of the Manchester school, into a resort to which she has often beguiled us, and which are still accepted by several of her self-governing colonies.

It is by the first of these processes she is now exhausting Japan. Less than twenty years ago, through the persuasive power of her fleets and heavy guns, she induced Japan to unite with her in a commercial treaty. That treaty contained a provision for its revision at the end of ten years, and until that term had expired the Japanese believed that their thraldom would be but temporary. When, however, the term had expired, and the Japanese Government demanded a revision, British diplomacy answered that by the terms of the treaty revision could not be had until both nations desired it, and that the British Government saw no reason for revising it. This construction was a surprise to Japan. To submit or defend its ports against the British were the only alternatives open. Resistance was hopeless. Under the treaty the Japanese Government may not impose duties beyond 5 per cent. upon imports. It must therefore raise most of its revenue by internal taxation. Brief as has been the term of this treaty, its effect has been to exhaust Japan's stock, not only of gold, but of silver, which was till recently her only legal tender, and has thus forced her into dependence upon an ever-depreciating, irredeemable paper currency. Her industries languish, her revenues shrink, and Japan is now a suppliant to the representatives of the United States and other western powers to unite in rescuing her from the fangs of the national vampire. This is no fancy sketch. The files of our State Department can furnish Congress and the country with full and pregnant evidence of its truthfulness. It was the intelligent sympathy so freely expressed by General Grant on its behalf that caused the Government of Japan to treat him during his visit to that country with higher evidences of national esteem than ever before had been bestowed on a foreign citizen or official personage. If it be in the power of our Government to aid in the work of emancipating this most advanced of the oriental nations, I trust it will put forth its utmost efforts and if possible save Japan before she shall have been reduced to the condition of Turkey, Egypt, Ireland, and British India.

Such are the instrumentalities by which England enslaves nations. In one of his works, published in 1856, Henry C. Carey pointed out the processes by which these instrumentalities work the ruin of nations, however boundless and varied their material resources may be. Speaking of the Manchester school, he said:

The tendency of this system of political economy has uniformly been:

1. To prevent the application of labor elsewhere than in England to any pursuit but that of agriculture, and thus to deprive the weaker portion of society—the women and children—of any employment but in the field.
2. To compel whole populations to produce the same commodities, and thus to deprive them of the power to make exchanges among themselves.
3. To compel them, therefore, to export to England all their produce in its rudest forms, at great cost of transportation.
4. To deprive them of all power of returning to the land the manure yielded by its products, and thus to compel them to exhaust their land.
5. To deprive them of the power of associating together for the building of towns, the establishment of schools, the making of roads, or the defense of their rights.
6. To compel them, with every step in the process of exhausting the land, to increase their distances from each other and from market.
7. To compel the waste of all labor that could not be employed in the field.
8. To compel the waste of all the vast variety of things almost valueless in themselves but which acquire value as men are enabled to work in combination with each other.
9. To prevent increase in the value of land and in the demand for the labor of man; and
10. To prevent advance toward civilization and freedom.

STATISTICS.

Mr. Chairman, this discussion has been largely statistical. The speech of every member has either been heavy with figures or bristled with them. I propose to examine some of these figures. But before engaging in this part of my labor I beg leave to read a brief paragraph from Carlyle's Chartism. The second chapter is under the title "Statistics," and from this I read:

A witty statesman said you might prove anything by figures. We have looked into various statistic works, STATISTIC-SOCIETY REPORTS, POOR-LAW REPORTS, reports and pamphlets not a few, with a sedulous eye to this question of the working classes, and their general condition in England; we grieve to say with as good as no result whatever. Assertion swallows assertion; according to the old proverb, "As the

statist thinks the bell clinks." Tables are like cobwebs, like the sieve of the Danaides; beautifully reticulated, orderly to look upon, but which will hold no conclusion. Tables are abstractions, and the object a most concrete one, so difficult to read the essence of. There are innumerable circumstances, and one circumstance left out may be the vital one on which all turned. Statistics is a science which ought to be honorable, the basis of many most important sciences; but it is not to be carried on by steam, this science, any more than others are. A wise head is requisite for carrying it on. Conclusive facts are inseparable from inconclusive except by a head that already understands and knows. Vain to send the purblind and blind to the shore of a Pactolus never so golden: these find only gravel; the seer and finder alone picks up gold grains there. And now the purblind offering you, with asseveration and protrusive importunity, his basket of gravel as gold, what steps are to be taken with him? Statistics, one may hope, will improve gradually and become good for something. Meanwhile it is to be feared the crabbed satirist was partly right, as things go: "A judicious man," says he, "looks at statistics, not to get knowledge, but to save himself from having ignorance foisted on him." With what serene conclusiveness a member of some USEFUL-KNOWLEDGE SOCIETY stops your mouth with a figure of arithmetic! To him it seems he has there extracted the elixir of the matter, on which now nothing more can be said. It is needful that you look into his said extracted elixir; and ascertain, alas, too probably, not without a sigh, that it is wash and vapidity, good only for the gutters.

In the light of these reflections I propose to examine some of the statistics that have been poured upon us. I will take, for instance, some of those presented by my friend, the amiable gentleman from Illinois, [Mr. SPRINGER.] That gentleman produced a paper clipped from the United States Economist and Dry Goods Reporter, for January 31, 1882. It gives the price of wool in each year, from 1824 to 1881. He presented it as though it had been prepared by Mr. Nimmo, chief of the Bureau of Statistics, who seems only to have calculated the average of prices in certain periods indicated by the gentleman from Illinois. Mr. Nimmo certifies that the average price of wool for the fifteen years preceding 1867, was 52.8 cents per pound, and that for the fifteen years succeeding 1867 was 48.6 cents per pound.

This table and the conclusions the gentleman drew from it show the value of figures in skillful hands. In this case the bell certainly clinks as the statist thinks. The gentleman said:

I have stated that since the passage of the protective-tariff act of 1867 up to the present time, a period of fifteen years, the price of wool in this country has been less than it was for the fifteen years next preceding that time. This proposition is not left to conjecture or speculation. Fortunately for the position which I assume, the most accurate and reliable data upon this subject have been preserved, and herewith I present for careful examination the following statement furnished by the chief of the Bureau of Statistics of the Treasury Department:

Statement showing the average price of medium American washed clothing fleece wool from 1824 to 1881, inclusive.

[United States Economist and Dry Goods Reporter, January 31, 1880, data furnished by Mauger & Avery, 49 West Broadway, New York City.]

Year.	Average price.	Year.	Average price.
	Cents.		Cents.
1824	44¾	1853	53¾
1825	42	1854	43
1826	39	1855	37¾
1827	32¼	1856	45
1828	36	1857	46½
1829	36½	1858	36½
1830	45½	1859	47
1831	61½	1860	47½
1832	47½	1861	38⅜
1833	50¾	1862	50½
1834	54	1863	75½
1835	56½	1864	87½
1836	60½	1865	82
1837	50¼	1866	63
1838	42	1867	50¾
1839	49¾	1868	46
1840	41¼	1869	49
1841	44¼	1870	46½
1842	37½	1871	55
1843	30	1872	70½
1844	35¾	1873	55½
1845	37½	1874	54½
1846	32½	1875	51½
1847	40	1876	44
1848	34½	1877	42¾
1849	34½	1878	40½
1850	38½	1879	37½
1851	41½	1880	46
1852	38½	1881	40

The average price for the fifteen years preceding 1867 was 52.8 cents per pound.
The average price for the fifteen years succeeding 1867 was 48.6 cents per pound.

JOSEPH NIMMO, JR.,
Chief of Bureau.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
February 3, 1882.

From these figures I have prepared an average for the fifteen years preceding 1867, and find that the average price of wool during those years was 52.8 cents per pound, and for the succeeding fifteen years the average was only 48.6 cents per pound, showing a loss to the wool-grower of 4.2 cents per pound on every pound of wool grown from 1867 to 1881, a period of fifteen years. This is no small loss to the American wool-grower when we consider the value of the product of the wool in this country.

Mr. SPRINGER. Will the gentleman allow me to explain?

Mr. KELLEY. Certainly.

Mr. SPRINGER. The two lines which the gentleman read from the averages were not in Mr. Nimmo's letter. I have sent twice to the Printing Office to have those two lines put below his signature. They will be so placed in the corrected copy. The first time I sent down they failed to do it, and I have sent again.

Mr. KELLEY. Then I do not see what you want with Mr. Nimmo's name at all. The article is not his, he did not compile it; he did not publish it. It comes from the Economist and Dry Goods Reporter.

Mr. SPRINGER. Will the gentleman allow me to state that Mr. Nimmo furnished this to Mr. HEWITT, of New York, in response to a letter; and it came to me over his signature just as it is printed.

Mr. KELLEY. Oh, do not try to fasten your mistake on Mr. HEWITT; that is not fair.

Mr. SPRINGER. I will let the Clerk read the letter.

Mr. KELLEY. Never mind that. I will make the matter plain. The letter will not illustrate the point I am about to make.

Mr. SPRINGER. Here is Mr. Nimmo's letter.

Mr. KELLEY. I have Mr. Nimmo here. I want, Mr. Chairman, to invite attention to the fact that we had been under a revenue tariff when the war broke out, and that consequently we could not clothe the first 75,000 men summoned for the defense of the country. We had not the wool nor had we the machinery to work wool into such fabrics as we needed for our soldiers and sailors. The emergency was pressing. We bought British goods to clothe our troops, and by the time some of the regiments which had been equipped in the capitals of their respective States reached Washington they were in a condition indescribable in the presence of an audience such as I address. Their rags did not cover their nakedness. We had bought British shoddy cloth, with which our market was then flooded. It was the product of the wool extracted from the whites of Ireland, the greys of Scotland, and the lazar-houses of the world. The protective tariff of 1861 changed all this, and when the victorious armies returned they were clothed, officers and men, in wool spun by American labor and woven on American machinery by American weavers. No army of the same size ever made God's footstool echo their tread in such apparel as Sherman's army wore when it marched to the sea, and thence with Grant's forces to the capital of the country. [Applause.]

I mention these facts to illustrate the value of the gentleman's figures. But let us examine them more nearly. If you take as separate periods ten years before the breaking out of the war, ten years after its close, and the four years in which we were clothing our Army and building up the woolen industry that now blesses our country, you will find that the figures will present three distinct averages. The average from 1852 to 1861 inclusive, a period covered by a revenue tariff, is 43.4 cents per pound for wool, not as the gentleman says, 52.8.

Mr. SPRINGER. What average is that?

Mr. KELLEY. From 1852 to 1861.

Mr. SPRINGER. I did not make that average.

Mr. KELLEY. I know you did not; why you did not is what I am showing. [Laughter.]

Mr. SPRINGER. You said my average was not correct.

Mr. KELLEY. I am not making your average. This is my average for which you furnished the figures.

Mr. SPRINGER. I understood you to say that I did not correctly make the average.

Mr. KELLEY. I say you did make an average, but erred in choosing the periods which should be averaged.

Mr. SPRINGER. I chose the fifteen years immediately after the war and the fifteen years immediately preceding.

Mr. KELLEY. The gentleman included in his free-trade period four years in which, under protection, the price of wool was not as he said, 52.8 but 79.8. I make three averages—one for ten years of free trade before the war, one for the years 1863 to 1866, inclusive. In the former the price was 43.4 and in the latter it was 79.8, which redounds a little to the credit of the protective system. In the next ten years, from 1872 to 1881, inclusive, the average price was 48.25 per pound for wool. Now, figures do not lie, but the man who arranges statistical tables may, by doctoring them, make what Carlyle calls "a wash and vapidity fit only for the gutter." The average price of wool for ten years preceding the war was but 43.4 cents per pound, and in the ten years after the war, under a protective tariff, it was, as the gentleman's own figures show, 48.25 cents per pound. I thank the gentleman for having furnished such evidence of the value of protection to the wool-growers of the country as is found in the statement of prices he quoted.

THE GENTLEMAN FROM MINNESOTA.

I now come to some of the statistics of my friend from Minnesota, [Mr. DUNNELL.] I must deal gently with him; for no man can read his speech without being satisfied that arithmetic is not one of his strong points. [Laughter.] A gentleman near me remarks that he was a school-teacher. Yes, and if I may believe the Congressional Directory he was for some years superintendent of public instruction in Maine, and subsequently filled the same office in Minnesota; yet I expect to persuade even him before I get through that arithmetic is not one of his strong points.

He told us that the Bessemer rail companies were making profits of 69 or 70 per cent. a year; that it was a crime not to hasten to repeal duties which justified such profits. Now, I pause to give him an opportunity to state anything which will show that any Bes-

semer rail company in this country ever declared anything kindred to or approaching such a dividend.

Mr. DUNNELL. Mr. Chairman, the statement which I made with regard to the profits of the Bessemer steel works in 1880 was taken from the report of Mr. Swank, a special agent of the Census Bureau. The statement is there to be found; and I think the gentleman will admit that the report states the profits of the investment for that year as I have stated them. I did not state in my speech that a dividend of that amount was declared.

Mr. KELLEY. The gentleman's speech is before me. His words were: "They ask us to continue a monopoly by a twenty-eight dollar per ton tariff, which enables them to declare a dividend of 67 per cent." If the gentleman will produce that part of the census report of James M. Swank which sets out any profit that would justify such a dividend as that I will buy a few shares of stock in a Bessemer company and present them to him.

Mr. HEWITT, of New York. You cannot do it; they are too dear.

Mr. KELLEY. There is no such thing in that report. I have gone over it squarely and fairly; I have asked Mr. Swank to examine it; and I shall incorporate in my remarks his letter showing that his business in connection with the taking of the census was to learn the amount of capital invested, the amount of wages paid, and the value of the product, and that the idea of ascertaining the profits of concerns was excluded from his duty. He also shows, as does a letter from Mr. Andrew Carnegie, that the $15,000,000 of capital spoken of by the gentleman from New York——

Mr. HEWITT, of New York. Twenty million dollars. Get the figures exact; because I propose to prove them.

Mr. KELLEY. And I want you to prove the rest; I want you to prove that in their Bessemer works and contributory branches essential to the making of steel they have not more than $100,000,000 of capital.

Mr. HEWITT, of New York. They might buy the whole State of Pennsylvania with their profits; yet it would not be evidence that the Bessemer steel factory did not pay them 100 per cent. per annum. If they choose to use their means in buying large properties elsewhere it is the evidence of profit, not of the absence of it.

Mr. KELLEY. But the gentleman mistakes the point.

Mr. CARLISLE. Will the gentleman from Pennsylvania, inasmuch as he has called attention to a statement made by the gentleman from Minnesota, allow me to ask whether it is not a fact that Mr. Swank states in his report that the capital invested in the Bessemer and open-hearth steel works in 1880 was $20,975,990; that the value of the products was $55,805,210; that the total cost of material and labor was $41,777,277, leaving a balance of $14,027,933, on a capital of $20,975,990, or nearly 67 per cent?

Mr. KELLEY. Still that does not reach the question of profit. It gives but three elements—while other charges than those for material and labor precede the question of profit.

Mr. DUNNELL. It was upon that statement made in the report that I made my statement.

Mr. KELLEY. And I want to show you that if you had been used to figures you would have said that the manufactured and other materials must have come from somewhere, and probably cost something. [Laughter.]

Mr. CARLISLE. These figures are from the report of the special agent appointed by the Census Bureau.

Mr. KELLEY. I know that.

Mr. CARLISLE. And if we cannot rely on his figures, we certainly ought not to pay four or five million dollars for taking the census.

Mr. KELLEY. There is no mistake in his figures. He was giving the census facts touching the Bessemer steel and open-hearth works, of which there were fifty-odd. Let me illustrate the matter by reading a paragraph from Mr. Swank's letter. He says:

> The history of the Bessemer steel works of the Colorado Coal and Iron Company, which are the latest of their kind in this country, affords a clear illustration of the necessity of embarking a large capital in enterprises contributory to Bessemer steel works, as well as in the works themselves. Before a pound of Bessemer steel could be made at these works the company found it necessary to buy and develop iron-ore lands, coal lands, and limestone deposits; to build coke-ovens, blast-furnaces, a foundery, and a machine-shop; and to make many other investments. The company was compelled to provide its own iron ore, its own coal, its own limestone, its own pig-iron, and to construct much of its own machinery. Its Bessemer works do not appear in the census statistics, but if they did the capital invested in them would, by the usages of the Census Office, be separated from the capital invested in the contributory enterprises. We have ascertained that these contributory enterprises have absorbed more than five times as much capital as the Bessemer steel works.

Mr. CARLISLE. Is not that part of their capital? This report includes real estate and everything which is really capital.

Mr. KELLEY. The real estate belonging to a company is taken by census agents as it is by assessors in the county in which it lies.

Mr. CARLISLE. He took it from the manufacturers themselves.

Mr. KELLEY. The statement under discussion relates to the steel works proper. Why, sir, some companies have a dozen different coal, limestone, and ore fields, the census returns of each of which were taken in the county in which the property lies.

Mr. CARLISLE. But if he obeyed the law he went to the manufacturers of Bessemer and open-hearth steel, and got from them the amount of their capital, wherever located.

Mr. KELLEY. I do not dispute or discredit a single statement of the report. I am only showing that when the purblind go to a Pactolus, be it never so golden, they are more likely to gather gravel than gold, as seems to have been done in this case. [Laughter.]

The mistake of the gentleman from Minnesota was in assuming that the capital of the Bessemer works themselves embraced that involved in the contributory enterprises. "We have," said Mr. Swank in the extract from his letter just read, "ascertained that these contributory enterprises have absorbed more than five times as much capital as the Bessemer steel works."

Mr. CARLISLE. If the gentleman will allow me, I would like to say a word.

Mr. KELLEY. Certainly.

Mr. CARLISLE. Their capital is included in statistics concerning those manufactures and industries. Mr. Swank includes in this all the capital invested by the manufacturers of Bessemer and open-hearth steel.

Mr. KELLEY. That is what he does not do, and the committee will be the jury to decide in this controversy, in which "assertion swallows assertion," when they read Mr. Swank's statement in the census report and his letter to me.

The gentleman from Minnesota said he had been assured by a large manufacturer of Bessemer steel rails at Saint Louis that the duty could be reduced to $14 and the manufacturers still realize large profits. I have made inquiry on this point, and caused it to be made by others. There is but one Bessemer steel works at Saint Louis, the proprietors of which are few and well known. They each deny that they ever made such a statement to the gentleman or any other person, and they add that to have done so would have been to falsely testify against their own interests. The gentleman has evidently been hoaxed by somebody who has palmed himself on him as a Bessemer steel maker.

Mr. DUNNELL. I desire to make a statement in correction of the statement to which the gentleman alludes. In the National Hotel, a few days before I made my speech, I was introduced to a gentleman of intelligence, who had arrived from the city of Saint Louis. From a conversation with him I understood him to be a manufacturer of steel rails. I afterward learned, after my speech was made, that he was a buyer of steel rails.

Mr. KELLEY. Ah! [Laughter.]

Mr. DUNNELL. And I make this correction. But does the gentleman from Pennsylvania suppose that I would stand here in my place in this House and misstate knowingly any fact?

Mr. KELLEY. No; but I say this——

Mr. DUNNELL. I am liable to be misled by a statement. I made the statement in good faith. Whether he was the manufacturer or the buyer of steel rails, I made the statement as it came to me according to my understanding of it, and I did it in good faith.

Mr. KELLEY. He was an agent, no doubt, for the sale of British Bessemer rails. If the gentleman had said he had had a conversation with one whom he supposed to be a manufacturer of Bessemer steel rails at Saint Louis, the case would have been different; but he stated it firmly and positively, as I have given it.

Mr. DUNNELL. I have stated, Mr. Chairman, how I was led into my mistake.

Mr. KELLEY. I hope the gentleman from Minnesota will correct the misstatement in the copies of his speech he is now distributing among the people.

Mr. DUNNELL. I have stated how I was led into the mistake, and the gentleman will accept it, of course.

Mr. KELLEY. Give us the name of your informant.

Mr. DUNNELL. His name is Mitchell.

Mr. KELLEY. He is the well-known agent of British rail-makers.

Mr. HEWITT, of New York. If the gentleman will allow me now——

Mr. KELLEY. Let me finish with the gentleman from Minnesota before I turn to you.

Mr. HEWITT, of New York. I thought the gentleman was through with that part of his speech.

Mr. KELLEY. No, I am not. Now, the $14 duty story has disappeared, as it would have done before he spoke if the gentleman had inquired from the proper sources. Seventy per cent. dividends have also disappeared.

Mr. DUNNELL. I should like to ask the gentleman from Pennsylvania a question with his permission.

Mr. KELLEY. Certainly.

Mr. DUNNELL. The gentleman from Pennsylvania, [Mr. RANDALL,] his colleague, made a speech this morning in which he stated that according to his judgment the tariff should be revised every ten years immediately after the taking of each census. The gentleman now insists that the census is no guide.

Mr. KELLEY. No, but I say that if the purblind go to a Pactolus they are liable to find only gravel. [Laughter.] And when gentlemen do not understand figures and attempt to adduce conclusions from them they must take the consequences. [Laughter.]

But to proceed to another point. If another of the gentleman's statements in his speech is true we were entitled last year from our importation of one article to revenue enough to have paid the national debt six times; to have paid all the Windoms or extended bonds; to have purchased all the 4 and 4½ percents at 100 per cent. premium;

to have paid off the debts of all the States and all American municipalities, and to still have been burdened with such a surplus in the Treasury that we could have abolished both customs duties and internal taxes. I really think, Mr. Chairman, there must be some exaggeration in the statement to which I am referring. [Laughter.] But let me read from the gentleman's speech.

Mr. SPRINGER. Was it not a clerical error?

Mr. KELLEY. We will see whether it was. If it was, there are two or three such errors just here. [Laughter.] The gentleman said:

The duty of $28 per ton on steel rails was fixed in 1870. It is not my purpose to discuss whether the duty was then too high or what effect the rate has had in reducing the cost of rails, but insist that a continuance of this high duty is well-nigh a crime. During the last year 372,375,307 tons of steel rails were imported into the United States, paying an aggregate revenue of $4,654,691.31.

Mr. DUNNELL. Read the remainder of the sentence.

Mr. KELLEY. Certainly; I am going to do so; I could not allow so sweet a morsel as that to be lost. [Laughter.] The gentleman says: "Paying an aggregate revenue of $4,654,691.33." Now, sir, the amount of rails the gentleman says we imported entitled us to $10,426,508,596 of duty. [Great laughter.] The gentleman proceeded to say:

Steel rails are now made at about the same cost of iron rails. The above table shows the growth and capacity of the mills. The profits of these mills have been for the last few years simply enormous. The census returns show that they were in 1880 from 60 to 70 per cent. on the entire investment. Every person traveling upon a railroad or sending a pound of freight on it is compelled to contribute to these vast profits. This high rate can and should be reduced at once. Experts are not needed to decide so simple a question. A large manufacturer of Bessemer steel rails in Saint Louis, within the last sixty days, assured me that the duty could be reduced to $14 per ton and the manufacturers still realize large profits on their investments. Enhanced cost in the construction of the railroads of the country is a continuing burden upon the producer. All profits must be paid for by somebody. Reasonable profits are right and rightly fostered, but profits which create and sustain monopolies have no claim upon legislation for their continuance. It would be easy to show these profits. The production in 1881 was 1,200,000 tons.

Mr. DUNNELL. The sentence which the gentleman has read is in every respect correct, except that there is a typographical error which the most ordinary mind could have discovered at once. The difficulty is that the word "tons" took the place of the word *pounds;* and if the gentleman from Pennsylvania is driven to the strait of building up an argument based upon what is evidently a typographical error, he has a very sandy foundation on which to stand. [Applause upon the Democratic side.]

Mr. KELLEY. I am building up an argument to show the unfitness of this House to frame a tariff; and I am building it up by asking this committee to consider printed statements upon which gentlemen have gone to the public in support of what they call tariff reform. But let us look at this typographical error——

Mr. DUNNELL. One word. I am led to admit that if the chairman of the Ways and Means Committee reflects the intelligence of the committee in the interpretation of a sentence like that, then we ought to have a tariff commission. [Applause and laughter on the Democratic side.]

Mr. KELLEY. Now it may be a typographical error, and if it had stated——

Mr. DUNNELL. One sentence more. I say respectfully to the gentleman that the figures are every one of them correct as to the quantity; and the amount I have given as the revenue received is accurate to a mill. The ordinary mind, therefore, at once sees that there is an error on reading the sentence. There is no difficulty with an ordinary mind in reading the sentence to see at once that there is a typographical error.

Mr. KELLEY. Now, sir, I read from the record. The gentleman revised his speech, put it in pamphlet form, and sent it to his constituents reiterating the story of the tons. I had an idea that there was a mistake somewhere when I said the gentleman did not find arithmetic to be his strong point. [Laughter.] Because if he had divided the amount of duty received by $28 the amount of duty on a ton, the result would have shown the number of tons imported. Familiarity with the simple rules of arithmetic would have protected the gentleman against a blunder so gross. He says the most ordinary mind would have recognized it as a typographical error. Now, let us see whether he so recognized it. He proceeded to say, and in printing the repetition put it not in figures, but in words: "Nearly four hundred millions of tons of steel rails were imported into the United States during the last year, notwithstanding this high rate of duty." Upon hearing this repetition I tried to correct him. He would not permit an interruption. He was exuberant and could not brook a suggestion. I wished to show that he must be mistaken, but he was just then exulting in the thought of the magnitude of the work in which he was engaged.

These fellows—

He was then speaking of the gentlemen who have embarked their fortunes in the production of Bessemer steel and industries contributory thereto—

These fellows are bright. They are smart, and they are as impudent as they are smart. They ask us to continue a monopoly by a twenty-eight-dollar per ton tariff, which enables them to declare a dividend of 67 per cent.

Now, if the gentleman will give me a printed copy of his speech, which having revised he put into pamphlet form and sent to his contituents, I will prove that during all this work he did not detect that typographical error which he says I should have instantly recognized. Will the gentleman send me a copy of his revised speech in pamphlet form?

Mr. DUNNELL. Certainly I will send the gentleman a revised copy. The gentleman does not need a revised copy to know precisely what I meant.

Mr. KELLEY. I am discussing what you told your constituents. That is what I am discussing. I do not know intuitively what you and other gentlemen mean. I have to take what you say in my own dull, stupid way. [Laughter.]

THE COST OF TRANSPORTING MATERIALS.

Mr. Chairman, when I said that in this discussion so painstaking and exhaustive an investigator of topics in the line of his special study as my friend from Kentucky [Mr. CARLISLE] had omitted elements which vitiated all his conclusions, I referred to the imperfect data from which he inferred the cost of a ton of bar-iron. In response to a question of mine as to whether he had not omitted a large amount of labor involved in the transportation of materials to the point of manufacture and distribution, &c., he with characteristic frankness admitted that there was some labor expended in that way, and in the production of coal and other materials used in the manufacture of these various forms of iron, and suggested that if I would furnish him with correct figures on the subject he would cheerfully include them. I cannot furnish precise figures but can say that my colleague and friend, the distinguished Representative of the twentieth district of Pennsylvania, [Mr. CURTIN,] whose name is associated with iron-works in Centre County which are now managed by the fourth generation of his family, one of which was represented in his own person, has said that the transportation of raw materials to a fairly well located furnace in Pennsylvania is at least $6.40 a ton. Ores of different qualities must be brought from distant sections of the State or country. Limestone may require long transportation to works whose location is favorable in all other respects. So, too, with coal. The character of ore to be chiefly used, and limestone and other ingredients may be convenient, but coal must be brought from a great distance. The charges for local transportation for a distance anywhere from ten to one hundred miles are about the same. I cannot pause to discuss the equity or the injustice of these charges on local freight, and content myself with stating the fact, remarking only that managers of railroads say the cost of labor in such transportation is vastly greater than it is in conducting through business on long roads.

While unable to produce tables that will establish the precise facts connected with this question, I beg leave to submit some collateral evidence of the magnitude of these charges and of the immensely greater per cent. of such charges to which the American producer of iron and steel is subjected than those borne by his foreign competitors. In his report on the census, Mr. Swank cites a very pertinent statement from I. Lowthian Bell, the highest British authority upon such a question. Mr. Bell, you will perceive, says that while it may and does happen that in this country distances of nearly one thousand miles may intervene between the ore and the coal, it is difficult to find a situation in England or Wales in which the two are separated by even one hundred miles. The passage in Mr. Swank's report to which I refer reads as follows:

With regard to the cost of transporting raw materials in the United States and Europe, the testimony of a distinguished English iron master will be sufficient to show the great disparity which exists in the distances over which they must be transported. Mr. I. Lowthian Bell, a commissioner from Great Britain to the Philadelphia exhibition of 1876, says in his official report:

"The vast extent of the territory of the United States renders that possible which in Great Britain is physically impossible. Thus it may and it does happen that in the former distances of nearly 1,000 miles may intervene between the ore and the coal, whereas with ourselves it is difficult to find a situation in which the two are separated by even 100 miles."

From the ore mines of Lake Superior and Missouri to the coal of Pennsylvania is 1,000 miles. Connellsville coke is taken 600 miles to the blast furnaces of Chicago, and 750 miles to the blast furnaces of Saint Louis. The average distance over which all the domestic iron ore which is consumed in the blast furnaces of the United States is transported is not less than 200 miles. Great Britian is our principal competitor in the production of iron and steel. In France, Germany, Belgium, Sweden, and other European iron-making countries the raw materials of production may not be found in such close proximity as in Great Britain, but they lie much nearer to each other than is usual in the United States.

Even when it is necessary to transport raw materials from one European country to another, as in taking the iron ores of Spain to England or Germany, the cost of removal is usually an unimportant consideration because of the short distances they are carried and the facilities which in most cases exist for carrying them by water. When this country is obliged, from any cause whatever, to import ores from Spain or from Mediterranean ports, the cost of transportation across the Atlantic and from the Atlantic ports inland imposes a heavy tax upon the consumer.

But it is not only on the raw materials that the cost of transportation operates as an impediment to low prices for manufactured products. The manufactured products themselves must frequently be transported long distances to find consumers. The conditions favorable to the production of iron and steel are not equal in many sections of the Union, and in some sections do not exist at all; iron and steel cannot, therefore, be extensively or profitably manufactured in all sections. The country too is of vast extent, while its railroad and other enterprises which consume iron and steel are found in every part of it. It is noticeable also that railroads form the principal means of communication between producers and consumers of iron in this country, and that railroad transportation is much more expensive than transportation by natural water-routes.

Heavy products of iron and steel, for instance, can be carried much more cheaply from Liverpool to the Gulf ports of the United States than from our own rolling-mills and blast furnaces, which are not situated on the sea coast or on the Mississippi River, and very few of them are so situated. Iron and steel rails for railroads on the Pacific coast can be carried more cheaply from Liverpool to San Francisco than from Chicago or Saint Louis.

My friend from Kentucky [Mr. CARLISLE] will I doubt not be surprised at the facts touching this question of the cost of transportation in the iron and steel business I am now about to present, and which more than confirm Mr. Swank's statements. The regular English correspondent of the Iron Age is alike remarkable for the industry with which he collects and reports representative facts, and for the candor with which he presents conclusions *pro* and *con*. which may be deduced from them. In his letter which appeared in the issue of the Iron Age of the 13th of last month, he says:

The effects of railway charges on the "*heavy*" branches of trade in districts away from the seaboard have been well set forth during the week by the statements of the directors of Charles Cammell & Co., limited, Sheffield, whose report has created a great sensation in the district where their works are situated. Cammell's undertaking is one of the largest in the world. The works are at Sheffield, Grimesthorpe, near Sheffield, and Renistone, near Sheffield, with the Oaks collieries near Barnsley. From 5,000 to 6,600 men are employed in busy times, and the works turn out all kinds of iron and steel, from armor-plates and rails downward. The directors now come forward and inform their shareholders that in order to save the heavy cost, £60,000 ($300,000) or £70,000 ($350,000) a year, of railway carriage of materials inward and of finished manufactures outward, they have resolved to acquire the rail-mills of Wilson, Cammell & Co., of Dronfield, and the works of the Derwent Iron Company at Workington. They will remove their own rail-mills and those of the Dronfield firm to Workington, having arrived at the conclusion that in order to make the rail business profitable three conditions must be fulfilled: (1,) the rail-mills must be combined with blast furnaces; (2,) these combined works must be situated in close proximity to the sea, and (3) the blast furnaces must be situated where hematite ore is found, with ready and cheap access thereto. These conditions will all be embodied at Workington. To carry out the change, £350,000 ($1,750,000) additional capital is proposed to be raised by shares and debentures.

You will remember that I have alluded to the possible removal of Wilson, Cammell & Co. on former occasions. It had not then transpired that Charles Cammell & Co. had been interested in the matter. Up to now there has been no actual alliance between the concerns, although Mr. Alexander Wilson, of the firm, is a brother of Mr. George Wilson, chairman of Charles Cammell & Co., and the Messrs. Cammell, of the firm, are sons of the late founder of the company. There would seem to be little doubt as to the wisdom of the proposal, albeit it will deprive Sheffield of a good deal of work and employment, and will nearly ruin Dronfield, of which Wilson and Cammell's works are the mainstay. One railway company alone will lose carriage payments worth £120,000 ($600,000) a year—a very forcible illustration of the folly of a grasping policy. Sheffield has been greatly agitated anent this question within the week.

The proposal has more than a local significance, inasmuch as our manufacturers on the coast are in a strong position for reaching your market promptly and cheaply.

MR. SWANK'S LETTER.

In this connection let me present the letter of Mr. Swank to which I have referred:

OUR BESSEMER STEEL INDUSTRY—A LETTER TO HON. WILLIAM D. KELLEY, CHAIRMAN OF THE WAYS AND MEANS COMMITTEE.

OFFICE OF THE AMERICAN IRON AND STEEL ASSOCIATION,
Philadelphia, April 25, 1882.

DEAR SIR: During the discussion in both Houses of Congress of the scheme for the creation of a tariff commission there have been frequent references to the statistics of the production of iron and steel which I had the honor to compile for the tenth census. As some conclusions, based upon insufficient data, and unfavorable to American iron and steel manufacturers, have been drawn from these statistics, and as these conclusions involve the trustworthiness of the statistics alluded to, I beg your permission to lay before you the following statement in my own behalf as a special census agent and in behalf also of this association:

ERRORS OF SENATOR BECK, OF KENTUCKY.

In a speech in the Senate on Monday, March 20, reported in the CONGRESSIONAL RECORD for Wednesday, March 22, Mr. BECK, of Kentucky, said:

"The next question is, Who gets the benefit of the tariff tax? Mr. Swank shows it all in his report. The capital and business of the Bessemer steel rail companies for the year 1880 is thus given:

Amount of capital, real and personal, invested in the business	$20,975,999
Cost of lobor	4,930,349
Cost of material	36,826,928
Making labor and material cost	41,757,277
The value of the products when sold was	55,805,210
Deduct capital and labor	41,757,277
And it leaves a net profit of	14,047,933

"Or 66.9 per cent. profit upon their capital, and the pay of labor, $4,930,000 is 8.8 per cent.; 8.8 per cent. labor, 66.9 per cent. profit to the capitalist. Mr. Swank tries to show that there are some places where they have not made money, as in Virginia and elsewhere. But, if I am not mistaken, he charges them with the original investment in the plant and everything else, and gives no credit for that as being worth anything. Some of the old establishments are in fact making far more than 66 per cent. profit; that is the average of all, good and bad, those doing well and those making nothing, taken together."

There are many inaccuracies in the above statement, in addition to its supreme error of attributing an average profit by the Bessemer steel manufacturers of 66.9 per cent. upon their invested capital. The Senator erred in stating that the exhibit he gave referred only to "the Bessemer steel rail companies." He should have said that it referred to "the Bessemer and open-hearth steel works." The correction is important, because there were in the census year only eleven Bessemer steel works, while of Bessemer and open-hearth steel works there were thirty-six in the same year. The Senator erred in confounding "labor and material" with "capital and labor," and assuming that the sum of the first two items is exactly equal to the sum of the last two, namely, $41,757,277. He erred also in the reference to the special agent in the phrase "Mr. Swank tries to show," &c. "Mr. Swank" was and still is a sworn officer of the Government, and in the performance of the difficult task of compiling the statistics of a great industry he tried only to show that he could do his duty and accurately set down facts regardless of theories. He stated no theories, having no right to do so in a Government report.

The statistics of the production of iron and steel in the census year 1880 are not only correct, but they are clearly stated. It was never expected, however, when they were compiled, collated, and analyzed, that they could without some study be understood in all their details by those who are unfamiliar with the multifarious forms which our iron and steel industries have assumed. Ever since the Government commenced the collection of our industrial statistics the separation of the statistics of the different branches of leading industries has been kept steadily in view, and to this rule the iron and steel statistics for 1880 have, of course, formed no exception. They have necessarily been presented in a complicated rather than simple form, but not in a way that renders them incapable of being understood and harmonized by those who will patiently sit down to study them.

The mistake made by Senator BECK and others in assuming that the "total value of all products" ($55,805,210) produced by the Bessemer and open-hearth steel works of the United States in the census year 1880 (see page 36 of the census report on iron and steel) was obtained with an invested capital of only $20,975,999 would not have occurred if they had reflected that these products were not made solely or even largely with the machinery and other aids and appliances of the works mentioned, but that they were the final result of successive preparatory operations and processes of manufacture which may have represented in the census year an invested capital of $100,000,000. The $20,975,999 expresses only the capital invested in machinery and accessories required in the immediate conversion of pig-iron and other raw materials into Bessemer or open-hearth steel, and does not include the capital invested by Bessemer and open-hearth steel manufacturers in iron ore and coal mines, in limestone quarries, in blast-furnaces, in founderies and machine-shops, in car-works, in brick-yards, in lateral railroads, and in other enterprises necessary to the production and handling of these raw materials.

The capital invested in these various contributory enterprises is separately given in the census report on iron and steel and in other census reports. To illustrate the full significance of the distinction which is here made, but which Senator BECK and others have not made, it may be stated that in the census year 1880 the proprietors of the then existing eleven Bessemer steel works of the country operated *forty-nine blast-furnaces*, most of which were large and the construction of which had cost a great deal of money. The statistics of these blast-furnaces, including the capital invested in them, necessarily appear in connection with the statistics of other blast-furnaces; they could not be combined with the statistics of Bessemer and open-hearth steel works because their product is pig-iron and not steel. We may also add, as illustrative of the large investments which our Bessemer steel manufacturers find it necessary to make in iron ore and coal mines, the statistics of which will be found in their proper connection, that one Bessemer steel company in Pennsylvania has recently invested one and a half million dollars in an iron-ore mine in Michigan. To say that the whole capital invested in the production of Bessemer and open-hearth steel in this country is represented by $20,975,999 is as erroneous as to assume that the whole capital of the farmer who grows wheat is represented by the cost of his thrashing-machine.

The history of the Bessemer steel works of the Colorado Coal and Iron Company, which are the latest of their kind in this country, affords a clear illustration of the necessity of embarking a large capital in enterprises contributory to Bessemer steel works as well as in the works themselves. Before a pound of Bessemer steel could be made at these works the company found it necessary to buy and develop iron-ore lands, coal lands, and limestone deposits; to build coke-ovens, blast-furnaces, a foundry, and a machine-shop; and to make many other investments. The company was compelled to provide its own iron ore, its own coal, its own limestone, its own pig-iron, and to construct much of its own machinery. Its Bessemer works do not appear in the census statistics, but if they did, the capital invested in them would by the usages of the Census Office be separated from the capital invested in the contributory enterprises. We have ascertained that these contributory enterprises have absorbed more than five times as much capital as the Bessemer steel works.

The showing of $14,047,933 of profits, which forms the conclusion of the sum in arithmetic given by Senator BECK, falls short of accuracy, therefore, in two important particulars. First, these profits, if correctly stated, should have been made to apply to thirty-six Bessemer and open-hearth steel works instead of to eleven "Bessemer steel rail companies." Second, they are alleged to have been derived from a capital of $20,975,999, whereas the true capital upon which a calculation of profits should have been based was probably five times as large.

We do not understand what significance Senator BECK intended to attach to the statement that labor was paid but $4,930,349, or 8.8 per cent. of the price received for the products of the Bessemer and open-hearth steel works of the country in the census year 1880. Did not labor enter largely into the $36,826,928 which represents the value of the raw materials consumed by these works? Did it not form the principal element in the cost of these raw materials? Does not Senator BECK know that these raw materials could not have been produced without a vast amount of labor, which, of course, somebody paid for, and the cost of which is largely represented in the value of the finished products? Does he not know that the principal element in the cost of all manufactured product is labor? Even in Europe, where labor is paid low wages, this is the case.

The Senator, too, reasons from insufficient and misleading premises when he assumes that labor and raw materials constitute the sole items in the cost of any manufactured product. They are, it is true, the only items of cost considered in the compilation of the industrial statistics of the census, but these statistics are not gathered for the purpose of ascertaining whether any particular industry is conducted at a profit or at a loss. Many important items in the cost of producing any given manufactured product are consequently not even hinted at. The census is sufficiently inquisitorial as it is. Rent, wear and tear of machinery, taxes, insurance, legal expenses, patents, commissions and discounts, interest on borrowed money, traveling and advertising, incidental office expenses, and doubtless other expenses should be added to the two leading items of labor and raw materials if we would include all the elements that enter into the cost of producing any manufactured article. We know of one crucible and open-hearth steel manufacturing company in this country which has paid $60,000 for the use of the patents covering the Siemens regenerative gas furnace. In the very nature of things the census statistics can never include information of this character.

Senator BECK refers to Virginia as if the Old Dominion made Bessemer steel in the census year, which, for her own sake, we regret she did not. He doubtless intended to say that the statistics of the iron industry of some counties of Virginia in the census year show that the aggregate cost of labor and raw materials exceeded the value of the finished products. This was so in many iron districts of the country in that year, the explanation being that the census year exactly covered the period which has been designated as "the boom" in the iron trade, during the greater part of which period establishments that had long been idle were being prepared for active operations, and there were, consequently, large expenditures for repairs and for fuel, iron ore, and other raw materials. While these expenses were incurred in the census year, it happened in some cases that not a pound of iron was made until after its close, and in others that only a small quantity was made. In several of the counties of Virginia precisely this condition existed. It was never intended that the census statistics should explain, like a cash-book, in what months a Virginia iron manufacturer pays out money and in what months he takes it in; nor that they should disclose, like a diary, in what months his works stand idle because his water-power has given out or because the supply of charcoal has been consumed and all hands are busy cutting cord-wood.

ERRORS OF MR. CARLISLE, OF KENTUCKY.

Mr. CARLISLE, of Kentucky, in a speech in the House of Representatives on Tuesday and Wednesday, March 28 and 29, quoted from the report on the production of iron and steel in the census year 1880 the statistics of the Bessemer and open-hearth steel works, and added the following comments. (CONGRESSIONAL RECORD, Sunday, April 2, page 5:)

"Deducting the total cost of labor and materials from the value of the product there is left the sum of $14,047,933, which is a small fraction less than 67 per cent. on the whole capital invested. It thus appears that while capital retains in its

hands, after paying the whole cost of production, nearly 67 per cent., labor received less than 9 per cent. of the value of the product."

It is at least unfortunate for Mr. CARLISLE that he accepted as correct the conclusion reached by Senator BECK, that, from an invested capital of $20,975,999, there was realized in the census year a profit of nearly 67 per cent. If he had gone to the bottom of the whole subject for himself he would have found that the Senator's conclusion was erroneous, as we have shown.

Mr. CARLISLE's speech is marred by another unfortunate and equally faulty and misleading reference to the iron and steel and iron-ore statistics for the census year 1880, to which we will here allude, because it furnishes corroborative testimony of the unreliability of his judgment upon the subject just referred to. He undertook to show that the duty on bar-iron is now much greater than the cost of the labor that is employed in producing it, and in the course of his argument made the following statements, which will be found on pages 7 and 8 of the copy of the RECORD already referred to:

"Let us see what is the rate of duty necessary to equalize the cost of production, so far as the wages of labor constitute a part of that cost; and in making this inquiry I shall include the cost of all the labor employed in the production of the finished article, beginning with the material in its crudest form. * * * I will include the cost of all the labor from the very beginning, and compare it only with the duty imposed upon the finished article. Let us take for illustration a familiar article, merchant bar-iron, an article in relation to which we have the most authentic evidence showing the cost of labor in its production.

"According to the statistics of the production of iron ore, as given us by the census of 1880, the amount paid for labor of all kinds was $1.35 for each ton produced. It requires two tons of ore to make one ton of pig-iron, so that the cost of labor in the quantity of ore necessary to make one ton of pig-iron is $2.70. According to the same authority, the blast-furnaces in the United States produced during the last census year 3,781,021 tons of pig-iron, and paid for services of all kinds the sum of $12,680,703, or $3.35 for each ton. It takes 1.3 tons of pig to make one ton of bar iron, so that the total cost of labor in the pig necessary to produce one ton of bar is $4.35. * * * When the committee appointed by the New York tariff convention came before the Committee on Ways and Means they were accompanied by a gentleman who stated that he was the president of the Amalgamated Iron and Steel Workers' Association of the United States, a labor organization; and, in response to a question put by me, he said that the amount paid to labor for making one ton of merchant bar-iron was $13. Accepting that as a correct statement, we have the following figures:

Cost of labor in two tons iron-ore	$2 70
Cost of labor in one ton pig-iron	4 35
Cost of labor in one ton bar-iron	13 00
Total cost of labor	20 05

"Now, Mr. Chairman, the duty on merchant bar iron under the existing law is $33.60 per ton, or $13.55 more than enough to pay the cost of all the labor expended in its production from the time the crude material leaves the earth until it is sent from the mill as a finished article."

There are many errors in this calculation by Mr. CARLISLE. He has omitted the cost of the labor employed in the transportation of the iron ore to the blast furnace; the cost of the labor employed in the production and transportation of the limestone and fuel necessary to convert the iron ore into pig-iron; the cost of the labor employed in the transportation of the pig-iron to the rolling-mill; and the cost of the labor employed in the production and transportation of the fuel, fettling ore, and other supplies required in the rolling-mill, as well as the clerical and supervisory labor which are also required. He has also failed to observe that his two tons of iron ore will not make one ton of bar-iron, but that, according to his own data, two and six-tenths tons are required. In his summary he is also inaccurate in the phrase, "cost of labor in one ton of pig-iron," when he obviously meant to say one and three-tenths tons. He is also inaccurate in assuming that the duty on bar-iron is $33.60 a ton, when in fact this duty is imposed on only a small part of the bar-iron that is imported, the great bulk of it paying a duty of only $22.40 a ton.

Accurate calculations show that the $20.05 mentioned by Mr. CARLISLE as representing the "total cost of labor" employed in the production of one ton of bar-iron represents only about *one-half* of that cost. A summary of *all* the elements which enter into the cost of each ton of bar-iron which is now produced at a favorably located rolling-mill in Eastern Pennsylvania shows that *nine and one-third tons* of raw materials are used in its production, and that in the transportation and manipulation of these raw materials $36.27 is paid for labor, and not $20.05. A mill less favorably located than the one referred to could not make a ton of bar-iron at a less total cost for labor than $40, which is just *twice* the sum named by Mr. CARLISLE. As happened with his inquiry into the profits of the Bessemer and open-hearth steel manufacturers, he has reached a false conclusion concerning the cost of the labor employed in the production of a ton of bar-iron because he did not consider all the elements of his problem.

ERRORS OF MR. DUNNELL, OF MINNESOTA.

Mr. DUNNELL, of Minnesota, in his speech in the House of Representatives on Tuesday, March 30, on the proposal to appoint a tariff commission, made the following statement. (CONGRESSIONAL RECORD, Wednesday, April 5, page 24:)

"The duty of $28 per ton on steel rails was fixed in 1870. It is not my purpose to discuss whether the duty was then too high or what effect the rate has had in reducing the cost of rails, but insist that a continuance of this high duty is wellnigh a crime. During the last year 372,375,307 tons of steel rails were imported into the United States, paying an aggregate revenue of $4,654,691.31. Steel rails are now made at about the same cost of iron rails. The above table shows the growth and capacity of the mills. The profits of these mills have been for the last few years simply enormous. The census returns show that they were in 1880 from 60 to 70 per cent. on the entire investment. * * * Permit me just here to say that when we look this steel question fairly in the face we can find no possible reason for the continuance of this large duty of $28 per ton. Nearly four hundred millions of tons of steel rails were imported into the United States during the last year, notwithstanding this high rate of duty."

We assume that the honorable gentleman did not make the calculation of "enormous" profits for himself, but, like Mr. CARLISLE, borrowed it from Senator BECK. We have already sufficiently demonstrated that the census returns do not "show that they were in 1880 from 60 to 70 per cent. on the entire investment," but Mr. DUNNELL himself convincingly demonstrates, in the extract which we have quoted from his speech, how unreliable is his statement of the profits derived in the census year by our manufacturers of steel rails. What intelligent farmer can put any faith in the figures of a statistician who gravely informs the country, as Mr. DUNNELL does in his speech, that "during the last year 372,375,307 tons of steel rails were imported into the United States!" This number of tons of rails would lay 4,231,537 miles of railroad track, composed of rails weighing fifty-six pounds to the yard—enough track to go around the earth one hundred and sixty-nine times, and sixteen times the length of all the railroads in the world to-day. All the steel-rail mills now in existence could not make in seventy-five years the number of tons of rails said by Mr. DUNNELL to have been imported into the United States last year. That the honorable gentleman fully intended to use the figures we have quoted is apparent from the fact that he repeats them in the extract which we have given, and this time, in order to emphasize them, he spells them out—"nearly four hundred millllions of tons of steel rails were imported into the United States during the last year." No wonder he preceded this statement with the remark that he could "find no possible reason for the continuance of this large duty of $28 per ton." A duty that will pay off the national debt six times in one year may safely be dispensed with as a matter of revenue, while the protection which it affords to our steel-rail producers need not be considered, as the country, according to Mr. DUNNELL's figures, will probably not need any more steel rails from any source for several hundred years.

PROFITS THAT CAN BE JUSTIFIED.

Having shown that the excessive profits referred to by Senator BECK, Mr. CARLISLE, Mr. DUNNELL, and others, were not realized by our Bessemer and open-hearth steel manufacturers in the census year 1880, we now frankly admit that the profits realized by most of these manufacturers in that year were satisfactory; that they exceeded the 2 or 3 or 5 or 6 per cent. on their invested capital which less daring, less enterprising, and very jealous men would have conceded to them. They did not, fortunately, conduct their extensive business operations in that year at a loss, as many of them had done in previous years, nor were their profits so small that at the year's close it became a question for consideration where they could borrow the necessary money, by placing mortgages on their works, to enable them to so enlarge the capacity of those works that the increased demand for their products could be met in succeeding years. They neither lost money nor received, as a rule, small profits, but on the contrary most of them realized handsome profits, and they immediately invested these profits in extensions to their works, with the result that the capacity of these works is to-day *twice* as great as it was in the census year, assuring a prompt meeting of the country's demands for their products and at much lower prices than then prevailed.

In the census year we produced, in round numbers, 950,000 gross tons of Bessemer and open-hearth steel ingots; this year we can produce double that quantity if it should be required. The price of American steel rails in February, 1880, was $85 a ton, owing to the extraordinary "boom" which then prevailed in all branches of business in Europe and America, and at the same time the price of American iron rails was $68 a ton; in February, 1882, the price of American steel rails had fallen to $55 a ton, through the increase of domestic competition, and at the present time it is quoted at $50 a ton. Men who thus add to the wealth of the country, by increasing its capacity to supply its wants and by reducing the price at which those wants can be supplied, and who, at the same time, furnish employment to increased numbers of workingmen, are surely not criminals but public benefactors.

PROFITS OF EUROPEAN IRON AND STEEL MANUFACTURERS.

European manufacturers of iron and steel do not ordinarily conduct their business with an annual profit of 2 or 3 or even 5 or 6 per cent.; they cannot afford to do it. As an illustration of European profits we may quote from the last annual report of Bolckow, Vaughan & Co., limited, of Middlesborough, England, the leading manufacturers of iron and steel in that country. The report says: "Your directors have pleasure in submitting herewith the company's balance sheet and auditor's report for the year ending December 31, 1881. Having regard to the low prices ruling for pig-iron during the second and third quarters, and the unsatisfactory condition of the coal trade over the whole of the past year, the directors feel assured that the results obtained will be considered satisfactory to the shareholders. The amount of profit available for distribution is £305,806 12*s.* 5*d.*" This is one and a half million dollars. We have no means of ascertaining the exact amount of capital represented by this English company, but it would have to be more than fifteen million dollars to bring the profits of last year below 10 per cent. The only statement we have seen of its capital fixes it nominally at £2,500,000, or about $12,500,000. But the one and a half million dollars "available for distribution" does not represent all the profits of Bolckow, Vaughan & Co. in 1881. The report adds: "The plant and machinery have been kept in an efficient state, and several important repairs and improvements have been made and charged to revenue account." This means that the value and effectiveness of their works were increased last year, as a basis for future profits, and that this was done in addition to setting aside one and a half million dollars for distribution.

An illustration of the profits derived from the manufacture of steel alone in England is before us. The sixth annual report of William Jessop & Sons, limited, embracing the operations of the past year, gives the profits for that year, after paying interest and all other obligations, as £37,323 9*s.* 6*d.*, or about $185,000, on a paid-up capital of £230,610, or about $1,150,000. This is about 16 per cent. The report adds that "the buildings, machinery, and plant have during the year been maintained in thorough repair out of revenue."

Mr. Joseph Wharton is our authority for the following incident: at the dinner given by the iron-masters of the Lehigh Valley, Pennsylvania, in December, 1874, to Mr. Isaac Lowthian Bell, a distinguished English ironmaster, a colloquy occurred between one of the younger Americans present and Mr. Bell which shows that high profits are always expected by English ironmasters. Our young countryman was setting forth the many advantages possessed by England over the United States for the cheap production of iron as so many arguments in favor of our tariff system, and ended with about these words: "And then, you know, Mr. Bell, you capitalists are satisfied with so low a percentage for your money." "What do you mean, sir?" said Mr. Bell. "I mean that you think 3 or 4 per cent. per annum sufficient return for your money," was the reply. "Indeed, you are very much mistaken," rejoined Mr. Bell, "we consider 20 to 30 per cent. much nearer the thing."

LARGE PROFITS NECESSARY.

The measure of the profits which iron and steel manufacturers should in equity receive must of course vary according to circumstances, but concerning the general proposition that large profits are necessary it may be asked, how else can large manufacturing enterprises be built up and employment be given to large numbers of people? Large profits are needed to pay for extensions to enterprises originally small, and to provide improvements in methods of manufacture which the progressive spirit of the age and the fierceness of competition are constantly suggesting. In no other way could capital ever have been accumulated to equip and sustain the great manufacturing enterprises of the world. The large capital upon which millions of wheels and spindles, and all other productive machinery, now rest mainly represents profits. The company to which we have above referred, Bolckow, Vaughan & Co., was founded in 1841 with a small capital, one of the partners contributing absolutely nothing but his skill and experience as an iron-worker, and for many years its operations were conducted on a small scale. In 1850 it entered upon a more prosperous career, and its present extensive works have been created chiefly with the profits of the last thirty years. The great steel works of Alfred Krupp, at Essen, in Germany, the largest in the world, were founded in 1810 by Friedrich Krupp, the father of the present proprietor, and as late as 1848 they employed only seventy-four workmen. At the present time they employ 17,000 persons. The commercial value of these works and their accessories is greater than that of the works of Bolckow, Vaughan & Co., and yet this immense value may be said to have been created wholly out of the profits derived by one family, in two generations, from an enterprise that was originally very small indeed.

It has frequently happened in the manufacture of iron and steel that in the course of a very few years it has been found necessary to almost entirely change the methods or machinery previously employed, thus entailing great and unexpected expense. In the manufacture of pig-iron the introduction of hot-blast stoves and powerful blowing engines in late years has required more money than the original cost of the furnaces to which they have been attached. In the manufacture of steel many changes in methods have occurred in recent years, each of which has been exceedingly expensive. Some of these changes, it is true, have

been of a radical character, as in the introduction of the Bessemer and open-hearth processes, which may be classed as new industries rather than as modifications of old processes; but even these new methods of producing steel have been modified and improved by experience, while the old crucible process has been almost completely transformed by the introduction, at great expense, of gas-furnaces. Years ago, in our own country, a large amount of capital was expended in the erection and equipment of mills for rolling iron rails. Many of these mills have since been abandoned or converted at considerable expense into mills for rolling iron in other forms, while others have been converted at still greater expense into establishments for the production of rails made by the Bessemer or the open-hearth process.

In the report of Bolckow, Vaughan & Co., already mentioned, the necessity for frequent changes of methods and machinery is thus referred to: "The rapid progress of invention connected with the steel and iron trade necessitates the greatest watchfulness on the part of your directors to keep the works and plant in such a state of efficiency as will enable them to obtain the largest production and work with the most economical results." Even in establishments in which new methods and modern machinery have not been introduced the annual cost of repairs to and renewals of such machinery as is in use is ordinarily sufficient to absorb no inconsiderable part of the profits. Probably no other business is so destructive to the machinery and other inanimate aids which it employs as the manufacture of iron and steel. And we may add, although the remark is not germane to our subject, that scarcely any other business taxes so severely as it does the strength and endurance of those who toil in it with their hands.

UNREASONABLE PROFITS.

We do not wish to be understood as justifying unreasonable profits. An illustration of the profits which we do not justify is furnished us by Mr. J. S. Jeans, the secretary of the British Iron Trade Association, in his history of the first company that was organized in England to work the Bessemer process. Mr. Bessemer was the projector of this company and a member of it, his associates being Messrs. Longsdon, Allen, and the Galloways of Manchester. The works were located at Sheffield. Mr. Jeans's statement is as follows: "On the expiration of the fourteen years' term of partnership of this firm, the works, which had been greatly increased from time to time, entirely out of revenues, were sold by private contract for exactly twenty-four times the amount of the whole subscribed capital, notwithstanding that the firm had divided in profits during the partnership a sum equal to fifty-seven times the gross capital, so that by the mere commercial working of the process, apart from the patent, each of the five partners retired, after fourteen years, from the Sheffield works with eighty-one times the amount of his subscribed capital, or an average of nearly cent. per cent. every two months—a result probably unprecedented in the annals of commerce."

But this statement does not exhibit all of the profits which Mr. Bessemer has derived from his invention. He charged others for the privilege of using that invention, and his profits from this source alone have been enormous. Mr. Jeans says that "from first to last Bessemer's patents have brought him royalties to the value of over £1,057,000," or over $5,000,000. This statememt was made in 1879.

American Bessemer steel manufacturers have been censured in the American Congress because, for their own protection, they have been compelled to purchase the patents under which their business is conducted, but we have not heard of any condemnation from the same source of Mr. Bessemer's enormous gains from the sale of his patents and from the use of his invention in his own works. He has realized an immense fortune from his invention, and his government honors him by conferring upon him a title of nobility; he is now *Sir* Henry Bessemer; but honorable gentlemen in the American Congress do not hesitate to stigmatize as public enemies those of their countrymen who, at great cost and with great risk, have given the benefits of this great invention to the American people. For Mr. Bessemer, the Englishman, they have no word of condemnation, but the American manufacturers who have bought his patents they would put in the penitentiary.

THE BESSEMER PATENTS.

This seems to be the proper place to state the cost to American Bessemer steel manufacturers of the patents under which their business has been established. They have cost their present owners, in addition to the royalties paid for their use before they purchased them, almost one and a half million dollars. We are authorized to make this statement by the president of the company that owns the patents. As some of these patents have already expired, and as the value in this country of those last purchased, and for which $275,000 was paid, (covering the Thomas-Gilchrist process,) has yet to be tested, it must be conceded that the day cannot be very far off when the whole of this investment of nearly one and a half million dollars may be lost. A large part of it has already been lost.

But it is alleged that the owners of the Bessemer patents constitute a monopoly; that they will not permit others to use them. This is not the fact. The patents were bought as a business investment, and for protection against possible complications, but not to create a monopoly. Any person or persons who may wish to engage in the manufacture of Bessemer steel in this country can enjoy the use of all the patents that in any way affect the methods of that manufacture which are now employed here by paying a royalty of fifty cents a ton on the raw materials that go into the converter. There is no other charge for the use of these patents. As a ton of the raw materials mentioned produces very nearly a ton of Bessemer steel, it will be seen that the use of the patents costs but a trifle over fifty cents for each ton of steel produced. This is a very moderate charge for the use of patents which have cost their present owners (not counting the Thomas-Gilchrist patents) over a million dollars, and it is certainly a very great reduction upon the charge which the pioneer manufacturers of Bessemer steel in this country were compelled to pay for the use of Mr. Bessemer's patents. The Pennsylvania Steel Company was the first American company to engage in the manufacture of Bessemer steel as a commercial product. In 1867, when its works were started, it was required to pay $5 per ton royalty on all ingots that were produced to be rolled into rails, and $10 per ton royalty on all ingots that were produced to be rolled into other forms. The mere statement of these facts—that the royalty has been reduced from $5 and $10 to fifty cents—carries with it its own comment.

The use of the patents covering the Thomas-Gilchrist process in the manufacture of Bessemer steel has not yet been offered to the American public, for the reason that the American owners of the patents desire first to test by practical experiments the value of the process. We have never heard that any person or persons in this country, except the owners of these patents, have expressed any serious desire to engage in the manufacture of steel by this process.

But Bessemer steel can be made and is made in this country without regard to the patents which cover the old and tried methods of manufacture, and consequently without the payment of any royalty whatever. There are now fourteen Bessemer steel works in operation in this country. Of the whole number eleven are operated under the patents and three regardless of them. These three find no difficulty in making Bessemer steel by methods upon which the patents have expired. There exists, therefore, no hinderance to-day to the manufacture of Bessemer steel in this country *without the expenditure of one dollar for the use of any patents*. That eleven works use methods the patents upon which have not yet expired is due to the fact that their proprietors own the patents, and to the further fact that they believe the methods covered by them to be valuable.

LOSSES OF AMERICAN BESSEMER STEEL MANUFACTURERS.

Having very fully referred to the charges of excessive profits that have been made against the American manufacturers of Bessemer steel we will now be pardoned for briefly reciting some of their losses.

Each of the two experimental Bessemer steel works established in this country in 1864 and 1865, one at Wyandotte, Michigan, and the other at Troy, New York, lost money. The Wyandotte works were abandoned in 1869, and were almost a total loss. The Troy experimental works were succeeded in 1867 by permanent works, and these were burned in 1868. New works were completed in 1870, and it was not until after this event that any money was made in the manufacture of Bessemer steel at Troy.

The first works established in Pennsylvania expressly to manufacture Bessemer steel were those of the Pennsylvania Steel Company, near Harrisburgh, which were commenced in 1865. In 1867 steel was first manufactured at these works, since which time they have been steadily in operation. But it was not until 1873, eight years after the erection of the works had been undertaken, that a cash dividend was declared, and then it amounted to only 2 per cent. upon the capital stock. At this time the stock exceeded one and three-quarter million dollars. A short time prior to this dividend one of the stockholders sold his stock for one-half its original value.

The second Bessemer steel works in Pennsylvania were those of the Freedom Iron and Steel Company, near Lewistown. They were undertaken in 1866. In 1868 they commenced to make steel, and in 1869 the company failed, and the works were subsequently dismantled. Over one and a half million dollars in capital and bonded and unbonded debts was sunk in this abortive enterprise.

The Cambria Iron Company, at Johnstown, Pennsylvania, has manufactured Bessemer steel since 1871, but was originally organized in 1853 to manufacture iron rails. Its capital stock was $1,000,000. In 1854 the company failed, and in 1855, fresh capital having been added, it failed again. The works were then leased. In 1861 the company was reorganized and placed upon a firm financial basis, the original stockholders, who had paid $1,000,000, surrendering their stock and receiving in exchange $100,000 of new stock, or $100 for every $1,000 they had invested. Thus the original promoters of this enterprise absolutely lost $900,000.

The Bethlehem Iron Company, at Bethlehem, Pennsylvania, was organized in 1863 to manufacture iron rails, and in 1873 it commenced also to manufacture Bessemer steel. It has continued the manufacture Bessemer steel until the present time. From 1879 to 1873 only stock dividends were made, and from 1873 to 1879 neither stock nor cash dividends were declared. In these latter years the company's operations were conducted at an actual loss. In 1874 a bonded debt of $1,000,000 was created, and in 1877 additional bonds were issued to the amount of $278,000.

In the West the effort to establish the Bessemer steel industry has been attended with many discouraging vicissitudes. The works of the Joliet Iron and Steel Company, at Joliet, Illinois, were commenced in 1870, and in 1873 they first manufactured Bessemer steel. In 1874 the company failed, and the works were stopped. The company made another effort to achieve success, but after a long struggle again failed, but not until fresh debts had been created, the whole investment aggregating $3,700,000. After passing through bankruptcy the works were sold in 1879 for a sum not sufficient to pay all the bondholders, and the original capital was lost. The works of the Vulcan Steel Company, at Saint Louis, Missouri, were built in 1872 to roll iron rails, but in 1875 the company commenced the erection of Bessemer steel works. In 1876 these works were completed, and steel was made by them in that year. Soon afterward the company failed to meet its obligations and the works were stopped, but, after many serious losses, it has been reorganized and the works are now in operation. Probably $1,000,000 has been sunk in building up this enterprise, which has until very recently been exceedingly unprofitable.

It will be seen that our Bessemer steel industry has encountered serious obstructions, and that it has reached its present condition of prosperity through great tribulation. If those who, with undaunted courage but often with failing strength, faithfully nursed it for many years when it was a sickly child are now able to recover their losses through the general prosperity of the whole country, and if it can be shown, as it most certainly can be, that their enterprise and courage have resulted in giving to the country a vigorous industry that has cheapened the cost of our railroads and reduced the ransp who shallortation, say that theysoct of t are not worthy of their reward?

I am, sir, very respectfully, your obedient servant,

JAMES M. SWANK, *Secretary*.

Hon. WILLIAM D. KELLEY,
Chairman of the Ways and Means Committee, House of Representatives.

A DIVERSION.

Mr. Chairman, I must hasten to a conclusion; and it is my purpose to illustrate the effect thirty years of her present commercial system has had upon England by the testimony furnished by contributors to her leading journals. But before proceeding to lay the matter I have collected on this point before the committee, I desire to emphasize the fact stated by Sir Edward Sullivan in the Nineteenth Century for August last, that there were at that time 14,500,000 of her people with less than 10*s*. 6*d*. a week to live on; less than $2.62 a week to each of 14,500,000 British laboring people, with whose work our producers ought to be made to compete, with a slight allowance for something or other.

Mr. HEWITT, of New York. For the difference in labor.

Mr. KELLEY. For the difference in labor? Who will ascertain and fix it? At what point at home and abroad shall it be fixed?

Mr. HEWITT, of New York. The Ways and Means Committee ought to be able to fix it. You have got tables of wages there, and you can find exactly the difference in making a ton of iron between Great Britain and the United States, and put the duty on it; that is enough.

Mr. KELLEY. I will put a question to the gentleman, and want a candid answer.

Mr. HEWITT, of New York. You shall have it.

Mr. KELLEY. Will the gentleman state the basis of the opinion he so persistently reiterates that a Republican Committee on Ways and Means can do what three successive Democratic committees failed to do?

Mr. HEWITT, of New York. Because the Republican committee has professed to have special knowledge of industry in this country and the basis upon which it is built, and have all the facts and knowledge about it; and they deny that the Democrats know anything about it at all. That is the reason why I pay the gentleman a compliment. He has written volumes and made speeches without number about it.

Mr. KELLEY. Here are speeches that I made upon two Democratic tariff bills. The first was in the Forty-fifth Congress, or the Forty-fourth—which was it?

Several MEMBERS. The Forty-fifth.

Mr. KELLEY. That tariff bill of 1876 was concocted in Democratic circles and brought here. And then in 1878 we had another Democratic tariff bill. And neither of them were ever brought to a vote.

Mr. HEWITT, of New York. Why, you struck out the enacting clause of one of them.

Mr. KELLEY. The enacting clause was stricken out.

Mr. HEWITT, of New York. By your vote.

Mr. KELLEY. Yes, by my vote; but not by it alone. One of the slight objections to what was called the Morrison tariff bill was that when an article had several commercial names it appeared in the bill under different rates of duty, according to the name.

Mr. MORRISON. Old man, you never told me that in the committee-room.

Mr. KELLEY. Oh, yes; I did. But here is what I said in my speech of May 29, 1876, when the members of the Democratic committee were on the floor and had an opportunity to correct me if I made a misstatement:

> In many instances it puts the same article, under different names, on both the dutiable and free list; thus acetate of potash is to bear a duty of 12½ cents a pound, but potassa acetate, which is identically the same article, is on the free list.
>
> [Laughter.]
>
> Prussian blue, when so called, is to be judiciously protected, but when imported as Berlin blue, or fig-blue, or Chinese blue, it is to come in free.

[Laughter.] The same article identically, whether invoiced as Prussian blue or Berlin blue. Then there was a very learned resolution appended and made part of the bill. It read:

> *Provided*, That alcohol, to be exclusively used for the manufacture of ethers, chloroforms, and the vegetable alkaloids, made free of duty by this act, may be withdrawn from bond free of the specific internal-revenue tax per gallon, in quantities not exceeding one thousand gallons at any one time, under such rules, regulations, and bonds as the Secretary of the Treasury shall prescribe.

I ask now, as I then asked, how many chloroforms had the Committee on Ways and Means discovered? For science has only discovered one. And I again ask what vegetable alkaloids needed the use of alcohol? I never found the practical chemist that could tell me how it was to be applied to any of them. And, after considering the bill as a whole, I said to the gentleman from Illinois confidentially, and in subdued tones, "This is all infernal nonsense." [Great laughter.]

Mr. MORRISON. You say that so often that I did not think you meant it.

Mr. KELLEY. But, my dear friend, for as such I always greet you, justice requires me to say that you are not personally responsible for much of this nonsense. In the course of my remarks on the occasion referred to I took occasion to say:

> I have before me the bill presented by the chairman of the Committee on Ways and Means, and which, on his motion, was referred to the committee, and the one reported by the committee to the House, and am compelled to say that bad and dangerous as was the original bill it was better when presented and referred than it became in the hands of the committee. In its original form it had at least the merit of general consistency; but as reported by the committee it is a mesh-work of incongruities, which practical men who are familiar with the details of trade and the existing system of taxes and duties will, if they read it, regard as a travesty of American legislation. I am aware that these are strong phrases, but they involve no intentional discourtesy to the chairman or any member of the committee.

My old friend, Fernando Wood, who introduced and managed the next Democratic tariff bill, has gone hence, and I will say nothing about his bill, except in the way of a little story. General Banks, of Massachusetts, was a member of the committee at that time. Mr. Wood used sometimes to lose his temper, as does his successor. When the enacting clause had been stricken from his bill by an overwhelming vote he went into the committee-room. He was irate and gave expression to his feelings. General Banks, in his dignified but good-natured way, said: "What do you mean, Mr. Chairman?" "Why," said Mr. Wood, "everybody seemed to have an objection to some provision of my bill." "Oh no," said Banks, with even more than his usual affability, "I do not think, sir, that there was objection to the provisions of your bill; our hostility was to the enacting clause." [Laughter.] Whereat the venerable chairman of the committee laughed, and the Wood tariff bill had passed into history. In view of these reminiscences I am constrained to admit that even in conjunction with the gentleman from New York I could not frame a tariff bill in thirty days, and that I think we had better suffer the ills we are said to be enduring than fly to those that would spring from such a hotchpotch higgledy-piggledy business as we would make, or as the Democratic committees of late Congresses proposed to make of it.

Mr. HEWITT, of New York. Does the gentleman propose to pass away from the gentleman from Minnesota? The gentleman undertook to give me a chance to ask him a question.

Mr. KELLEY. Certainly you may. But I do not think the gentleman from Minnesota needs a guardian. He can take care of himself.

Mr. HEWITT, of New York. The gentleman took exception to the statement I made that an investment of twenty millions of dollars in steel works had produced very nearly or quite that profit in a single year. Then he took exception to a statement of the gentleman from Minnesota [Mr. DUNNELL] that dividends had been made of 67 per cent. per annum. Now, I beg to ask the gentleman from Pennsylvania whether he knows that profits have not been made by steel companies at the rate or over the rate of 67 per cent.?

Mr. KELLEY. I do know it by information received from gentlemen connected with the largest and best of them. And I do know that three of them have failed.

Mr. HEWITT, of New York. I am referring to the year 1881. What were the profits of the year 1881?

Mr. KELLEY. Oh, no!

Mr. HEWITT, of New York. That was my allegation. And ask the gentleman now whether he says that in the year 1881 the steel works of Pennsylvania did not make an average of 67 per cent. and more of profit?

Mr. KELLEY. And I deny it.

Mr. HEWITT, of New York. Now then——

Mr. KELLEY. I do not yield any further; you can speak in the five-minute debate.

Mr. HEWITT, of New York. Oh, no; I yielded to the gentleman from Pennsylvania all the time he wanted during my speech, and now when I am prepared to give the evidence of the correctness of my assertion he declines to yield.

Mr. KELLEY. You yielded and then abruptly cut me off. I have not infinite strength, and I have quite enough material here to engage me.

Mr. HEWITT, of New York. Then I say to this House that I am prepared to prove that dividends greater in money value than 50 per cent. were made on the profits of 1881, and that the undivided profits exceeded 67 or even 100 per cent.

Mr. KELLEY. I say the gentleman is not prepared with any legitimate evidence to sustain his allegations; and I now resume the floor.

Mr. HEWITT, of New York. I hold the proof in my hands.

Several MEMBERS. Read it. Read it.

Mr. KELLEY. No! No! [Laughter.] I simply assert my right to the floor. There will be time in the five-minute debate for the gentleman to read it. I do not know what it is; I do not know from whom it comes; but I see it is a clipping from a newspaper.

Mr. MCMILLIN. Read it.

Mr. KELLEY, (to Mr. MCMILLIN.) Are you the chairman of the Committee of the Whole? [Laughter.]

Mr. MCMILLIN. I am one of the members of this House, sitting here and allowing you to go on by consent; and as such I ask you to yield to others the privileges that you enjoy yourself. And now if you can go on after obtaining privilege yourself and refuse that to others, do so.

Mr. KELLEY. I say it can come in in the five-minute debate to-morrow; but I am not disposed to be bullied into yielding the floor.

Mr. HEWITT, of New York. This is a new doctrine. I have not seen much bullying done by this weak and humble side of the House during this session; but we will begin it if necessary.

Mr. KELLEY. Well, read it; let us see what it is.

Mr. HEWITT, of New York, (reading:)

> Judge Ashman yesterday filed an adjudication in the estate of J. Edgar Thomson, formerly president of the Pennsylvania Railroad Company. The question was whether about fifty thousand dollars' worth of stock of the Pennsylvania Steel Company, which had recently been obtained by the estate, should be regarded as part of the capital of the estate or as a dividend and given to Mrs. Thomsom absolutely. Judge Ashman took the latter view, and awarded the property to the widow.—*Philadelphia Times, April* 28.

The facts are that the dividends of 50 per cent.——

Mr. KELLEY. Oh, no, [laughter;] that is not proof.

Mr. HEWITT, of New York. I say I will give the authority, and I defy anybody to dispute it. The facts are that a dividend of stock was declared by the Pennsylvania Steel Company, and that stock is selling in the market to-day for more than 200; so that $50,000 of stock was worth over $100,000.

Mr. KELLEY. Among the books in my library, when I practiced law, was one entitled "Cases Doubted, Denied, and Overruled," and I think this is a case that will be doubted, denied, and overruled if it means what the gentleman says it does. It has no relation to the dividends of a corporation. The orphans' court divides the estates of testators and decedents. That is an orphans' court decision.

Mr. HEWITT, of New York. The superintendent told me himself that he had $3,000,000 of undivided profits.

Mr. KELLEY. I am ready for all proper questions, and for facts within your knowledge.

Mr. HEWITT, of New York. This is within my knowledge.

Mr. KELLEY. Knowledge derived from an irrelevant newspaper paragraph. I am closing a speech, and I do not want my argument further broken by the injected opinions of one who speaks of the American tariff as a war measure; says it produces $150,000,000 annually more than is needed for the national expenditure; and that it was the chief cause in producing the world-wide financial convulsion that between 1873 and 1879 oppressed England, France, Germany, and all the states of Central and South America, and ruined many of the leading houses of India. Who attributed all this to our obstructive prohibitory tariff?

Mr. HEWITT, of New York. I said it was a powerful element.

Mr. KELLEY. What is that?

Mr. HEWITT, of New York. I said that it was a powerful element, and I repeat it.

Mr. KELLEY. Now that I have——

Mr. HEWITT, of New York. I said that that condition of depression was resultant from many causes, and I thought that the tariff was one of them.

Mr. KELLEY. You thought the Morey letter was genuine too. [Great laughter.] I refer to the speech of the gentleman, and read this colloquy:

Mr. KELLEY. Could England find a market for her products during the era to which the gentleman refers?

Mr. HEWITT, of New York. It could not.

Mr. KELLEY. Then it was not protective duties which shut the commodities out of other markets? But was it not the inability of the people to consume? And further, did that not come from a financial cause, namely, the suppression by Germany of the great part of her paper—of bank notes under $25, or £5 sterling, the abrogation of the use of silver by Germany, the steady application of our surplus revenue to the contraction of our "greenbacks?" I am not going into a discussion——

Mr. HEWITT, of New York. But I am afraid the gentleman is.

Mr. KELLEY. They were then performing the service of money, but the demonetization of silver by this Government through the withdrawal of the medium of exchange from the world by these two governments, did it not paralyze industry and the consumptive capacity of the whole world. No tariff can control such contingencies. [Applause.]

Mr. HEWITT, of New York. I will answer the gentleman by saying that his long question is a conundrum proper to be addressed to the Republican party. They framed all this legislation.

Mr. KELLEY. Oh, no; they did not frame the German legislation.

Further on I read:

Mr. KELLEY. I should like the gentleman to answer whether I did not name the causes.

Mr. HEWITT, of New York. You named a great many causes, but I find the gentleman generally omits the right cause, which is in this case a high prohibitory and destructive and obstructive tariff. [Applause.]

Our tariff, according to the gentleman, was "the right cause."

Mr. HEWITT, of New York. I think it was the chief cause, and in the haste of debate I said "right cause;" but I then proceeded to explain by pointing out that national prosperity or adversity results from many causes.

Mr. KELLEY. The "haste of debate" involved in the reading of a printed speech by the gentleman, which appeared in the New York Tribune the next morning, though it had not been sent by wire. [Laughter.]

Mr. HEWITT, of New York. That portion did not appear in the New York Tribune.

Mr. KELLEY. Well, then, the speech had been sent before this colloquy—in the "haste of debate."

Mr. HEWITT, of New York. Of course it had. Has the gentleman never prepared a speech in advance? I read my speech from slips; why should I not? There was no concealment.

Mr. KELLEY. Mr. Chairman, throughout this debate gentlemen have dwelt on the period of depression and asked why a protective tariff did not defend us against prevailing depression. They could have mentioned another depression the incidents of which had a bearing on the question. It was local,—was confined to this country. The gentleman from Illinois [Mr. MORRISON] quoted yesterday from one of my speeches showing the effect produced by the retirement of our greenbacks under the law of 1866. That law authorized the Secretary of the Treasury to retire $10,000,000 of Treasury notes in six months and $4,000,000 monthly thereafter. The contraction of the currency this law produced suspended all our industries, and Congress hastened to repeal the law which authorized it. In April, 1866, the law was passed; in February, 1868, it was repealed by an almost unanimous vote. Then again, when we passed the law providing for resumption, we authorized the retirement of paper until the volume of greenbacks should be reduced to $300,000,000. Germany retired her silver and her small notes, and so between us, we convulsed and paralyzed the trade of the world by our financial action. No tariff can defend trade against such contraction of the medium of exchange. With the consent of the committee, I will read an extract from the first chapter of Sir Archibald Alison's History of Europe, from 1815 to 1852, which illustrates the absurdity of the gentleman's theory that our tariff paralyzed the commerce of the world. Allison said:

Whoever has studied with attention the structure or tendencies of society, either as they are portrayed in the annals of ancient story, or exist in the complicated relations of men around us, must have become aware that the greatest evils which in the later stages of national progress come to afflict mankind arise from the undue influence and paramount importance of realized riches. That the rich in the later stages of national progress are constantly getting richer, and the poor poorer, is a common observation, which has been repeated in every age, from the days of Solon to those of Sir Robert Peel; and many of the greatest changes which have occurred in the world—in particular the fall of the Roman Empire—may be distinctly traced to the long-continued operation of this pernicious tendency. The greatest benefactors of their species have always been regarded as those who devised and carried into execution some remedy for this great and growing evil; but none of them have proved lasting in their operation, and the frequent renewal of fresh enactments sufficiently proves that those which had preceded them had proved nugatory. It is no wonder that it was so; for the evils complained of arose from the unavoidable result of a stationary currency, coexisting with a rapid increase in the numbers and transactions of mankind; and these were only aggravated by every addition made to the energies and productive powers of society.

To perceive how this comes about, we have only to reflect that money, whether in the form of gold, silver, or paper, is a commodity and an article of commerce, and that like all similar articles it varies in value and price with its plenty or cheapness in the market. As certainly and as inevitably as a plentiful harvest renders grain cheap and an abundant vintage wine low-priced, does an increased supply of the currency, whether in specie or paper, render money cheap as compared with the price of other commodities. But as money is itself the standard by which the value of everything else is measured and in which its price is paid, this change in its price cannot be seen in any change in itself, because it is the standard. It appears in the price of everything else against which it is bartered. If a fixed measure is applied to the figure of a growing man, the change that takes place will appear not in the dimensions of the measure but the man. Thus an increase in the currency when the numbers and transactions are stationary or nearly so is immediately followed by a rise in the money price of all other commodities, and a contraction of it is as quickly succeeded by a fall in the money price of all articles of commerce and the money remuneration of every species of industry. The first change is favorable to the producing classes, whether in land or manufactures, and unfavorable to the holders of realized capital or fixed annuities. The last augments the real wealth of the moneyed and wealthy classes, and proportionally depresses the dealers in commodities and persons engaged in industrial occupations. But if an increase in the numbers and industry of men co-exists with a diminution in the circulating medium by which their transactions are carried on, the most serious evils await society, and the whole relations of its different classes to each other will be speedily changed; and it is in that state of things that the saying proves true that the rich are every day growing richer and the poor poorer.

The two greatest events which have occurred in the history of mankind have been directly brought about by a successive contraction and expansion of the circulating medium of society. The fall of the Roman Empire, so long ascribed, in ignorance, to slavery, heathenism, and moral corruption, was in reality brought about by a decline in the gold and silver mines of Spain and Greece, from which the precious metals for the circulation of the world were drawn, at the very time when the victories of the legions and the wisdom of the Antonines had given peace and security, and with it an increase in numbers and riches, to the Roman Empire. This growing disproportion, which all the efforts of man to obviate its effects only tended to aggravate, coupled with the simultaneous importation of grain from Europe and Lydia at prices below what it could be raised at in the Italian fields, produced that constant decay of agriculture and rural population and increase in the weight of debts and taxes to which all the contemporary annalists ascribe the ruin of the empire. And as if Providence had intended to reveal in the clearest manner the influence of this mighty agent on human affairs, the resurrection of mankind from the ruin which these causes had produced was owing to the directly opposite set of agencies being put in operation. Columbus led the way in the career of renovation; when he spread his sails across the Atlantic he bore mankind and its fortunes in his bark. The mines of Mexico and Peru were opened to European enterprise; the real riches of those regions were augmented by fabulous invention; and the fancied El Dorado of the New World attracted the enterprising and ambitious from every country to its shores. Vast numbers of the European as well as the Indian race perished in the perilous attempt, but the ends of nature were accomplished. The annual supply of the precious metals for the use of the globe was tripled; before a century had expired the prices of every species of produce were quadrupled. The weight of debt and taxes insensibly wore off under the influence of that prodigious increase in the renovation of industry; the relations of society were changed; the weight of feudalism cast off; the rights of man established. Among the many concurring causes which conspired to bring about this mighty consummation, the most important, though hitherto the least observed, was the discovery of the mines of Mexico and Peru.

EVENTS—WHAT THIRTY YEARS OF FREE TRADE HAVE DONE FOR ENGLAND AND TWENTY YEARS OF PROTECTION FOR AMERICA.

Mr. Chairman, it has been said that "events are written lessons glaring in huge hieroglyphic picture-writing that all may see and know them." Let me, therefore, turn from the unseemly wrangle into which I have been forced, and from the consideration of imperfect tables, which like cobwebs "will hold no conclusion," and contemplate our subject in the light of events—events not of mean but of magnificent proportions. The loss by England of the commanding position in commerce and manufactures she so long maintained, and the recognition of the United States as the foremost member of the family of nations, are events that all will read and know. By what terrible contest of arms has this reversal of the relations of these nations been wrought! What carnage and desolation marked its progress! Sir, this is the work of peace. It has been wrought by legislation and not by war; and it illustrates the importance of gravely considering every revenue measure which can influence the productive forces of a country.

About thirty years have elapsed since Great Britain entered fully upon its present commercial system, and, throwing down the barriers of defense which secured her home market to her laborers, challenged the nations of the world to competition in manufactured goods in all its markets. The period was well chosen for the success of the experiment. The change was coincident with the discovery of the gold fields of California and Australia, which, by opening to settlement Australasia and the Pacific coast of North America, created large demands for wares and fabrics of every variety in new and highly remunerative markets. The sudden and unprecedented augmentation of the world's stock of gold caused great movements of people, great increase of production, and a great enhancement of prices. Oblivious to the relation of the increase of the supply of gold to prices and the power of people to pay for and consume commodities, and of the effect of the settlement of the rich and remote states to which I have alluded, British statesmen ascribed the wonderfully increased demand for British goods and ships exclusively to their newly applied economic theories. They deceived themselves into the belief that England was invincible and would forever remain as she then was—the workshop of the world and the mistress of the sea.

We had then recently repealed the protective tariff of 1842, and were under the free-trade Walker tariff of 1846; and if free trade were a specific for the relief of depressed people, our share of prosperity should have been relatively commensurate with that of England. Indeed many circumstances favored our growth and prosperity in a higher measure than that of England. The gold fields of California were ours, and she could obtain the gold we mined but by purchasing it from us. Our mercantile marine was superior to hers, and London merchants paid a shilling more per chest for tea on an American clipper ship from Hong Kong to London than they would to a British ship. The potato rot devastated the fields of Britain and much of the Continent, and opened a large market for our cereals. During the decade from 1850 to 1860 we mined $1,100,000,000 of gold;

but notwithstanding this, and that ocean freight charges were in our favor and not against us, as now, 1857 found the people and the Government bankrupt. Our banks were unable to redeem their notes; our Government unable to borrow money; our laborers idle, and our merchants and manufacturers in a condition almost as deplorable as they had been in 1840, when universal insolvency forced the adoption by Congress of a bankrupt law as the only means of redeeming from mortgage the future of a generation of business men.

If England's augmented prosperity was the result of her adoption of free trade, the history of that decade shows that it did not operate as favorably in this country as it did in that, and that it is therefore not a specific of universal application. Mr. Chairman, in contemplating the history of that decade I am forced to the conclusion that the Almighty, in pursuance of His beneficent purposes, had determined to compel the American people to develop and apply to the relief of suffering mankind the resources of the virgin continent, to which He had led them; and to demonstrate to them by a series of grand events that to accomplish this work they must defend and protect against all competitors by whatever means might be required a people's right to supply their own wants when this could be done by the use of their own raw materials.

The protective tariff of 1842 had lifted us from the prostration to which we had been brought by the compromise tariff of 1832. It was succeeded by Mr. Walker's revenue tariff of 1846; and now in 1857, having mined and squandered on perishable foreign commodities more than a thousand millions of gold, we were again in the condition that 1840, 1841, and 1842 had found us, and in which we remained till the protective tariff of 1861 went into effect.

Since then the provisions of that tariff have defended our industries, our right to develop our resources, and, so far as our insufficient stock of machinery would permit, to supply our own markets. These are events the world must take heed of. In contemplating them it will behold the gradual loss by England of many of her markets; it will see that, to borrow the words of M. Léon Say, her "capital account" is being closed, and that her industry has entered on its decadence; that her people of moderate means in all ranks of life are flocking from the best portions of her farming land to better their fortunes in the wilds of America; and that her manufacturers are not only deserting her, but are bringing their capital, their arts and mysteries, their machinery, and their skilled and trusted workmen to enlarge our "capital account" and add to the wealth and prospective power of our country.

I propose, sir, to draw from accepted British authorities proof of these facts and conclusions, and also of the fact that I spoke without exaggeration when I said that the protective system had exalted us into a beacon-light for the guidance of nations.

The August number of the Nineteenth Century contains two articles which are published under the title of "Isolated Free Trade." The first paper is by Sir Edward Sullivan, the other by his grace the Duke of Manchester. Let me present a brief extract from Sir Edward Sullivan's paper. He says:

I believe it is now generally allowed that every prophecy uttered by the apostles c.. trade thirty years ago is unfulfilled, or has proved false; and to my mind ridicule attaches rather to those who continue to repeat these false prophecies than to those who expose their hollowness. In 1844 Mr. Cobden said: "You have no more right to doubt that the sun will rise in the heavens to-morrow than you have to doubt that in less than ten years from the time when England inaugurates the glorious era of commercial freedom, every civilized commercial community will be free-traders to the backbone." In 1852 he said that the time was at hand "when other nations would be compelled by self-interest and by the reality of our prosperity to follow our example and adopt free trade." About the same time Mr. Disraeli said in the House of Commons: "The time will come when the working classes of England will come to you on bended knees and pray you to undo your present legislation."

Which prophet, may I ask now in 1881, has proved himself most worthy of our trust? The cloud that threatens the industrial existence of England has been gathering and intensifying for six years. The extraordinary growth and development of agricultural and manufacturing prosperity in Europe and America have entirely changed her industrial position.

Thirty years ago England had almost a monopoly of the manufacturing industries of the world; she produced everything in excess of her consumption; other nations comparatively nothing. The world was obliged to buy from her, because it could not buy anywhere else. The discoveries of gold and steam immensely increased the demands and the purchasing power of the world, and consequently the demand for the products of England. Her wealth increased by leaps and bounds that were bewildering; she was intoxicated with success; with her immense accumulated wealth, her machinery, her coal, her iron, her insular position, she thought herself unassailable; she laughed at the possibility of foreign competition; she offered to fight the rest of the world with her right hand tied behind her back; she said to the world, "I will receive anything you can send me without duty," adding at the same time an expression of hope that they would in turn receive her goods. But they said, "No, we gladly avail ourselves of your kind offer of admitting our goods; certainly we will send you all we possibly can. At present, unfortunately, we have nothing to send; we cannot yet supply our own wants, but when we have more capital and your machinery and workmen, we hope to have a large surplus to send you." Well, that was thirty years ago. Now, France and America and Belgium have got our machinery and our workmen and ample capital, and they are sending us a yearly increasing surplus that is driving our own goods out of our own markets, and every year they are more completely closing their markets to our goods.

Now, whether the reaction against isolated free trade is reasonable, or whether it is merely the "revival of workingmen's prejudices," as the leading journal tells us, it exists and it is growing with a rapidity and with an intensity that surprises many, even of those best acquainted with the operative class.

The organization of the working classes is very complete and very strong, and at this moment the whole of it is being concentrated on this point. Already a number of operatives, far more than is necessary to turn a general election, have, through their delegates, given in their adherence to the Fair Trade League.

The workingmen are not working out the question by the abstract reasoning of others, but by their own experience; they know nothing of political economy, but they know what were the promises of the apostles of free trade, and they know what are the results. Bankers and brokers and dealers in stocks and importers of foreign manufactures may tell them that they are fools and do not know when they are well off. That may be so, but they know when they are badly off, and they are badly off now.

The reports of their delegates state that a very large proportion of the operative population of Great Britain (they put it at one-third) is out of work; that the rest have not, on an average, more than four days' work a week; that for five or six years they have been consuming their savings and the funds of their trade societies. One rich trade society has paid no less than £200,000 in "work pay" during the last five years, and reduced its capital to less than £100,000.

Whatever the wealth of the country may be, it has not penetrated down to them. Every year this wealth is accumulating into fewer hands; every year the gulf between rich and poor becomes deeper and broader. It is calculated that there are at this moment 14,500,000 of the people with less than 10*s.* 6*d.* a week to live on. The operatives look abroad, and they see and hear from their mates what is the condition of national wealth in France and America, that there the fertilizing stream has descended to all classes, and they find the very reverse is the case: that wealth is daily becoming more generally distributed, that every year the gulf between rich and poor is getting narrower and shallower. They see and hear that the operatives in France and America have far steadier work, higher wages in proportion, and are increasing more rapidly in material prosperity than the work-people of Great Britain, and they are beginning to ask why. They know that they are, man for man, as good as their rivals, that in mechanical skill, in aptitude for hard work, in mineral wealth, in national capital, &c., they are their superiors. Why, then, are they not equally advancing in material prosperity?

The stock arguments of the big loaf, the natural antagonism between producers and consumers, between employers and employed, &c., have been disproved by the rate and reality of the American progress.

"I can hardly allow myself to believe," said Lord Derby, "that America will long maintain at the public expense a privileged class of manufacturers and producers." But the American people laugh at this; they know that every prosperous manufacturer means a hundred or two of prosperous workmen, and that every ruined manufacturer, one or two hundred ruined workmen; that if the employer is losing money the employed cannot be making it. More than this, they understand that manufacturing and agricultural industries are inseparably bound up together, that prosperous manufactures mean prosperous agriculture, and *vice versa;* that each consumes what the other produces; that each is the best customer to the other.

"How long," re-echoes the Cobden Club, "will the farmers of America allow protection to add to the cost of what they consume?" "So long as protection adds to the value of what they produce," is the reply.

The Western and Southern farmers find that the protected manufacturers, instead of being their enemies, are their best customers; they are attracting them to their region by every means in their power; the more prosperous they are the more money they have to spend, the more good they do them. Chicago, the capital of agricultural America, is rapidly becoming one of the largest manufacturing cities in the Union.

Mr. Chairman, Sir Edward Sullivan is not alone in his revolt against free trade. The sufferings of the British people are so general, intense, and increasing that but a small majority can be found in Parliament to resist the demand for a parliamentary commission to inquire into the effects which the tariffs in force in foreign countries are having upon the principal branches of British trade and commerce. An intelligent and observing friend, in a letter dated London, April 8, 1882, wrote me as follows:

A little over a century ago the House of Parliament refused, by a large majority, the proposals for a census. Said one of the learned and liberal-minded members: "I did not believe that there was any individual of the human species so presumptuous or so abandoned as to make the proposal we have just heard." It was denounced as "a project totally subversive of the last remains of English liberty" and "the most effectual engine of rapacity and oppression that was ever used against an injured people." And then, as a great climax to his speech, the leader of the House of Commons said: "Moreover an annual register of our people will acquaint our enemies *abroad with our weakness.*"

In listening to Mr. Gladstone's reply the other night to Mr. Ritchie's motion that a select committee be appointed to inquire into the effects which the tariffs in force in foreign countries have upon the principal branches of British trade and commerce, my mind reverted to the above-mentioned debate, especially when the prime minister of 1882 urged that to pass such a measure (regardless of the good or bad results of such a commission) "would at once become the strongest argument in favor of protection and in favor of hostile tariffs. To admit that FREE TRADE had become a subject of solemn inquiry would be a sign of weakness, or, possibly, would show their weakness to their enemies." Can it be that England is now playing a game of commercial bluff with the world, as a century ago it played at military bluff? But the vote shows that a respectable number of the members do believe that it will pay to open up this question again, even if it does expose the real condition of affairs:

For motion	140
Against	189
Majority only	49

It came out in debate that in England itself pauperism is on the increase. In 1876 there were 18,000 indoor and 79,000 outdoor paupers; while in 1881 there were 26,000 indoor and 84,000 outdoor. In Ireland they had increased from 6,000 indoor and 31,000 outdoor in 1876, to 8,000 indoor and 53,000 outdoor in 1881, and emigration during the same period had increased from 109,000 in 1876, to 227,000 in 1881. The receipts of the railroad companies per mile has also decreased; and indeed, as one speaker said: "In everything that was generally taken as indicating the prosperity of the country, we have been going back instead of progressing, and there was a feeling in the country that their retrogression might be attributed to our commercial policy; but the government refused to inquire into it for the same reason that a century ago they refused to enumerate its inhabitants—because it might show its weakness to its enemies. I ask you, judge, in all candor, is it unfair for us to put this construction upon its attitude? For one, I should be glad to know the real facts, as I cannot see why free-trade advocates should seek darkness rather than light."

That the times are out of joint every intelligent Englishman sees. Her journals teem with propositions for the amelioration of her condition. Efforts are making to establish a British *zollverein*, with free trade between all parts of the British Empire and customs tariffs between them and other countries. Societies are forming throughout England and Scotland to promote emigration to Australia, to Canada, and to New Zealand; or, as cheaper than these, to England's leading rival, the United States of America. The doctrines of Mal-

thus reappear in her current literature, and protests are heard against the freedom with which laboring people intermarry and thus augment an already excessive population. In an article by the Marquis of Blandford, in the Nineteenth Century for February, 1882, entitled Political Opportunism, he says:

Probably one of the least considered, though at the same time one of the most vitally important, problems of the future in England is the question of population. Matters affecting trade and the laws regarding property are only correlate questions, which vary in their importance together with this other factor. England has practically doubled her population since the beginning of this century, besides having kept up an immense flow of emigration to other countries. Even in the last ten years the population has increased three millions. Every temporary increase in prosperity caused by trade or abundant harvest can be traced by noting the fluctuation of the birth and marriage rate among the population. Nothing synchronizes more completely in an inverse ratio than the price of bread and the birth-rate among the people. That such a fact should be true is an immense indication, if any were wanted, of the improvident character of the English working class. No sooner does a small increment of wages accrue to the people during prosperous times than it is at once absorbed by increased cost of living through early marriage among the more improvident; but the increase of population so caused again reacts on the condition of the laborer by creating more competition in the labor market, and therefore a lower rate of wage. The cost of production is no doubt kept down, but the profits derived from trade are absorbed by the manufacturers in the higher interest obtained on capital in consequence of the lower rate paid to labor. Capital thus rolls up with capital, and becomes more and more concentrated in the hands of the few, while the great mass of the people are only semi-maintained at what we may call a food-level. Where great competition for labor exists it can be readily shown that the ordinary scale of wages for unskilled labor will be exactly the amount which is required to clothe and feed the laborer, and no more.

In Table III of a pamphlet advocating fair trade, by Mr. Alfred Morris, called England's Progress in Prosperity examined by the Light of National Statistics, this eminent financier boldly calculates that in the distribution of national income among the people "14,375,537 persons divide between them £163,071,950, being at the rate of £11 6*s*. 10*d*. per head, and only 22*s*. 6*d*. more than the average cost of relieving a pauper in the year in question, not the cost of keeping the permanent inmate of a work-house, which, varying in different unions, is never less than one and a half times the average cost of relieving the general pauper population." We thus see that in an overpopulated country like England, which is perpetually relieving its state of congestion by emigration, the wage-level will in general never be high enough to permit the working classes to save to any considerable extent, especially when on the first symptom of a prospect of bettering his condition a young man considers himself justified in burdening himself with a wife and family.

Sir, Blackwood's Magazine for February contains a very remarkable article entitled "Finance West of the Atlantic." The writer, it appears, was in our country ten years ago. He is evidently a thoughtful man, with open eye and mind. He sees more clearly than do the free-traders and revenue-tariff men of this country what are the most cherished objects of the American people and how successfully the existing tariff is advancing those objects. He makes no suggestion that our high duties are established and maintained in the interest of a favored few or of corporate monopolies. He recognizes the fact that the American people having determined to live with such a measure of liberality as will secure a home to each family, and respect for wife and culture for children in each home, must hold America for Americans, native or naturalized; and that by their tariff they not only effect this but maintain a commercial Monroe doctrine which makes them invincible. In some minor details he is mistaken; but these comparatively slight errors do not affect the correctness of the views he presents or the philosophy that pervades his article. One of his mistakes is in assuming that we derive no income from the duty on wheat, and that the price of that article would not be lower in the United States were the crop of Canada, Winnipeg, and the Saskatchewan Valley admitted to our market free of duty. Another of his errors is even less important than this. When speaking of the certainty of the repeal of internal taxes which now restrict our export trade, he assumes that but $75,000,000 are collected from these sources, while the truth is we can repeal taxes that yield that amount this year with the certainty that a larger sum than this will come to us from those sources in the next year. But let him speak for himself. He says:

The cardinal feature of American commercial policy is the control and, as far as possible, the monopoly of the home market. To secure and retain that market is their fixed idea, and their position in foreign markets is to them a matter of comparative indifference. To such a length have they carried this notion of self-defense that there is actually a heavy import duty imposed on wheat coming into the United States from abroad; though, of course, as a matter of fact, not a dollar of revenue is derived from this source. The operation of this particular item of the American tariff is a striking commentary on the assertions of some of our free-trade *doctrinaires* that the imposition of a duty on an article increases by so much the cost thereof. If the home market produces, as in the case of American grain, a supply equal to or in excess of the demand, the free-trader's argument is worthless. Wheat would not be a cent cheaper in the United States were the duty removed, because local competition and local produce render this and other items of their tariff dead letters so far as revenue purposes are concerned.

The Western farmer, then, is fairly content with the knowledge that the control of the home market for agricultural product is assured to him. His crops are purchased by the great wheat-buyers of Chicago and other Northwestern cities at an average price, be it remembered, frequently higher than that obtainable at Liverpool. When Englishmen complain of American farming competition many of them are unaware of the fact that of the total amount of wheat produced in the United States by far the largest proportion is consumed in the Eastern States, and that the wheat export business to England is only a matter of second-rate consequence to the farmer here. This circumstance, no doubt, aids him to bear with equanimity the threats of some English fair-traders to impose a duty on wheat. The view of such a proceeding commonly taken by Americans is that it would, by raising the price of food and labor in England, draw Englishmen to this side of the Atlantic, and thereby ultimately materially benefit, rather than injure, the United States.

That there will be modifications in the United States tariff before long is pretty certain. For instance, the duty on steel rails will be reduced as soon as, but not until, the power of the American manufacturer to supply rails enough to meet the average yearly demand has been firmly established. The present time is exceptional, and the demand for iron and steel for railway work unparalleled. Even with the present prohibitive tariff, English steel and iron can hardly be kept out; and until the producing power of native manufacturers has overtaken the demand of the people, the latter, faithful to their motto, "America for the Americans," are content to foster growing manufactures to the fullest extent. No reduction on rails is probable till this commercial Monroe doctrine is thoroughly asserted. The American tariff is not solely a revenue tariff; it does not claim to be a mere revenue tariff; it is avowedly a protective tariff, deliberately adopted to make the United States independent of the Old World in every essential of existence. The immense surpluses which the Secretary of the Treasury annually disposes of are, so to speak, incidents of the financial policy of the country, and they will be applied hereafter to the reduction of internal taxation rather than to the lowering of the duties on goods entering United States ports from abroad. There is an ample margin for such reductions, as some $75,000,000 of national revenue are collected from a very few articles subject to internal taxation.

It is not our purpose to criticise American financial policy favorably or unfavorably. We make no pretensions to be an authority on such a subject, but we think it may be of use and interest to our fellow-countrymen to know the actual position of facts here. There is, however, one single misconception prevalent in England to which attention should be directed. Mr. Gladstone tells us we must be chary of entering upon a war of tariffs with the United States; that if England taxes American imports they will retaliate, &c. No trace of any such idea is apparent in the speeches of men of all shades of opinion from every part of America. They have all said substantially the same thing: "Our tariff is deliberately framed to keep out or so handicap your goods that your manufacturers shall not be able to undersell our own; the tariff effects that object; if you choose to follow our example and protect your home market we cannot reasonably object."

In the progress of his article this writer offers consolation to those of our free-trade friends who believe that the country is degraded in the eyes of the world because it does not compete with England in the ocean-carrying trade; he sees what they do not, that our absence from the ocean results from the fact that America is the greatest free-trade country in the world, and that its gigantic internal carrying trade absorbs all its surplus capital and makes larger returns of profit than England without our competition derives from her ocean-carrying trade. Hear him:

We think we have said enough to show that there is no foundation whatever for the sanguine expectations liberal statesmen sometimes profess to entertain that America will see the error of her financial ways, and will one day open her ports freely to British produce. It is true in one sense that America is the greatest free-trade country in the world; but this arises from the fact that it is not a a country but a continent. Within its gigantic limits entire free trade exists, and the development of its internal trade is a work of such immensity as to divert its commercial men's minds from foreign trade. That, and not its tariff, is the reason for the small show it makes in neutral markets side by side with England.

It is the comparatively small profit to be made out of shipbuilding that deters Americans from competing with England at present. They know we have the carrying trade of the world and facilities for defending our hold theron. The profits to be derived by an attack on our monopoly would be but small, as they would be exposed to our severe competition; and they find they can employ their capital more profitably elsewhere. The steady but comparatively small profits derivable from the carrying trade are not of a nature to tempt the speculative American people so long as vast sums can be earned by the employment of their capital in the more brilliant, if more hazardous, enterprises of mining, railway-building, or manufacturing. And the broad fact remains that they are satisfied as they are. Their economic position differs widely from ours; and from their geographical position they can do many things which, however lawful, may not be expedient for ourselves. But should our present or any future government decide to rearrange any portion of our existing financial regulations it may be well for them to know exactly the line of action that is being steadily carried out west of the Atlantic.

Mr. Chairman, in the progress of my remarks I indulged in an expression or two which some gentlemen may have regarded as rhetorical and extreme, but which were well considered before they found expression. When describing England as a "vampire, suffering from inanition," because she had exhausted all the prey upon which her fangs could be fastened, I spoke of her appealing to us through our sympathies and begging to be admitted to a larger share of our markets. Let him who regards this as rhetorical exaggeration turn to the Contemporary Review for last October and read the elaborate article by its editor, entitled "England and America at the President's Grave." The writer of that article is in the presence of his country's humiliation a sycophant; in her power he would be a despot that to advance the interests of England would "blot out" America. He represents England as impelled by her affectionate sympathy, her ties of kinship, her common interests with those of the American people, to command the representatives of other nations to stand back from the grave of Garfield, that she, with America, may pour her sorrows upon the dead representative of our common civilization.

This style of sentimentalism pervades the article. The writer forgot that it was to neutralize the power of Britain that Russia's fleet was sent to the Pacific Ocean during the war for the suppression of the rebellion; he forgot the sympathy that that great nation, with Germany, Switzerland, and others, gave us throughout the war; and forgetting all this, he also forgot that but for the humane influence of that noblest of royal women, Victoria, and that of the prince-consort, her good husband, the British Government would have made an alliance with the perjured impostor, Louis Napoleon, by which England and France would have terminated the war by breaking our blockade and acknowledging the independence of the southern confederacy. He forgets all these things, and, looking only to British trade and the decline of British prosperity, he whines like a maudlin school-girl through an extended plea that an affectionate sympathy may be permitted to interfere with our national policy and trade in behalf of our dear kinsfolk, the English governing classes.

Yet, sir, it is this very editor of the Contemporary Review, in the article I have been describing, who gives me warrant for saying that the eyes of the world are turned upon and the hopes of oppressed nations centered in the United States of America. We it is who

by our example are emancipating not only the nations of Europe but the colonies of England from industrial thralldom. We it is who have taught Canada, Victoria, and South Africa the road to true financial independence and to ultimate political independence; and so vast is our influence and so potent are its effects as recognized by the British people themselves that this writer, forgetting his tender sympathy, arrives at the conclusion, legitimate for a British free-trader, that the world would at this hour be further advanced if America were blotted out. His closing words are these:

It is not the worst part of the case that England is left solitary by America to fight single-handed for that modern ideal of the world, which alone, as we believe, fits in with the use of steam and electricity and every other scientific aid to the general intercommunication of mankind; but in addition our small community, whenever trying its hardest in pushing on this mission of leading the common progress, increasingly finds itself hindered by America in ways she does not intend. It is she who is forever being flaunted in our face as a decisive instance in favor of isolation and exclusiveness. France, in the present rather petty hagglings she insists on over a new commercial treaty, quotes American protectionist prosperity to us with an air of controversial triumph. So again in Germany, Prince Bismarck, when urging protection in furtherance of social doctrines which Americans no more than Englishmen think progressive or pointing to real liberty, crosses the Atlantic for his great monopoly example. It is the same wherever England turns—in the case of her own colonies even—she finds America, and always America, obstructively in her path of argument. It is assumed that everything is finally settled when American prosperity is quoted to us; and the present writer can state from his own experience that the one infallible resource of the controversialist on the other side of the Atlantic is to unfold the brightly colored panorama of America's well-being. Some silly people among ourselves even, though luckily they are too few to need much dwelling on, have had their intellects obfuscated in the same way. Surveying the whole scene it may, in fact, be soberly and sadly said that the politico-economical doctrines of universal interrelation and co-operation among mankind, which our chief thinkers have made it the great talk of England to spread, would at this hour be further advanced throughout the world if America were blotted out.

The Tariff Commission.

SPEECH

OF

HON. J. D. C. ATKINS,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 11, 1882,

On the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. ATKINS said:

Mr. CHAIRMAN: As to this bill, I only wish to say that it is, in my opinion, unconstitutional. Article 1, section 8, of the Constitution declares that Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States. In another clause of the Constitution it is declared that the House of Representatives alone shall have power to originate revenue bills. The whole scope and intent of this bill is in conflict with both of these provisions; therefore, little more need be said about the bill. Besides, if it were not in conflict with the Constitution, it is obnoxious to the charge that it assumes that Congress is incapable of grappling with the duties which the Constitution has imposed upon it, and which, in my judgment, is a cowardly betrayal of its solemn trusts and duty by delegating away its functions to a partisan commission, all of whom are outsiders.

But no matter as to whom the persons may be who will compose the commission, they will all probably be chosen on account of their known subserviency to the mandates of protection. The only purpose which the commission can promote will be to cause delay and non-action. It is only intended to lull the mutterings of the oppressed tax-payers and paint their wishes with future expectations never to be realized. Thus time is occupied and action postponed, but the abominable injustices of the tariff laws remain unrepealed, and capital continues to appropriate the hard earnings of labor now so cunningly devised by the tariff as to effectuate that great and terrible wrong. The great issue now before this Congress and before the country is, that this abominable tariff be reformed.

On that issue the Democracy as a party take an affirmative stand, while the Republicans oppose. The Democracy plant themselves upon the fundamental corner of civil liberty, of equal and exact laws for all, and exclusive privileges for none. We deny the doctrine that the few were born to live upon the bounty of the many; that labor is the slave of capital; but, on the contrary, under wise and just laws its handmaid and coadjutor; that monopoly has no normal place in a free country; that government was made for the people, and not the people for the government; and lastly, that our office-holders are not the rulers but the public servants of the people. In accordance with these fundamental truths, we demand the repeal of a tariff that violates every principle of equality.

One of the great objections to class legislation of all kinds is that any protective law, or law peculiarly applicable to a given industry, no matter how fairly and justly it is intended to operate, almost invariably is amended or changed so as to destroy the weak and build up the strong. This is strongly illustrated in the operation of the internal-revenue laws applicable to the manufacture of whisky, by changes made as to the use of the meter and other appliances, seemingly necessary and right, yet the effect in the main is to drive out of the business all small manufacturers and leave the few large capitalists the monopoly of the trade. So it is in other branches of manufactures, perhaps not so much so; still the advantage rests with the large capitalists over the smaller ones.

But a greater evil still exists as a necessary sequence of class legislation. It is this: the beneficiaries of class legislation seem naturally enough to form a league with each other and make common battle against the outside world. For instance, the man who manufactures woolens and is protected over 50 per cent., in some instances nearly 100 per cent., as on coarse blankets, is not alarmed that the manufacturers of Bessemer steel should realize nearly 100 per cent. profit by reason of the immense protection afforded him under our tariff laws; and so on I might illustrate in hundreds of other instances.

Neither do the stockholders of certain railroad companies make any disturbance on account of this favoritism shown to the woolen and steel and hundreds of other protected manufacturers, because they are conscious of how good and beneficent Congress has been to them and their friends in giving them many millions of acres of public land, and in two instances an advance or loan of $64,000,000 of United States bonds, the interest on which the companies for a time failed to pay, and it had to be paid by direct appropriation from the United States Treasury.

The national bankers, too, a favorite class, among whom the Treasurer of the United States distributes annually several millions of dollars—a few years back, when interest was higher than it is now, it amounted to about $20,000,000—absolutely given to these bankers to enable them to furnish the people a currency, by which these bankers, by means of periodic contraction and expansion, absolutely enabled speculators to control the prices of productions in the hands of the farmers; given to them, thus enabling the bankers to draw interest at the same time both upon their bonds, which is their capital, and upon their currency, which is their debt! Truly a modern Republican invention! The iniquities of protection do not alarm the national banker. But banker and manufacturer and railroad king are all mutual admirers of each other, and would not disturb the present admirable system of class legislation or monopoly, of which they are the peculiarly favored and highly distinguished beneficiaries.

These immense combinations of capital, of various industries, and business constitute to my mind the most alarming anticipations for the future of our free institutions. Liberty and monopoly do not flourish side by side upon the same soil. They are not nurtured by the same elements. Liberty is the free-will offering of God to man, but to enjoy it he must dare maintain it; while monopoly is the exclusive work of man alone, and is designed to counteract liberty, fetter it, and destroy it.

With $150,000,000 surplus in the Treasury, no wonder that there is a rivalry among certain interests to devote it to other objects than the payment of the public debt. Why this anxiety to find ways for getting rid of the surplus money? Ocean transportation and ship railways across the Isthmus are prominent schemes for unburdening the Treasury of its surplus cash. These and many other ways are being planned to reduce the surplus; any plan except the right one, which is to pay the public debt as far as it will go. I fear that the moneyed power of this country is here either through members in both ends of this Capitol or by hired agents, or both, no doubt, whose whole purpose in legislation is to so deplete the Treasury by every possible means as to hinder payment and the continuous funding of the bonds of the United States whenever they fall due, so as to preserve or maintain the basis of national banking for an indefinite period. The friends of the national banks do not want the public debt paid off. They think that a public debt is a public blessing—one of the hereditary heresies of federalism in the early days of the Republic and born of English descent.

The estimated revenue for the next fiscal year is $400,000,000. Of that large sum $215,000,000, it is estimated, will be derived from customs and $155,000,000 from internal taxes, principally drawn from the tax on spirits and tobacco. The tax on spirits is estimated to be $67,153,974.88, and on tobacco $46,854,991.31. Now, I have always regarded the tax on tobacco as one, although paid by the consumer, also as one heavily felt by the producer, as it directly tends to lower the price of the raw material in the hands of the farmers; and as it is necessary to begin somewhere to so modify our system of taxation so as to reduce the unnecessary surplus in the Treasury, and to save interest and prevent extravagance and demoralization and waste of the public moneys, why not begin by relieving tobacco, both leaf and manufactured, of all taxes and thus give this industry a fair and even chance with other objects of agricultural industry? For while some few agricultural products are protected in a greater or less degree by our tariff laws here is one which not only is not protected but is made a pack-horse upon which to carry the special burdens of taxation.

Since I have had the honor of a seat upon this floor it has been my constant endeavor to remove these burdens. During this session I introduced a bill which is now before the Committee on Ways and Means repealing all taxes upon leaf and manufactured tobacco. The repeal of the tax on tobacco, both leaf and manufactured in all of its forms, and the repeal of the tax on spirits distilled from fruits would reduce the revenue about $45,000,000.

This done there will be a surplus of $110,000,000 for the fiscal year ending June 30, 1883; just about what will be derived from internal-revenue sources leaving out the tax on tobacco. With no public debt pressing for payment, in fact with none that can be paid before 1891, except the 3½ bonds recently substituted for the 5 and 6 per cent. bonds, amounting now to $490,000,000, the question arises, What shall be done with our surplus? At the present rate of extinguishment they will all be paid by 1886. For one I am free to declare that I would use any surplus in the immediate extinction of the 3½ bonds as rapidly as it accumulates in the Treasury. I would, while we seem to float upon the tide of national prosperity, practice rigid economy, lessen every object of expenditure consistent with the public weal, so as to allow the surplus at the close of each fiscal year to be as large as possible, and thus rapidly extinguish the burden of the public debt. In the mean time if Congress can be induced to lessen the burdens of taxation upon the people, either by a modification of the internal-revenue laws or of imposts upon iron, cotton, woolen, and other goods of prime necessity of foreign importations, thereby making them cheaper for the people, it will only have performed to the public a patriotic but unexpected duty. He is blind indeed who believes that the Republican party will in any essential manner lessen the burdens of taxation upon the people. If perchance relief is afforded at one point, it will only be done the better to be enabled to maintain some other oppression which seemed to be growing weak and loosening its hold or to fasten still other new but even more onerous burdens upon the neck of a sleeping and therefore powerless people.

At various times the tariff laws have been amended since the enactment of the present highly protective tariff act of 1861, every time in the interest of the manufacturer except in 1872, when a reduction of 10 per cent. was made upon most of its leading items. In 1875 this law was repealed and the 10 per cent. restored, upon the hollow pretense that the integrity of the sinking fund demanded the restoration, when in fact the sinking fund instead of being in arrears was largely over two hundred millions in advance of the pledges of the Government for its preservation. In restoring the 10 per cent. duty the revenue fell off in consequence thereof $20,000,000, a sum the Treasury of the Government lost, but how much the pockets of the manufacturers were enhanced by the additional duty of 10 per cent. no one will ever know. The record, too, will show that the Republican party in the main resisted the reduction of the tax from $2 to 90 cents per gallon on spirits, and from 24 to 16 cents per pound on manufactured tobacco, although experience has shown that the reduction in each instance was productive of more revenue to the Government, as the reports of the Commissioner of Internal Revenue plainly attest.

There are, in this grand country of ours, as there are in every country, three great productive sources which lie at the foundation of national wealth and prosperity. Need I name them? Agriculture, manufactures, and commerce.

The effect of the present protective system has greatly increased, for a time, the profits of the manufacturer at the expense both of agriculture and of commerce; but it may well be doubted whether the permanent prosperity and success of the manufacturing interests have been as firmly established and built up by the protection afforded them as they would have attained to under the beneficent auspices of the revenue principle, which would have struck the shackles from the giant limbs of agriculture and commerce, and thus by their increased capacity and prosperity have reflected upon their economic sister a part of their own genial light and heat.

This leads me to inquire, is there really a positive antagonism between either of these three great economic branches? That there may be temporarily and in isolated instances it cannot be denied; but speaking in the broad generalization of the nation's prosperity, can it be that either of these three great branches of economic power will successfully survive the downfall or permanent injury of either or both of the others?

If we take manufactures, for instance, and by a system of protective and prohibitory duties cut off from the farmer all foreign markets for his produce, the home market supplying only a limited demand, until it falls in value below the cost of production and he is actually driven into bankruptcy, will not his impoverishment and incapacity to purchase lessen the demand for the wares or goods of the manufacturer until he, too, follows in the same path. It is the old story of killing the goose to get the golden egg. So with commerce. When by a prohibitory system of imposts foreign nations are driven from our markets and are compelled to seek other markets for their productions, of course they cease to purchase ours, and they naturally trade and barter with these nations whose tariff laws are liberal and admit of an interchange of products. In a word, commerce is reduced below the expense of carrying, and that interest along with agriculture wanes and dwindles. The number of people engaged in this country in agriculture is about one-half of the whole population; in manufactures and mining, about one-fifth, and in commercial pursuits about one-twelfth.

If we take individual instances and for limited periods of time, high protective duties have greatly enriched manufactures. Very large estates have been accumulated under the advantage of protection; but generally in the course of a few years competition, under the stimulus of protection, overcrowds the market and a consequent fall in prices is the result. This was illustrated a few years ago, when the duty on wool and woolens was placed at such a high rate as to amount to the absolute prohibition of the foreign products, and woolen manufacturers sprang up all over the country. Soon the home markets—and we had no others, because the duty was so high as to entirely prevent all exchange or trade in those goods with foreign nations—were glutted, and prices fell below the cost of production, and bankruptcy overtook woolen manufacturers everywhere, unless they were backed by enormous capital. Ruled down as they were to the home market by the restriction of a protective duty, with the doors of all other countries closed against them, for as the United States prohibited by high duties foreign woolens, thus refusing to buy of foreigners, they in turn would not buy our fabrics, and hence the stagnation in that business, ending in bankruptcy in thousands of instances of the weaker establishments. The strong only were able to stand the storm. Markets, world-wide markets, are necessary to the permanent prosperity of manufactures, and not protective duties, which enrich suddenly and unduly for a time but end in increased demands for protection until an unhealthy competition created by enormous duties gluts the home market, cuts off all foreign markets, and the whole lapse into a state of dry rot because of the need of the reciprocal benefits of a less-restricted foreign trade. When prices become so high that the people are unable to purchase, and consumption falls off, of course manufacturers as well as people are injured.

The highest degree of prosperity for a nation is attained when all restrictions upon international exchange are removed; when the citizens of one country can buy where they can do so cheapest, and sell when it can be done at the highest price. This is the perfection of the freedom of commerce, and its influence on the general interests of a nation leads to the highest degree of prosperity. Even the manufacturers, who constitute an important portion of the nation, do not fail to receive their share of the general benefits which unrestricted commerce bestows. Under the influence of the liberal terms of the treaty concluded by Mr. Cobden in 1861 between England and France the French manufacturers were greatly alarmed lest their business would be largely interfered with by English competition.

The result was, in 1863 the French exports to England and of England to France were largely increased. The effect of a protective tariff upon the foreign commerce of a nation is happily illustrated by a writer in one of the New York dailies of last December, in which the revenue-tariff principle is most favorably contrasted with that of the protective principle by a reference to the exports and imports of Great Britain and the United States during the two decades just passed. Says the writer:

> The United States, under a protective tariff, had a total trade, exports and imports, of $687,192,176, which expanded to $1,613,770,633 * * * when England still had a general tariff. She had a commerce of $1,732,110,000, while twenty years later, and under a free-trade policy, the commerce of England expanded to $3,171,445,000, an increase of $1,439,335,000.

The writer then proceeds further to say that the English exports, if reckoned per capita, have nearly doubled in percentage with those compared with the United States. The figures show that, taking the exports of the United States for the years 1860 and 1880, the increase per capita was only 35 per cent., while in England, under bad harvests and climatic disadvantages, for the same years the percentage of exports increased in 1880 65 per cent. over those of 1860. So much for the revenue principle.

A great deal is said in American protection circles about cost of production and the pauper labor of Europe coming in competition with American labor. Protection is a burden upon agriculture especially. The large mass of the American people are engaged in the great and enduring work of agriculture. Granting that every man connected with manufactures from the millionaire owner down to the humblest child that sweeps the floor of a factory is in a greater or less degree a partaker of the profits which accrue by reason of the duty laid upon foreign goods, and which, of course, raises the price of the American article that much; say, too, if you please, that there are seven millions of persons engaged in this country in manufacturing of all sorts; will any one pretend that the other forty-four millions of people in this country should be taxed 50 or 100 per cent. in order to swell the profits of that individual or corporation, as the case may be? Where is the justice in taxing six men that additional wealth or power or privileges should be showered upon the seventh man? Oh, but the protectionists say at once that the farmer is enabled to sell his farm or garden or dairy products at a larger price to manufacturers' operatives. In a limited sense that may be so. Just around the given locality of a manufacturing center that may be true. But the farmer is exposed to the open and active competition of the whole country and all of the world; for generally under our present tariff the farmer is protected in a very few things that he raises, and even on those articles on which a duty is levied it is worthless to him in some instances.

Of what value is 20 cents per bushel on wheat to the American farmer? No wheat is brought to this country of any consequence, and the price of wheat would remain the same whether the duty was 20

cents or 100 cents. No, the argument of a home market is a delusion and a snare, hatched up by the protectionists to cover up the foul iniquity which he is enabled to practice upon the consumers of the country. If the production and consumption of wheat is a fair gauge of the production and consumption of other articles of food by a given community or State or any number of States, then we can form some estimate of how far the protectionist is warranted in upholding his pet theory, that protection is justified because it furnishes a home market to American farmers. The States of New York, Pennsylvania, Ohio, and the six New England States in 1881 raised 80,192,904 bushels of wheat. At the ratio of five bushels per head of population per annum, these nine States lacked not over 10,000,000 bushels of wheat of supplying themselves.

Now, the entire crop of wheat in the United States in 1881 amounted to 459,591,093 bushels. Deducting the 80,192,904 bushels produced in the nine States named, and adding the 10,000,000 bought for consumption from other States of the Union, and we have about 360,000,000 bushels of wheat. Suppose the people of the remaining States consume 160,000,000, then there are 200,000,000 bushels that must seek a market abroad or rot in our barns. It is hoped that the United States will raise this year from 250,000,000 to 300,000,000 bushels surplus for export. If England, Germany, and France were to shut off our wheat from their ports by a high prohibitory protective tariff, wheat would not bring half its present price per bushel in this country, and every department of business activity would feel the crushing blow. Now, what becomes of the vaunted theory that a protective tariff affords a home market and thereby increases prices? With the wonderful facilities for transportation to the markets of the whole world in this the most auspicious era of the world's known history, the prices everywhere are much the same minus the cost of transportation. In this light protection, instead of healing, would bring ruin upon its leaden wings.

Under the authority of that clause of the Constitution already quoted, and nowhere else, Congress finds the power to pass a tariff law. To raise revenue alone is the avowed object of that power given in the Constitution to Congress. It is strange beyond the power of reasonable conception that any one could so strain and misconstrue the language as to derive the power to levy taxes for the avowed purpose of protecting any particular interests. The position of the extreme advocates of this theory, that of protection for protection's sake, such as the distinguished Senator from Maine and the gentleman from Rhode Island [Mr. CHACE] and others of that school now announce, had it been insisted upon in the convention of 1787 as a *sine qua non* to the constitutional compact, would no doubt have proved fatal to that instrument.

But this school of political theorists in this country is as old as the Government itself, if not older. Privileged classes have ever had their advocates in all governments, and ours constitutes no exception, I am sorry to admit. That laws should be enacted to oppress one portion of the people for the benefit and protection of another class has always been maintained by one party and opposed by another. That difference of opinion as to the nature and duty of government constitutes the dividing line between the Democratic party and the Republican party to-day.

Look at the question for a moment. All of us, both Democrats and Republicans, want to maintain the Government that order and law may be maintained and life and property protected against violence. That Government must be upheld by a system of taxation. What, now, shall that system be? Shall it be a system of equal and just laws bearing alike upon all, or shall it be so framed as to work inequality and hardship upon a portion of the people and of benefaction and protection to another class? Now, if the doctrine that the greatest good for the greatest number be sound in politics, and, as I believe, is the test of a democrat in any republic, of course to oppose that doctrine is to declare that the greatest good for the least number is the true and right position, and he who advocates it must necessarily be an anti-democrat.

Does anybody pretend to deny that the present tariff operates oppressively upon the great mass of the people, and at the same time affords protection and creates wealth for the minority class? If this be true, how is it that any one who claims to be a democrat, preferring the interests of the many to those of the few, but being just even to the few, can favor a tariff for protection for protection's sake? A democrat must prefer a revenue tariff to a protective tariff. If in the adjustment of the details of a revenue tariff incidental protection is afforded certain interests, it is only the incident, and not the object, and therefore does not affect the principle.

There is, I undertake to say, and the history of political parties in this country and in England shows it, no stronger or fuller or more definite mark of distinction between those parties than is furnished by their divergent views and principles concerning the laws which should govern in levying and collecting taxes for the support of government.

The truth is, that very difference of opinion has been the leading and immediate cause of all the strife and civil commotion which has at different times convulsed this country. Why it was taxation that fired the first gun of the American Revolution, that has been repeated until it is trite; it was taxation that brought on the whisky insurrection in Pennsylvania, so eloquently referred to by the able chairman of the Committee on Ways and Means in a recent speech. He might have gone further, and truthfully interpreted the opposition of the Federal party to the acquisition of Louisiana in 1801 by Mr. Jefferson to this same desire upon their part to foster and build up the doctrine of the protection of the few at the expense of the many, as the acquisition of that vast territory so admirably adapted to agricultural pursuits, and out of which several splendid States have been organized and admitted into the Union, would thereby create and establish for all time a powerful advocate of equal and just taxation laws. Federalism foresaw this result and at once denounced Mr. Jefferson for this splendid stroke of his far-seeing diplomacy and wise and patriotic statesmanship.

A little later on, in 1821, the opposition to the admission of Missouri was really owing to this principle, fearing her influence against the principle of protection. True, the slavery issue was thrust in, but the true cause of opposition was the jealousy of protection against the revenue policy.

Again, in 1832–'33, the shock then felt to the Union was caused immediately by the difference that existed as to the manner and extent of levying and collecting taxes. In this instance the friends of free trade in South Carolina were driven into a false position of nullification and were forced to retreat by a revenue-tariff Democrat—the illustrious Jackson.

Again the great center of opposition to the annexation of Texas to the Union as a State was the hot-bed of protection. Texas, with her vast agricultural wealth and resources, with territory sufficient, if carved into States, to equal five such as the great State of New York, was bitterly opposed. Could it have been for any other reason except that her interests must be classed with those of the great West and South in the matter of arranging tariff duties? With the admission, too, of Texas came the introduction of the lowest revenue tariff ever existing in this country, the Walker tariff of 1846, under which our revenues went up in a brief space of time from a little over $30,000,000 to $54,000,000 per annum.

Protection for protection's sake is abhorrent to the genius of free institutions and to the constitutional equality of American citizenship, and derives its paternity from the rankest Federalism. And, now that sectional prejudices are fast disappearing, it cannot be long before the people of the great agricultural West and of the Mississippi Valley will demand, equality of taxation, even though it should cause the overthrow of the Republican party.

Such a construction of the Constitution has been overruled and scouted by the highest judicial tribunals of this country time and again. Indeed, in the face of these judicial decisions, to say nothing of the gross inconsistency and incongruity of such a doctrine with the very genius of American organic law, it is inconceivably strange that any American statesman can conscientiously maintain it.

What are its objects? To pay the debts and provide for the general welfare of the Republic. To execute those patriotic objects it becomes necessary that every American citizen should surrender a part of his property. Patriotism demands that sacrifice at the hands of every citizen. To meet this demand we have upon the statute-books a tariff act, placed there and kept there by the votes of Republican Senators and Representatives and a Republican Executive. Does that act conform its provisions and operations to the purposes defined in the Constitution? Does it lay equal stress upon all of the citizens of this country, and treat all alike in collecting from them this stipend by which the public Treasury is supplied and the Government maintained?

Who, in view of the gross inequalities and monstrous spoliations of the present tariff, will dare answer this question affirmatively? Not even the author of the present tariff act, and its present chief advocate, would dare answer that question affirmatively. Not its godfather in the second degree, the able champion of protection, [Mr. KELLEY,] would dare answer it affirmatively. If all of the money drawn by the cunning devices of this tariff from the pockets of the people could be applied for one or two years to the liquidation of the public debt and the public expenditures, it would be a very different question; but when it is safely calculated by the ablest statisticians of this country that not more than one dollar out of five collected from the people ever reaches the public Treasury, the remaining four going into the pockets of the owners of protected industries, the wrong to the great mass of American consumers becomes a flagrant crime against the liberty of the citizen, and a monstrous iniquity in the sight of justice and equal rights.

There is much ignorance but still greater perversion of the truth and the facts concerning the operations of the tariff and the relation which political parties in this country hold to it.

No party in this country has ever advocated the abolition of all imposts upon imports, or absolute free trade. A certain amount of revenue is required to be annually collected, and it must be done either by direct taxation or by a system of imposts. All parties prefer the latter mode. The point of difference lies in the degree or extent to which the mode shall be applied. The Republican party having placed the present highly protective tariff upon the statute-book and steadily and successfully kept it there for twenty years, thereby declare, not by words only but by the most solemn of acts, their preference for the principles and policies of the present tariff; while the Democratic party, recognizing the necessity for a tariff, advocate a rate of duties much lower, even as low as will enable the government to derive the largest amount of revenue therefrom, rev-

enue and not protection being the constitutional purpose for which tariff duties are collected.

The Democracy freely admit, too, that in adjusting the details of any tariff law that it must perforce afford incidental protection to many industries, but the purposes of the tariff laws are to obtain revenue, while as they incidentally must afford protection to some industries these details should be so adjusted if practicable as to apply to those industries which obviously most equitably require it. Not that they have a right to demand it, but because it is the best policy to grant it, it being an incidental effect. Protection is the very opposite of revenue in theory. A purely revenue tariff, one affording no protection whatever, must be laid upon articles entirely of foreign growth or manufacture. Such, in a large measure, is the tariff of Great Britain to-day. Our immediate necessities for revenue are so great that we feel warned not to undertake by one act to start all the reforms that are needed; but from the present plan of revenue a grand step toward reform may be now taken, and followed up as time and events would justify. Any standard we can now adopt must afford incidental protection to some industries. Owing to the inability of law-makers to be exact and perfect in their calculations, it oftentimes happens that a given rate of duty upon an article will afford more or greater incidental protection to the manufacturer or grower of that article than was supposed at the time the law was passed, and frequently in the lapse of time circumstances change, which increases or diminishes the revenue or the incidental protection which the duty afforded upon it.

To undertake to recite before the American people the schedule of tariff abominations now disgracing the statute-books would extend these remarks to too great length. Look at them for a moment:

The duty on steel rails is $28 per ton. They are now selling for $60 or $65 per ton. No foreign rails are brought here; hence, there is no revenue, or scarcely none, derived by the Government from the duty on steel rails; and yet the manufacturers of steel rails in this country not only realize a profit at $32 per ton as would the foreign importer if he was allowed to bring them here and sell them for $32 per ton, but the home manufacturer pockets in addition to that profit $28 besides upon every ton of steel rails he can turn out from his factory. Here is a tax levied by the act of Congress upon the whole American people, all of which goes to the pockets of the home manufacturer and none of it to the Treasury for the general use.

Oh, but the protectionists say it is only levied upon the railroad directors and stockholders. Is any one so ignorant as not to know that this $28 per ton is distributed out in the increased freights and fares, and the people who send their produce or travel on those roads have every cent of this $28 per ton to pay? It is a tax upon the women and children who send a pound of butter or a bushel of potatoes or any other produce to market. Everybody pays it. The best possible excuse which the advocates of protection can plead is that some industries are unprofitable and that it is the duty of the Government to take them under its protective wing and tax all of the people for their benefit. In other words, hand around the hat and take up a general collection for these sickly wards.

The present tariff discriminates against necessaries and in favor of luxuries. Only 9 per cent. of the entire list of dutiable articles are classed as luxuries, while textile fabrics, comforts, and necessaries comprise the bulk of the articles upon which a very high rate of tariff duties are laid, and from which the bulk of the customs revenue is collected.

Run through the present Morrill high-protective war-tariff and examine the rate of duties its articles bear, and it will be found that I have correctly stated that only 9 per cent. of the duty collected comes off of luxuries, which the rich alone consume; the balance comes from necessaries, comforts, &c.

The following table is official:

Rates of duties collected in 1880 *in ad valorem, taken from official returns*

Articles of luxury:	Per cent.
Laces, cords, gimps, and braids	35
Diamonds	10
Embroideries	35
Fancy articles	35
Richest kinds of cut-glass	40
Jewelry	25
Musical instruments	30
Champagne, in pints	47½
Champagne, in quarts, $6 per dozen	50
Still wines, in bottles	32¼

Duties paid in 1880, *calculated in ad valorem, taken from official returns.*

Articles of necessity:	Per cent.
Cleaned rice	95½
Epsom salts	78¾
Chicory	102½
Spool-thread	76¾
Window-glass, common	from 58½ to 73
Band and hoop iron	75
Boiler-plates	69
Horseshoe nails	98
Locomotive tires	79½
Steel rails	99
Castor-oil	148
Croton-oil	136
Paris white	240
Balmoral alpaca	91
Blankets, valued at 36¾ cents per pound	89⅜
Woolen hosiery, valued at 60 cents per pound	100¾
Bunting, valued at 23 cents per pound	121

It will thus be plainly seen that care was taken by the Republican framers of the present tariff to so arrange its details that the burdens of taxation should bear heaviest upon the shoulders of labor and industry, while wealth and capital are shielded from the weight of these burdens.

Do the toiling masses wear laces, jewelry, and diamonds? But their consumption of coarse clothing, coarse blankets, woolens, iron in all shapes, leather, cotton goods, medicines, common window-glass, rice, &c., is enormously large.

Plate-glass, used for fronts to stores by our merchants and tradesmen in our towns and villages, pays 111.91 per cent., while cut-glass, used only by the rich, pays 40 per cent. Castor-oil pays a duty of 149 per cent. In 1880 the Government got a revenue of only $488.50, while the American consumption amounted to a very large sum.

Bunting, used by the people for making the American flag, pays a duty of 121 per cent.; it is manufactured by but three or four factories in the United States, I understand. It used to be manufactured but by one factory. But it is useless to pursue this discrimination against the necessities consumed by the masses of the people; it would require too much both of time and space to treat the subject fully. In a word, the history of protection is the history of this invidious, unpatriotic, and inhuman discrimination. Injustice is illustrated upon every page of its annals, and the skeleton of its wanton inhumanity is found in every humble household.

Next to the fallacy of the home-market argument, which on examination is apparent, as it is clear that only a limited demand for supplies can be made, leaving the vast fields of production to waste or seek foreign markets, I next refer to the pauper labor of foreign countries for which protectionists seem to have such an unholy dread. And the first remark I want to offer is that the cost of production is not the only measure of the profits of exchange. As we are informed, for instance, in England cotton manufactures can be produced so much cheaper relatively than silks can that the English factors can afford to give the French silk manufacturer $100 worth of cotton for $90 worth of silk, because the silk which costs $90 in France cannot be made in England for less than $110 or $120; hence there is a clear profit to the English of 20 or 30 per cent. in making the exchange at these rates. The French, too, can better afford to give $90 in silk for $100 worth of cotton, than to manufacture the cotton even at $95, because it is easier to purchase cotton at $100 from the English with $90 worth of silk than it is to make the cotton in France at $95.

So the cost of production was by no means the chief factor in the profit of the exchange of the cottons and silks between the English and French manufacturers.

The value of an article does not necessarily depend upon the cost of production alone; the great law of supply and demand has much to do in fixing the value of an article. These great principles of political economy, if left to work out their own natural results, would be in harmony, producing no evil effects in society. The element of labor would readily command and realize its just proportion of the cost of production, while the fundamental law of supply and demand would regulate the value after deducting the cost of labor in producing the article. But when the channels of trade are disturbed by statutory restrictions, which necessarily narrow the area for the operation of these great laws, there follow oftentimes abnormal and paradoxical results, such, for instance, in the protection which is afforded to the Bessemer Steel Company, producing a profit of nearly 100 per cent. to that highly favored company, (the wards of the Republican party,) which is not at all proportioned to the cost of the labor used for the manufacture of steel rails, for labor gets no more now than it did when their profits were only half what they are now, no doubt. So, too, the supply and demand which the world's open markets afford may, when crippled by statutory restrictions, have no effect upon the market of any given nation where such statute exists. As, for instance, in the open markets of Great Britain Bessemer steel rails are only worth from $32 to $35 per ton, while here they are worth that sum plus the duty, which is $28 per ton, if no more, making from $60 to $65 per ton. The world's supply is not allowed to affect the demand in the United States, hence the American people, all of us, are taxed about 100 per cent. to swell the profits of this company, which made $20,000,000 profit last year. Can these things be in a free country?

The profits of the capital invested in large manufactories is out of all proportion to the prices paid for the labor. Cotton factories earn about 20 per cent., woolen factories about 25 per cent., and iron establishments average 33⅓ per cent. Manufacturing stocks in many instances range from par to $1,000 per share of $100. Notwithstanding these enormous profits, even a few days ago in a Northern factory a reduction of wages was made, producing a strike of the operatives, and their places were filled by cheaper foreign labor just arrived. And can it be that the true inwardness of the opposition in the manufacturing States of the North, and of New England especially, to the late anti-Chinese act passed by Congress by such an overwhelming majority lies in the fact that these manufacturing capitalists want cheap cooly labor to compete with native American labor? That is, they want permission to obtain their labor in the cheapest market, but want a protective tariff to sell their goods to those same laborers and others at protective prices. Remove the restrictions upon trade. Let all of our manufacturers trade freely with the twelve hundred millions of people of the whole world, and not be confined to the fifty

millions within our own borders, so far as may be consistent with the demands for revenue. Markets, and not protection, is what this country needs.

But the tempting bait of protection is now being artfully and diligently held out to Southern capital embarking in manufactures by the manufacturing capitalists of the North and East; and no doubt it is very pleasing to Southern manufacturers. Each cotton and woolen and iron and leather factory in the South, although able to make fair profits if there were no restrictions upon the commerce of the civilized world and every nation and everybody were allowed to buy and sell where they pleased, no doubt does not object to 50 or 100 or 200 per cent. being added by the tariff to their profits. The natural advantages for the manufacture of cotton and iron goods in the South are superlatively superior to any other section of the Union or quarter of the earth, and nothing but the drawback of the existence of a large colored population in her midst, which keeps the Northern people in a state of political fermentation, drives capital away from us, and thus prevents her at a single bound from springing to the front of all states or countries in these and other manufactures. When the Northern people learn that their capital can be safely invested in the South and that it will be no more liable to be disturbed by political revolutions or disturbances in the Southern States than it is in the Northern States, then may we look for capital, ever wide awake to its own interests and security, to seek our inviting fields for investment. Capital now there could not be tempted to leave.

Northern and Eastern capital now has its ravishing eyes fixed upon the golden prize which the natural advantages and opportunities of the South hold out to it. Partisan prejudice in the North and the willful slanders of certain Republican politicians retard the South, and prevent capital from investing very largely in that section. Foreigners, too, stay away on account of race prejudice. They are gradually going there any way. Remove the race trouble and the prejudice in consequence of it in the Northern mind and in the minds of intelligent and industrious and skilled European emigrants, and remove the tariff restrictions or protection which now upholds Northern capital in their factories so long established, and in which so much capital and labor is invested—remove these and the influx of capital to the rich fields of the South would in a very few years transform the natural and virgin wilds of the South into citadels of industrial wealth and elegance.

Seemingly great sympathy is expressed by the friends of protection for American labor. I want to protect American labor, for it at last is the corner-stone of the Republic's prosperity and freedom, but I would protect it by making it free, allowing all citizens to work out their own destiny, without subjecting them to odious discriminations and burdens of unequal taxation while some are shielded and protected from those burdens. The protectionists want American labor protected; that is, if laws can be passed so as to afford protection to the laborers in their factories so that their own interests are likewise protected. They seem to think that the labor employed in the factories is the only labor in this country that deserves the benefactions of the Government. There is a vast deal of labor in this country besides the labor in factories, and all should be treated alike; that is, protect none, but oppress none by unjust laws. Neither should capital be protected, but give to every man the reward of his own labor and capital, unabridged by unjust discriminations.

If there is really any solid ground for this pauper-labor argument, and there is so much sympathy for American laborers, why is it that these same protectionists are such strenuous advocates of the most unobstructed, freest, and largest immigration to our shores of foreigners from every land, China not even excepted? Why is it that when any number of workmen or artisans strike for higher wages, that the capitalists proceed to substitute in their place labor at cheaper prices? Protectionists clamor for tariffs to increase their profits, and would, by legislative restrictions, force their merchandise and wares upon consumers at much greater prices than the same articles of foreign manufacture can be had if the tariff was removed; and yet when these same gentlemen come to supply their factories with labor they demand the freest and fullest liberty to employ the cheapest labor, no matter whether it is native or foreign, American or Chinese.

If ours is the boasted country we claim for it, with natural advantages of every kind, unequaled by any nation on the face of the globe; with superior agricultural, manufacturing, and mineral possessions, and with a population of over fifty million and increasing millions every year; with intelligence and enterprise unsurpassed by any other people; standing foremost in inventive genius and the skill which subdues nature and makes it subservient to art, how is it that we need laws to protect the trade of our artisans and manufacturers against the competition of foreign trade, and must tax the balance of our people—our farmers and all other classes—a heavy per cent. simply to sustain one class of our citizens? With all these natural advantages of which we speak, with proximity and transportation in our favor, why not successfully compete with foreign labor? If our manufacturers do not become rich by this protective policy it is because they have so long imposed the burdens of high prices upon the people, who are the consumers, until the masses have become unable to purchase, and the manufacturers are overcrowded with their unsold wares—one class starving and the other surcharged with plethora, until the whole becomes infected with dry rot.

But is it true that European labor in factories is cheaper than it is in the United States? I am indebted to a well-known writer for these statistical facts and deductions.

The census of 1880 shows that $47,115,614 worth of labor produced $265,684,796 worth of manufactured woolens, which is 18 per cent. upon the cost or value of the manufactured product. The price of wages in woolen factories in the United States is about 50 per cent. greater than the price of labor in Europe, therefore only 9 per cent. of protection is needed to place the American laborer in woolen factories on an equal footing against the European pauper labor; and yet the protection amounts to from 50 to 140 per cent.; that is, the manufacturer gets from 52 to 122 per cent. of the whole value of protection. This is the discrimination that our tariff makes in favor of protected capital and against protected labor.

In the manufacture of iron and steel in the United States the labor required to produce $100 worth of manufactured goods is $18.75. In the 1,005 establishments in the United States the value of production is $296,557,685; value of wages, $55,476,785. Twenty-four per cent. will more than pay for the whole labor.

Take now the difference in the cost of clothing, furniture, and housekeeping generally in this country and England for instance, and strike the balance, and the English laborer has been as well fed, as well clothed, as well housed, and at the end of the year has as much actual money in his pocket as the American laborer has. The American laborer has received larger wages than the Englishman, but he has also worked a longer time or more hours in the day. The American has received larger wages, but he has paid more for his family supplies of provisions and clothing and higher for house rent and fuel, so that at the end of the year he is really not so well off as the English laborer. Now, if these things be true, what does it prove? Only this: that while protection adds enormously to the profits of the capitalist engaged in manufacturing, it bears oppressively upon the poor laborer and his family, without whose watchful eye and brawny arm this wealth would not have been created.

The fair comparison of the effect of protection and free trade upon labor may be better shown, as it has already been ably done by others in this debate, by contrasting the price of wage labor in the manufactories in England on the one side and in Germany and France on the other side. Actual facts and figures go to show that in free-trade England the prices of wages are higher than they are in Germany and France, where they have, as we have in this country, a protective tariff, as the following tables, prepared by Mr. Young, of the Bureau of Statistics, conclusively establish, and which were used by the able gentleman [Mr. MULDROW] a few days since in his speech on this bill:

England.

Blacksmiths, per day	$1 30	Tailors, per day	$1 20
Bricklayers and masons, per day	1 44	Tinsmiths, per day	1 20
Cabinet-makers, per day	1 32	Wheelwrights, per day	1 32
Carpenters, per day	1 32	Farm labor:	
Coopers, per day	1 10	Experienced summer hands, per day	84
Miners, per day	1 46	Experienced winter hands, per day	64
Machinists, per day	1 36	Ordinary summer hands, per day	64
Painters, per day	1 32	Ordinary winter hands, per day	40
Plasterers, per day	1 42	Female servants, per month	4 86
Shoemakers, per day	90		
Stone-cutters, per day	1 44		

France.

Bricklayers, per day	$0 80	Cotton-weavers, (principally women,) per day	$0 50
House-painters, per day	90	Engine-drivers, per day	1 47
Ordinary laborers, per day	60		
Cotton-spinners, per day	1 60		

Germany.

Blacksmiths, per day	$0 72	Tailors, per day	$0 66
Carpenters, per day	1 20	Machinists, (ordinary,) per day	96
Cigar-makers, (male,) per day	72	Engineers, per day	96
Cigar-makers, (female,) per day	42	Farm labor:	
Factory hands, (men,) per day	72	Experienced hands, (summer,) per day	65
Factory hands, (women,) per day	60	Experienced hands, (winter,) per day	60
Factory hands, (children,) per day	36	Female servants, (with board,) per day	5c. 33m.
Masons, per day	1 20		
Piano-makers, per day	90		
Salesmen and clerks, per day	72		

It is not now denied that manufacturing in this country of almost any kind makes a profit of from 20 to 30 and even 40 per cent., and sometimes even more than that. But while that is admitted, who ever heard of a laborer in one of these factories becoming rich? Upon the contrary, are they not often driven to form trades unions, and even resort to strikes in order that they may realize for their labor a sufficient amount to enable them to support their families, leaving out the high duty of educating and fitting their children for the battle of life?

But the laborers in the manufactories of this country constitute only about one-fifth of the labor that is otherwise employed. And if a protective tariff really protected and benefited these factory people or laborers, which I have shown does not in any degree of proportion to the benefit received by capitalists so engaged, even then protection would be very unjust; for why tax the farmers and

mechanics and everybody else to protect the small percentage of our American laborers engaged in working in manufactories of different kinds? But this cry of protection to American labor is delusive, illogical, and intended to deceive. It has for twenty years deceived the people. The truth is, the people since the war have had their attention adroitly drawn off from their economic interests to vague sentimentality about the fate of the colored man, and their patriotism has been periodically aroused to the danger of the rebels and Southern brigadiers, lest they should break up the Union, without a gun or a soldier or a flag. But the intelligent people all over our common country are rapidly understanding the tricks that have been played upon them to divert their minds from the study of the real issue.

Protection, then, does not stop to spoliate upon the farmer, the mechanic, the merchant, the lawyer, the physician, the tradesman, and all of those persons in our country outside of the manufacturers, but in its selfish and unnatural greed it invades the households of those dependent creatures who toil in their factories from twelve to fourteen hours per day. And then if these half-starved pale-faced toilers should complain that their wages are too low, they are told that they can go, and that their places can be filled by freshly arrived foreigners, even Chinese. Protection thus requires its labor to compete in an open market where it can be hired cheapest, but at the same time demands of this Government to throw its fostering arms around capital invested in manufacturing and protect it from competition with foreign markets. Protection means, then, that capital shall have the advantage of selling its products in markets where competition is not allowed, but at the same time requires labor to rely upon itself in an open market, where all other labor may have full opportunity to compete.

Is that fair, is it honest, is it American? Twenty cents per bushel is the duty on wheat; that is the tub which is thrown to the whale. The friend of protection soothes the American farmer by pointing to this duty of twenty cents per bushel. But what farmer is so ignorant as not to know that this twenty cents duty does not add one cent to the price per bushel of his wheat? Why? Because there is no wheat brought from foreign countries of any consequence to this country. The surplus of farm productions exported and their price in foreign markets regulate the price of the whole crop in the United States. The farmer sells in foreign markets at the lowest prices and buys in America at the highest protective prices; sells in the lowest or cheapest, and buys in the highest or dearest market, thanks to the operations of our tariff laws. For twenty years the whole struggle has been to protect the manufacturer and capitalist and to oppress the laborer and farmer and other consumers. No matter that our national wealth is mainly derived from agriculture; no matter that in 1881 less than $100,000,000 of our exports were manufactured articles, while our other exports, exclusive of bullion and specie, amounted to $784,755,413, still the main effort by the dominant party has for twenty long years been directed to oppress labor in all forms, and protect and foster capital at its expense.

It is estimated by a competent statistician that there are not less than fifty men in the United States whose annual average income is $1,000,000. There are 2,000 persons whose income is $100,000 per annum; about 100,000 whose average income per annum is $10,000; 1,000,000 whose average income per annum is $1,000; and 14,000,000 whose average net income does not exceed $400 per annum.

The present tariff is based upon the principle of taxing men upon their expenses instead of upon their incomes or property, which may make the poor man, with a family, worth $1,000, pay more for the support of Government than a man who owns a million of dollars.

There are many rich people, be it said to their credit, who struggle to change this system, but the influence of party and outside issues control the votes of the poor men themselves and keep this system in vogue and them everlastingly downtrodden and poor. The poor pay in proportion to their property one hundred times more than the rich to support the Government.

The immense wealth which aggregates into the hands of a comparatively small number of persons, in many instances consisting of United States bonds, which pay no taxes, but which are securely protected by the labor and taxes of the people, seems to justify the proposition that this large wealth should in some way or other bear a portion of the great burdens of taxation. The owner of ten millions or one hundred millions in bonds pays perhaps less taxes to support the General Government or the State government than the owner of a small farm, or shop, or store. These last-named citizens and their families, in some instances, consume even more dutiable goods, upon which they pay a customs tax, called revenue, to the Government, than the millionaire with his millions or tens or hundreds of millions.

Why, then, should there not be an income tax that would subject all alike to pay taxes to the Government according to their income above a certain exemption? This mode of taxation is not new; it has been successfully tried in England during the reign of George III, and is the law in that country to-day, and it was the law of this country for two years, but it bore too heavily upon capital to suit the dominant party, and hence it was repealed and the taxes were laid upon labor and industry. The objects of taxation should be luxuries, not necessaries—wealth, not industry.

Tariff and Tax Commission.

SPEECH

OF

HON. JONATHAN CHACE,

OF RHODE ISLAND,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 2, 1882.

The House, in Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws—

Mr. CHACE said:

Mr. CHAIRMAN: I shall support this bill in the hope that it may tend toward some settled policy, which, after protection to American industries, is more necessary for the welfare and prosperity of the country than any other one thing. A review of the legislation of Congress in regard to this matter shows us that previous to the year 1846 it was one continued series of changes—first a protective policy, under which the industries of the country would begin to expand and take on shape, and then a reversal of that policy, resulting in depression and generally in disaster. I believe also this measure is wise, for the reason that it will give an opportunity for individuals and for interests to make themselves heard and felt, which opportunity they do not have before the Committee on Ways and Means during the brief period that it is enabled to give attention to the subject. The interests involved are so vast and so varied, the questions assume such Protean shape, that it seems to me necessary that more time should be given to the consideration of the subject than it is possible for any Committee on Ways and Means to devote to it.

It seems hardly necessary to argue the necessity for this bill; for really no serious objection seems to have been made to it. But if it were necessary we have before us abundant example. Congress has appointed no less than six different commissions similar to this to consider and report upon a great variety of subjects. The Parliament of Great Britain, the most successful legislative body in the world, has approached this very subject by the appointment of a commission. The Governments of France, Italy, and Germany have also appointed commissions on this subject.

I do not consider the matter of delay which has been urged as seriously pressed. Perhaps I ought to make an exception in the case of my friend from New York, [Mr. HEWITT,] who seems to have based his whole argument upon the necessity which appeared to him to exist for hasty action in regard to this matter.

I consider it honor enough for one man to have been the author of the Morrill tariff; and I believe it will be shown that it has brought infinite blessings to this country. At the same time, it is admitted on all hands and on both sides that the changes which have been wrought in twenty years have brought about a necessity for a readjustment. New combinations, new processes, new nomenclatures, new tests have arisen in a great variety if not nearly all the industries. Things have grown out of relation to each other. The tariff being partly specific and partly ad valorem, having been adjusted to a scale of prices existing twenty years ago, should be readjusted to-day on account of the change of values.

If we needed any other argument, however, in favor of this commission I submit that the tariff bill presented to the last House by the Committee on Ways and Means is an ample and sufficient one; for of all the legislative monstrosities ever presented to a legislative body that was one of the most conspicuous—based upon no principle, intended to accomplish no specific end; neither a tariff for revenue only, nor for protection; raising duties on raw materials, reducing them on manufactures in some instances, and doing the reverse in others.

But I pass from the consideration of this question, as this debate has taken the shape of a discussion of the tariff itself, or of the question whether the policy of this Government shall be the protection of the industries of the country or not.

I am in favor of protection; protection for the sake of protection; protection with revenue—protection first. A distinguished Democratic member of this House, one who has been highly honored by his party, said to me the other day in discussing this question that "that legislation was best which brought the greatest good to the greatest number."

I suppose no one will dissent from that proposition; and upon that basis I propose to proceed in my examination of the subject. But it is said, "You have no right to administer the Government so as to protect the mechanical and manufacturing industries of the country; you have no right to frame your laws with such a wise and beneficent purpose in view; you are remanded and remitted simply and solely to the object of raising revenue." An examination of the eighth section of the first article of the Constitution shows plainly—so plainly that even a layman may see—that one of the objects provided for by that section in the levying of duties upon imports was to "provide" for "the general welfare." I need not read the section.

I suppose every member is familiar with it. The language is plain and specific that "duties" may be levied for the purpose of promoting the "general welfare." No nation can be prosperous or independent without diversified industries. No purely agricultural nation has been in modern times nor can be truly prosperous, and the people of the United States cannot maintain their various industries in competition with the cheap labor of Europe without protection.

You build forts and maintain armies to defend against a foe which may never come, and yet you say we may not protect the great material interests of the country against an adversary whose attacks are incessant. You maintain light-houses upon the ground that it is for the general welfare, that it is necessary for commerce. You carry on your post-offices at a profit in one State and at a loss in another, upon the ground of the general welfare. You take from the postal operations in Rhode Island $129,000 per annum, and spend it in the State of Kentucky, on the ground of the promotion of the general welfare.

The Government made in the year 1881 the following profit on its postal operations:

In Maine	$54, 642 71
In New Hampshire	60, 030 71
In Massachusetts	909, 091 56
In Rhode Island	129, 345 62
In Connecticut	164, 577 54
In New York	2, 011, 475 43
In New Jersey	108, 234 06
In Pennsylvania	653, 403 85
In Michigan	192, 371 21
In Illinois	294, 448 81
In Wisconsin	48, 701 82
Total	4, 626, 323 33

Which, together with $2,481,129.35 it spent in postal operations in other States, largely free-trade States.

It is proposed to spend $5,000,000 next year—and you, gentlemen, advocate it—for the improvement of the Mississippi River in order to promote the general welfare.

You levy a tax on certain articles and not on others because you believe the public weal is best benefited thereby. But the opponents to the American system say it is unfair to sections, that it is unfair of classes, that it is unfair to individuals. If such be the fact, if it can be shown that such is the fact, then for one I shall claim the privilege, as other gentlemen have done, of changing my mind; but until I am satisfied of that fact, and while I believe as I do this system is the best for the whole country, for all classes, for all industries, for all sections, I propose to maintain the system so far as I am individually concerned.

I propose to print with my speech a few excerpts from sayings of the fathers on this subject of protection, which I will not take the time of the House to read to-day:

Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way which shall appear eligible.—*President Washington's last annual address*, December 7, 1796.

The revision of our commercial laws, proper to adapt them to the arrangement which has taken place in Great Britain, will doubtless engage the early attention of Congress. It will be worthy at the same time of their just and provident care to make such further alterations in the laws as will more especially protect and foster the several branches of manufacture which have been recently instituted or extended by the laudable exertion of our citizens.—*President Madison's special message*, May 23, 1809.

We have experienced what we did not then believe: that there exist both profligacy and power enough to exclude us from the field of exchanges with other nations; that to be independent for the comforts of life we must fabricate them ourselves. We must now place our manufacturers by the side of the agriculturist. The former question is now suppressed, or rather assumes a new form. The grand inquiry now is, Shall we make our own comforts, or go without them at the will of a foreign nation? He, therefore, who is now against domestic manufactures must be for reducing us either to a dependence upon that nation, or to be clothed in skins and live like beasts in dens and caverns. I am proud to say that I am not one of these. Experience has taught me that manufactures are now as necessary to our independence as to our comfort.—*Thomas Jefferson, letter to Benjamin Austin*, Boston, 1816.

"Neither agriculture, manufactures, nor commerce, taken separately, are the cause of wealth; it flows from them combined, and cannot exist without each." "When our manufactures are grown to a certain perfection, as soon they will, under the fostering care of Government, we will no longer experience these evils, [resulting from a drain of specie under a free-trade system.] The farmer will find a ready market for his surplus produce, and, what is almost of equal consequence, a certain and cheap supply of all his wants." "To this distressing state of things there are two remedies, and only two; one in our power immediately, the other requiring much time and exertion; but both constituting, in my opinion, the essential policy of this country. I mean the Navy and domestic manufactures. By the former we could open the way to our markets; by the latter we bring them from beyond the ocean, and naturalize them in our own soil." "But it will no doubt be said, if they are so far established, and if the situation of the country is favorable to their growth, where is the necessity of affording them protection? It is to put them beyond the reach of contingency."—*John C. Calhoun, remarks on the tariff of* 1816, *in the House of Representatives.*

Our manufactures will likewise require the systematic and fostering care of the Government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend, in the degree we have done, on supplies from other countries. While we are thus dependent, the sudden event of war, unsought and unexpected, cannot fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case, instead of exhausting, as it must do in foreign hands, would be felt advantageously on agriculture and on every branch of industry. Equally important is it to provide at home a market for our raw materials; as, by extending the competition, it will enhance the price, and protect the cultivator against the casualties incident to foreign markets.—*President Monroe's first inaugural address*, March 5, 1817.

Jackson never was indistinct, hesitant, or double-dealing in the declaration of his views, and here is what he said on the subject in his second annual message, December 7, 1830:

The power to impose duties on imports originally belonged to the several States. The right to adjust these duties with a view to the encouragement of domestic branches of industry is so completely identical with that power that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the Federal Government without limitation or restriction, saving the very inconsiderable restriction relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them; and consequently if it be not possessed by the General Government it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely cannot be the case; this indispensable power thus surrendered by the States must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

As United States Senator from Tennessee he voted for the protective tariff in 1824. In his celebrated letter to Dr. L. H. Coleman, of North Carolina, August 26, 1824, he wrote what follows:

Heaven smiled upon and gave us liberty and independence. The same Providence has blessed us with the means of national independence and national defense. If we omit or refuse to use the gifts which he has extended to us, we deserve not the continuance of his blessing. He has filled our mountains and our plains with minerals—with lead, iron, and copper—and given us a climate and soil for the growing of hemp and wool. These being the great materials for our national defense, they ought to have extended to them adequate and fair protection, that our manufacturers and laborers may be placed in a fair competition with those of Europe, and that we may have within our country a supply of these leading and important articles so essential to war.

Thus, as we are told, in his threefold capacity, as Chief Magistrate, as legislator, and as private citizen, Jackson planted himself solidly and unmistakingly upon the ground of protection to home industry by means of duties on imports.

James Buchanan, in a speech in the House on the tariff bill of 1824, said:

A few years ago the traveler going into the mountainous districts of Pennsylvania would have found a great number of furnaces and forges in active operation. Their owners were not only prosperous themselves, but they spread prosperity around them. These manufactories presented the best and surest market to the neighboring country for the products of agriculture. Thus they diffused wealth among the people, money circulated freely, and the manufacturer and the farmer were equally benefited. The present aspects of those districts present a melancholy contrast to that which I have just described. It is a just comment upon the policy of that country which will not afford a reasonable protection to its own domestic industry, and thereby gives to foreigners a decided preference in its markets. Although that portion of Pennsylvania abounds with ore, with wood, and with water-power, yet its manufactories generally have sunk into ruin, and exist only as standing monuments of the false policy of the Government. The manufacturers and their laborers have both been thrown out of employment, and the neighboring farmer is without a market.

Is it the policy of this nation to suffer the manufacture of iron to be destroyed? No nation can be perfectly independent which depends upon foreign countries for its supply of iron. It is an article equally necessary in peace and war. Without a plentiful supply of it we cannot provide for the common defense. Can we so soon have forgotten the lesson which experience taught us during the late war with Great Britain? Our foreign supply was then cut off, and we could not manufacture in sufficient quantities for the increased domestic demand; the price of the article became extravagant, and both the Government and the agriculturist were compelled to pay double the sum for which they might have purchased it had its manufacture before that period been encouraged by proper protecting duties.

Daniel Webster, addressing a mass-meeting at Albany, August 27, 1844, said:

The term was well understood in our colonial history, and if we go back to the history of the Constitution, and of the convention which adopted it, we shall find that everywhere, when masses of men were assembled and the wants of the people were brought forth into prominence, the idea was held up that domestic industry could not prosper, manufactures and the mechanic arts could not advance, the condition of the common country could not be carried up to any considerable elevation, unless there should be one government to lay one rate of duty upon imports throughout the Union, from New Hampshire to Georgia, regard to be had in laying this duty to the protection of American labor and industry. I defy the man in any degree conversant with history, in any degree acquainted with the annals of this country from 1787 to the adoption of the Constitution in 1789, to say that this was not a leading, I may almost say the leading, motive, South as well as North, for the formation of the new government. Without that provision in the Constitution it never could have been adopted.

Ex-President J. Q. Adams, in an address to his constituents, October, 1844, said:

The tariff of 1842 has wrought wonders for the purposes for which it was enacted—the procurement of an adequate revenue and of protection for the native industry and free labor of the land. It has fully performed its promise in the production of revenue. It has restored the palsied credit of the nation, filled the coffers of the Treasury, provided ample means for defraying the current expenses of the years 1842, 1843, 1844, and 1845, and already paid off a large proportion of the heavy debt contracted by the preceding administration.

Nor will I recite here the articles produced in different States and the interests existing in the different States at present protected by our tariff. Suffice to say the list embraces every State in this Union, that it embraces every great interest, and I believe, before I am done, I will show every interest has been fostered, encouraged, and strengthened by this tariff.

Further, I maintain that no civilized nation on the face of the earth but shapes its legislation for this purpose. Even Great Britain herself, the mother of free trade and its great advocate, not only protected her industries by specific legislation, but she has herself, all along, protected them by customs duties on imports, and does to-

day. To be sure, her tariff is very brief. The number of articles upon which she collects duties is twenty, some say nineteen; nevertheless you will find by an examination of that tariff, taking tobacco for instance, she puts one rate on raw tobacco and another and higher rate of duty on manufactured tobacco.

Mr. KELLEY. I wish to say, while the gentleman enumerates the articles of the British tariff, that the official tariff itself shows fifty-three articles.

Mr. SPRINGER. The English system?

Mr. KELLEY. Yes; that is in the English system.

Mr. CHACE. I am aware of that. Great Britain assumes to lecture other countries on free trade, she claims trade should be free, untrammeled, that industries should be allowed to develop themselves naturally, normally, as they say. But does she follow that principle herself? She collects by duties on imports $3 per capita per annum. We collect under our present tariff $3.80. She collects on raw materials one rate, and on the same materials manufactured another rate. Is that protection, or is it not? I submit that it is.

She collected, in the year 1880, about $95,000,000 with 32,000,000 of people, while we collected with 50,000,000 of people, $193,000,000. Not such a very great difference. She collects $62,000,000 per annum on articles which we export, while we collect $43,000,000 on articles which she exports.

It is said that the levying of duties on imports is unjust to the consumer because the amount of the duties is added to the foreign price of the article and the consumer has to pay it. On the other hand, the original advocates of the American system claimed if you would protect American industries, that in time home competition would bring down prices to a point as low, or nearly as low, as they are in foreign countries.

I said in the opening the policy of this Government has not been uniform until 1846. Since that time it has been comparatively fixed for two periods of considerable length. From the year 1846 to the year 1861 we lived under a revenue system, sometimes called the free-trade system; from the year 1861 to the present time, under the protective system.

Let us see whether under free trade or under protection the consumer has been best off. I begin by taking the article of ordinary print-cloth, 64-square print-cloth. It is as well known and the prices are as easily obtained as the price of a barrel of flour in the market. It is a standard article. The duty on that is 5 cents a square yard, or 3¾ cents a running yard. Now, the price of that article on the middle of last month was 3¾ cents a yard, the duty being 3¾ cents a yard. How, in that case, does the consumer have to pay the foreign price with the duties added?

Mr. KASSON. What is the name of the cloth you just mentioned?

Mr. CHACE. The ordinary standard print-cloth. The duty on the ordinary calico print is 5½ cents a yard; that on a running yard is 4½ cents. It is bought in the New York market to-day for 6¼ cents, with 5 per cent. off.

Mr. CARLISLE. Is there any of that imported?

Mr. CHACE. No, none.

Mr. CARLISLE. If it will not interrupt the gentleman——

Mr. CHACE. Certainly not.

Mr. CARLISLE. What I claim, speaking for myself only, is this, that wherever you see the foreign goods in our market, duty paid, competing with the same grade and class of American goods, it certainly follows that the American goods have the duty added to them, for otherwise the foreign goods could not come here and compete.

Mr. KASSON. Except by sacrificing them, which is often done.

Mr. CARLISLE. Except by sacrificing them.

Mr. CHACE. Not by any means. I shall approach that branch of my subject shortly, and then I will be able to convince the gentleman from Kentucky that he is mistaken. My friend on my left, [Mr. HASKELL,] in the course of his remarks on this subject, brought a case before the House recently which verifies this point, in reference to the cost of cast-steel imported. He has satisfied the House, and I think gentlemen will be unable to controvert the position which he took, that the English manufacturer of cast-steel sells that article in our market at 2½ cents per pound less than he does in his own market. Why is this done? Why, to get rid of the surplus and to break down our manufacturers.

Mr. HEWITT, of New York. Will the gentleman now permit me to interrupt him for a moment?

Mr. CHACE. Certainly.

Mr. HEWITT, of New York. Does the gentleman from Rhode Island not know that the Treasury Department sent a commission abroad for the express purpose of investigating the very case that he speaks of; and that commission reported to the Treasury Department that the facts were not as alleged; and that the English manufacturers of cast-steel sold their products exactly at the same rates in Sheffield and on the Continent as they were invoiced to this country——

Mr. CHACE. When was that commission sent?

Mr. HEWITT, of New York. Some years ago.

Mr. HASKELL. Will the gentleman from Rhode Island permit me now to say a word in support of the position which I advocated here on the floor some days ago?

Mr. CHACE. Yes, of course.

Mr. HASKELL. The statement I then made I had from the Department, and it was accompanied by papers and letters showing the price of the best cast-steel in ordinary lots in Great Britain to be 12½ cents per pound; and for a twelve-hundred-ton contract taken in the United States the same combination of manufacturers offered to sell the steel here and pay the duty at 9.3 cents.

Mr. HEWITT, of New York. I have no doubt of that, for they could afford to sell at that price and make money at it.

Mr. HASKELL. Exactly; but the true basis to determine as to whether or not a tariff increases the cost of a commodity is to compare the American market with the English market, and this steel is bought cheaper by the American sub-manufacturer to-day than the English sub-manufacturer can buy it in Great Britain. And we have a tariff while they have free trade, and we pay them 2 cents per pound less for the steel under our high tariff than they can get for it at home.

Mr. HEWITT, of New York. I think the gentleman from Rhode Island would perhaps prefer not to be interrupted further, or I should be glad to answer the gentleman on that point.

Mr. CHACE. I am very glad to hear gentlemen on this point. It is a very interesting discussion. It is going on admirably.

Mr. HEWITT, of New York. Without desiring to interrupt the gentleman from Rhode Island, I can show the gentleman from Kansas that English cast-steel is imported here to-day and sold, after paying the duty, in competition with American cast-steel; and therefore the duty, as stated by the gentleman from Kentucky, must be added to the price or the trade could not go on.

Mr. HASKELL. In reply to that I will say to the gentleman from New York that in France as well as in Great Britain the French and the English manufacturers, too, are selling cast-steel in a free-trade and protected country at higher rates than they are selling it here. Now, the test is not the theory that somebody pays the tax on the goods, but the plan to arrive at a conclusion is to go where free trade reigns and see who pays the most for his goods. In free-trade Great Britain you pay two cents more a pound on this steel than you pay in the protected markets of the continent of Europe and in America.

Mr. HEWITT, of New York. I deny the proposition absolutely, as to the same grades of steel.

Mr. HASKELL. And I assert the proposition absolutely.

Mr. HEWITT, of New York. Very well; the matter will have to rest there for the present.

Mr. KELLEY. Since other gentlemen have interrupted the gentleman from Rhode Island I hope he will permit me to say, as a member of the Committee on Ways and Means, that it is within my own recollection to have received from the Treasury Department for consideration by that committee the report of commissioners sent to England and to the Continent to investigate the market rates of steel in order to test the honesty of invoices sent to this country, when it was found that steel was sent here and sold at lower prices to the United States than it was sold in London, Liverpool, or Sheffield, or upon the continent of Europe. And Mr. Firth, the senior partner of the great house of Firth & Co., or Firth & Son——

Mr. HEWITT, of New York. Thomas Firth & Sons.

Mr. KELLEY. Mr. Firth made a communication in which he begs that the tariff might be so modified as to allow honest men to enter our market without perjury in preparing their invoices. I have read the letters in my official capacity.

Mr. HEWITT, of New York. If the gentleman from Rhode Island will allow me to make a statement, I will be very brief about it. I sat as the merchant appraiser in 1872 upon these very steel cases. I was the merchant appraiser who decided the fifty-seven steel cases, as they were called. I investigated every particle of the evidence, and had access to the books of the importers. And I say here, and it was confirmed by the Government commission which was sent out in consequence of that decision, that there was no single case of fraud shown, but on the contrary the invoice prices furnished to me as merchant appraiser were the identical prices at which they furnished steel to France, Germany, and the entire world.

Mr. CHACE. That does not prove anything.

Mr. HEWITT, of New York. It proves the matter in issue between the gentleman from Pennsylvania [Mr. KELLEY] and myself. I passed upon these cases to which he has referred, and I can tell the House and the country what the facts are.

Mr. KELLEY. I do not believe Thomas Firth plead guilty to such a state of facts unless the facts required it.

Mr. HEWITT, of New York. He was not guilty. He was an honorable gentleman, who invoiced his steel at true and honest prices.

Mr. KELLEY. I read his letter. It was opened in the Committee on Ways and Means.

Mr. HEWITT, of New York. The gentleman from Pennsylvania told me the other day that David Thomas told him there was no anthracite coal in Wales; and I have produced the letter of Mr. Thomas showing he had never made any such statement.

Mr. KELLEY. I will answer the gentleman on the coal question at the proper time.

Mr. KASSON. This discussion having now run off to coal, I think the gentleman from Rhode Island should be permitted to resume his speech.

The CHAIRMAN. The Chair understood that the gentleman from Rhode Island yielded for these explanations to be made.

Mr. CHACE. The gentleman from New York, [Mr. HEWITT,] I have no doubt, intends to be fair, but he does not meet the issue. It is well known that the policy of the British manufacturer supplemented by the British Government is to break down foreign industries, to get possession of and control the foreign markets, and it is no uncommon thing, no unusual thing. I presume the gentleman from New York himself may have pursued the same policy in his own line of business——

Mr. HEWITT, of New York. I never have.

Mr. CHACE. Well, then, he is a rare exception. As a merchant of many years' standing I must say it is no uncommon thing, it is the commonest thing for a man to sell goods out of his regular market at prices below the standard price. Lord Brougham, representing the English Government in Parliament, advised it and set it up as the policy of the government. It is practiced everywhere; and a little further along I will give gentlemen something to the point from English authorities as to this phase of the case.

But I wanted to call attention to a few articles, to see whether the fathers of this American system have been justified by experience or not, to see whether the prognostications they made have been borne out in the light of experience, when they said "protect these industries until they accumulate capital, acquire skill, learn the ways of trade, and seek out markets, and home competition will bring the price down so that the consumer shall not be the sufferer." If that position can be established, the principal argument, in fact the only real argument that has ever been made against this system falls to the ground.

I have cited one or two of these articles. My friend from Kansas [Mr. HASKELL] has helped me by introducing the steel question. I now want to call attention to a few others.

Clocks: who buys anything but an American clock, unless it be some fancy clock from abroad? American watches: they are protected by the Morrill tariff, and an industry in them has grown up in different parts of this land that is a matter for every American citizen to be proud of. No foreigner can sell a watch in competition with the American manufacturer.

Mr. HEWITT, of New York. Why, the Avenue is full of them.

Mr. CHACE. Full of foreign watches?

Mr. HEWITT, of New York. Certainly; Swiss watches. I bought one of them the other day myself.

Mr. CHACE. For one foreign watch that is sold there are one hundred American watches sold.

Mr. HEWITT, of New York. There is a large importation of foreign watches.

Mr. CHACE. And so of French clocks.

Mr. HEWITT, of New York. Then what becomes of them?

Mr. CHACE. There is not a large importation of watches. There is but a very small importation of them.

Mr. HEWITT, of New York. The gentleman is mistaken.

Mr. CHACE. I have not the statistics before me, but I take issue with the gentleman on that and will refer to the figures.

Sewing-machines, agricultural implements: the gentleman from Tennessee the other day made a piteous appeal to us on behalf of the agriculturist. He said his implements are taxed. I would like to see the farmer that buys foreign agricultural implements. My friend from New York [Mr. W. A. WOOD] told me the other day that he had exported as many as 10,000 mowing-machines in one year.

Mr. HAMMOND, of Georgia. You will not let any one get foreign machines. You tax them away.

Mr. CHACE. Does my friend from Georgia know what he is talking about?

Mr. HAMMOND, of Georgia. I think I do.

Mr. CHACE. Can the gentleman quote the prices? I assert here—I know assertion is not argument, but I challenge the gentleman to show the prices of foreign agricultural implements that can compete with the American article.

Mr. MORRISON. Then, why do you want a tariff?

Mr. CHACE. I expected some one would ask me that question, and was in hopes that he would. I will answer it directly; do not let me forget it. [Laughter.]

The list of articles is exceedingly long, and I will name the price of a few of them, some of the minor ones and some of the more important ones. There is a long list of cotton goods. There is jaconet, which sold at 16 cents a yard when the tariff bill was enacted, and sells to-day for 6½ cents a yard. You cannot buy it in Manchester at less than 6½ cents a yard. I take it that the consumer does not have to pay the duty added to the foreign price of that article. Cod-liver oil: the price abroad is $1.30 a gallon; the duty upon it is 40 per cent., and the price here is 80 cents a gallon. Tartaric acid; the price abroad is .46; the duty is 60 per cent., and the price here is .46. Refined borax, an industry that is growing rapidly in the West: the price abroad is 14 cents a pound, duty 75 per cent., and the price here 14 cents a pound. Copperas: the price abroad ¼ cent per pound; duty 80 per cent.; price here ¼ cent per pound. Epsom salts: price abroad 13 cents a pound, duty 70 per cent.; price here 12½ cents per pound. And so with a long list of articles.

Now, these articles could not be manufactured in this country until the industries grew up under the fostering care of the Morrill tariff. So with brown sheetings, bleached sheetings, prints, sewing-machines, and almost every kind of carpenter tools you can name. Great quantities of them are exported, some of them exported to Great Britain. So with augers and bits.

The gentleman from Kentucky [Mr. TURNER] the other day alluded to the poor carpenter who earns his bread by the sweat of his face shoving his saw, and said that he had to pay a duty on that saw. Indeed, has he not heard about Disston, of Philadelphia, who sends saws to Europe—quantities of them—sends them all over the world. As I said before, all farmers' tools, clocks, watches, cutlery, silverware, boots and shoes, and a long list of other articles which I will not tax the House to listen to.

As to this other question which my friend from New York [Mr. HEWITT]—I believe it was the gentleman from Illinois [W. R. MORRISON] that raised it—why do you want a tariff? I would like to read to the House on that subject some good first-rate free-trade authority. I will read in the first place a quotation from one David Syme, for which I wish to say I am indebted to the gentleman from Pennsylvania, [Mr. KELLEY.] I find it in his admirable paper on "a science based on assumptions." I like that term; I think it is very apropos, for if there ever was a science of assumptions it is British free trade.

David Syme, a British free-trader, went to Australia where he had an opportunity to get on the other side of the question and saw how it operated. Then he began to tell tales out of school. He said:

The manner in which English capital is used to maintain England's manufacturing supremacy is well understood abroad. In any quarter of the globe where a competitor shows himself who is likely to interfere with her monopoly, immediately the capital of her manufacturers is massed in that particular quarter, and goods are exported in large quantities, and sold at such prices that outside competition is effectually crushed out.

That is *one* reason why we want a tariff on these articles.

English manufacturers have been known to export goods to a distant market and sell them under cost price for years, with a view to getting the market into their own hands again.

This is an Englishman who says this.

The *modus operandi* is incidentally explained with *naïveté* in a report published some years ago by the House of Commons: "The laboring classes generally," writes Mr. Tremenheere, "in the manufacturing districts of this country, and especially in the iron and coal districts, are very little aware of the extent to which they are often indebted for their being employed at all to the immense losses which their employers voluntarily incur in bad times, in order to destroy foreign competition and to gain and to keep possession of foreign markets. Authentic instances are well known of employers having in such times carried on their works at a loss, amounting in the aggregate to £300,000 or £400,000 in the course of three or four years.

Losing more money than my friend from New York [Mr. HEWITT] said he lost.

Mr. HEWITT, of New York. Could there not have been a higher motive than to gain a foreign market? Might they not have had a conscience and desired to give employment to their working people? [Laughter.]

Mr. CHACE. Talk to us about the conscience of British free trade! Conscience! Where does the conscience of British capital lay? Locate it; describe it, if you can. British free trade with a conscience! British free trade, that opened the market of China for her opium with the guns of her fleet; which shot sepoys from her cannon in order to make them submit to British rule and to use British manufactures; which trod upon the Boers and the Zulus two years ago with a cruelty unparalleled, and for what? To get possession of their markets. British free trade, which has set her iron heel upon Ireland, which has destroyed Ireland in order that she might supply her with manufactured goods.

Mr. MORRISON. She did that when she was protecting like you.

Mr. CHACE. Protecting whom? She was protecting Ireland very much as she was protecting the colonies of this country a hundred years ago.

Mr. FORD. She destroyed all the Irish manufactures.

Mr. CHACE. Of course she did; she will destroy all our manufactures if we will take off our tariff; she will do it at whatever cost. I continue reading from Syme:

If the efforts of those who encourage the combinations to restrict the amount of labor and to produce strikes were to be successful for any length of time, the great accumulations of capital could not then be made which enable a few of the most wealthy capitalists to overwhelm all foreign competition in times of great depression, and thus to clear the way for the whole trade to step in when prices revive, and to carry on a great business before foreign capital can again accumulate to such an extent as to be able to establish a competition in prices with any chance of success. The large capitals of this country are the great instruments of warfare (if the expression may be allowed) against the competing capital of foreign countries, and are the most essential instruments now remaining by which our manufacturing supremacy can be maintained.

I wish to read also in this connection an article from the London Spectator. This is good free-trade authority also. That journal in an editorial discussion of the Indian budget of Major Baring, after saying that he had terminated the long controversy between the free-traders of Lancashire and the protectionists of Bombay by one splendid stroke, by abolishing import duties altogether, goes on to say:

The only real argument against the abolition of the import duties is that advanced by the higher natives of India, and entitled, if only because it is their argument, to serious attention. They say, and say truly, that one drawback to British rule has been the extinction of variety in native industry. The country may be richer as a whole, but large classes, such as the muslin-weavers, the carpet-makers, and

the metal-workers, have been ruined by the competition of Europe, and the whole people reduced to such a dependence on agriculture that a drought of two years is like a sentence of death passed upon whole populations. This evil, which is an evil, though it may be exaggerated and may also be compensated by great gains, can, they say, be partially obviated by protective duties, which give native manufacturers, especially of cotton goods, time to organize their factories, to instruct and discipline their hands, and to establish their connection with the retail distributors.

That is a very important element in this question—the matter of stablishing connections with trade.

They cannot, the natives say, be independent at first, because they cannot work upon the scale indispensable if they are to compete with the vast and highly organized manufacturing system of Great Britain. Ultimately, they maintain, they will be able to compete with Manchester on equal terms, but they cannot do it yet. There is such force in this argument that we hardly wonder it should carry away every native trader.

There is force in it. Its force was exemplified when you took off the duty from salt. My friend from Michigan [Hr. HORR] has told you how that operated. Salt industries all over the country went out of existence; and had not the duty been restored, we would have made no salt in this country.

Another and a staple argument of our friends on the other side—an argument that they love to use, which they roll under their tongues like a sweet morsel, which they hold up in every imaginable light, indulging themselves in all sorts of repetition of it as a splendid argument on the stump—is what is called "the farmer argument." In their appeals to the farmer they say that protection is a great injury to him. I am afraid sometimes that they take a little latitude and try to make the farmer believe that by reason of protection he has to pay more for his implements than he otherwise would, which I submit is not exactly true.

Now, what are the facts? How are we to establish the facts? A variety of tests may be adopted. First, let us look at prices of agricultural articles and of articles that the agriculturist has to buy. I wish to say that in examining this matter I found very great difficulty in determining the proper method of making the comparison. To take the figures of a single year would not of course be fair; and I find on an examination of the case that it would not be fair to take a decade, because there has been no decade under the present tariff—the Morrill tariff—when the industries of this country have not been subjected to very peculiar influences growing out of the war, the disturbances of labor caused by the war, the peculiar currency legislation necessitated by the war, and the disturbances of prices resulting therefrom. So, also, as to any particular decade previous to the war. The decade from 1850 to 1860 was subject to peculiar influences. During that decade there was poured into the lap of the people of this country $1,100,000,000 of precious metals. I believe I am right.

Mr. KELLEY and others. Yes.

Mr. CHACE. So I have been obliged to take a period of five years—a lustrum; and I have selected with a view to a fair and reasonable examination of this subject the five years after the enactment of the tariff of 1846—the years 1846, 1847, 1848, 1849, and 1850, and the years 1876, 1877, 1878, 1879, and 1880. I have selected seven great agricultural articles, and seven great protected articles, including among them anthracite coal, which I do not like to mention in the presence of my friend from New York, [Mr. HEWITT.]

Mr. HEWITT, of New York. It is not protected.

Mr. CHACE. It is not protected directly, but as we know in New England it is protected indirectly very materially——

Mr. HEWITT, of New York. It is absolutely free.

Mr. CHACE. Because by putting a duty on the bituminous coal of Nova Scotia you prevent us from buying that at so low a price as we could otherwise do; and were not the duty imposed we would buy that bituminous coal instead of anthracite.

Mr. HEWITT, of New York. I want to help you by taking off the duty on bituminous coal.

Mr. CHACE. I understand the gentleman's "help," and I will discuss that directly.

Mr. MORRISON. Then, the duty on coal goes into the price.

Mr. CHACE. Certainly. I have selected anthracite coal because it is necessary in making a comparison as to the effect upon labor. I have selected seven great agricultural articles as representing agricultural products in general—wheat, corn, oats, butter, Kentucky tobacco, wool, and cheese. Then, in the other class, I have selected anthracite coal, salt, bleached sheetings, prints, No. 1 pig-iron, refined bar-iron, and railroad iron. So far as these articles appear in Burchard's report I have taken the gold prices as there given. But they are not all found in that publication.

I think that the prices as given by Burchard apply to wheat, corn, oats, coal, butter, Kentucky tobacco, wool, cheese, and salt. For the dry goods—bleached sheetings and prints—I have taken the market reports of the New York Journal of Commerce, which I suppose my friend from New York will admit to be pretty good free-trade authority, these reports being compiled by Reese, the commercial editor.

Mr. HEWITT, of New York. Very good authority.

Mr. CHACE. It is standard authority all over the country. The prices of iron I take from the Philadelphia market reports. In regard to railroad-iron I will say that I was unable to get any authoritative report with which I was satisfied for the year 1846. There are plenty of reports to be had, but I desired such authorities as were fair and trustworthy. Hence for railroad iron the prices given are only for four years.

The price of iron, of prints, and of sheeting is the price in currency. I attempted to reduce it to gold, but the fluctuations were such that an attempt to make an average might lead to the common error of statisticians when they attempt to make averages. It is a dangerous thing for a statistician to attempt, and I admit it so far as it applies in this case; but it is the best we can do.

Let us see what the farmer's articles would buy when they went to market:

Table No. 1.

Articles.	1846.	1847.	1848.	1849.	1850.	Average.
Wheat.....bush.	$1 08.5	$1 36.5	$1 17.5	$1 24	$1 27.5	$1 22.8
Corn.....bush.	68	85.5	63.5	62.7	62.5	64.4
Oats.....bush.	39.5	49	41.4	38.7	43	42.3
Butter.....lb.	13	16	16	15	15.1	15
K'y tobacco.....lb.	4.7	4.8	5.3	6.1	8.2	5.82
Wool.....lb.	32.3	35.2	34.3	36.1	40	35.58
Cheese.....lb.	6.8	6.9	6.7	5	6.2	6.3
Coal.....ton.	5 72.5	5 70.5	5 39	5 59	5 73	5 63
Liverpool salt.sack.	1 34	1 35.5	1 39	1 29	1 36.5	1 34.8
Bleach'd sheet'g yd.	14.95	14.2	14.25	15	14.75	14.43
Prints.....yd.	10.91	10.17	9.17	10	10	10.05
No. 1 pig-iron..ton.	27 87	30 25	26 50	22 75	20 87	25 65
Refi'd bar-iron.ton.	91 66	86 04	79 33	67 50	59 54	76 82
Railroad iron..ton.	.....	69 08	62 25	53 87	47 87	58 27

Articles.	1876.	1877.	1878.	1879.	1880.	Average.
Wheat.....bush.	$1 18.5	$1 60.7	$1 24.2	$1 22.3	$1 25.3	$1 30.2
Corn.....bush.	51.2	58.3	51.3	49	54.7	52.9
Oats.....bush.	36.1	42.4	32.8	38.5	43.8	38.72
Butter.....lb.	20.4	24	23.3	32.7	23	24.68
K'y tobacco.....lb.	9.8	9.8	7.1	8	7.7	8.48
Wool.....lb.	39.9	48.8	41.6	52	41.4	44.74
Cheese.....lb.	9.4	11.6	9.9	11.2	7.6	9.94
Coal.....ton.	4 19	3 38.7	3 54.9	2 89.8	4 08.9	3 62.3
Liverpool salt.sack.	80.1	73.2	65	73.8	69	72.22
Bleach'd sheet'g yd.	12.25	11.72	10.87	11.43	12.66	11.78
Prints.....yd.	7.18	6.67	6.1	6.31	7.5	7.95
No. 1 pig-iron..ton.	22 25	18 87	17 62	21 50	28 50	21 75
Refi'd bar-iron.ton.	52 08	45 55	44 24	51 85	60 38	50 82
Railroad iron..ton.	41 25	35 25	33 75	41 25	49 25	40 15

Agricultural articles are 6 per cent. higher; manufactures and fuel are 30 per cent. lower; making 50 per cent. in favor of the farmer. Labor is 25 per cent. higher; what the laborer buys is 25 per cent. lower; making 66 per cent. in favor of the laborer.

Table No. 2.

Articles.	Salt.	Coal	Bleached sheeting.	Prints.	Pig-iron.	Bar-iron.	Railroad iron.
One bushel of wheat would buy—	*Sacks.*	*Lbs.*	*Yards.*	*Yards.*	*Lbs.*	*Lbs.*	*Lbs.*
Under free trade.....	.91	422	8.51	12.21	107.3	35.8	47.23
Under protection.....	1.80	719	11.04	16.27	134.00	57.35	72.6
One bushel of corn would buy—							
Under free trade.....	.47	25.65	4.46	6.4	56.24	18.78	24.76
Under protection.....	.73	32.85	4.49	6.65	54.49	23.32	29.55
One bushel of oats would buy—							
Under free trade.....	.31	16.85	2.93	4.20	36.94	12.33	16.26
Under protection.....	.536	24.04	3.27	4.89	39.87	17.07	21.63
Ten pounds of butter would buy—							
Under free trade.....	1.112	59.75	10.39	14.92	131	43.74	57.69
Under protection.....	3.417	153.2	20.95	31.04	254	108.82	137.87
Ten pounds of cheese would buy—							
Under free trade.....	.474	25.09	4.36	6.28	55.02	18.37	24.23
Under protection.....	1.376	61.93	8.43	12.52	102.36	43.82	50.53
One pound of wool would buy—							
Under free trade.....	.264	14.17	2.46	3.54	31.06	10.37	13.68
Under protection.....	.661	29.65	4.05	6.00	49.16	21.64	21.08
Ten pounds of Kentucky tobacco would buy—							
Under free trade.....	.431	23.18	4.03	5.79	50.82	16.97	22.34
Under protection.....	1.117	52.69	7.19	10.66	87.33	37.38	47.37

Corn has been depressed in price on account of the tremendous increase of production. While the price of corn is comparatively lower than that of any agricultural product, still the farmer can produce it relatively cheaper, as all know who know anything about it, and he can land it cheaper at tide-water market.

But let me proceed with the table: under free trade the farmer could buy with one bushel of wheat .91 of a sack of Liverpool salt; under protection it would buy 1.8 sacks. Under free trade the bushel of wheat would buy 8.51 yards of bleached sheeting; under protection 11.04 yards. Under free trade it would buy 422 pounds of coal; and under protection, 719 pounds. Under free trade it would buy

12.21 yards of prints; under protection 16.27 yards. Under free trade it would buy 107.3 pounds of pig-iron; under protection 134 pounds. Under free trade, 35.8 pounds of bar-iron; and under protection 57.35. Under free trade it would buy 47.23 pounds of railroad iron; under protection 72.6 pounds.

Take Kentucky tobacco, which will appeal to my friend over the way. Kentucky tobacco makes the best showing of any of the enumerated articles. Ten pounds of it under his tariff for revenue would buy .43 of a sack of salt, but under protection it would buy three times as much, and so on, as will appear by the table printed above.

Mr. CARLISLE. Is the gentleman taking it in the leaf?

Mr. CHACE. I am taking Burchard's report on tobacco. I admit it is not the most trustworthy, but the gentleman himself quoted from it.

Mr. HEWITT, of New York. Was the tax paid or unpaid?

Mr. CARLISLE. The tax of 16 cents on the manufactured article?

Mr. CHACE. I quoted it at 8.46 cents, and there is no 16 cents in that.

Mr. HEWITT, of New York. It must be leaf tobacco.

The CHAIRMAN. The gentleman's time has expired.

Mr. KASSON. As much of the time was taken up in a quadrilateral controversy I hope he may be allowed the requisite additional time.

The CHAIRMAN. How much time does the gentleman want?

Mr. KASSON. I move that the gentleman be permitted to go on as long as he desires.

Mr. CHACE. My throat admonishes me not to take much more time.

Mr. KASSON. The gentleman does not want much more time, and I move he be allowed to proceed indefinitely.

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly.

Mr. CHACE. I have some interesting free-trade literature here which I should like to read to the House. I will not read any more tables. The fact is, agricultural products are 6 per cent. higher under protection than under a tariff for revenue. Gentlemen may traverse these figures. Here they are; I submit them; they will be printed.

There is no authoritative table in regard to the price of labor; but, after a great deal of inquiry of all sorts and from many sources, I have had no reply where labor was quoted less than 25 per cent. higher under the latter tariff than under the tariff for revenue. Some state it at 35 and some at 45 and some at 50. It is arbitrary, because there are no statistics. We have no means of fixing it, but every candid man will admit labor is 25 per cent. higher than at the former period. I find by examining a great many articles the laborer has to buy, including the fact that his rent is higher, that he buys his supplies for his living 25 per cent. lower under protection than under the tariff for revenue.

I assume that his labor brings 25 per cent. more, which is an advantage in his favor of 66 per cent.

To come back to agriculture: people do not go into business largely if it does not pay. Business that is depressed and oppressed by the legislation of a country is not likely to attract many persons to it. The gentleman from Kentucky, in his able speech a few days ago—it was an able presentation of the case from his stand-point, and I congratulate him upon the evident tone of fairness in which he treated the subject, and while I must differ with him materially on some of his premises, and facts also, I by no means assert that he has intentionally misstated facts—took occasion to compare the decade between 1850 and 1860 with that between the years 1860 and 1870.

The decade from 1850 to 1860 under the tariff of 1846 found the nation prospering in every department, new industries springing up, old ones in a flourishing condition, everything prosperous and promising, wages well paid and labor advancing, the Government in a sound condition financially, and left not only the Government but the people themselves almost bankrupt, the Government unable to borrow money at less than 12 per cent. although its expenses were a mere bagatelle compared with what they are now. The Government at that time was in such a condition that it had to ask the States to indorse its notes in order to secure a loan of the paltry sum of $20,000,000. And further, had it not been for the fact that gold was discovered in California, and poured into the lap of this people $1,100,000,000 in precious metals, the country would have been bankrupt and swamped absolutely.

Mr. MORRISON. That was one of the results of Democratic free-trade policy.

Mr. CHACE. On that point, too, I will take issue with the gentleman.

Mr. CARLISLE. Does not the gentleman from Rhode Island know that in 1858 and 1859 the Government sold its 6 per cent. bonds at a premium of 1½ per cent. in gold, and its 3 per cent. bonds in 1857 at par for gold?

Mr. CHACE. But did I not quote the facts aright when I stated that the Government had paid 12 per cent.? And the gentleman knows that the then Democratic President asked Congress at that time to propose to the States to indorse its notes in order to make the loan at all.

Mr. CARLISLE. That was under the act of December 17, 1860, just preceding the beginning of the war, and the paper of the Government was negotiated in 1861, when the country was trembling upon the verge of civil war.

Mr. CHACE. I think I can show the gentleman he is mistaken in that.

Mr. CARLISLE. And this transaction of the sales of the Government securities at less than par in gold became so common immediately after that that I have been somewhat surprised that this small transaction, which the gentleman now mentions, should have been referred to by gentlemen upon the other side of the House.

Mr. CHACE. But my point is, that the gentleman is comparing that decade with the decade between 1860 and 1870, a decade during which eleven States of this Union were absolutely shut out from the markets of the world, all industries of every kind suppressed, and labor of every kind otherwise engaged than in productive energy——

Mr. CARLISLE. But will the gentleman not do me the justice to say that I took the single year 1870 and the single year 1860? The gentleman is now referring to another point.

Mr. CHACE. I now refer to the gentleman's speech, which will show for itself.

Mr. CARLISLE. And you will find that I referred alone to the year 1870, five years after the war, and to the single year 1860, before the war had begun.

Mr. CHACE. The gentleman alludes to the decade from 1850 to 1860, and then compares it with the decade between 1860 and 1870, giving us the effect of ten years under the protective system.

Mr. CARLISLE. But still the gentleman will do me the justice to say that my figures for the purpose of making comparison related alone to the single years 1860 and 1870, one year before the war had begun and five years after the war had ended.

Mr. CHACE. And ten years of what? During four years of that time 2,600,000 of the bread-winners of this country had been taken from the walks of producers and made consumers. The Government had pledged its faith for an expenditure of over $6,000,000,000 in carrying on the war. A large amount of it had been paid in cash and a large amount issued in the form of bonds, while eleven States, as I have said, were absolutely shut out from the whole world and every industry suppressed. The currency was inflated, the nation was readjusting itself to its abnormal condition of things, and yet the gentleman takes that year as a basis for comparison. I submit that it is not a fair comparison. It would have been fairer to take the year 1880.

But I return to my agricultural friends. From the year 1850 to 1860 the increase of the number of persons engaged in agricultural pursuits is set down as 938,000. Between the years 1870 and 1880—this is not absolutely correct, but I get it approximately from the Census Office—the estimated increase is 1,900,000 people engaged in that business, or more than double the preceding decade.

I have said that people do not go into a business that does not pay, or if it is much depressed or hampered by adverse legislation. Not only that, we find that the increase in the number of acres under cultivation in the first ten years was 50,000,000, and in the last ten years 99,000,000 or nearly 100,000,000. The increase in the production of Indian corn in the first ten years was 346,000,000 bushels, and in the last ten years 1,000,000,000. Increase in production of wheat 73,000,000 bushels in the first ten years, and in the last ten years 171,000,000 bushels. Increase in number of horses first ten years 1,900,000; last ten years 2,200,000.

Statement of the acres of improved land, bushels of cereals, number of horses, and value of farm productions, as returned at the censuses of 1880, 1870, 1860, *and* 1850.

Articles.	1880.	1870.	1860.	1850.
Acres improved land	287, 220, 321	188, 921, 099	163, 110, 720	113, 032, 614
Barley, bushels	44, 113, 495	29, 761, 305	15, 825, 898	5, 167, 015
Buckwheat, bushels	11, 817, 327	9, 821, 721	17, 571, 818	8, 956, 912
Indian corn, bushels	1, 754, 861, 535	760, 944, 549	838, 792, 740	592, 071, 104
Oats, bushels	407, 858, 999	282, 107, 157	172, 643, 185	146, 584, 179
Rye, bushels	19, 831, 595	16, 918, 795	21, 101, 380	14, 188, 813
Wheat, bushels	459, 479, 505	287, 745, 626	173, 104, 924	100, 485, 944
Horses, number	10, 357, 981	7, 145, 370	6, 249, 174	4, 336, 719

Sheep in United States:	
1850	21, 723, 220
1860	22, 471, 275
Increase under free trade	748, 055
1870	28, 477, 951
1880	42, 381, 389
Increase under protection	13, 903, 438
Amount of wool consumed—pounds:	
1860	125, 000, 000
1880	300, 000, 000
Mechanical and manufacturing industries in 1880 of—	
New York City:	
Establishments	11, 183
Capital	$165, 511, 356
Hands	276, 728
Wages	$93, 664, 161
Production	450, 000, 000

Mechanical and manufacturing industries in 1880 of—

Philadelphia:	
Establishments	8,378
Capital	$170,745,191
Hands	192,732
Wages	$60,656,287
Production	305,041,725
Total:	
Establishments	19,561
Capital	$336,256,547
Hands	469,450
Wages	$154,320,448
Production	755,041,725

Our population is increasing 1,000,000 per annum.
Deposits in savings-banks are now $900,000,000.

1850 to 1860:	
Imports	$3,018,079,126
Exports	2,603,166,126
Excess of imports	414,913,000
1860 to 1870:	
Exports	$7,594,152,308
Imports	6,420,837,154
Excess of exports	1,173,315,154

Thus showing that the whole nation grew poorer during the ten years of free trade	$414,913,000
While it grew richer during ten years of protection	1,173,315,154

In 1856 American ships carried 75 per cent. of all our water-borne freight.
In 1860 it had declined to 59 per cent.
Between 1860 and 1870 the free-trade cruisers, the Alabama, the Shenandoah, &c., nearly swept it from the seas.

We have grown to be the greatest wheat producing nation in the world. France is the greatest wheat producing nation after us, and we produce 50 per cent. more wheat than she does. We produce double the quantity that Russia does, and three times as much as any other nation.

Now, if the farmer gets more for his products and buys his protected articles for less; if he is doubling his production, and if double the number of people enter into the business, I ask is the business oppressed? I submit the case is made out.

I want now to call the attention of the gentleman from Kentucky [Mr. CARLISLE] to some figures that he submitted to the House in the matter of bar-iron. He says in his speech:

Our protectionist friends sometimes complain that we confine our statements to the cost of the labor necessary to convert the material from its last preceding form into the finished product, and that we omit the cost of the labor necessary to convert it into the various other forms through which it has passed.

Then he says:

In order that there may be no possible ground for complaint, I will include the cost of all the labor from the very beginning and compare it only with the duty imposed upon the finished article.

The gentleman then goes on to say—I will not go through all his figures upon that question; gentlemen can read them for themselves—but he goes on to say it takes two tons of ore to make one ton of pig-iron and that the cost of labor in mining ore in one ton of pig-iron is $2.70. Then he says the total cost of labor in the pig necessary to produce one ton of bar-iron is $4.35. My friend from New York [Mr. HEWITT] keeps his face straight. But it is hard for one to do so who knows what it really costs.

Mr. HEWITT, of New York. Does the gentleman from Rhode Island mean to assert that the cost of labor in one ton of pig-iron exceeds $4.35? It does not cost so much as $4.35 to make a ton of pig-iron. I do not confirm the figures of my friend from Kentucky. I have already told him I thought he was wrong.

Mr. CARLISLE. Not on that point.

Mr. CHACE. The cost of labor in one ton of bar-iron, the gentleman from Kentucky says, is $13. The whole cost of the labor in getting the ore, the fuel, &c., in producing one ton of merchant bar-iron the gentleman makes out to be $20.05. That is the whole cost of everything there is in it.

Then the gentleman quotes from the census report on iron and steel which he finds on page 11. There they tell us that in the manufacture of iron there were consumed 7,700,000 tons of ore. But he did not allude to the limestone, of which there were 3,169,000 tons. He does not put in anything for the cost of that. He said he was going to give us the cost of the labor on that material, but he said nothing about the limestone or fuel. He says:

But passing over this important consideration, let us see what is the rate of duty necessary to equalize the cost of production so far as the wages of labor constitute a part of that cost; and in making this inquiry I shall include the cost of all the labor employed in the production of the finished article, beginning with the material in its crudest form. Our protectionist friends sometimes complain that we confine our statements to the cost of the labor necessary to convert the material from its last preceding form into the finished product, and that we omit the cost of the labor necessary to convert it into the various other forms through which it has passed. I think it can be clearly shown that in all cases where a separate and distinct duty is imposed upon the article at its various stages of manufacture, as for instance a duty upon iron ore, another upon the pig, another upon the bar, and so on to the last stages of manufacture, it is entirely correct when considering the last duty to consider only the cost of labor entering into the last manufacturing process, because the duty upon the previous forms or stages fully protects the labor represented by them; but in order that there may be no possible ground for complaint, I will include the *cost of all the labor* from the very beginning and compare it only with the duty imposed upon the finished article. Let us take for illustration a familiar article, merchant bar-iron, an article in relation to which we have the most authentic evidence showing the cost of labor in its production.

According to the statistics of the production of iron ore, as given us by the census of 1880, the amount paid for labor of all kinds was $1.35 for each ton produced. It requires two tons of ore to make one ton of pig-iron, so that the cost of labor in the quantity of ore necessary to make one ton of pig-iron is $2.70. According to the same authority, the blast-furnaces in the United States produced during the last census year 3,781,021 tons of pig-iron, and paid for services of all kinds the sum of $12,680,703, or $3.35 for each ton. It takes 1.3 tons of pig to make one ton of bar-iron, so that the total cost of labor in the pig necessary to produce one ton of bar is $4.35. The various products of the rolling-mills are so intermingled in the census reports that it is impossible to ascertain from the tables what it costs for labor to produce a ton of merchant bar-iron by itself, but during the present session of Congress, when the committee appointed by the New York tariff convention came before the Committee on Ways and Means, they were accompanied by a gentleman who stated that he was the president of the Amalgamated Iron and Steel Workers Association of the United States, a labor organization; and, in response to a question put by me, he said that the amount paid to labor for making one ton of merchant bar iron was $13. Accepting that as a correct statement, we have the following figures:

Cost of labor in two tons iron ore	$2 70
Cost of labor in one ton pig-iron	4 35
Cost of labor in one ton bar-iron	13 00
Total cost of labor	20 05

Mr. CARLISLE. I said distinctly in response to a question by the gentleman from Pennsylvania [Mr. KELLEY] that I had not been able to ascertain the precise cost of the labor in that material; but if furnished to me I would cheerfully include it. In other words, I admitted distinctly that my calculation did not include anything for the cost of the coal and the limestone and the cost of transportation.

M. CHACE. Then the gentleman gives away his whole case and admits his figures are absolutely valueless. He has given us as good and able an argument for free trade as probably can be made. His bari-ron illustration, which is as good as any that can be made, has no soundness in it. I say the same of the speech of my friend from New York, [Mr. HEWITT,] for I look upon his argument as the most unsound of all the unsound ones that have been addressed on this subject to the House. Below I insert the correct figures, as taken from the Bulletin:

THE COST OF THE LABOR EMPLOYED IN MAKING A TON OF BAR-IRON.

In the tariff debate now going on in the House of Representatives many references have been made to the cost of the labor employed in the manufacture of iron and steel. We have obtained as exact information as possible concerning the cost of the labor employed in making a gross ton of bar-iron, embracing everybody employed in the digging of the ore, coal, and limestone, the transportation of these materials to the furnace, the work about the furnace, the transportation of materials to the mill, and the work about the mill. This information we now lay before our readers, so that they may be thoroughly posted upon this important point.

Mr. CARLISLE, of Kentucky, states that $20.05 represents the cost of the labor employed in the production from the ore of a ton of bar-iron. The statement which we have prepared shows the actual earnings of labor on each gross ton of bar-iron which is now produced by a very favorably located rolling-mill in Eastern Pennsylvania.

It is advisable, however, to say that this mill is more favorably located than the majority of our bar-mills are in several important particulars: first, it has a good supply of workmen to draw from, being situated in a manufacturing locality; second, while it pays its workmen fair wages it does not pay the highest wages in the American iron trade; third, it owns ore mines not far from its works, from which is obtained the greater part of the iron ore used, thus effecting an important saving in freight on that bulky material; fourth, it owns blast-furnaces which produce the pig-iron it needs, thus requiring no outlay for freight in that respect in securing pig-iron for the bar-mill; fifth, although it is obliged to pay considerable sums for the transportation of its purchased ore and coal, its location is such that the distance these materials are hauled by rail is under the average. With this introduction it will be understood that the figures we give are really very low—too low, in fact, to take as an average for the United States.

The following statement refers solely to the actual earnings of labor employed in the production of a gross ton of rolled merchant bar-iron, beginning with the production of pig-iron, then taking the intermediate stage of making puddled iron or muck-bar, and concluding with the finishing mill. Labor alone is here represented—not materials, royalties, leases, or actual amounts paid for freight. The blast-furnaces use a mixture of anthracite coal and coke.

1. PIG-IRON.

Wages earned in mining enough ore for one ton pig-iron	$5 18
Wages earned in mining enough limestone for one ton pig-iron	33
Wages earned in mining enough anthracite for one ton pig-iron	1 71
Wages earned in making enough coke for one ton pig-iron	28
Wages earned in transporting above ore	56
Wages earned in transporting above limestone	06
Wages earned in transporting above anthracite	45
Wages earned in transporting above coke	22
Wages earned by furnace hands in making one ton pig-iron	2 75
Total wages earned in making one gross ton pig-iron	11 54

2. MUCK BAR.

It requires 1.13 gross tons of pig-iron to make one gross ton of muck bar. If there are $11.54 labor earnings in one ton of pig-iron, in 1.13 tons of pig-iron, or one ton of muck bar, there are $13.04. The whole labor earnings in one gross ton of muck bar are as follows:

Wages earned in making 1.13 tons pig-iron	$13 04
Wages earned in mining coal used in puddling one ton of muck bar	1 71
Wages earned in mining ore used in fettling one ton of muck bar	90
Wages earned in transporting the above coal	56
Wages earned in transporting the above ore	20
Wages earned by muck bar mill hands in making one ton of muck bar	7 44
Total wages earned in making one gross ton muck bar	23 85

3. FINISHED BAR.

It requires 1.20 gross tons of muck bar to make one gross ton of finished bar, ready for the market. If there are $23.85 labor earnings in one ton of muck bar, in 1.20 tons of muck bar, or one ton of finished bar, there are $28.62. The whole labor earnings in one gross ton of finished bar are as follows:

Wages earned in making 1.20 tons muck bar	$28 62
Wages earned in mining coal used in heating one ton of finished bar	89
Wages earned in mining sand used to one ton of finished bar	20
Wages earned in transporting above coal	25
Wages earned by finishing mill hands in making one ton of finished bar	6 31
Total wages earned in making one gross ton of finished bar-iron ready for market	36 27

4. SUMMARY.

The three preceding statements are not independent ones, to be added together. They represent the successive steps in the transformation of iron ore, limestone, and fuel into bar-iron, set forth as simply as possible. The following statement summarizes the whole operation, giving the quantities of raw materials used in making a ton of bar-iron and the total earnings of the labor employed:

Wages earned in preparing 3.53 gross tons iron ore	$8 10
Wages earned in preparing .88 gross ton limestone	45
Wages earned in preparing 4.84 gross tons coal and coke	5 64
Wages earned in preparing .10 gross ton sand	20
Wages earned in transporting above materials	2 91
Wages earned at blast furnaces and in mill	18 97
Total wages earned in making one gross ton of finished bar-iron ready for market	36 27

It should be understood that this is not the cost of making a gross ton of bar-iron, but only that part of the cost which actually goes to the labor employed. The actual cost of making bar-iron includes a number of other elements—cost of materials, royalties, leases, actual amount paid for freight, insurance, taxes, commissions, allowance for depreciation of machinery, interest, &c.

All of the foregoing calculations have been very carefully made. All of the figures are taken from the books of the rolling-mill, except the figures for the mining of coal, the production of coke, and the amount of wages earned in the transportation of the materials. But we have obtained the wages earned in coal-mining and coke-making from actual miners of coal; and the figures for wages earned in the transportation of materials have been given us by a very competent officer of a railroad company which carries freight very cheaply.

A mill less favorably situated than the one herein referred to could not make bar-iron for a less outlay for labor than $40 a ton.

My friend from South Carolina [Mr. AIKEN] charges that this legislation is sectional. "To be sure," he says, "I want a duty on my rice; I want rice to have a couple of cents a pound protection; but manufacturers of quinine up in Pennsylvania do not deserve any protection." Just look at it. The gentleman says, after we took off the duties quinine was much cheaper; well, by parity of reasoning, if you take off the duties on rice, people will buy it so much cheaper.

Mr. AIKEN. I hope you will take off the duty on rice.

Mr. CHACE. I will not do so.

Mr. AIKEN. It is the gentleman from Rhode Island who wishes to protect rice, and not the gentleman from South Carolina.

Mr. CHACE. The gentleman said in his speech on the agricultural bill—I quote from RECORD No. 59, page 35:

In my mind it is apparent that no protection should be given any article beyond that which would place the producer upon an equal footing with the foreign producer in the home market. For instance, 100 pounds of East India rice can be delivered in our custom-houses for $2.90. It costs our home producers of rice $4.33 to place a like quantity in our home market. The difference is $1.43. To that extent I would protect the rice planter of my State and no more. This present tariff on rice is $2.50 per hundred pounds. This is $1.07 more than the difference in the cost of production here and production abroad, and just that much more than it ought to be, because it is taking by law from the consumer of 100 pounds of rice $1.07, for which no earthly equivalent is given in return. And the same rule would hold good, Mr. Chairman, with all other protected articles; and, sir, I am sanguine that with this reduction our manufacturers would not shrink from competition with all other nations, nor with the "Ishmaelite of nations."

I am patriotic enough to want to protect every industry in this country. And there is where my friend from New York [Mr. HEWITT] falls into error. What does he do? If we take his advice I submit we would be amenable to your strictures when you tell us this legislation is partial; that we are legislating for one interest and against another. Why will you legislate for a man who has iron-works in New Jersey and not one who raises wool in Ohio? Will you legislate for a man who produces rice in South Carolina and not for one who refines quinine in Pennsylvania or New York? No; that would be unfair; it would be dishonorable; that would be amenable to the charges, rash as they have been, made against us on the other side. But we seek to protect every industry. What would the gentleman from New York do? Why should everything that has not been submitted to any "process of manufacture" be free of duty? That covers all agricultural products; it covers the tobacco from Kentucky, and yet the gentleman from Kentucky does not rise in his place and object.

Mr. HEWITT, of New York. The gentleman from Kentucky does not want any protection on his tobacco.

Mr. CHACE. Does he not? Have I not heard something about a convention out there demanding protection on hemp?

Mr. MORRISON. That was a convention of your folks.

Mr. CHACE. That will not do. They want it and mean to have it, and I more than half suspect that the gentleman himself is not really afraid that his plan will be adopted.

Mr. SPRINGER. Not by this Congress, perhaps; but by some other.

Mr. CHACE. I have already taken too much of the time of the House, and will not trespass much further. I wanted to read some more English free-trade literature; to call the attention of the House to the way the English treat this subject and treat us. It is excellent literature, and I hope gentlemen will read it carefully. I will print some excerpts from Farley's Resources of the Turkish Empire. They were published for English readers, not for us; they are eloquent. You will there see what would be the result upon our industries were we to adopt the policy which you desire us to.

Mr. MORRISON. That is the kind of trade we forced on Hawaii.

Mr. CHACE. Yes, and I do not approve the Hawaiian treaty.

Having seen the good effects of protection upon the industries of this country, let us see the operation of British free trade in Turkey. I read from Farley's Resources of Turkey, a book written for Englishmen and not for us. He begins by describing the resources of that empire. At the time this book was written Turkey contained a population of 35,000,000 souls, and an area twice that of France. He says:

Few countries in the world possess to the same extent those natural advantages enjoyed by Turkey. Throughout the greater part of the empire the soil and climate permit of the almost inexhaustible production, in excess of the wants of the inhabitants, of those ordinary raw materials which form everywhere the great staples of food and manufacture. Grain, wool, cotton, hemp, hides, tallow, timber, are everywhere produced in abundance; while, in addition to these ordinary products, Turkey yields in profusion those rarer articles of merchandise, such as drugs, dyes, gums, fruit, vegetable oils, silk, sugar, and tobacco, which can only be abundantly and profitably produced under conditions of special advantage of climate and geographical position.

From the earliest times the fertility of the soil has been remarkable.

* * * * * * *

Of the various natural resources of Turkey which remain comparatively undeveloped, the most important, perhaps, are her mines and forests. Of the former it would be quite impossible to calculate the value, for the soil teems with mineral wealth ready to enrich those who have the energy to seek for it. * * * Some of the ores of Galena, in the mountain, are very rich, yielding as much as 82 per cent. of metal. The mineral veins vary in breadth from two to ten feet, and, on an average, yield about 35 per cent. of mixed metal, consisting of lead, silver, and gold. The gold and silver are refined at the works to such a high degree that not more than two parts in a thousand of any foreign matter can be detected, and the lead is admitted to be of the softest and best quality.

The numerous and varied manufactures which formerly sufficed not only for the consumption of the empire, but which also stocked the markets of the Levant, as well as those of several countries in Europe, have, in some instances, rapidly declined, and in others become altogether extinct. The soap manufactories in Crete have, it is true, considerably increased; the manufactures of light silks and gold and silk embroidery from Cyprus are highly esteemed; * * * the manufactures in steel for which Damascus was so long famous no longer exist; the muslin-looms of Scutari and Tirnova, which in 1812 numbered 2,000, were reduced in 1841 to 200; the silk-looms of Salonica, numbering from 25 to 28 in 1847, have now fallen to 18; while Broussa and Diarbekir, which were so renowned for their velvets, satins, and silk stuffs, do not now produce a tenth part of what they yielded thirty or forty years ago.

Bagdad was once the center of very flourishing trades, especially those of calico-printing, tanning and preparing leather, pottery, jewelry, &c. Alleppo was still more famous; for its manufactures of gold thread, of cotton tissues, cotton and silk, silk and gold, and pure cotton, called nankeens, gave occupation to more than 40,000 looms, of which in the year 1856 there remained only 5,560. Formerly there was no person who did not wear some article of silk; the embroidery of men's and women's dresses, the belts of the peasantry, the inner garments and the shirtings of the whole population above the condition of a laborer were of that material. But now taste has changed. Sheffield steel supplies the place of that of Damascus; cloths and every variety of cottons have supplanted silk; English muslins are preferred to those of India, and cashmere shawls have given place to the zebras of Glasgow and Manchester. In the year 1827 the exports of cotton manufactured goods from Great Britain to Turkey amounted only to £464,873; in the year 1857 they had increased to the sum of £2,847,386, and during the year 1860 to £4,225,395.

In Turkey every object exchanged is admitted, and circulates without encountering any other obstacle than the payment of an infinitely small part of its value in passing the custom-house. Accordingly, the Turkish markets, supplied by all countries, do not reject any of the produce that commercial spirit may send into circulation; they do not impose any tax on the ships that bring this produce; they are seldom, or rather never, the theater of those disordered movements occasioned by the unforeseen rarity of certain articles, which sometimes cause the prices to rise to an exorbitant extent and convert commerce into a system of perpetual alarm and danger. In fact, as I have said, liberty of commerce reigns without limit and free trade exists in its most extended form.

Now, the secret of all this is explained. In 1838 the Government of Great Britain entered into a commercial treaty with the Government of Turkey, or the Divan, who was called the Sultan when he was established at Constantinople. At that time, as we have seen, the people were practicing the arts in the highest degree of perfection. They were polished, cultivated, law-abiding, and intelligent; even the peasantry dressed in silk. The credit of the government at that time stood high. Soon after trade began to languish, the people to dress in poorer clothing, commerce dwindled, exports were reduced. In 1855 the Government of Turkey contracted a loan, which sold at a premium.

The following table, showing the dates, amounts, and rate of interest on loans contracted by the Turkish Government, shows the effect of free trade upon her credit:

Debt of Turkey.

Year issued.	Amount.	Interest.	Price, per cent.
1855	£5,000,000	4	102½
1858	5,000,000	6	85
1860	2,000,000	6	62½
1862	8,000,000	6	68
1863	8,000,000	6	66
1865	36,000,000	5	47½
1865	6,000,000	6	65½
1867	2,500,000	6	63
1869	22,200,000	6	66½
1871	5,700,000	6	73
1872	11,000,000	9	98½
1873	28,000,000	6	58½
1874	40,000,000	5	43½

Here her credit was extinguished.

As a contrast I print the following from the speech of my friend from Massachusetts [Mr. RUSSELL] in regard to Canada:

Sir Leonard Tilley, in moving the house into committee of ways and means, said:

"Mr. Speaker in moving that you leave the chair, and that the house resolve itself into committee of ways and means, I desire to make the usual financial statement. I may be permitted, sir, to say that at no period in the history of Canada has a government met Parliament with the financial condition of the country in the position it is to-day; at no period in the history of Canada has its credit stood so high as it stands to-day; at no period in the history of Canada, possibly, was the country, generally speaking, as prosperous as or more prosperous than it is to-day; and I propose, sir, in the statements that I am about to submit to the house, to establish that that prosperity is in a great measure dependent upon the policy of the government adopted by Parliament.

"I know, sir, that in the estimation of some of my friends opposite I have undertaken a herculean task; * * * whether it would give the protection to the industries of the country which was demanded by the people, as evidenced by the elections of 1878; and necessarily we, who had given careful consideration to this matter, had to speculate to a certain extent with respect to its effect. But, sir, in 1880 the opinions that we had entertained in 1879 were being confirmed by the experience of the nine months. In 1881 they were still stronger, because evidence had accumulated to show that our position was the correct one; and to-day we stand in an impregnable position with respect to the results of the tariff both for protection and revenue purposes.

* * * * * * *

"Men were without employment, knocking at the doors of Parliament, knocking at the doors of the department of public works, asking for employment, and none could be got. It could not be expected under these circumstances that men could respond to the requirements of the honorable gentleman's tariff; for if they had not the means they could not buy either the products of Canada or the imports from other countries. The result was that, instead of obtaining an increase to the revenue, the revenue fell to what it was in 1874, before the increases were made, and the people refused to bear the burden that was imposed upon them.

How was it in 1879? We asked Parliament to give us such changes in the tariff as would not only protect the industries of the country but give us an increased revenue. Was there a response? I stated at the outset that the response was ample, provided the money had been paid in for the year 1879 that belonged to that year. And in the year that followed, what was the response? They gave us a surplus of $4,000,000 and upward, because we found employment for the people; because, by obtaining for them employment and higher wages, they were able to buy more than formerly. Men who owned bank stock had greater value in it than in 1878 and 1879; men who had tenements unoccupied in 1878 and 1879 had tenants for their houses, and the additional revenue thus received on all hands enabled them to buy more than in previous years. Men who were formerly working at half time and on low wages received higher wages, and were working over time. Farmers who had low prices and found sales difficult, received high prices and prompt cash sales.

The following extract from a letter received by me from a citizen of Canada on the 27th of last month is to the point:

Sir Leonard Tilley certainly has not overstated the benefits which our protective tariff has conferred on Canadian industry. Under our old tariff, a "revenue tariff," so called, many of our industries were being gradually destroyed and some of them were driven from the country. One of your most successful industries, the Farr Alpaca Company, of Holyoke, Massachusetts, was so driven out of Canada, and I have Mr. Farr's statement that if the present tariff had been in force he would have staid here. In a word, I may say that in no country in the world are the manufacturing and industrial classes more prosperous than in Canada, while in no other country were they worse off than in ours before the adoption of our national policy. The British system of free trade is nothing more than organized selfishness calculated and intended to make Great Britain the world's work-shop.

If it had been universally adopted at the time Peel declared for it the world would now be fifty years farther back in all that tends to civilize and bless mankind. But for the wisdom and patriotism of the fathers of protection in your country the merchants and manufacturers of Great Britain would have by free trade undone the work of Washington and Jefferson. I feel strongly on this question, for I know the soulless selfishness of these self-styled philanthropists, the Cobden Club. Had they their way Canada would never be more than a sparsely, settled colony, producing a raw material for British manufacturers. Our wonderful and almost inexhaustible natural resources would remain undeveloped and we would be forced into committing what seems to me to be nothing short of a heinous national sin—neglecting to use the resources which a bountiful Creator has so bountifully showered upon our country.

Canadians, however, are wiser than they were and our natural policy is a fixity. Manchester may fret and fume but we intend to build up a country which will be a worthy neighbor to your glorious Republic.

So much for the testimony of a citizen of Canada, one of Great Britain's colonies. Again:

More than a hundred and forty years ago the treaty of Methuen, which was one of the principal causes of the beggary and want of Portugal, reduced her to the condition of a dependency of England, struck down her national spirit, and enslaved her people. By that treaty she abandoned all right to protect her own industry, and agreed to admit British woolen goods of all kinds without duty or restriction.

Turkey, India, Portugal, and Ireland all stand as a warning to us to beware of the wiles of British free-traders. But this battle has been fought and won. The question is settled. With the example of other nations before us; with the bitter fruits of our own free-trade spasms contrasted with the happy influence of our protective tariffs, our people are satisfied.

The laborer of this country is intelligent; he knows his interest and will vote to promote it. The farmer sees his smiling fields and bursting granaries and is more than contented with protection. You will not succeed in winning him.

Under the stability of a uniform policy for twenty years, enterprise is growing, spreading, and extending on every hand. Over a hundred cities in the West rests by day a cloud of smoke, and from a thousand chimney-stacks by night rises a pillar of fire which the laboring-man sees and recognizes as the ambient symbols of his own prosperity. The American Congress will legislate for Americans, not for foreigners; for the whole Union, and not for a section only; for every interest, for every class. [Applause.]

Department of Agriculture.

SPEECH

OF

HON. HENRY W. LORD,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 8, 1882,

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

Mr. LORD said:

Mr. SPEAKER: It goes far to persuade and convince me of the propriety of the bill before us when I contemplate the extent and commanding power of the source from which it emanates.

It may be regarded as an axiom in politics that those who own a country will govern it. The agriculturists of the United States are so largely the owners of the soil that if they shall with substantial agreement demand in their interests an officer of the Cabinet, I feel bound as a legislator to accept the demand as an instruction, and in answer thereto proceed only to assure myself that in the preparation of the act the wisest arrangement as to details shall be adopted to carry into effect the measure proposed.

It is the constitutionally imposed duty of the President to recommend from time to time to the two Houses of Congress such measures as he shall judge necessary and expedient.

Members of the Cabinet are recognized by the Constitution as advisers of the President whenever he shall desire to consult them, and in public estimation they are held to be in close consultation with the Executive on all matters of serious concern. The meaning of the word cabinet, in this sense, implies such conference between the parties to it as is had in the closet.

The members of the Cabinet are, therefore, advisers of the President as to what measures he shall recommend to Congress, Representatives to which come here to so large an extent from the agricultural districts under instructions emphasized at the ballot-box, where, as stated by my colleague from Michigan, [Mr. RICH,] the voice of the farmer is mainly heard on questions of government, he being as a rule averse to lobby and associated ring instrumentalities to aid in his political purposes.

Owning so large a part of the country as the farmer does; producing, as he does, more than three-fourths of all the property that is moved for commercial purposes on our rail and water ways; polling votes in number immensely in excess of those of any other class of citizens that can be indicated by industrial classification, and of course with an interest in the country proportioned to numbers and products and ownership, it appears not only exactly just but eminently appropriate that he should desire a councilor especially near the person of the President in cabinet and closet consultation.

If, for instance, the President is about to recommend to Congress the consideration of a new treaty with some foreign power, it will evidently involve questions of commerce in which the farmer will not only have a general interest as a citizen, but a special interest proportioned to the extent to which his particular proprietorship and industry may be involved.

If it shall be some new scheme of finance having to do with banking and currency, and the medium of exchange that shall be the measure of and afford means to market the farmer's crops and other products, he certainly wants an advocate in the closet. Any question of general policy concerning the public lands will profoundly interest him in behalf of his children and otherwise.

If the President were to contemplate war, as in an extreme case may be supposable, the farming class, which contributes so largely to form armies and to feed them would be no more than fairly treated if it through an especial representative should have its interests considered in original Cabinet deliberations.

Mr. Speaker, I was glad to see proposed and adopted an amendment to the bill before us providing that the secretary of agriculture should be an experienced and practical agriculturist.

It is not easy, perhaps, to define precisely what should be the limit of legislation in this direction. It might not be well to insist that a secretary of war should in all cases be a soldier, or a secretary of the navy necessarily be a seaman; yet a provision like that in this bill is of value as suggesting at least some idea of the general fitness of things in this respect, which has been frequently lost sight of by this Government in making appointments to important offices.

It may be assumed that an experienced and practical farmer is not therefore, that is in consequence of such qualifications, a suitable man to appoint to the Supreme bench; and it may be assumed that a learned and accomplished lawyer might not in consequence of such qualities be a suitable man for secretary of agriculture; because the attainments in the one service are not especially adapted to the required service in the other, yet we have seen within a few years ministers representing this country in three or four principal courts

in Europe at the same time who had simply attained to eminence and had acquired reputation in literature as poets or historians—persons who were not in any sense what we call men of affairs, yet sent out to negotiate in regard to the great business interests of the nation as they might be affected, and always are affected, by its relations to foreign powers; men who had no more training approximately fitting them for diplomatic duties than either the farmer in the case supposed had for the Supreme Court or the lawyer in the case supposed for secretary of agriculture.

Tariff and Tax Commission.

There are three points to be considered in the construction of all remedial statutes—the old law, the mischief, and the remedy.—*Blackstone.*

SPEECH

OF

HON. ROBERT J. C. WALKER.

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 11, 1882,

On the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. WALKER said:

Mr. CHAIRMAN: After the long and exhaustive discussion which the consideration of this bill has provoked it may justly be assumed to be the deliberate opinion of a large majority, if not, indeed, the entire membership of this House, that the statutes now in force, and by which Congress, under the Constitution, has the power "to lay and collect taxes, duties, imposts, and excises," are not suited to the present condition of the country, not in conformity with existing circumstances, whether considered in relation to the advancement and progress of our manufacturing, commercial, and agricultural industries, or viewed in connection with the condition and requirements of our Treasury.

The statement of the public debt of the United States, just issued by the Secretary of the Treasury, is probably the most extraordinary financial exhibit ever presented in the history of any nation. From it we learn that the total debt of the country, less cash in the Treasury, on the 1st day of April, 1882, was in exact figures $1,726,266,422.35. The reduction of this debt for the month of April was $14,415,823.74, and for the last ten months $128,750,000, which, on the termination of the fiscal year will, it is estimated, reach in round numbers the sum of $150,000,000. These figures, gratifying as they may seem, develop features which, although apparently remote, I believe are directly pertinent to the subject-matter presented in the bill under consideration. Mr. Chairman, it may be well for us to examine and compare the revenues, expenditures, and surplus for the past nine months of the present fiscal year with that of last year, to demonstrate upon what substantial foundation is based the demand not only of business men but of the great producing classes for a readjustment and reduction of both duties and internal taxes. The figures presented are as follows:

Receipts and expenditures.	1882.	1881.
Customs	$166, 511, 698	$147, 383, 196
Internal revenue	105, 533, 976	97, 212, 311
Miscellaneous	27, 511, 610	22, 162, 646
Aggregate	299, 557, 284	266, 758, 153
Expenditures—ordinary	138, 014, 577	137, 783, 572
Interest charged	56, 862, 310	66, 490, 832
	194, 876, 877	204, 274, 404
Net surplus	104, 681, 227	62, 483, 749
	299, 557, 284	266, 758, 153

Showing an increase of surplus of over forty-two millions of dollars, a reduction of interest charged of ten millions, with scarcely a perceptible increase of expenditure! Are not these figures most significant? Is not the condition shown and the time most propitious for the enactment of such legislation as is contemplated by this bill? While statistics demonstrate the fact that the experience of this country for the last two decades under protection has been that of unexampled prosperity, yet manufacturers and importers, protectionists and free-traders alike agree that the present rates of duties were devised and levied to conform to a different condition of affairs from those which exist to-day. Many of them were adjusted with reference to internal taxes which have since been either entirely repealed or greatly modified. The exigencies and necessities incident to the war of the rebellion required others to be fixed at high rates to produce revenue to meet the enormous expenditure required to equip and sustain armies.

They were established at a time when taxes were imposed upon almost every occupation, upon incomes, upon many articles of domestic manufacture, and when every form of capital, labor, and production cheerfully paid tribute to maintain the national credit in order to sustain the nation's honor.

Under the changed conditions which are now presented the tariff should be simplified; impost taxes reduced where they are needlessly high and not in conformity with duties and taxes on raw materials; the laws made so clear and explicit that the obscurity which now constantly calls for explanations and decisions from the customs division of the Treasury Department to assist importers and custom-house officers in reaching a correct interpretation may be nearly, if not quite, avoided.

Sir, not a single gentleman on either side of the House during this protracted investigation has raised his voice in defense of the present system with its incongruities. All are agreed that revision is necessary, and to this extent at least, in my judgment, they voice the wish and will of the people. The essential question to be determined is, How can this be most advantageously done, so that justice and fairness may be equitably adjusted upon all the varied interests and industries of the people of the whole country?

The bill now before the House, reported from the Committee on Ways and Means, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created, to be called the tariff commission, to consist of nine members.

SEC. 2. That the President of the United States shall, by and with the advice and consent of the Senate, appoint nine commissioners from civil life, one of whom, the first named, shall be the president of the commission. The commissioners shall receive as compensation for their services each at the rate of $10 per day when engaged in active duty, and actual traveling and other necessary expenses. The commissionshall have power to employ a stenographer and a messenger; and the foregoing compensation and expenses to be audited and paid by the Secretary of the Treasury out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. That it shall be the duty of said commission to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff and the existing system of internal-revenue laws, upon a scale of justice to all interests; and for the purpose of fully examining the matters which may come before it, said commission in the prosecution of its inquiries is empowered to visit such different portions and sections of the country as it may deem advisable.

SEC. 4. That the commission shall report to Congress the results of their investigation, and the testimony taken in the course of the same from time to time, and make their final report not later than the first Monday in January, 1883.

The amendments reported from the committee, however, propose to eliminate from the bill all consideration of the existing system of internal-revenue laws and confine the investigation solely to the question of the tariff. While, in my judgment, the two systems should be considered together, the committee have seen proper to divorce them, giving the House the assurance, however, that such measures governing internal taxation as will afford the desired relief will be presented and pressed for consideration. The bill as thus amended is not a new measure, and although reported from a committee the majority of the members of which are Republicans, yet it was prepared and introduced in the Senate during the first session of the Forty-sixth Congress by Mr. Eaton, a prominent member of the Democratic party, and while suspicion was excited that the measure was not offered in good faith, because of the source of its authorship, and that it was intended as a covert attack upon the existing system, it passed the Senate by a vote of 35 to 15, the affirmative votes consisting of 19 Republicans and 16 Democrats. Happily it would thus seem to have lost the elements of partisanship, and its intrinsic merits, backed as they were by the most powerful demonstrations and expressions of public approval, from the united voice of the industries of the country secured its passage by a vote of two to one.

Notwithstanding the large majority thus recorded in the Senate as expressive of the wisdom of this measure, it has met with the most strenuous opposition and denunciation upon this floor. Mr. Chairman, I shall give the bill most earnest and hearty support, and this conclusion has been confirmed by the developments of this debate. The creation of a commission is in no respect a reflection upon the intelligence and ability of either the Committee on Ways and Means or the members of this House; it is the means of obtaining information, facts upon which to base wise legislation, the enactment of laws which will be just, wise, fair, and permanent; information which will enable us to avoid radical violations of all the established rules of political economy, the taxing of crude materials and the admission of finished products free when made from taxed raw material as formulated under Democratic supremacy in the monstrosities known as the "Wood and Morrison bills."

Mr. Chairman, I deny that by the passage of this bill, which looks only to preliminary investigation, Congress seeks to either evade its constitutional responsibility or in any wise surrender its power. The work of this commission must be subjected to its severest scrutiny, its searching discussion and investigation, its final judgment.

Precedents are found among the most enlightened nations of Europe—the French Chambers, the British Parliament; in both legislation

is almost invariably preceded by inquiries through preliminary commissions.

It has been the almost uniform practice of the Parliament of England, when questions of great moment touching important subjects of a national character, either social or economic, and upon which legislation is proposed, to create a commission for the purpose of obtaining all possible information. Experts in the particular subject upon which light is asked, men of especial fitness, character, and intelligence, are selected, who give patient and deliberate consideration to the same, and upon the facts and suggestions thus carefully collected and digested the legislator is enabled to form and formulate an intelligent and comprehensive opinion. In France, the most prosperous industrial nation of Europe, the most laborious and thorough investigation precedes any change of tariff or commercial treaties.

As an illustration of this wise caution, so pertinent in application to the pending measure, I take the liberty, Mr. Chairman, of presenting it at length. On the 7th of April, 1875, the French minister of agriculture and commerce addressed a circular to the various chambers of commerce throughout the country, reminding them of the approaching termination of different treaties, briefly recapitulating the economic progress accomplished during the previous years and inviting them to give their views upon various questions to be considered, notably the reductions or additions of taxes, specific and ad valorem duties, the increase of treasury receipts, the treaty system, and a new general tariff.

Fifty-four chambers of commerce and twenty-four consulting chambers of arts and manufactures were consulted, embracing all the great centers of industry, commerce, and agriculture. To a call for the information thus obtained the minister replies:

Your government, Mr. President, and the three departments of foreign affairs, finance, and commerce, have not waited until now to solve the problem of protecting labor and assuring the development of the national wealth. Commerce, industry, and agriculture were questioned. I have solicited from the chambers of commerce, from the consulting chambers of agriculture and of arts and manufactures, their views on our tariffs, as well as on the manner in which for the future they should be established—by law strictly internal or by international treaties. The replies which it was our duty to await before fixing our line of conduct have been obtained by me. It is my duty to make you acquainted with these replies and to submit for your approval this line of conduct

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We do not intend in fact to dispose of the great interests of the country without consulting at every stage those who represent these interests and speak in their name. We have commenced our work by questioning the chambers of commerce; we must follow this by questioning the superior council.

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These deliberations and these negotiations, Mr. President, your government sees approach with patriotic confidence; because they will attest once more, after our reverses and our trials the resources that our country expects from its industries and the hopes that it rests upon the maintenance of order and peace.

Mr. Chairman, one cannot but be impressed with the cautious wisdom with which the French Government thus deals with great questions like those embraced in the bill under present consideration, and as a result thereof the testimony extorted from her ancient foe and bitterest rival is no less interesting than instructive.

Said the British Trade Journal, (July 1, 1875, pages 691, 692:)

There is something in the commercial prosperity of France which by and by may convert skeptics to Victor Hugo's poetic doctrine that she is the "Mother of Nations" and the "Crown of the Universe."

It was a cruel taunt to throw at the victor of Sedan that the milliards of her war indemnity had made her no richer, while France had paid them and felt herself no poorer. In a retrospect of the four years which have elapsed since the treaty of Frankfort, Germany appears as the commercial victim of the war. Her internal trade has been paralyzed, her industry has stagnated under the influence of enormously increased prices, and the poverty of her laboring classes has been intensified by higher cost of living. The milliards were appropriated to military purposes, and had no opportunity of assisting the country to recoup its own war losses.

France during the same period has been prosperous beyond comparison with her plodding, hard-fisted rivals. She is the one country in Europe that suffers no commercial reaction; she wears a charmed life among the perils and vicissitudes of foreign trade. When all else retrogrades or remains stationary, she progresses.

Mr. Chairman, the lateness of the session must admonish us of the utter impossibility of devising and passing any bill the incongruities of which would not be greater than those sought to be remedied in existing laws. I believe those who advocate and support this measure to be earnestly and honestly in favor of correcting existing abuses, of adjusting and revising our present system of taxation, external and internal, so that it may conform to a changed condition of national wants and finances. Those who insinuate or boldly charge the present bill as having for its real object only delay or as but a pretext for a continuance of high duties, should not lose sight of the experience of the past six years under Democratic supremacy, when the Ways and Means Committee, first under the chairmanship of the gentleman from Illinois, [Mr. MORRISON,] and later of the gentleman from New York, [the late Mr. Wood,] reported bills to the House, one of which was never considered in detail and the other perished in the house of its friends by the striking out of the enacting clause.

During this period a system of guerrilla warfare was instituted by the free-traders, with a view of breaking down the leading industries of the country by attacking them in detail. Under a suspension of the rules, amid almost the expiring hours of the session, a bill was passed without consideration, without debate, which removed the duty from a manufactured article largely produced in this country and of great value and importance, while no corresponding changes were made in the crude materials employed. Such hasty and ill-considered action was unjust, at variance with all accepted and recognized rules of political economy, in direct opposition to the course invariably pursued by manufacturing nations, and in utter disregard of the policy adopted by this country toward all other classes of manufacturers. The result has been to leave the article referred to a foot-ball of speculative cliques, subject to the caprice of the foreign importer and manufacturer, while the Government has derived no benefit, laborers have lost employment, a valuable industry is shrinking, and the cost of the pure article to the consumer has not been appreciably decreased.

Mr. Chairman, changes so violent and radical cannot but be the result of a lack of that proper and necessary information which I believe the bill under consideration will furnish, and in connection therewith I beg leave to quote the ringing words of Chaptal, a senator and for five years minister of the interior of France:

Legislation of duties to be founded on correct principles should be stable, and, so to speak, immutable. Nothing more deranges fortune, nothing more shakes confidence than alterations being permissible in this respect. * * * A changeable legislation disconcerts the best planned enterprises, and baffles all business ventures.

When a species of industry is established upon a known legislation, the one who undertakes the enterprise has engaged his means and his labor upon the guarantee given by that legislation, which cannot be charged to the prejudice of the manufacturer without violating contract faith and abusing right with might.

Where a government grants privileges in order to create or bring in from abroad a new kind of industry, it can only withdraw them to the extent that the requirements of that industry do not call for their continuation. It is bound to the manufacturer by a solemn contract. It has itself determined, so to speak, the use of his capital, his time, his labor; and it cannot consummate his ruin without being wanting in all the laws of justice and humanity.

Mr. Chairman, this discussion has taken the widest possible range. The whole system of tax and tariff has been dilated upon from the time when the First Congress assembled in Philadelphia, on the 4th of March, 1789, and to which petitions were presented suggesting that our "national independence was but half obtained" while we remained dependent on Great Britain for our supplies of the necessaries of life, and praying that Congress would take the proper steps to render the people "independent in fact as well as in name by adopting measures for the encouragement of American manufactures," down to the last public debt statement issued by Secretary Folger. I shall but very briefly and imperfectly attempt to imitate those who have preceded me. In reading some of the debates in the Twenty-seventh Congress, second session, I found the following extract quoted from a speech delivered in the House of Commons by a then leading member of that body, [Mr. Robenson,] in which he said:

It was idle for us to endeavor to persuade other nations to join with us in adopting the principles of what we call free trade. Other nations knew as well as the noble lord opposite and those who acted with him that what we meant by free trade was nothing more nor less than by means of the great advantages we enjoyed to get a monopoly of their markets for our manufactures and to prevent them, one and all, from ever becoming manufacturing nations.

Mr. Chairman, this candid utterance of forty years ago is as true to-day as it was the hour it was spoken; it is exactly the policy of the Free-Trade League and Cobden Club, and the Democratic Congressional campaign committee are now flooding the country with free-trade speeches advocating this very policy made on the bill now under consideration. Mr. Chairman, I am fixedly opposed to legislating for the benefit of Great Britain or any other country. We are sent here to legislate for the people of the United States. No *doctrinaire*, speculative philosophy, beautiful in theory but utterly unattainable in practice, based upon "the wild conceit of the perfect ability of man," and the "greatest good to the greatest number" of all mankind; but that practical legislation which protects our own people from pauper labor, pauper wages, a pauper's life, and a pauper's grave. Listen now, sir, to the words and policy of one of the greatest statesmen of his time, whose name to-day is reverentially uttered by his countrymen. M. Thiers, in his address to the French Chambers in December, 1871, said:

We propose, while leaving to foreign trade all the freedom compatible with the public welfare, to insure to our manufacturers, to those who during three-quarters of a century have made the fortune of France, the protection of adequate tariffs in order that they might not perish under the unlimited competition of foreigners.

At the annual dinner of the Silk Association of America, 1875, in response to the toast "Manufactures, at once a growth and an evidence of civilization," the late Hon. Henry C. Carey said:

It is, however, Mr. President, to France that we must look if we would find the most thorough exemplification of the idea embodied in the sentiment now before us. Perpetually at war abroad and at home, brought repeatedly by political and religious dissensions to the verge of ruin, governed by priests and prostitutes in the name of worthless kings, France, on the day of the assembling of the States General in 1789, had made so little progress in the industrial arts that her markets were crowded with British wares; that her factories were closed; that her workmen were perishing for want of food, and that the French School of Art had almost entirely disappeared. The few were magnificent; more so perhaps than any others in Europe. Of the many a large majority were in a state closely akin to serfage and ignorant almost beyond conception.

The revolution, however, now coming, the people did for themselves what their masters had refused to do, re-establishing the system of Colbert, the greatest statesman the world has yet seen, and making protection the law of the land. Since then consuls and kings, emperors and presidents, have flitted across the stage; constitutions almost by the dozen have been adopted; the country has been thrice occupied by foreign armies, and thrice has it been compelled to pay the cost of invasion and occupation; but throughout all these changes it has held to protection as the sheet-anchor of the ship of state. With what result? With that of placing France in the lead of the world in reference to all that is beautiful in industrial and pictorial art. With that of making her more independent, commercially, than any other country of the world.

Mr. Chairman, during this protracted discussion no portion of our country has received more attention, both commendatory and condemnatory, than the great Commonwealth, one of whose Representatives on this floor I have the honor to be. Sir, Pennsylvania needs neither apology nor eulogy. As one "native here and to the manor born," I say, without the fear of successful contradiction, that no territory of the same extent on the face of the earth possesses so many of the elements which contribute to the wealth and happiness of mankind. Her soil is adapted to the successful cultivation of almost every vegetable production known to our country; buried beneath lie those two great staples, coal and iron, in quantities beyond computation; while from the cavernous depths of her generous bosom there flows a product in itself the wealth of an empire.

We hear much of the immense yield of precious metals in California, Colorado, Nevada, and Arizona. Why, sir, a single one of the six counties which constitute the Congressional district I have the honor to represent produces and distributes to the four corners of the earth a product which, when refined into the petroleum of commerce, exceeds in value the combined silver production of the entire country.

With these vast natural bounties which a beneficent Providence has endowed her Pennsylvania has progressed onward in the course of commercial, manufacturing, and mechanical prosperity—a prosperity largely created by and dependent upon a wise system of protection to American industry and American labor.

Department of Agriculture.

SPEECH

OF

HON. PETER V. DEUSTER,

OF WISCONSIN.

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 8, 1882,

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

Mr. DEUSTER said:

Mr. SPEAKER: I desire to offer the following substitute for the bill:

Substitute for House bill No. 4429, to enlarge the powers and duties of the Department of Agriculture.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of creating hereafter a new executive department, to be known as the department of agriculture and science, the President be, and he is hereby, requested to ascertain, and inform Congress of the result at its next regular session, what bureaus heretofore parts of the various Executive Departments may with advantage to the service be incorporated in said new department, and what additional bureaus in his opinion may be required to be hereafter created in order to organize said department effectively for the better promotion of agriculture, mining, forestry, and other industrial interests of the United States, and the best methods to be introduced for its efficient management.

Mr. Speaker, being in favor of the creation of a department of agriculture, or one intended to foster our agrarian interests, whatever its name might have been, I did not expect to find myself among the opponents of the pending bill. The substitute which I have just now respectfully submitted to the thoughtful consideration of this House indicates to some extent one of the principal objections I have to urge against this measure. From the debate upon the bill it seems clear to me that even among its warmest advocates, or among those willing to support a similar bill, there exists an alarming diversity of opinion as to the nature of the "powers and duties" to be conferred upon the new executive department. I am sorry to find that its friends seem unable to unite upon a clearly defined plan which could have commended itself to the favor of this House and to which I could have given my vote. I had expected to find in the report of the committee before being called upon to vote for it a well-matured, intelligible proposition, defining and specifying the advantages hoped for by the various changes proposed, not merely the suggestions of transfer of a few bureaus now said to be crowding the work of other Departments.

Mr. Speaker, frankness is sometimes difficult to combine with parliamentary courtesy, and I find myself in giving expression to my views upon the subject under consideration confronted by the disagreeable prospect of being unable to harmonize them as much as I should wish to do.

To be frank, then, above all permit me to say that, in the first place, the measure lacks the elements of strength which mature deliberation outside of Congress by the press and the people ought to have given it before the responsibility of the adoption of such a measure can be assumed by Congress. If we pass this measure we thereby place upon the country the burden of supporting an additional Executive Department of the Government without having given it ample opportunity to express its approval or disapproval to such an extent that every conscientious member of this body may determine for himself whether to cast his affirmative or dissenting vote when called upon to bring once more the dangerous privilege of Congress to levy new obligations upon the taxpayers into play. I for one prefer respectful consideration for the wishes of my constituents to the exercise of discretionary power, whenever I am enabled to choose between them.

It is a source of congratulation to the country that in the discussion of a measure designed to add to the powers of one of the branches of our political system of government, and with an important political contest fast approaching, no partisan considerations have been permitted to enter into the spirit of the debate upon the subject. It augurs well for the future, and speaks volumes for the good sense prevailing in this House. Looking upon this fact with pleasure and satisfaction, I trust my expressions of dissatisfaction with the present condition and past experiences of that Department will be ascribed to better motives than mere partisanship. I have no quarrel with any person or official, but the system only in which they are compelled to conduct public business.

That system, Mr. Speaker, I have no words strong enough to condemn, no matter where the blame may rest, and no matter, sir, what party happens to control the administration of our Government. I will not ask the indulgence or tax the patience of this House in entering upon an extended "tour of investigation" through that Department which, small as it is now, seems to be in a fair way to copy faithfully all the detestable methods and obnoxious features of the most complicated and extensive department of the Government. I repeat that I have to lay no blame upon any official in particular, but I maintain, sir, that there must be something wrong, radically wrong, somewhere when three months before the close of a fiscal year the necessity arises to discharge the few poor people employed at starvation wages upon the so-called "temporary roll." The estimates for that small Department can be neither so voluminous nor so intricate that provision could not be made to keep these people from the beginning of one fiscal year to the other, and no Congress will ever be found so intensely partisan as to refuse to make provision for a few hard-working people needing work when much work needs to be done. On the other hand large appropriations are always asked for sometimes more ornamental than useful purposes.

Again, there must be something wrong in a system which allows this Department to allot to me, the Representative of a district whose northern latitude and climate is known to every school-boy, for distribution among those desirous of experimenting cotton-seed for that purpose. Why, if any one of my constituents were foolhardy enough to try and raise cotton up there he would have to place a steam-heating apparatus under each cotton-seed and house it over carefully on top, and he would still find not even a Pennsylvania grave-yard insurance company sufficiently venturesome to take a risk on that crop for nine months in the year.

Again, the usefulness of that department must in the opinion of every unprejudiced observer be greatly impaired if its reports, constituting almost the only return made to the public for the burden of its support, reaches the generous but somewhat overbusy hands of their distributors, the members of Congress, nearly two years behind their date. The report of 1880 is an illustration in point.

But I agreed beforehand not to overtax the patience of this House, and will therefore only add that before I would vote to perpetuate such a system, which is a mockery and a satire upon the demands of the country for reforms in the civil service, I would sooner move to abolish it altogether.

I have intimated that the original bill bore strong evidences of a hastily conceived measure, and I will ask but a moment's further indulgence to offer at least one case in point. While an entire section drawn up with admirable punctuality prescribes the amount of salary to be paid each chief officer, not a word, no, not mere mention is made of one of the vital interests of the whole country, one which indeed is worthy of most serious consideration at the hands of every well-meaning and patriotic citizen—our forestry. Is it possible to think of any other reason in charity than undue haste alone, that a bill for which the approval of Congress is asked, and which is intended to create a new Executive Department of this Government, can be so ominously silent in regard to the forest-culture of the United States while professing to place all the important agrarian interests under the fostering care of that department?

I am fully aware of the fact that, in the minds of many, there is something attractive in the idea of elevating the Department of Agriculture to the dignity and magnitude of a Cabinet department, and of making the Commissioner a member of the Cabinet. Nay, more, there are many even of the members of this House who are impressed with the idea that such a step will be pleasing to the farmers and horticulturists of our country, and will be looked upon by them as an evidence of a proper consideration, on our part, of our great agricultural interests.

This, Mr. Speaker, I am satisfied from my intercourse with some of our leading farmers, is a mistaken notion. I am convinced by what I know of the feeling on this subject, that could the various State agricultural societies and boards be heard in calm and quiet counsel, with no other influence than their own experience and good judgment, the majority, yes, a large majority, would express a decided doubt as to the propriety of such a change. The first question they would ask, the question which hundreds of the leading agriculturists of the country have already asked, is, How is this change to advance and benefit the great producing interests of our nation? Will

making the Commissioner a Cabinet officer raise the price of wheat or corn? Will it increase the yield of our crops? Will the Commissioner be more efficient as a Cabinet officer than with his present title and duties; or will adding to his duties and responsibilities enable him to do more to advance the farming interests of the country?

These, Mr. Speaker, are some of the practical questions asked by our agriculturists in reference to this proposed change. They wish to know how it is to benefit them. Truly a pertinent inquiry, and one which, it seems to me, we should be able to answer by good and sound reasons before taking such an important step.

Sir, this smacks too much of "throwing a sop to Cerberus," and what is well for us to know is, that they for whose benefit the step is ostensibly to be taken look upon it in the same light.

I am a friend, yes, sir, a strong and, as I trust and believe, a true and earnest friend of the Agricultural Department, and am willing to go as far as any one to render it efficient in aiding and advancing the great and fundamental industry of our land. But I can see nothing in this proposed change that offers anything promising in this direction; on the contrary, sir, I see strong reasons for believing that it will have a tendency in the opposite direction.

I have not a word to say in disparagement of the present Commissioner. He is a most excellent and accomplished gentleman, and, so far as I am aware, has shown commendable zeal and energy in the duties of his office, and would doubtless acquit himself with honor as a member of the Cabinet. I therefore regret, so far as he is concerned, that I feel myself constrained by a sense of duty as a member of the House to oppose this measure.

Let us see, judging by experience, what would be the result if the bill now before the House should become a law. Without stopping to consider in detail its several provisions, with which every member is doubtless familiar, or, in behalf of the welfare of his constituents, ought to be, I call attention to the following points, which I should think ought to be patent to every reasoning mind: add to the department the several bureaus merely as proposed by this bill, and the first injurious effect, as shown on the very face of the law, is to reduce the Department of Agriculture, in fact, to a mere bureau. The attempted sugar-coating by retaining the old name for the new creation does not hide the fact from our farmers, and every attempt to do so will ultimately be looked upon by them and all others as an insult to their intelligence.

If the intention, as appears from this bill when closely examined, is to reduce the Department to a mere bureau, why not say so plainly instead of trying to hide the real object from those for whose benefit the measure is ostensibly proposed? Changing terms will not change facts; that which is properly included under the term "agriculture" will be just the same under any other cognomen, nor will the attempt to expand the meaning of the word change the realities. It follows, therefore, beyond controversy that if this change is made what is now the Department of Agriculture will be nothing more than a bureau in a Department; and, so far as the farmers and their interests are concerned, might as well be a part of the Interior or War Department. In truth, Mr. Speaker, were it not for consuming the time of the House I would present valid reasons for believing it would be productive of more good under either of these Departments than in the place this bill proposes to put it.

A second injurious effect will be that the increased and diversified duties of the secretary, as he will then be, will give him much less time to devote to the study and care of our great industry. Nor will the evil effect stop here. All who have studied this question with any special care are well aware of the fact that it is one of the most difficult to handle that comes before a legislature. There is no real unwillingness on the part of Congress or the State Legislatures to enact laws to aid our agricultural interests, but the difficulty is to know how to do it.

Agricultural colleges have generally failed to accomplish the fondly hoped for results on this account, and when combined with other branches the latter have usually absorbed the former because the method of teaching them was better understood. The combination is certain, if carried into effect, to produce the same results in this case. The bureaus which can furnish most that is new and interesting to the scientific world will receive the greatest attention, and that which should be the chief one will ultimately dwindle into insignificance.

Mr. Speaker, this bill is itself an evidence of the truth of these statements. Was it not framed with the idea that by combining other bureaus with this Department it might be made of increased usefulness? Are the other bureaus seeking this combination with the hope of rendering them more efficient? By no means. Precisely the reverse is true. They have an instinctive fear that by such an arrangement their energies will be cramped and their usefulness lessened. Those who have long been connected with these bureaus and offices understand thoroughly their inside workings, and know wherein their strength and utility lie. They are fully aware of the fact that force, vigor, and usefulness are not given to a Department by additions or accretions, but that it grows into importance and value by internal development, spreading and reaching out its arms along the lines of usefulness.

Therefore the change contemplated by this bill is not a wise one, and will not only fail in benefiting the Agricultural Department, but will smother and destroy the feeble life it has so far exhibited and prove injurious to most of the additions made to it. Although satisfied that this is true, and radically opposed to the bill in any form, yet for one reason I am gratified that it has been brought forward. It is an evidence that the wants and needs of this great vital industry are being felt by Congress and that the members are beginning to see that the time has come when some action must be taken, when the demands of the farmers must be met in some way. I am glad, Mr. Speaker, to see any evidence that Congress is ready to act in this direction. But such a make-shift as this bill is like pouring water over a fire to make it burn, or putting a light under a bushel that it may be seen.

If Congress wishes to do something for this Department let it go at it in the right way, not by hitching on to it the organizations that will suck the life out of it and finally swallow it up, but by infusing life into it, giving it more to do in its own legitimate field.

I am aware that just here lies the difficulty, and that I may be met by the inquiry, "What better have you to propose?" Although my object at present is only to give some reasons why this bill ought not to become a law, I will venture to suggest, without absolutely committing myself thereto, one or two ways in which the operations of this Department might be usefully enlarged. But I trust that our worthy Commissioner will not think that in so doing I am dictating to him, nor that I am offering a bid for the position.

In the first place, there might and should be a plan of more intimate co-operation between the Department and the various State organizations. It should be the business of the former to foster and build up the latter and to make them in a great degree the medium of communication with the farmers.

In the second place, instead of collecting facts and statistics in reference to crops by the present method of local correspondence alone, the country might be divided into large districts into which employés of the Department could be sent to supervise the collecting of these statistics and make periodic reports. In this way these reports and statistics would be rendered much more reliable and satisfactory.

Forestry is another direction in which an indefinite and almost boundless expanse can be made useful and profitable to our people. In a few generations the timber supply will be an all-absorbing question. It will be wise, therefore, for the Government to take it in hand in time; not simply by making investigations, appointing commissions, offering land premiums, &c., but by something practical. The time required for return is too far in the future for individual enterprise, consequently this is a work that the Government must undertake. The uncultivated districts that are denuded of their forests must be reclothed, and will in the end repay all that is expended therefor.

The redemption of the vast dry plains of the West is still to a great extent an unsolved problem. Here the Commissioner has a wide field for the display of ability, and an excellent opportunity of performing a useful work. We have as yet no real national farm; we have but one or two experimental stations.

But, Mr. Speaker, to set forth what I consider the legitimate work of this Department, I only suggest these points as showing in what direction it might be usefully expanded to an almost unlimited extent. These are but a few of the many which might be mentioned, for I have not even alluded to the meat-supply problem and others of similar magnitude.

I am aware that to expand in this direction will entail expense, but the interest to be fostered is a vast one, and almost any outlay, be it ever so large, which will advance it, will pay in the end.

If there is, therefore, a real desire on the part of Congress to do something that will increase the usefulness of this department, let it make liberal appropriations for it, and increase in its own legitimate line the work it shall be required to do.

The Bureaus of Forestry and Statistics might each be well and profitably made to equal in extent the entire department as at present constituted. There is work enough for it to do, and if liberally aided and allowed to expand it may grow into importance that will entitle its head to a seat in the Cabinet.

But if the desire of the members of this House is to smother it out of existence, no bill could have been more ingeniously framed than the one now before us. While apparently holding out the arms of friendship it is really but an invitation to a fatal embrace.

If the desire is to cajole the farmers, then leave the department its name and separate existence and raise its head to a Cabinet position. Certainly this will be more flattering to the agriculturists of the country than burying their department out of sight.

But let me say in conclusion that all such devices will fail to deceive the farmers. What they ask at your hands is something practical, something tangible, not simply resolutions nor that only which is put in a book, but works, that which can be seen and understood. They will approve whatever appropriations you may make in this direction. My substitute refers the whole subject back to the Executive, and will thereby not only make public discussion of it to fullest extent possible until our next regular session, but will also give the various heads of the present Executive Departments an opportunity to consider a matter carefully in which their assistance and advice can be of great service and value. I hope the substitute will receive the approval of the House.

Tariff and Tax Commission.

SPEECH

OF

HON. ARCHIBALD M. BLISS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 11, 1882,

On the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. BLISS said:

Mr. CHAIRMAN: I have listened for the past three weeks with great interest to the discussion of the tariff-commission bill. I have been greatly interested in the presentation of the different arguments in favor of protection and of a tariff for revenue only. What relation the debate upon the merits of those issues has upon the bill under consideration I confess I do not know, but the discussion has assuredly secured the publication of many charming theories, and not a little valuable statistical matter. Facts and figures have been adduced to show that the salvation of the Republic lies in a continuance of the protective system, and more facts and more figures have been presented to prove that from a continuance of that system will spring the blight of business prostration and universal ruin. It is said that nothing will lie more than a few facts, except a great many figures, and if this be true I tremble for the sins that honorable gentlemen who have subscribed for thousands of copies of most eloquent arguments upon the tariff will be compelled to answer for.

For weeks past this House has been confronted with one question, namely, whether the tariff laws shall be revised with the assistance of a commission or not. Protectionists and free-traders are alike agreed that the tariff should be revised. The apostles of protection and the disciples of free trade are of one mind on this subject. The Saint Paul of high tariff [Mr. KELLEY] and the Saint Peter of free trade [Mr. CARLISLE] are in sweetest accord in this respect. Straightway, however, the advocates of the two systems of trade plunge into a discussion of the merits of their respective plans, seemingly regardless of the fact that this discussion has no bearing on the point at issue. There will undoubtedly be a time, whether the bill now under discussion becomes a law or not, when the House will be called upon to revise the tariff. Then, it would seem, the discussion of a protective tariff *vs.* a tariff for revenue only would properly be in place, and, indeed, could not be avoided.

Mr. Chairman, I shall vote for the passage of this bill, and before doing so I wish to call the attention of the committee to a few facts that now seem to be buried under the clouds of rhetoric which have formed over and about this subject. It is now nearly the middle of May. Before the 30th of June the regular appropriation bills for the support of the Government must be passed. A majority of these bills have been reported from the committee and have passed the House. Several of the most important appropriation bills, however, remain to be acted upon. The bill to extend the charters of the national banks must, if possible, be considered before the session expires. The friends and foes of national banks are, in my opinion, each anxious to spare the business interests of this country from distraction and panic. Those gentlemen who deny the wisdom of extending the bank charters must wish to present some other and, as they doubtless imagine, better system to take the place of those institutions. Surely they do not wish to refuse the extension of the bank charters, at the same time denying the House the privilege of passing upon the merits of the plans they propose. I do not believe this House will ever adjourn without taking action upon the bill reported from the Committee on Banking and Currency. Supposing that the tariff-commission bill is defeated and the members of the Ways and Means Committee immediately begin the preparation of a bill revising the tariff.

Great bodies move slowly, and the Ways and Means Committee has made a very poor time record this session. I doubt if the honorable gentlemen from Kentucky, [Mr. CARLISLE,] from Virginia, [Mr. TUCKER,] and from Illinois [Mr. MORRISON] would consent to be outvoted by the honorable gentlemen composing the majority of that committee in the preparation of a tariff bill without protesting for at least thirty days. I doubt if the representatives of the great manufacturing interests of this country would quietly remain at home with the knowledge that the Ways and Means Committee was preparing a measure for adoption by this House that might revolutionize their business. No, sir. These men would demand a hearing and their demands could not be refused. Sixty days is the least possible time in which the Ways and Means Committee could frame a bill for the revision of the tariff. On the 1st of July, then, the House would be ready to begin tariff legislation. How long it would take to pass the bill, (conceding that in the evenly-balanced condition of the parties in the House a bill could be passed,) I will not attempt to predict. We have occupied six weeks in talking about a bill relating to the method of proceeding to revise the tariff. At this rate a revision might possibly be effected in twelve months. I fancy there are few gentlemen here, however, so sanguine of the ability of the House as to affirm that a tariff bill could be passed within sixty days. Granting that the work could be accomplished in this time, on the 1st of September we would have concluded a huge task. But this bill would not become a law until after the Senate had agreed to it. In that distinguished body the sections of the measure would be carefully scrutinized and doubtless amended to a very considerable extent.

It is seldom, indeed, this House passes a bill that the Senate cannot find therein some sentence to be changed. The tariff bill would be amended, returned to the House, the amendments rejected, committees of conference appointed, disagreements, new conferences, deadlocks, the Lord knows what else, but it is within the scope of imagination to conceive that by the 15th of October our tariff bill might become a law.

The Congressional elections, which take place early next fall, will naturally prevent Representatives from remaining in Washington any such length of time as is necessary for the passage of a tariff bill.

The gentlemen from Pennsylvania, on the other side of the House, are taking a most unusual interest even now in the political situation in the Keystone State. The recent local elections in Ohio indicate that an early and remarkably vigorous campaign will be prosecuted in that State, and a similar condition of affairs exists in Indiana and other States.

I have great faith in the staying qualities of this House, and that faith has been strengthened since the debate on this bill began; but I do not believe that a regiment of infantry and fifty Gatling guns could keep it in session after August 1.

I should prefer that the tariff might be revised at this session of Congress if it were practicable. The ability of the Ways and Means Committee and the House to deal with the subject cannot be denied. That committee was organized to reform the tariff; it was constituted with a high protection majority calculated to crush out any effort on the part of the minority of the committee to bring the tariff to a revenue basis. Had that committee done what was expected at the beginning of this session the House would now be engaged in the preparation of a new scale of duties. The commission bill only remains; and to vote against it would, in my judgment, deprive the House of what may prove of great advantage to Congress and the country at the next session.

I have already said, Mr. Chairman, that there is a universal desire on the part of members of this House for a revision of the tariff. No gentleman on this floor has a more earnest wish to see the gross irregularities and absurd inconsistencies of the present tariff remedied than I. The tariff of 1864 was created to meet the exigencies of war. It must now be changed to suit the demands of prosperous peace. No man, however great may be his faith in the advantages of free trade over protection, or *vice versa*, can approach the vast subject of a revision of the tariff hastily or without solemn hesitation. The multiplicity of industries interdependent upon each other that are directly or remotely affected by the tariff can hardly be estimated. In every department of trade, moreover, the effect of a change in customs duties is felt by labor. The most delicate balance of the electrician is not more sensitive to a disturbance on the wires than is labor, well paid and remunerative, to hostile legislation. I believe that American labor can be greatly benefited by a wise and statesmanlike consideration of this subject.

My distinguished colleague from New York [Mr. HEWITT] delivered a speech in this House a few days ago on the bill now under discussion that for profound thought, depth of reasoning, and logical analysis cannot be surpassed. The gentleman drew a graphic penpicture of what he believed would happen if tariff reform was delayed. He said:

> If good harvests should be secured abroad we will have a great surplus of food upon our hands and the price will fall; wages will go down with the fall in price; the reduction of wages will be resisted by strikes and lockouts; the conflicts between capital and labor will be reopened, and, indeed, have already begun; the prosperity of the country will be arrested; railroad transportation will fall off; new railroads will cease to be constructed; our shops will lack work; there will be a dearth of employment all over the country; the volume of immigration will fall off, and the career of expansion and general development will be brought to a disastrous conclusion. The sad experience of 1873–'79 will be repeated, until through the gate of suffering, poverty, and want we shall establish a lower rate of wages, and the products of the country, weighted as they are with obstructive taxes, which must be deducted from the wages of labor, will force their way into the open markets of the world in spite of the tariff. We shall then reach the era of free trade, but on conditions which will deprive this generation of workmen of all the benefits which they would have derived from it if the way had been properly prepared for its final triumph.

Should the prophecies of the gentleman from New York be true, I would hesitate to vote for the passage of this bill; but I am inclined to take a much more hopeful view of the future of this country. I concur in the views of my colleague that a measure should be passed which will avert the dangers that he apprehends. Could it be demonstrated that the evils he seems to anticipate are within the range of immediate probabilities, I do not believe the House would adjourn until after a revision of the tariff had been accomplished. There is no gentleman on this floor who would not crowd legislation to its limits to avert a reduction of wages, prevent strikes and lockouts, put an end to conflicts between capital and labor, continue the prosperity of the country, maintain the development of home industries,

and encourage immigration. It is evident that the commission bill will become a law, and I have endeavored to point out some of the practical objections, that every man familiar with Congressional legislation can appreciate, to the feasibility of a revision of the tariff at the present session.

Surely it cannot be denied that the results my colleague and myself would each wish to be accomplished must come from the careful exercise of the most profound knowledge the wisest economists of America can bestow. No scrap of information bearing upon the great problems with which this Congress is confronted is of too little value to be treasured. If this bill is passed we will have the benefit when Congress meets next December of the information which a commission, after six months of labor, with every facility for operation, has been able to collate. This information will be printed. Senators and Representatives alike may peruse the testimony of manufacturers, agriculturists, and laborers. The work of the Ways and Means Committee will be lightened; the work of the House will be lightened, and the country may understand better than ever before a subject that is of vital importance to every man and woman.

Some gentlemen have laid great stress upon the fact that the two great political parties are divided on this question. A careful examination of the history of this bill from its introduction in the Senate two years ago down to the present time will show that it was neither conceived nor matured as the *protégé* of any party. The late Democratic Senator from Connecticut [Mr. Eaton] was the original author of the bill. It passed the Senate in 1880 by a vote of 35 to 15. Of the Senators voting in the affirmative 16 were Democratic and 19 Republican. The parties were divided when the bill passed the Senate at the present session, and there is a wide diversity of opinion among gentlemen on both sides of this Chamber as to the real merits of the measure, although in every case the actual opinions entertained may not be expressed. In my judgment, this question should be divested of political significance so far as possible, for the subject relates solely to the welfare of the people and not to the gratification of partisan ambition.

By the adoption of the bill no one is bound to accept the result of the commission's finding. In no manner is the House committed to the support of its recommendation. The land-owner invites plans from a dozen architects for the construction of a dwelling. He pays for the drawings. All may be cast aside if they do not suit. One may be selected and the others dropped, or, seeing good points in all, but not liking any single plan, the master may direct still another draughtsman to frame from the variety of designs a new model that will prove entirely acceptable. So it is with this House. We are the persons to decide how a substantial system of tariff laws shall be framed from the plans, suggestions, and information collected by this commission; and its members are only the accredited special agents employed to assist us in the preliminary labor incident to tariff revision.

Mr. Chairman, it has been my desire to call the attention of this committee to the practical side of this question. It matters little in discussing the commission bill whether gentlemen believe in protection or free trade. We are to determine how certain business shall be done, not whether one theory is right or another theory wrong. That is not always best done which is quickest done. In legislating for fifty millions of people the representatives must be sure they are right before going ahead. Heartily desirous of reforming the revenue, I desire that reform to be stable, unchangeable, and permanent. It cannot come, save by a miracle, at this session. At the next session it should come, and I want the changes in the tariff to be made with all the information that experience, wisdom, and sagacity can contribute to the elucidation of this vast problem.

Tariff and Tax Commission.

SPEECH

OF

HON. DANIEL ERMENTROUT,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 11, 1882,

On the the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. ERMENTROUT said:

Mr. CHAIRMAN: The pending bill has provoked much discussion. Drifted about on a boundless sea of abstractions, tossed on an ocean of tabulated statements and statistics, the mind has been sometimes lost in the dense fogs of high protection, at others in the equally dense fogs of free trade. I shall trust my bark in neither direction, preferring to direct my remarks to the bill itself; the more so because I have an abiding conviction that for years to come the revenues required for the expenditures of the Government will demand that scale of customs duties that will go to the point of adequately protecting and fostering American industries without creating monopoly; that will continue to build up the manufacturing industries which depend for their raw material upon our great staple products against a ruinous foreign competition, and this without forcing into existence by tariff subsidies manufacturing industries which have no natural home here. I therefore consider the terms free-trader and protectionist as artificial terms, so far as the legislation of to-day is concerned. I predict, too, that when this commission has reported there will be but little difference of opinion as to what should be the true American policy. That policy will be found in a middle course betweed the two extremes. *Die Mittlemasze ist die beste Strasze.*

Attempts have been made on both sides of this House to make tariff measures a party question. I say to gentlemen that this is impossible. The day has gone by when the great business interests of the Union can be chained to the car of partisanship, or be made the sport of a game of political battledoor and shuttlecock. Those interests demand, and will demand in the future, with increasing emphasis, legislation established upon the surest foundations; they will demand to be let alone and to be permitted, under just and equitable laws, to work out their own salvation, free from the vicissitudes and necessities of party contests.

On the other hand, the determination is not less manifest against permitting the manufacturing interest or any other interest to consummate unjust and improper legislation either by the exercise of duress upon elections or upon legislatures. Under the friction of so full and exhaustive a discussion as has marked and will continue to mark the discussion of this subject inside and out of Congress, the fire of truth will burn itself into the thought of the people, it will burn itself into the thought of the commission, and, they failing, it will still burn itself into the legislative thought and ultimately crystallize on the statute-book.

I approve of the appointment of a tariff commission because I believe that the public mind is in such a state at present that no legislation emanating from this Congress on this vexed subject without the instrumentality of a commission will be satisfactory. As the case now stands no tariff revision that is accomplished without all the scientific investigation and expert knowledge of the best minds of the country will be accepted as a finality.

But when the work of the commission shall have been done and it shall have been subjected to the criticism of the National Legislature, my belief is that the tariff question will disappear from the politics of the country for a decade at least.

There are those who have induced themselves to look upon this measure as not being what it expresses on its face, as being a measure which, instead of seeking to establish customs duties on a just basis, with an eye to the entire interests of the whole country, regard it as being solely in the interests of those who are in favor of what they are pleased to call a high protective tariff, and as being in fact a sort of Trojan horse. This is not a just view of the measure nor is it fair to the original authors of the proposition. This measure originated in the Forty-sixth Congress. It is records tell me that the only two bills introduced on this subject were introduced by Mr. Eaton, of Connecticut, and Mr. GARLAND, of Arkansas. Both bills called for a commission only differing in their *personnel*. Gentlemen say that to delegate the work of tariff revision to a commission is to abdicate our own duties in this behalf, that this Congress is competent to deal with this question.

All this may be true, yet so distinguished and able a statesman as Mr. GARLAND, of Arkansas, alleged as his reason for the institution of a commission the great confusion in his mind and the minds of others on this subject. Yet he is nevertheless a revenue reformer and so declared himself. Mr. Eaton, whose bill is substantially the one before us, said in the course of the debate:

I began a revenue-tariff man early, and I am a revenue-tariff man to-day. The object of all duties, the object of all imposts should be revenue. The principle of protection is incidental entirely. Therefore I am in favor of a revenue tariff.

Mr. DAWES, of Massachusetts, announced himself as a revision and reform tariff man in this language:

I am in favor of the bill reported, because I am in favor of a revision and reform of the tariff. Great inconveniences and incongruities exist in the tariff. A great many excessive duties remain on the statute-book. Many dutiable articles should be on the free list, and many of the provisions of the tariff have become obsolete and inoperative.

Mr. MORRILL said:

It is a remarkable proposition that our taxation, external and internal, should all be revised and adjusted to the change of circumstances.

He, however, did profess great indifference about the success of the measure, on the ground that the Democratic majority were the party then responsible for legislation.

The other gentlemen who supported the measure then, among them Mr. MAXEY, of Texas; Mr. BAYARD, of Delaware; Mr. HILL, of Georgia; Mr. Kernan, of New York, all declared themselves revenue and reform tariff men. The debate was not an extended one, and the then bill was passed by a majority about equally divided between the two political parties. This statement of the case would seem to indicate that if it were a Trojan horse at all it was one in the protection camp. I am surprised to find here upon this floor that the bulk of the apparent opposition to this measure has come from the

Democratic side of the House. My friend from Alabama [Mr. HEWITT] yesterday showed that Democrats like Jefferson and Madison did not utterly symphathize with the views thus far expressed by the majority of those who have spoken on this side. The statement I have made shows that the majority of the revenue-tariff reformers of the last Congress, led by Democrats, did not sympathize with them. Nor did the rank and file of the party, with which they and I have the honor of voting, sympathize with them in the campaign of 1880. For we all remember well that after the nomination at Cincinnati, when the Republican press and the Republican rostrum throughout the country rang with denunciations of "the free-trade Democracy," and the hearts of the Northern manufacturer and artisan were fired, the Democratic national committee came to the front, holding up in their hands, as the great anodyne to calm the excitement and breast the rising flood, the Eaton tariff-commission bill. In good faith we told our people that the bill was lying on the table of the Speaker of the House, ready to be called up for action and adoption as soon as the Forty-sixth Congress should reassemble. It was not called up by that Congress, from what motives I do not know. If it was from a political motive its propriety was, to say the least, questionable. With all deference to that Congress, many of whose members have seats in this body, in my judgment it was either a failure of duty or the breaking of a promise which the Democracy of my section at least were instructed to make through the agency of the national Democratic committee.

But it is not too late to make good our pledge. The seed then sown has produced its legitimate fruit. Our political antagonists, seeing the wisdom of this measure, have adopted it. The agency through which it is proposed does not detract from its merit.

But gentlemen say that the country desires immediate relief; that there can be no sort of excuse for delay in an immediate reduction of taxation; that with a surplus in the Treasury, destined to reach at the end of the current year $150,000,000, not to reduce revenues will encourage extravagance in expenditures; that it will be the signal for the lobbyist and the jobber to assault the public Treasury. It is a good argument.

We must, however, undertake that which is feasible In my judgment, were it even possible for the entire minority of this House to combine as a unit in opposition to this measure, we could not wring out of the majority any revision of the tariff that would be measurably satisfactory. It would result in nothing but further delay. That would be a delay for which the minority would be responsible; for whatever is censurable in the present delay the majority is and should be rightfully responsible. As the speediest and most satisfactory measure of revision of customs duties and tariff I accept the present measure. The action of the Senate on a bill similar to this gives us warning that no other course is open to us, and that this measure affords the only prospect of the adjustment of this controversy in the near future.

In connection with tariff revision and as one of the anomalies of present tariff legislation, I will insert as a part of my remarks a letter from a gentleman in my district, representing the wool-hat manufacturers of that and the neighboring district of Lancaster, represented by my colleague, [Mr. A. HERR SMITH.] I wish to say that the great body of the gentlemen whom the writer represents are not of my political household. This letter, it seems to me, affords a good deal of food for thought. I refer to the commission which is to be instituted with the request that they take good care of my constituents. They are worthy men, and it is an important interest. The commission will, I hope, at the same time not harm the agricultural interests I represent.

READING, PENNSYLVANIA, *April* 17, 1882.

DEAR SIR. We have 10 wool-hat factories in Reading, employing 830 hands; producing 860 dozens of hats daily. Also 11 factories in Berks County, all within a few miles of Reading, employing 480 hands and producing 480 dozen hats daily. Also, 6 factories in Lancaster County, within 10 miles from Reading, employing 315 hands, and producing 340 dozen, making in all 27 factories, employing 1,625 hands, and producing 1,680 dozen hats daily. At present time these factories, say two-thirds, are closed up, and the other one-third are running only a few days weekly. We attribute the limited demand for our goods in part to the following: duty on wool for hatting is 10 per cent. specific and 11 per cent. ad valorem. This wool comes in the grease and requires 3 pounds to make one pound of scoured wool; of this scoured pound of wool, 12 ounces goes into the hats, which makes the duty on each pound of wool which goes into the hats cost 50 cents. At present this class of wool is 90 cents per pound scoured. Hats made from this wool are worth $4 to $8 per dozen.

The duty on fur is 20 per cent. ad valorem. This is clean stock, and all except about a half ounce goes into the hat and costs, with duty added, about $1 per pound, the duty being 15 cents per pound, and these fur hats bring $8 to $15 per dozen. Thus, while wool pays 50 cents per pound, fur pays 15 cents a pound, making the duty on wool more than three times as high as it is on fur; while the hat will bring double the price of wool hats.

Our trade is also threatened from Canada, where they have free wool and labor and trimmings each 30 per cent. less than we must pay, and with only a protective tariff of 25 per cent. on finished hats they will be enabled to undersell us in our own market.

Our Congress should give us free wool and dyestuff with a reasonable duty on trimmings, say one-half of present rate, and our factories could compete with Canada or any other country.

Yours, very truly, &c., W. H. REINOEHL.

Hon. DANIEL ERMENTROUT,
Washington City, District of Columbia.

But the question still recurs, What of the surplus revenues? I answer that we are not limited to the one expedient of revision of the tariff to diminish the revenues of the Government. Though if we are to put implicit faith in the theory that low tariff will increase the revenues, the effect of a sweeping revision would necessarily be to produce still more revenue than we have from that source. We will never see the time when the Government will cease receiving revenue from the customs. So long as the Republic endures, yes, when another form of Government shall take its place if it cease to endure, the custom-house and the revenue-cutter shall endure and the collector of customs sit at the gate. From the beginning of the Government to the present time it has been the favorite method of collecting revenue, as against either direct or internal taxation.

If my recollection is not at fault, internal taxation for the support of the Government was never resorted to except in time of war or some pressing emergency. Indirect taxation by customs duties has been the rule, direct and internal taxation the exception. Therefore through every change of the tariff the custom-house collector remains but the collector of internal revenue passes away. It was the war time that brought you the income tax—the stamp tax on agreements, bonds, and the like; on the bank deposit, the match-box, the medicine package, on beverages and tobacco. It was and is a system most obnoxious of all systems of taxation, a tax most dangerous to the peace and good order of the community, dangerous to the personal safety and corrupting to the morals of officials and people. Its history during the last eighteen years has been written in oppression, blood, violence, murder, theft, corruption, and perjury. It has been a system which at one time or other in its course has poisoned and disgraced every department of this Government.

It was the first of the great means of raising revenue that suffered the repealing hand of the law. The income tax fell, the stamp act fell, and to-day the subjects of internal-revenue taxation are very few indeed. There is not a man living who does not know and feel that its entire repeal is at hand. The breath of life is kept in it by the extreme remedy of the party caucus under the pressure of the 5,000 or more officials, the creatures of Presidential patronage, who now collect $5,000,000 of money derived from that source to put into their own pockets. I may, too, add, it is kept alive by the innumerable throng of expectants who wish to collect it in the future. Its total abolition is desired by the people, but resisted by the office-holders and politicians. And why should it not be repealed? Some of the opponents of repeal say no; it is a covert proposition to prevent reduction of customs duties. I deny it; but if it is following in the footsteps of the founders of the Government, I say it is better far to collect taxes from the people by customs than by this system. Another says it is a covert measure of the national banks to perpetuate that system by retarding payment of the national debt. I do not fear that repeal of this system will prevent a proper reduction of the debt. Frugality in expenditures will go far to accomplish that, and in a manner more beneficial to the people.

Let the door be closed on extravagance and held tightly shut. A further answer is that human wit has never yet devised a government so utopian as to combine in working order with mathematical accuracy only and nothing else but all human good. Every necessary reform cannot be accomplished at once. But have a care. A too rapid reduction of the national debt may work greater evil than even temporarily not reducing it at all with the continued existence of the national banks for a limited period thrown in. If my recollection be correct, among the causes alleged, and truthfully in my opinion, for the hard times of no very recent date, was the too rapid reduction of the national debt. The legislation and the administration, responsible for that, received the public condemnation, and we must not in our zeal to enforce one method of reform repudiate all others. In my judgment the policy demanded from us by the people in lightening the burdens of taxation is the total abolition of the internal-revenue system. It is the easiest and quickest way of doing it, as well as most beneficial. Consider the results gained by it. You not only relieve the people from taxation but you start the Government on a new career of reform in the civil service. You destroy at one blow five thousand offices and relegate to productive industry their incumbents.

It will be a blessed day when you announce to the people from these Halls that henceforth the diminution and destruction of offices, and not their increase and creation, is the business occupying the legislative mind. Let us abolish this system. The humble farmer can then plant his little crop of tobacco, and when it shall have ripened, he can pluck from the plant the poor unmerchantable leaf and take it to his neighbor's tobacco-mill, have it cut for his own use, and smoke his pipe in peace by his hearthstone over his mug of untaxed beer, or if he prefers it, over the juice of his own home-made rye or apple, distilled by himself or his neighbor, without fear of being dragged, as I have known them to be, into a United States court, for violation of the revenue laws. Abolish it, and you will bring nearer and more cheaply to labor the medicine that heals. Abolish it, and you bring relief not to one class but all, from the wealthy capitalist who counts his dollars by the millions, to the little match-girl whose human factory, now stifled by the hand of the monopolist, will again be employed, and whose voice, now hushed by the revenue collector, will be heard in the land. Abolish it, and you will be obeying the dictates of statesmanship and humanity. I do not propose to bewilder the House with details. I simply desire to reflect what I believe to be the views of my constituency. Upon a proper occasion, should I deem any further expression from me necessary to enforce these views in legislation, I shall consider it my duty to engage in further discussion.

Tariff and Tax Commission.

SPEECH

OF

HON. THERON M. RICE,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 11, 1882,

On the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. RICE, of Missouri, said:

Mr. CHAIRMAN: For many reasons I favor the bill under consideration, but mainly on the ground that it is apparent this House is not, and likely will not be, prepared for intelligent action without the educational aid which may be afforded us by the proposed tariff commission. If there has been any one fact more clearly established in this discussion than any other, it is that this House is not now ready to intelligently make a general revision of the law in relation to customs duties upon importations, the internal-revenue tax, and kindred economic questions which must necessarily be to a greater or less extent affected thereby. Too high an estimate cannot be placed upon the magnitude and the intricacies of the tariff question. The purpose of the tariff commission is to furnish the facts and the statistics upon which those facts are based relating to all the interests of the country which may intimately or remotely be affected by such revision. It concerns and affects vast and varied interests of fifty millions of people. It concerns industries of small importance and others of vast and untold magnitude. It affects interests and industries in their relations concurrent and others conflicting. It affects commerce and commercial relations at home and abroad. It concerns all our vast manufacturing interests. It concerns all classes of citizens and all classes of labor; it pertains in its far-reaching effect to all classes of our people and their welfare.

It has been well said that the question of tariff is as old as the earliest organizations of men into communities, and has commanded in its consideration and discussion in all ages of civilization the ablest talent of the world. The modes of obtaining revenue and levying of import duties is no new question in American politics; the views of the fathers of the Republic, and in later days of Webster, Clay, Calhoun, Benton, Seward, and Everett, are to us matters of history Generally this question has been considered non-political. In the old Whig party, surnamed "high protectionists," there were many who advocated the doctrine of free trade. The Democratic party, nominally bearing the banner of free trade, had within its fold many strong advocates for protection, while to-day the policy of the Democratic party seems to be "protection only where protection is needed, and a tariff for revenue only." The Republican party on this question is divided. From the character of debate during this session on this floor, with their working and voting majority, there has been a manifest want of unanimity and concord. The State of Pennsylvania has, for the last forty years, been clamorous for a protective tariff, and this, remarkable as it may seem, to the extent of her iron interests alone, while the West and South have always to a greater or less extent favored the doctrine of free trade.

Mr. Chairman, with all this conflicting history of opinion before me, which seems in all the past to have been controlled to a greater or less extent by selfish interest or a want of proper education, I confess that I approach the consideration of this subject with some apprehension of doubt that I am as well advised and my convictions as well grounded as they should be, to either suggest, or by my vote at this time sustain, any distinctive changes so far-reaching in their consequences and so complicated in their vast collateral bearings. I, sir, am free to admit that I look with suspicion upon the men of to-day who are bold enough to assert to the country and the world that they have fathomed the depths and mastered the subject in all its intricacies, when it is apparent from pronouncements of their own argument that their conclusions are drawn and deductions made from a selfish stand-point; that their ambition is local and exclusive.

Representing as I do a constituency of diversified industries, but chiefly agricultural, living the greater portion of my life in agricultural communities, I have been inclined to accept as true the doctrines advocated by the disciples of free trade; and in years of financial disaster, produced by reckless improvidence, speculation, and extravagance, or by speculation, financial revolutionary legislation, I have perhaps favored what I am now pleased to call a delusion—that free trade might be at least one of the prominent agencies in the list of grand panaceas for all ills of the national body-politic; but the attention which I have been enabled to give this question in the last two years, with a view to just conclusions and correct action, has forced upon me the conviction that a protective tariff—and to the extent of needed protection only, a tariff for revenue—is not only necessary but proper for our prosperity as a nation and people.

Instances may arise when, for the sake of proper encouragement to home industry, a tariff should be levied for the protection of not only manufactures but the crude productions of American labor. Again, the time may come when our manufactured fabrics or the crude material may need no protection to enable them to compete in the markets with products of foreign labor. Then they should have no protection. Then of course all necessity for a tariff protection will cease. Gentlemen talk of tariff for revenue; others of tariff for protection. I infer from the argument of the one that protection is the primary object and revenue only incidental; from the reasoning of the other that revenue is primary and protection incidental. In my judgment both are in error and their arguments untenable.

The demands of the Government for revenue are such that resources for raising it must be devised and provided for. There is no way of avoiding the fact that the Government must have revenue.

The report of the Secretary of the Treasury for the year 1881 shows the expenditures for the fiscal year ending June 30, 1881, to be $260,712,887.59. Of this sum there was paid for pensions $50,059,279.62; for Army, river and harbor improvements, $40,466,460.55; for naval establishments, &c., $15,686,671.66; for building light-houses and collecting the revenue, $41,837,280.57; interest on the public debt, $82,508,741.18, and for sundry civil expenses, $17,941,177.19. These are the principal items of expenditure.

It is not my purpose at this time to criticise the management of the finances of the Government, or to charge waste and prodigality, but to deal with existing facts as we find them.

Now, it is not proposed to lessen the appropriations for 1882. We shall still have to pay interest on the public debt, and provide a proper sinking fund looking to an extinction of the principal of the public debt. We still expect to pay a large sum this year for pensions, at least from seventy-five to one hundred millions. We expect to appropriate a large sum for improvement of rivers and harbors, and for the Army and Navy. Thus the expenditures of the Government for this year will amount to not much less than $350,000,000. Having this debt to pay, the question arises how are the means of payment to be obtained. The revenue for 1881 from all sources except customs and internal revenue amounted to $17,358,130.98, and from customs $198,159,676.02; and internal revenue $135,264,385.51. Now, if we abolish the tariff and adopt free trade, we must add this $200,000,000 derived from customs to the internal-revenue list or it must be raised by a direct tax. Against both these propositions the people would most certainly rebel.

Some may favor a graduated income tax, which I would most heartily indorse, but as Congress is now organized it will be impossible to pass such a law. The question then again recurs, what are we to do? I know for the present no better method than to resort to customs duties to the extent of a just protection. I then conclude that the obtainment of revenue is one primary object, and, I may say, under the Constitution a legitimate object of the tariff, and am unable to see any reasonable way, under existing management of our financial policy, to escape the conclusion. I have thus far proceeded in my argument upon the theory that protection by levying customs duties is a necessity; that such levies are an actual necessary means for the protection of American industry and American manufactures. As to the fact whether the products of American labor placed upon the market in a crude or artificial form need protection to enable the producers to compete in the same market with imported products, I am not advised. And any such articles needing protection, to what extent, I am also unadvised.

It is not my purpose to designate any articles that need protection or to enumerate articles which should be imported duty free. Nor shall I attempt to fix or even suggest any duty rates. I will not do this; first, for the reason that I am not sufficiently advised of the facts upon which a proper adjustment of rates should be based, and second, for the reason that such argument would not be germane to the bill now under consideration. It is not now proposed by this House to fix rates. The present consideration does not contemplate that, but merely to prescribe a mode and obtain the data by which proper rates may be ascertained.

I have stated that thus far in my argument I have assumed that the levy of duties and import taxes may be in some instances a necessity for the protection of our national industries. The right and the constitutional power to levy such taxes for revenue is not questioned in all cases where the need for thus raising revenue exists. But it is denied by the champions of free trade and import duties for revenue only—theorists—that Congress has any power to levy import duties for protection merely. The gentleman from Kentucky [Mr. BLACKBURN] characterizes such tax as "pillage and robbery," and proceeds to say:

> There is no judicial *dicta* emanating from any court upon the continent that warrants the levying of a tariff tax for the purpose of protection. A tax is described and declared and defined to be the imposition of an exaction laid upon the property of the citizen for the support of the state. Taxation is an attribute of sovereignty; it is the grandest of all sovereign powers. * * * I deny that under this Federal Constitution Congress holds any power to levy any tax for individual gain or private advantage. Protection was never dreamed of by the pioneers of the Constitution, unless it was that incidental protection which follows inevitably from the laying of a tax for the purpose of a revenue.

I am aware that in my attempt to criticise the foregoing declaration of the honorable gentleman from Kentucky I am meeting a statesman of ability, learned in all the departments of constitutional law, familiar with the decisions of the courts, and an acknowledged leader

of his party. If the declaration of the gentleman means anything at all, it is a bold assertion that Congress has no constitutional power to levy an import duty for protection alone. Now, is this proposition true? As I understand the issue joined in this debate it involves two distinct and well-defined propositions; the one is a constitutional right to levy import duties for protection, the other is the constitutional power to levy import duties for revenue. The honorable gentleman from Kentucky denies the former and affirms the latter, and asserts "that a tariff for protection is pillage and robbery."

This is his assertion, his argument: that "there is no judicial *dicta* to be found emanating from any court upon this continent that warrants the levying of a tariff tax for the purpose of protection." I submit it is without merit; and further submit for his consideration: has the constitutional right or the power of Congress to levy a tariff tax for protection ever by any court in America been questioned or denied? The gentleman from Kentucky further says:

> I confess that under the eighth section of the first article of the Federal Constitution Congress is empowered to lay taxes by way of import duties for the raising of revenue.

Certainly, Mr. Chairman, the honorable gentleman is again in error, for he not only misquotes the language of the Constitution, but by his language perverts its apparent sense and meaning. I fear, sir, inadvertently, he has substituted for the Constitution of the United States his reading of the third section of his party's national platform of 1880.

Article 1, section 8, of the Constitution reads as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

There is here enumerated several distinct powers conferred upon Congress: the power to levy and collect taxes; the power to levy and collect duties, imposts, and excises; the power to pay debts and provide for the common defense and general welfare of the people of the United States. The specific power is conferred upon Congress "to levy and collect duties, imposts and excises." This section, as is the Constitution, is silent as to the time, the purpose, and the necessity for such levy and collection. The people and the States have clearly delegated the power to do each of the above enumerated acts—the power to levy and collect duties, imposts, and excises—not for revenue or because revenue is needed; but Congress may do this for any reason in its discretion just and necessary to promote the general welfare of the people.

Congress may in its discretion exercise this power for the just protection of American commerce, and for the protection of any one or the many of the various American industries.

Again, the gentleman from Kentucky says: "But I assert that a tariff for revenue is a tax." If I have studied the lexicographers aright, the words "tariff" and "tax" are not correlative terms, but are incongruous in their meaning and use.

Mr. Chairman, as I have before stated, I am in favor of this bill. I favor it because I believe it will result in a production of such information as may enable us to more intelligently act upon, arrange, and adjust the whole tariff question. We want and must have all the facts, the data, and the material estimates essential to a correct and fair schedule of rates. If protection be needed for any fabric or article of American labor production, I want to know how much protection is required and the detailed estimates upon which the rate is fixed. I wish to be enabled to act intelligently, as should every member of this House. And, when I can, I shall favor protection to the full extent that I may be advised protection is needed, but no further.

I am frank to admit that I cannot say to-day whether or not a single article or a single American industry needs protection, and I further frankly admit that I am unwilling to permit parties who represent the various manufacturing industries to dictate the tariff rates they would have imposed.

Having said this much, I may now be permitted to present my views as to the principle which should govern all duty and impost exactions to be paid upon importations. The tariff schedule and rates of excises should in all cases be predicated upon relative cost of production and cost of transportation to our American market. So that all fabrics and raw materials produced by American labor, or the product of foreign industry, capital, and skill, shall be placed squarely upon an equal footing, and from thence have equal competition in an open and free market.

To illustrate, take the article of hoop-iron, bar-iron, or steel rails; ascertain the cost of all the raw material that it takes to make a ton of the manufactured article, the actual cost at fair and just prices of all labor, the reasonable cost of interest account on capital, a reasonable charge for wear and tear and repairs of machinery; now suppose that on steel rails, at the American mills, these items of cost all added together amount to $45 per ton; then make the like estimate of the cost of steel rails manufactured in England, and add the reasonable cost of transportation to our seaboard, which we find to be $30 per ton. Now, I find upon this basis of calculation—which I only use for illustration—that steel rails produced in England, by her cheap labor and low rates of interest on money capital invested, can be laid down in our market at a cost of $15 per ton less than the same article of the same quality can be produced by our American mills. To make the two products equal in our market; to reasonably protect American industry, and at the same time encourage a fair and open competing market, I would place such ad valorem duty rate upon the English product as shall still encourage importations, and yet place the two articles in fair competition with each other in our markets.

In estimating the cost of American steel rails it is just to assume that all American manufacturers are manufacturing in districts, each possessing equal facilities to compete with each other, upon a basis of no protection; that each possesses equal natural advantages to enable him to produce at about the same cost, otherwise the direct agency of a tariff would be to build up an overwhelming monopoly in a single business in favor of one locality, and the people of one section of our own country against another. It can be plainly seen that to do otherwise would result in offering to those who manufacture in districts favored with great natural advantages an opportunity for exorbitant aggregations of wealth, which would be manifestly unjust to the interests of the whole country and the people. In other words, capital and capitalists in our own country for investment seek natural advantages, and operate where there is surrounding natural adaptation. Otherwise the protection those might ask who seek to manufacture at points where there exist great natural disadvantages would result inevitably, on account of home competition with those who manufacture under more favorable circumstances, and consequently at less cost, in no protection to them. But it would do more; it would under the ban of protection afford the opportunity to the latter to crush the former, and at the same time drive from seaports all importations, and thereby cut off all receipts of impost and excise revenue.

What I have said by way of illustration as to iron I apply to every other American industry, to every other product of American labor, whether of the farm, the forest, the mine, or the mills. Upon this point I need not say more. To what extent a revision of the present tariff system will produce revenue is the question to be ascertained, by the aid of this commission, in the future action of Congress. If under the new system an adequate revenue be obtained for all necessary current Government expenditures, then we need look no further for annual income; but should this duty on income still be ascertained to be inadequate, then it will be the duty of Congress to make further revision of our income laws. But since it is conceded by all that the present tariff, denominated by some as the "war tariff," is inequitable and unjust, that it imposes onerous burdens and makes ruinous discriminations, that it fosters into monopolistic power some branches of American industries to the ruin of others, let our first step be to revise the tariff upon the basis of protection and consequent revenue. This work done and results ascertained, Congress may then consider and adjust our internal excise system, or repeal the same, as ultimate facts may show practical warrant.

The ultimate object of tariff revision is, as I understand all the advocates of this bill, to establish a table of rates more equitable and just. Upon the point of revenue all have fixed the basis upon the Government's current annual expenses, which includes interest on the public debt and surplus sinking fund. The report of the Secretary of the Treasury estimates the ordinary receipts for 1882 at $400,000,000, and the total expenditures at $340,462,507.65. This estimate of expenditures includes for sinking fund $45,611,714.22 and leaves a surplus of $59,537,492.35, or in other words, as the real sum to be applied to payment of public debt $105,149,206.57. The Secretary also includes in his report the estimated interest on the debt for 1882, amouting to $65,000,000. So that deducting from estimated expenditures the sinking fund and interest on the public debt we have as the net estimated expenses of the Government for 1882 only the sum of $229,850,793.43.

The Secretary's table of expenditures, from which I quote, is as follows:

Legislative		$2,993,455 92
Executive		16,291,367 73
Judicial		403,200 00
Foreign intercourse		1,315,055 00
Military establishment		29,509,524 17
Naval establishment		17,249,148 46
Indian affairs		5,841,713 91
Pensions		100,000,000 00
Public works:		
Treasury Department	$3,282,000 00	
War Department	11,479,506 03	
Navy Department	2,829,938 00	
Interior Department	386,900 00	
Post-Office Department	8,000 00	
Department of Agriculture	43,730 00	
Department of Justice	1,500 00	
		18,031,574 03
Postal service		920,077 95
Miscellaneous		18,141,851 95
District of Columbia		3,562,599 31
Permanent annual appropriations:		
Interest on the public debt	$65,000,000 00	
Sinking fund	45,611,714 22	
Refunding—customs, internal revenue, lands, &c.	7,514,100 00	
Collecting revenues from customs	5,500,000 00	
Miscellaneous	2,577,125 00	
		126,202,939 22
Total estimated expenditures, including sinking fund		340,462,507 65
Or, an estimated surplus of		59,537,492 35

Now, I submit that the question as to the amount of revenue necessary to be annually levied upon the people and their industries is not only important but I may say of paramount magnitude in the consideration which this Congress must give to the bill now under debate.

It is equally as important, economic, and just, alike to the creditors of the Government and the people, that the public debt be paid, and promptly paid, both principal and interest, as it is that we provide for current expenditures; and while we are providing ways and means for meeting the latter we must not overlook our duty in providing for the payment of the former. In all the volumes of argument which in the last four weeks have been presented to this House but little allusion has been made to our fifteen hundred millions of bonded debt, four hundred and ninety millions of which is now due, and scarcely a suggestion made of any plan or means of payment commensurate with the real situation.

Neither the advocates of "tariff for protection" nor of "tariff for revenue, with incidental protection," seem to contemplate in the proposed revision anything more than a revenue to meet annual contingent expenses, with perhaps a small sinking fund. On the other hand, it is the manifest disposition of a large majority of the members of this House to procrastinate the period for payment of the public debt. Methods for the payment of the public debt, and thereby decreasing the demands for annual revenue income and in the same ratio tax burdens upon the people, are proper questions for our consideration and germane to this debate. And if it can be shown that as to the $490,697,050 3½ per cent. bonded debt we have at hand honest and legitimate means of immediate payment, and make it, then we lessen the current demands for revenue about $122,323,603.32.

Mr. Chairman, I propose to this House a plan for the immediate payment of all matured bonded debt, to which I invite consideration and criticism.

The recent report of the Comptroller of the Currency shows the number of national banks now organized and doing business to be 2,132, with an aggregate capital of $463,821,985. They hold bonds for circulation to the amount of $363,335,500, upon which they have a note circulation of $320,199,969. Of these United States bonds for circulation $245,601,050 are the overdue 3½ percents.

Under existing law national banks may at any time, upon a deposit of legal-tender notes or coin with the Treasurer of the United States, withdraw the bonds held as security therefor and leave the Treasurer to redeem an equal amount of their notes.

Now, Congress should at once repeal the act permitting national banks to reedeem their circulating notes with legal-tender notes, and also repeal the national banking act and pass a law for the retirement of all national-bank circulation, as fast at least as existing bank-charter limitations of twenty years may expire, and authorize the Secretary to issue full legal-tender Treasury notes in amount equal to the 3½ per cent. bonded debt, provide by law for the retirement from circulation and redemption of the $346,681,016 of the greenback circulation under the act of 1862 and supply its place by an issue of an equal amount of Treasury notes of like character as above, and by law direct the Secretary of the Treasury to call in all of the 3½ per cent. overdue bonds for payment, and by law order that the same be paid, at the option of the holder, in coin or Treasury notes.

The natural result will be that the circulating notes of national banks secured by the $245,601,050 of the 3½ per cent. bonds, or at least about 90 per cent. thereof, will be immediately canceled as the notes are returned to the Treasury. And the remaining $245,096,000 will be immediately paid, mostly in Treasury notes. I am aware that banks and coin theorists will bitterly oppose this proposition, and, as in the past, offer threats for reason, and attempt to force upon the people and country a financial panic for argument; but, for my part, I say to this House and the country, let the issue be joined, and let us settle now and forever the question whether or not the people shall rule in the interest of economy and general welfare, or the few in the interest of selfish greed and criminal monopoly. In my humble judgment, there are many reasons why national-bank circulation should be discontinued, and, upon the plan proposed, payment of the $490,000,000 of bonded debt.

Mr. Chairman, the limit allowed me in this debate does not afford me opportunity to enter upon the discussion of the money question, or to show to this House what I conceive to be the wrongs of the national banking system. I may, however, say I know of no good reason or necessity for their continuance, either in the interest of the Government or the people.

From the stand-point of the banker, the case I admit to be different; but their ambition is purely selfish, and based solely upon profits. Professedly the office of national banks and the purpose of the law is to furnish the people and the country with a circulating medium, and to give it a fair distribution among the States.

Professedly the law is philanthropic in its aims and was created for the public good, when the fact is its execution is intrusted to a class of persons who engage in it for none other than speculative purposes. They flood the country with currency when it pays them to do so, and then at will they contract the circulation, no matter how great the consequent distress and commercial disaster. They give the people no guarantee of stability and no guarantee of credit beyond a pledge they give to Government, which of itself is to them a source of revenue. No matter how great the needs of the people for money, they only furnish it when it will pay, and only bank when and where in their judgment it will be profitable. In offering their notes to the people their motto is to charge the highest price the market will bear. There is no limit to the power of their inflation, no limit to their contraction. Professedly they give the people money, when in fact they only issue promises to pay. Its money character they themselves in theory despise and condemn. They issue to the people in their own name negotiable promises to pay money, not upon their own credit, but upon the credit of the Government, and upon the faith that the Government will receive them in payment of any debt the people may owe it except customs duties.

National banks may at all times absolutely control and regulate the volume of currency, and doing this may to a greater or less extent control the prices of labor, production, and commerce. Masters of the people's money, they become masters of the people's and the nation's destiny.

In my judgment it is unsafe, as it is unwise, to continue the national banking system as banks of issue. Certainly to the Government or to the people there is no reason or necessity for their continuance.

The people need, and to insure prosperity must have, a sound, safe, and reliable currency; a convertible currency at par, a currency which needs no redemption and non-redeemable except for payment of debts. A currency, whether it be metal, coin, or Treasury notes, shall be alike money to all our people. There should be no special money for the rich and another kind of money for the poor; whether in the hamlet or palace, a dollar should be a dollar with absolute money powers all over our great and growing country.

Mr. Chairman, I say, then, in the interest of the people, in the interest of economy and good government, let the national banking act be repealed. I urge immediate payment of the $490,000,000 of the 3½ per cent. overdue bonded debt and the consequent $122,323,603 reduction in the Government's annual contingent expenditures, and for such regulation and adjustment of our tariff and internal-revenue system as shall afford uniform, just, and equal protection to all American industries and labor, imposing no unjust burdens or discriminations upon any one.

Tariff and Tax Commission.

Salt: the universality of its supply; mystery and indispensability of its use; tyranny and impiety of its taxation.—*Benton.*

SPEECH

OF

HON. WILLIAM H. HATCH,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 4, 1882.

The House, in Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws—

Mr. HATCH said:

Mr. CHAIRMAN: I do not propose to enter into any general discussion of tariff issues. I did not expect to be reached to-day on the chairman's list of those who desired to speak on the pending bill. I have been informed that members of the Ways and Means Committee propose to take up all of the time to-morrow in the discussion of the bill. I am at a loss to understand why the majority of that committee should desire to express their views upon the tariff, or to discuss this question at all. I think it will be generally understood by the country, if not by this House, that in proposing to relegate the duties properly belonging to that committee to a commission of nine civilians they virtually confess either their inability to perform the duties assigned to them, or that they have no formulated or fixed views upon the tariff question, at least none worthy of consideration by the House.

There was a time, Mr. Chairman, when the Congress of the United States and the people of the country supposed that the members of the Ways and Means Committee were selected because of their experience and their information upon this great subject. I remember very well the comments of the press at the time the committees of the Forty-seventh Congress were appointed and the distinguished gentleman from Pennsylvania was selected as chairman of that committee. These comments were generally to the effect that "the man and the occasion had met," and that no gentleman with greater experience, more general and special information, and longer service in Congress could have been selected for this responsible and honorable position, a gentleman whose reputation was not merely national,

but whose fame in connection with this subject was world-wide. It was also asserted that not only in the choice of the chairman of that committee but in the selection of its individual members the Speaker of the House was equally fortunate in having chosen members qualified by information and their eminent services in the past to prepare and to present to the House for its consideration wise and judicious measures relating to this important subject. I assert in the presence of the distinguished gentleman, the chairman of the Committee on Ways and Means, that I can scarcely restrain myself to the use of language which will express my humiliation and shame, and yet come within the rules of parliamentary debate, in the face of the fact that the Ways and Means Committee of the Forty-seventh Congress have come before this House and the country with the virtual admission that they are incompetent or unwilling to discharge the duties they have been selected to perform. Why these gentlemen, after making this humiliating confession, should desire the last day allotted to this discussion to debate not so much the pending bill as the general tariff question appears to me, to say the least of it, to be something strange and grotesque.

I should think that any member of the Ways and Means Committee who supports the commission scheme could say in few words all that it is necessary for him to say to define his position, which is simply a confession of his inability to discharge the duties assigned to him under the rules of the House, the performance of which is expected of him by the country, and that therefore he votes for a measure which relieves him of the labor and responsibility properly devolving on him, and relegates the performance of this duty to a commission of nine civilians to be appointed by the President.

Mr. Chairman, the gentlemen of the Ways and Means Committee may take a different view of this subject, and treat it as a matter of little consequence; but for myself, while representing on this floor an intelligent and honorable constituency, I could not be induced to vote for such a measure.

To confess an inability to perform the duties of a position to which I had been assigned by the Speaker of the House, and to turn those duties over to a commission outside of Congress, is something I would not do without immediately resigning my position to some one more competent to discharge its duties. I do not share the opinion expressed by some of the advocates of this bill, and which breaks out every now and then in the comments of certain newspaper correspondents prone to extravagant and sensational descriptions, in the low estimate they place on the intelligence and ability of the Representatives on the floor of this Chamber. I believe that to-day a committee can be selected from the membership of this House as eminent for experience, ability, and knowledge on this subject, and as competent to frame a tariff law and present it for our consideration, as any commission of civilians that the President can select. The debate on the pending bill I think bears me out in this assertion. Gentlemen representing the various industries, and the various interests of the country, from all sections of it, have shown themselves amiliar with the facts, the figures, the history, the rights, and the obligations of all of these industries, and different conditions that attach to them, and the relations they bear one to the other and to the Government, and the customs duties which ought to be imposed to raise the amount of revenue "necessary for the wants of the Government economically administered."

As the debate has taken a wide range, I propose to reply briefly to the remarks made by the gentleman from Michigan, [Mr. HORR,] on the 9th day of March, in regard to the salt industry, and the effect of the present tariff upon that industry in the United States. Mr. Chairman, I believe in a constitutional tariff—a tariff for revenue, and a tariff for revenue only; and I know of no single manufactured article in the United States that shows more clearly and distinctly the oppressive operation of the existing tariff than does the article salt. I will print extracts from a preliminary report upon the salt manufacture of the United States, issued by the Superintendent of the Census, and exhibiting the total manufacture of salt in the United States for the census years 1860, 1870, and 1880. I desire to call the attention of the committee to a few prominent facts in connection with these statistics:

Salt manufacture of United States for census years 1860, 1870, *and* 1880.

State of—	Number of establishments.	Capital.	Greatest number of hands employed at any one time during the year.	Average number of hands employed.			Total amount paid in wages during the year.
				Males above sixteen years.	Females above fifteen years.	Children and youth.	
United States	264	$8,225,740	5,065	3,920	15	140	$1,256,113
California	25	365,650	280	184	.....	.....	49,120
Florida	1	.....	.....	.....	.....	.....	.....
Kansas	1	10,000	6	3	.....	.....	700
Kentucky	3	20,500	38	34	.....	.....	8,750
Louisiana	1	250,000	45	45	.....	.....	11,000
Massachusetts	6	9,000	9	8	.....	.....	1,030
Michigan	86	2,147,209	1,886	1,216	.....	52	540,902
Nevada	7	55,300	36	31	.....	.....	9,688
New York	69	2,286,081	1,040	962	11	37	274,087
Ohio	25	832,600	488	449	.....	2	105,261
Pennsylvania	16	234,500	144	131	.....	6	52,047
Texas	3	92,000	22	17	1	1	8,150
Utah	10	13,400	155	62	3	8	20,932
Virginia	1	1,000,000	76	76	.....	.....	14,219
West Virginia	10	909,500	840	702	.....	34	160,227

TABLE III.—*Exhibiting a comparative statement of the salt industry, according to the census reports of* 1880, 1870, *and* 1860, *for the principal salt-producing States.*

State of—	Number of establishments.			Number of blocks or furnaces.			Number of vats or ponds.			Capital employed.		
	1880.	1870.	1860.	1880.	1870.	1860.*	1880.	1870.	1860.*	1880.	1870.	1860.
United States	264	282	399	309	402	.....	47,446	24,525	.....	$8,225,740	$6,561,615	$3,692,215
California	25	8	2	2	.....	.....	185	8	.....	365,650	66,500	800
Kentucky	3	4	6	3	.....	.....	.....	.....	.....	20,500	16,500	70,000
Massachusetts	6	9	13	.....	.....	.....	456	2,755	.....	9,000	27,300	30,525
Michigan	86	65	1	104	76	.....	3,750	3,461	.....	2,147,209	1,717,500	100,000
New York	69	93	296	134	147	.....	42,939	18,106	.....	2,286,081	1,584,211	2,313,590
Ohio	25	40	28	26	131	.....	.....	.....	.....	832,600	1,085,904	338,700
Pennsylvania	16	27	34	16	4	.....	.....	2	.....	234,500	171,700	190,800
Utah	10	1	.....	2	.....	.....	18	.....	.....	13,400	650	.....
Virginia and West Virginia	11	20	14	20	.....	.....	.....	.....	.....	1,909,500	1,631,300	523,800
Other States	13	15	5	2	44	.....	98	193	.....	407,300	260,050	124,000

State of—	Wages paid.			Total value of all materials used.			Bushels of salt produced.			Total value of salt produced.		
	1880.	1870.	1860.	1880.	1870.	1860.	1880.	1870.	1860.	1880.	1870.	1860.
United States	$1,256,113	$1,146,910	$371,954	$2,071,424	$1,760,670	$1,054,980	29,800,298	17,606,105	12,717,198	$4,817,636	$4,818,229	$2,289,504
California	49,120	13,400	5,400	18,495	.....	.....	884,443	174,855	44,000	121,950	48,150	7,100
Kentucky	8,750	10,070	14,978	9,008	5,520	7,450	83,000	64,000	169,665	21,950	20,920	41,190
Massachusetts	1,030	1,875	5,892	20	250	1,020	9,975	22,846	31,525	3,950	11,550	9,832
Michigan	540,902	331,239	200	1,009,733	410,561	275	12,425,885	3,981,316	2,360	2,271,913	1,176,811	600
New York	274,087	204,226	24,520	507,020	494,854	676,301	8,748,203	†4,977,720	7,521,335	1,106,740	925,709	1,289,511
Ohio	105,261	161,420	91,524	202,543	352,922	139,627	2,650,301	2,898,649	1,743,200	363,791	773,492	276,871
Pennsylvania	52,047	57,980	64,776	74,047	83,203	48,603	851,450	579,970	1,011,800	177,415	187,312	196,916
Utah	20,932	300	.....	4,000	240	.....	483,800	1,950	.....	60,180	780	.....
Virginia and West Virginia	174,446	290,800	148,464	231,113	385,255	166,204	3,105,333	4,635,813	2,076,513	508,047	1,508,855	410,684
Other States	29,538	75,600	16,200	15,445	27,865	15,500	557,908	268,986	116,800	181,700	164,650	56,800

* Not enumerated. † These figures are evidently incorrect, as the New York State salt inspector reported 8,662,237 bushels in 1869, and 8,748,115 bushels in 1870.

From these tables it appears that the number of establishments manufacturing salt in the United States in 1880 was 264; in 1870, ten years before, there were 282; in 1860, twenty years before, there were 399. But mark the increase in the product. In 1860 there were produced 12,717,198 bushels; in 1870 there were produced 17,606,105 bushels, and in 1880 there were produced 29,800,298 bushels. I call the attention of the committee to these facts, because they show that while the number of establishments has decreased by reason of the monopoly and the close corporations that control the manufacture of salt, the product itself has increased in twenty years nearly 100 per cent. The average number of hands employed in the entire industry in these 264 establishments is, males, 3,920; females, 15; children, 140; total, 4,075. And yet to protect the owners of 264 salt establishments in the United States, employing about 4,100 laborers, all the industries of the United States using salt in large quantities are taxed about 100 per cent. on the value of the amount used, or 12 cents on every 100 pounds imported in packages.

It is a remarkable fact that gentlemen upon the other side never refer to, and never look at, and will not see (and there are none so blind as those who will not see) the fact that while they claim that this duty of 100 per cent. upon the cost protects these four thousand laborers, four hundred times four thousand laborers are paying their proportion of this tax. I will publish in this connection a statement furnished me by the Superintendent of the Census, showing the number of beef and pork packing establishments in the United States, and the number of hands employed by them, and the quantity and the value of salt used every year:

Statistics of meat-packing, census of 1880; *totals for the United States.*

Number of establishments	872
Capital	$49,419,213
Average number of hands employed, men	26,113
Average number of hands employed, children and youths	1,184
Wages paid	$10,508,530
Total number of beeves slaughtered*	1,755,533
Average gross weight, pounds*	1,100
Total value*	$71,333,182
Total number of sheep slaughtered	2,233,701
Average gross weight, pounds	92
Total value	$8,957,727
Total number of hogs slaughtered	16,098,428
Average gross weight, pounds	248
Total value	$158,680,844
Total number of hogs bought dressed	1,748,979
Average weight	209
Total value	$17,767,152
Value of all animals slaughtered	$256,738,905
Value of all other materials, including cooperage	$10,999,997
Total value of all materials	$167,738,902
Products:	
Pounds of beef sold fresh	759,142,875
Pounds of beef canned	101,371,199
Pounds of beef salted or canned	90,763,466
Pounds of mutton sold fresh	106,692,216
Pounds of pork sold fresh	506,077,052
Pounds of pork salted	859,045,987
Pounds of bacon and ham	1,122,742,816
Pounds of lard	501,471,698
Value of all other products	$16,926,091
Value of all products	$303,562,413

*This average is based upon the omission in computation of 84,118 beeves bought dressed, the average weight of which is 534 pounds, and 134,179 calves, the average gross weight of which is 140 pounds.

NOTE.—The above statement does not include the statistics of retail slaughtering establishments.

While you are attempting to protect 4,000 laborers in the manufacture of salt, you are robbing six times that number of hard laboring-men engaged in the work of packing beef and pork in the United States, to say nothing of the multitude of farmers who pay this tax. Every human being in the United States, every head of live stock in the United States, as it licks its little daily quota of salt to sustain life, pays tribute to these two hundred and sixty-four monopolies. But said the gentleman from New York, [Mr. HISCOCK,] in a few remarks that I heard him make before the Ways and Means Committee during the last Congress, this tax falls so gently on each inhabitant of the United States when you divide it among fifty millions of people it is a very small tax upon each person.

Does that make the principle any less villainous? Who ever heard that robbing a man by piecemeal was less criminal than taking all his purse and portables at once? You rob fifty millions of people of a small amount of money, and because you do not take it all from a small class, you say it is not robbery; it is protection to 264 corporate establishments in the United States. There is another strange fact relating to this subject, and I give it as a nut for my distinguished friend from Pennsylvania [Mr. KELLEY] to crack. He favors the protection of American industry. If I understand his position, he is the most earnest defender of protection to American industry. Do you propose to protect an industry that does exist in America by imposing a duty upon a manufactured article that is not produced or manufactured in the United States except in a very limited and insufficient quantity?

Mr. KELLEY. I have done more to put upon the free list raw material that can be produced in this country than any man I have ever known in the American Congress.

Mr. HATCH. I honor the gentleman for it.

Mr. KELLEY. But I am in favor of putting a duty upon manufactures all the materials of which lie undeveloped and unused about us. I give the gentleman, as he has invited me, an illustration—soda-ash. In 1870 I urged a duty of a cent and a quarter per pound, and if that duty had been put on soda-ash would be selling at that rate now of our own manufacture. But we import our soda-ash when our material lies in West Virginia, in the gentleman's own State, and in half a dozen other States of the Union.

Mr. HATCH. The gentleman's reply is more ingenious than frank.

Mr. KELLEY. Oh, no.

Mr. HATCH. Then the gentleman did not understand my proposition. [Mr. KELLEY rose.] Wait till I state it a little more broadly. Every pork-packing establishment and every beef-packing establishment in the United States to-day pays tribute to this salt monopoly because they are compelled to buy a taxed article that is not produced or manufactured in the United States, except in limited quantities, and upon which you place a hundred per cent. duty.

Mr. KELLEY. I reply to that by the analogy from the printed cloth referred to by the gentleman from New York [Mr. COX] yesterday. I see that gentleman now in his seat. He said we paid 5½ cents duty. That is the duty named in the tariff law. But the article sells in the market for 5½ cents. I do not know where the duty comes in. You calculate upon the duty named in the law. I take the price and can show you from the tables of the gentleman from Michigan, [Mr. HORR,] whose speech you are reviewing, that you buy the article cheaper than you could before.

Mr. COX, of New York. I quoted from the law, and it is a bad law.

Mr. HATCH. The gentleman from Pennsylvania still does not answer my question. The gentleman from Michigan [Mr. HORR] prints a table in his speech showing the amount of the product of Michigan salt. These tables refer to commercial salt in barrels, which cannot be used in the packing of beef and pork, either for export or domestic use. The pork-packer and the beef-packer are compelled to buy Turk's Island and other coarse salt, which is not produced or manufactured in the United States except in very limited quantities. You can make pickle out of this quality of salt, but cannot use it exclusively in packing either pork or beef. The gentleman talks about the price of it. For the purposes I have stated it is of inferior quality and dear at any price.

Mr. KELLEY. How about the Louisiana salt, which is said to be the purest the world has ever seen, being 99 per cent. of pure chloride of sodium?

Mr. HATCH. And still the Louisiana salt is not used by the packers of beef and pork.

Mr. KELLEY. Because Louisiana has not the capital, or will not apply it to the development of the most remarkable salt mine in the world.

Mr. HATCH. That is certainly not the fault of the remainder of the fifty millions of people of the United States who do not live in Louisiana. If they in Louisiana prefer to raise cotton and sugar to making salt, that is their business; and it is not the business of the gentleman from Pennsylvania to force upon the balance of the people of this country a tax upon salt in order to protect the sugar and cotton interests in Louisiana.

Mr. KELLEY. If you please, I said this, that if you will properly protect the industry, capital will develop that great Southern salt field and give you cheaper and better salt than you have ever yet had.

Mr. ROBERTSON. That is very true, so far as the purity of the Louisiana salt is concerned. The gentleman has admitted that the salt mine, and we have only one there, is the purest salt in the world.

Mr. KELLEY. It is unparalleled in the world.

Mr. ROBERTSON. And but one family owns it, and that one family did not have the capital to work that salt mine until of late. They are now working it, and it is being rapidly developed, under your high protective tariff, for the benefit of one family in the State of Louisiana.

Mr. HATCH. I will print in this connection a table kindly furnished me by the eminent statistician of the Agricultural Department, showing the importation of Turk's Island salt, ground alum salt, and foreign salt, that the packer of beef and pork is compelled to use. Not only that but all the fisheries of New England are compelled to use the same kind of salt. Every gentleman who knows anything about the fish business of the United States knows that every kit of mackerel is packed with this coarse salt, and they cannot use anything else if they would save their fish. But the ingenuity and the ability of former Representatives from New England upon this floor, long years ago, got the fishing interest of New England absolved from the tribute of this salt tax, so that they now get their salt with which to pack their fish duty free, and they have enjoyed this privilege for ten years, under existing law. But the great Mississippi Valley, that produces the cattle and hogs and a large part of the wealth of the country, is still obliged to pay that tribute to the 264 salt manufacturers.

Imports and exports of salt from 1870 *to* 1881, *inclusive, (compiled from records of commerce and navigation.)*

Years.	Imports.		Domestic exports.	
	Quantity.	Value.	Quantity.	Value.
	Pounds.		*Pounds.*	
1870	747,054,481	$1,442,835	16,695,952	$119,582
1871	637,752,646	1,254,001	6,728,736	47,115
1872	617,804,664	1,214,747	2,385,768	19,978
1873	778,273,855	$1,783,184	4,106,088	$43,777
1874	929,373,573	2,339,311	1,772,792	14,701
1875	825,177,945	1,807,587	2,637,264	16,273
1876	867,087,388	1,773,445	2,856,784	18,378
1877	901,209,894	1,659,521	3,683,176	20,133
1878	860,589,224	1,632,865	4,055,912	24,968
1879	906,615,313	1,776,741	2,447,760	13,612
1880	963,970,711	1,837,432	1,242,024	6,613
1881	1,100,510,401	2,090,578	2,545,480	14,752

Years.	Foreign exports.		Excess of imports over exports.	
	Quantity	Value.	Quantity.	Value.
	Pounds.		*Pounds.*	
1870	13,147,729	$42,714	717,210,800	$1,280,539
1871	4,752,232	15,948	626,271,678	1,190,938
1872	5,764,606	12,933	609,654,290	1,181,836
1873	1,848,665	6,997	772,319,102	1,732,410
1874	3,563,830	12,920	924,036,951	2,311,690
1875	6,804,795	17,579	815,735,886	1,773,735
1876	5,771,849	7,993	858,458,755	1,747,074
1877	5,231,446	8,893	892,295,272	1,630,495
1878	3,745,393	4,411	852,787,919	1,603,486
1879	5,017,182	6,816	899,150,371	1,756,313
1880	6,630,370	8,861	956,098,317	1,821,958
1881	3,017,531	3,517	1,094,947,390	2,072,309

Imports of salt in 1881, *showing countries from which imported.*

Countries.	Pounds.	Amount.
Danish West Indies	2,394,540	$2,764
France	22,470,903	32,361
Germany	395 864	1,413
England	652,214,453	1,435,206
Nova Scotia, &c	4,501,790	10,360
Quebec, Ontario, &c	66,683,048	205,865
British West Indies	75,131,355	96,103
Hayti	358,400	1,142
Italy	125,964,298	132,738
Mexico	4,829,591	7,178
Dutch West Indies	23,102,880	34,132
Portugal	28,531,404	28,737
Azores, &c	2,175,012	2,221
Spain	89,698,727	98,242

Other countries sending less than the value of $1,000 each are Denmark, French West Indies, Ireland, Gibraltar, British Columbia, British Guiana, Hong-Kong, and Cuba.

J. R. DODGE, *Statistician.*

STATISTICAL DIVISION, DEPARTMENT OF AGRICULTURE,
March 31, 1882.

And there is another industry which you burden by this tax, the great agricultural and stock-raising interests. The gentleman from Michigan, [Mr. HORR,] in the tables which he prints in his speech showing the comparative cheapness of Michigan salt, forgets that it is a bulky article, a weighty article, and that the cost of transportation by rail from the salt-works in Michigan and West Virginia and New York is very great. He talks about the price of salt at the salt-works. I will print tables from Chicago and Saint Louis and Hannibal and Keokuk and Saint Paul showing the average price of salt for the last two or three years at the distributing points of the Mississippi Valley. It is the cost of transportation that makes it dear to the farmer and stock raiser. If you will remove this odious restriction from salt we will have, as we had years ago when salt was free, piles of it in New Orleans, and every steamer that plies the Mississippi River will carry more or less of it at low and very cheap rates.

But the iniquity of this salt tax lies in the fact that these two hundred and sixty-four manufacturers of salt are really represented by three or four, perhaps not to exceed six pools, syndicates, or monopolies in the United States; two in Michigan, one in New York, one in West Virginia, and probably one in Ohio. I will show that the price of salt is fixed not by the manufacturers, not by the amount produced, not by the supply and demand; but it is fixed by the pools or syndicates representing every single one of these salt-works.

In this way they are freezing out a great many of these smaller manufacturers. They manufacture so much a month, and when they find the amount of stock they have on hand they place on it a price to suit themselves. And even the manufacturers, except through these syndicates, have nothing to do with the price fixed upon salt from month to month.

In support of this statement I will read an extract from the testimony of Duncan Stewart, esq., of Detroit, president of a salt manufacturing company at Saginaw, Michigan, taken October 15, 1867, and published in the report of Hon. David A. Wells, special commissioner of the revenue, Executive Documents No. 6 to No. 49, third session, Fortieth Congress, page 43:

Question. Will you please state the present condition of the business of producing salt in the Saginaw salt district?

Answer. For the first few years that the business of manufacturing salt in Saginaw was carried on, there were very few people engaged in it who knew anything at all about the business, as to how it ought to be managed.

This left the salt interest laboring under a very great disadvantage. I should say that at least one-half of all the money that has been invested in the salt business there has been squandered uselessly and extravagantly, and that the business up to last year has paid little or no profit. This has not been owing to any disadvantage or defect in the business itself, but is mainly owing to the competition which has existed among the manufacturers. There being a large number of manufacturers, and each of them competing in the same market with all the others, nineteen-twentieths, perhaps, of all those engaged in the business not having the requisite capital to carry it on, have to throw their salt into the market as soon as it is produced. This has, however, been remedied to some extent. About 75 per cent. of those engaged in the business now are associated into companies, called the Saginaw Bay Company and the Saginaw Valley Salt Company. I think there is but about one-quarter of the whole interest outside of these associations now. The result has been better management, greater unity of action, less competition, and better prices.

In this connection I will also read extracts from a letter written by a prominent merchant of Bangor, Maine, addressed to Hon. GEORGE W. LADD, dated February 8, 1882, in which he says:

At Saginaw 12,000,000 bushels salt were made in 1881. One party told me recently that he made 15,000 barrels per month, at a cost not exceeding 38 cents per barrel, including the cost of the barrel, all of which was sold by the pool-master at 90 cents per barrel—over 50 cents per barrel clear profit, or $7,500 per month clear profit. Now every farmer and every packer in the West paid 6 cents per bushel or 24 cents per barrel of that profit because of the duty on imported salt. Even with salt duty free the Saginaw profit would be 25 cents per barrel, and their industry would not suffer.

My said friend told me that all the sales made at Saginaw were "pooled;" no producer sells his salt; all report monthly their production; the pool-master takes an account and draws *pro rata* from each producer, and thereby maintains the price at 90 cents per barrel. Every packer of provisions in the West, as well as the East, paid about 100 per cent. duty on the salt used to pack provisions for export. This reduced the price obtained by the producer just so much.

Mr. Chairman, the gentleman from Michigan complained very much in that celebrated salt speech of his that nothing new could be said upon this subject. Well, it is very hard to say anything new upon it. For thirty years the State of Missouri had a representative in the Senate of the United States who fought this salt question every session of Congress while he was in the Senate, and the gentleman from Michigan may rest assured, and these two hundred and sixty-four manufacturers of salt in the United States to-day may rest assured, that just so long as Missouri is represented in the Senate of the United States or on the floor of this House some one of her representatives will make war upon this unjust and unholy tax.

I propose now, Mr. Chairman, to read an extract from one of the many speeches made by Mr. Benton on the floor of the Senate. In 1840 he made a speech on this subject, and in summing up he said:

Mr. Benton said that a salt tax was not only politically but morally wrong; it was a species of impiety. Salt stood alone amidst the productions of nature, without a rival or substitute, and the preserver and purifier of all things. Most nations had regarded it as a mystic and sacred substance. Among the heathen nations of antiquity, and with the Jews, it was used in the religious ceremony of the sacrifices—the head of the victim being sprinkled with salt and water before it was offered. Among the primitive Christians it was the subject of divine allusions and the symbol of purity, of incorruptibility, and of perpetuity. The disciples of Christ were called "the salt of the earth;" and no language or metaphor could have been more expressive of their character and mission; pure in themselves, and an antidote to moral, as salt was to material corruption. Among the nations of the East salt always has been and still is the symbol of friendship, and the pledge of inviolable fidelity. He that has eaten another's salt has contracted toward his benefactor a sacred obligation, and cannot betray or injure him thereafter without drawing upon himself (according to his religious belief) the certain effects of the divine displeasure. While many nations have religiously regarded this substance, all have abhorred its taxation; and this sentiment, so universal, so profound, so inextinguishable in the human heart, is not to be overlooked by the legislator.

Mr. Benton concluded his speech with declaring implacable war against this tax, with all its appurtenant abuses of monopoly in one quarter of the Union and of undue advantages in another. He denounced it as a tax upon the entire economy of nature and of art, a tax upon man and upon beast, upon life and upon health, upon comfort and luxury, upon want and superfluity, upon food and upon raiment, on washing and on cleanliness. He called it a heartless and tyrant tax, as inexorable as it was omnipotent and omnipresent; a tax which no economy could avoid, no poverty could shun, no privation escape, no cunning elude, no force resist, no dexterity avert, no curses repulse, no prayers could deprecate. It was a tax which invaded the entire dominion of human operations, falling with its greatest weight upon the most helpless and the most meritorious; and depriving the nation of benefits infinitely transcending in value the amount of its own product. I devote myself, said Mr. Benton, to the extirpation of this odious tax and its still more odious progeny, the salt monopoly of the West. I war against them while they exist and while I remain on this floor. Twelve years have passed away, two years more than the siege of Troy lasted, since I began this contest. Nothing disheartened by so many defeats, in so long a time, I prosecute the war with unabated vigor; and, relying upon the goodness of the cause, firmly calculate upon ultimate and final success.

In conclusion, I desire to say that I do not envy the position of some of my political brethren on this side of the House who are deluding themselves with the idea that this tariff-commission scheme is going to facilitate a revision of the tariff. I believe it to be a party measure emanating from the other side of this Chamber, in the

interest of monopolists, in the interest of high protectionists; and I declare to-day my belief that every Democrat who votes for this iniquity will before the close of the Forty-seventh Congress repent that act in "sackcloth and ashes."

I call it an iniquity, and I wish I could speak of it as I feel about it. It is a measure iniquitous in its effects, iniquitous in its influence upon this House, iniquitous in its influence upon the country, and the most cowardly measure, in my judgment, ever introduced in the Halls of Congress.

Mr. Chairman, when I first came to Washington, as a member of the Forty-sixth Congress, I was moved to admiration when made acquainted with the successful accomplishment of one of the most magnificent feats of engineering and mechanical ingenuity of the nineteenth century, one that will stand as an enduring record of the biality and skill of the distinguished engineer who executed it. Colonel Thomas L. Casey, finding that the Washington Monument was out of plumb, its foundation insecure, tunneled beneath it, and strengthened it, and straightened the superstructure so that he will be able to complete the great shaft in accordance with the plans of the original designer. But I venture to say that that distinguished engineer, with all his skill and ability, could not place under the majority of the Ways and Means Committee of this House the foundation of confidence and esteem upon which it formerly rested, nor could he plumb it into that perpendicular position necessary to command the respect of the House and the country.

Department of Agriculture.

SPEECH

OF

HON. MARTIN L. CLARDY,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 8, 1882,

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

Mr. CLARDY said:

Mr. SPEAKER: When a bill similar to or, it may be, identical with the one now pending before the House was considered by the Forty-sixth Congress, I was prone to regard it with some disfavor. It seemed to me that the Commissioner of Agriculture did already practically discharge the duties which were to be vested by that bill in a secretary. I did not believe then, nor do I believe now, that the enactment of a law creating an Executive Department to be known as the department of agriculture could in any wise dignify the occupation of farming. That useful calling requires no special legislation to confirm its title to respectability. Homage to agriculture as the most useful of the human arts was the characteristic feature of the social life of the heathen nations of classical antiquity, as it has been of all historic peoples, and as it will continue to be throughout all time.

If, then, the proposed legislation be desired by the farmers of the country it is not for a reason so unsubstantial as that. They complain not of want of respect for their occupation; they know the strength of their numbers, and they are aware of the respect which these very numbers inspire. Their argument in favor of this legislation is in no manner a sentimental one. Accustomed as they are to plain reasoning, they demand it on a plain, practical ground, that of utility. When we reflect that, grand as the agricultural interests of this country are, they are practically unrepresented in the council of the Executive; that the Treasury, the Army, and the Navy have a voice in the Cabinet with regard to all matters which more or less closely affect their sphere and welfare; that other branches of the Administration have a like privilege, and that it may be, and sometimes is, used by them in a manner hostile to the best interests of the largest class of our producers, we can appreciate the reasonableness of the demand made for the passage of this bill.

The gravity of the transportation question is well known to the country, but nevertheless it is a fact, although an incongruous one, that the farmers and merchants, the two classes of our population who are principally exposed to the exactions of monopolists, are powerless to convey on a question of such momentous import even one word of advice or protest directly to the Executive through an accredited representative. Neither the agriculturist nor the merchant can make himself heard in the Cabinet of the nation through a representative especially versed with his wants and aims. True it is that he may now and then find a willing ear; that promises for the amelioration of his condition may readily be held out to him; that efforts even may be made toward the protection of his interests; but all such promises and efforts may prove fruitless in the end for the want of a voice possessed of the authority and the ability to enunciate distinctly, intelligently, and pointedly his reasonable demands and expectations.

Therefore, then, the necessity for the creation of an eighth department of the Government; and it might be appropriate if this department were known not alone as the department of agriculture but as that of agriculture and commerce, or, to adopt the suggestion contained in the substitute of the gentleman from West Virginia, [Mr. KENNA,] the department of industries. Recognizing fully the importance of commerce, the second factor in our national prosperity, I deem it but right to link its interests with those of agriculture, its natural ally. As regards all essential points, there can be but a thorough harmony between agriculture and commerce. The prosperity of the one is dependent on that of the other. Why should they then not be represented in the Cabinet conjointly? A secretary of industries would alike be hailed with joy by the farmer as by the merchant, for in his appointment the one as well as the other would see a guarantee that henceforth the Government meant to bestow more attention upon purely economical problems.

The solution of the transportation problem and the regulation of the tariff are questions paramount to all the hollow clamor which has for years been raised before the country by false issues, and if Congress will now pass the pending bill, or, what would still be better, in my opinion, the substitute of the gentleman from West Virginia, it seems to me that an important step would be made in the direction of a lasting eradication of some of the worst sores which are now incrusted upon our body-politic. Give to the country a secretary of industries, and you will at once give an impetus to and provide the means for a more comprehensive study of our economical situation, and thereby exercise a far-reaching and beneficent influence upon our future legislation.

In conclusion, Mr. Speaker, let me say that if I had any doubts as to the propriety of the proposed legislation I should nevertheless defer to the judgment of the twenty-five million farmers who are urging its enactment, and give it my cordial support.

Department of Agriculture.

SPEECH

OF

HON. ALFRED M. SCALES,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 9, 1882.

The House having under consideration the bill (H. R. No. 4429) to enlarge the powers and duties of the Department of Agriculture—

Mr. SCALES said:

Mr. SPEAKER: I have listened attentively to this debate, in the hope that I would hear some valid reason assigned by some one of the many who have spoken why this bill should become a law. I represent in a great degree an agricultural people. What estate I have consists mainly in lands and the capital employed in their cultivation, and I stand ready at all times to advocate and support to the extent of my ability any and all propositions which promise to promote this great interest. But after the most patient hearing the only reason given so far by any one is that by making it a department and placing it under a Cabinet officer you dignify agriculture and those engaged in it. It does not give the farmer any additional advantages. It will not increase the supply, the variety, or the value of the seed distributed. It will not give him any fuller or more accurate information. It will not increase the number of agricultural reports sent out.

But it will increase largely the expenses of the Government. It will multiply the number of officers, increasing the salaries of some, and making new places for others. It will substitute for a bureau, now comparatively free from the influence of politics, a department whose head is to become the political adviser of the President. You dignify him, not the farmer; and the danger is that while the Agricultural Bureau will not be the gainer the new dignity and power conferred will be prostituted to political and partisan purposes.

What the farmers most need are a reduction of their taxes, cheap transportation for their products, a stable currency within their reach upon proper security, and just and equal laws. They ask no more and they will be satisfied with no less. Now, what has been done, or likely to be done, to meet their wants? I call the attention of the House and the country to the fact that out of a number of bills having for their object the accomplishment of these very purposes only one within the last six years has become a law, and that was the reduction of the tobacco tax, passed in May, 1880, and mainly by Democratic votes. In December, 1878, the gentleman from Texas [Mr. REAGAN] reported from the Committee on Commerce a bill which regulated freights and cheapened transportation on railroads. This bill passed a Democratic House by a vote of 139 to 104, was sent to a Republican Senate,

and was there smothered in committee. That bill has been introduced again at this session, discussed in committee, but I fear will never be allowed to get out of it. Time and again have bills been introduced and amendments offered to reduce the taxes on tobacco and spirits, and time and again have they failed, although it has been practically demonstrated that a reasonable reduction would add to rather than diminish the revenue. At this session several bills have been introduced abolishing the whole revenue system, with all its taxes and abominations.

I believed that the whole could be dispensed with, and yet there would be revenue enough raised from customs duties, judiciously laid, to provide for all the expenses of the Government, including the sinking fund. Others, out of great caution, preferred that the tax on tobacco should be reduced to 8 cents per pound, and spirits to 50 cents per gallon, aggregating on all the different subjects of taxation a reduction equal to about seventy millions of dollars. This reduction was recommended by the Committee on Ways and Means, indorsed by its chairman, and would, beyond all controversy, have passed the House as the best compromise that could be made. This just and reasonable measure was defeated. How? By the House, after debate? No, sir; it never got into the House, but by the action of a Republican caucus, not because there was any fear of a deficiency in the public Treasury to meet all its engagements, for we are assured by the distinguished chairman of Ways and Means that after all the engagements are met there will still be a surplus this year of $150,000,000. To this caucus, the Republican chairman, and those on his side who acted with him, surrendered their judgments, and the people, without good cause, must suffer on and bear yet a while longer these heavy burdens. Let us examine and see what these burdens are. From and including the year 1863, the aggregate amount of the internal revenue collected out of the people of this country is $2,807,357,366.28, and for the year 1881, $135,264,385.51.

Thus in nineteen years the amount of revenue paid to the General Government was more than one-sixth of the whole assessed taxable value in 1881 of all the real and personal property of the thirty-eight States of this Union; and the amount paid in the year 1881 is more than twice as much as the taxes paid by all the States in the same year for State purposes. I call special attention to amounts paid by the following States during the last year, as showing still more clearly the weight of these taxes:

California	$3,613,391
Illinois	25,784,682
Indiana	7,281,254
Kentucky	8,719,162
Maryland	2,483,463
Massachusetts	2,699,681
Michigan	1,787,275
Missouri	6,470,349
New Jersey	4,876,676
New York	17,233,268
North Carolina	2,476,440
Ohio	19,295,836
Pennsylvania	7,669,214
Tennessee	1,146,764
Virginia	6,063,106

This tax amounts for North Carolina to a tax of more than $1.50 for every man, woman, and child, white and black, in North Carolina. More than half of the population are women. That would make over $3 per head for every man in the State; and then, if you estimate those under age and the insolvents among the males who pay no tax, you will find that the tax paid by the State of North Carolina is about $6 per head to every tax-payer. This gives us some idea of the immense drain upon the people of this country.

Mr. Speaker, there is no justification for this tax; it should be abolished or greatly reduced. The farmers feel it deeply. All classes feel it to be oppressive. It is impossible to take that much money every year from the business interests and industries of the country without seriously crippling them. Not only is this tax onerous, but the whole system is odious; it grew up in the necessities of war, and with the return of peace it should be swept away. Let us abolish this whole system. Let us strike these shackles from the limbs of the farmer. Let him make and manufacture his own tobacco. Let him make his grain and fruit and convert them as he pleases under the same protection from the General Government that is extended to other industries. Call off your spies, your overseers, and detectives. Make the farmer a free man and let him alone; he asks no more; and his sturdy patriotism, his love of liberty, his political virtue, his independenec of spirit, and his strong arm and honest heart will still preserve and bless our Union.

Again, at this session of Congress we were called upon to revise the tariff now so oppressive and unjust. Every man in Congress admits that it should be revised and modified; and yet instead of doing that ourselves, as required by the Constitution, we remit it to an independent, irresponsible outside commission, and pay them to do what we ourselves are paid for and expected to do. In this way, in my judgment, revision is postponed for years. By this revision we could have reduced the duty on blankets, hats, shoes, the steel and iron in the trace-chains, hoes, axes, carts, wagons, and all the implements of farming, so as greatly to reduce their cost, but the majority has said it must go to a commission, and to a commission it will go in spite of the protest of the farmer. He must wait.

Again, it is proposed to recharter the national banks, and I have no doubt it will be done, and as usual the interest of the farmer will be disregarded. He was among the first to go to war in defense of his section and the last to surrender. When it was over he returned to his home to find it almost in ruins. His home no longer afforded shelter; his fences were laid waste, his tools scattered, and his stock disabled. He is without money and his neighbors cannot help him. He applies to the banks. He has nothing but land, and he offers that, and is told that however good the security may be, and however much they might be disposed to accommodate him, the law of Congress forbids any accommodation upon landed security. There is no relief for him here, and if he finds it he must seek elsewhere. The same prohibition exists to-day as it did then, and the banks are still shut to the farmer.

All these things and more the farmers have submitted to without a murmur for eighteen years, and when it is proposed to remedy these evils and redress these wrongs, the reply is that it does not suit the Republican party just now, but in lieu of this we will elevate the Agricultural Bureau into a department, we will elevate the Commissioner into a Cabinet officer, we will dignify the farmer.

Concede the dignity and then place that in one scale and the cost in the other. The dignity and respect consist alone in making the bureau a department and the Commissioner, who is now confined to the business of his bureau, to a Cabinet officer who is to become one of the political advisers of the President. His humbler duties will too often be lost sight of in his absorption of weightier matters. He must consider and decide upon the respective claims of stalwarts and half-breeds to the patronage of the party. He must decide how the Garfield men, as they fall one by one to make place for stalwarts, can best be reconciled so as to make the party harmonious. He must dignify and make respectable Mahoneism and repudiation in Virginia, and harmonize if possible with professed honesty elsewhere. He must encourage prohibition in some of the States and frown upon it in others. He must look after the frauds committed by high officials in the Post-Office Department, the irregularities in the Treasury Department, and so manage it that the Republican party is not injured. He must insist upon a free vote and a fair count in elections, and see that it is practiced only when the Republican party is benefited. When he does all this and more of a similar character he will be admirably qualified to look with an impartial and non-partisan eye upon the wants of the great agricultural interest of the country. In less than five years the expenses of such a department will not be less than $15,000,000, and this must be paid mainly by the farmers. These are some of the disadvantages. What are the gains? Nothing but dignity. Can the people be thus deceived? Will dignity discharge their debts, pay their taxes, or feed their hungry children? No, sir; they will not be deceived, they want practical relief. They ask for bread and you give them a stone; for fish, and you give them a serpent.

Department of Agriculture.

SPEECH

OF

HON. WILLIAM CULLEN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 8, 1882.

The House having under consideration the bill (H. R. No. 4429) to enlarge the powers and duties of the Department of Agriculture—

Mr. CULLEN said:

Mr. SPEAKER: The purpose of this bill is clearly expressed in the title. It is to enlarge and elevate the present Department of Agriculture, making it an Executive Department of the Government, giving it a broader field and better facilities for developing the agricultural resources of the country. The importance of this great interest cannot well be overrated, whether viewed in the light of the numbers engaged in agricultural pursuits, the vastness of the capital employed, or the value of the products of its varied industries. Any large class of citizens engaged in industrial pursuits and whose labor is constantly adding to the national wealth is justly entitled to the consideration of Congress, and its business to the fostering care of the Government to an extent not incompatible with the general good. It is believed that this end can best be attained by making the department an executive one, thus giving the agriculturists of the country a representative in the executive council. There seems to be great unanimity of sentiment in regard to the proposed measure. From all parts of the country, especially from the more strictly agricultural sections, the people demand it. Societies, State and national, have asked for it with the belief that their request is a reasonable one and in the interest of the great body of producers.

It is conceded that agriculture is the foundation of national wealth. The numbers engaged in its various branches are greatly in excess

of those engaged in any other calling. In 1870, of the twelve and a-half millions of people having any calling or employment, nearly 6,000,000 were set down as farmers or farm laborers. On the same basis of calculation there are now more than 8,000,000 of this class. Including the families of these farmers there are more than 25,000,000 people directly dependent on agriculture. Besides these there are estimated to be 5,000,000 persons interested or engaged in gardening or small culture, or a total of 30,000,000 directly engaged in agriculture—three-fifths of the whole population.

The productiveness of our soil, the genial climate of our country as a whole, and the great variety of products cause some to think agriculture needs but little help from science or Government. The more considerate, who have practical knowledge of the subject, have long since given up that idea as a fallacy. It is true that we excel other nations in productive capacity per capita, but it is also true that this is largely due to the new areas of virgin soil brought under cultivation from year to year. Europe, for several years, has had a production of scarcely 16 bushels to each unit of population, while the United States has produced more than three times that proportion. But without the aid of science applied to agriculture it is not to be presumed that such difference can be perpetuated. More than 50 bushels to each inhabitant is a supply unequaled in cereal production. Even the crop of 1881, cut short nearly 25 per cent. by drought, afforded nearly 40 bushels per capita.

The aggregate value of the cereal crops of last year is greater than usual and is estimated for 1881 as follows:

Cereals.	Price per bushel.	Value.
	Cents.	
Corn	63.6	$750,482,170
Wheat	119.0	453,790,427
Oats	46.4	193,189,970
Barley	82.3	33,862,513
Rye	93.3	19,327,415
Buckwheat	86.5	8,205,705
Total		1,467,858,200

Other crops and secondary products, like butter, meat, &c., will swell the aggregate value of farm products to something like $3,500,000,000. But when we add the value of the cotton, sugar, tobacco, rice, and other crops, and domestic animals, we reach the stupendous total of $9,000,000,000, a sum far above the comprehension of the human mind.

The value of agricultural products exported has increased from $21,000,000 in 1820 to $729,000,000 in 1881, and while they constituted four-fifths of all exports sixty years ago, to-day they constitute five-sixths of all exports of merchandise. Cotton then constituted six-tenths of all agricultural products; now breadstuffs and food products have assumed the leading position, and together make about six-tenths of the immense exportation of the present era. In 1881 their values were as follows:

Breadstuffs	$270,332,519
Provisions	151,528,216
Cotton	247,695,746

The direct products of agriculture constitute about two-thirds of the value of all of our national industries. But there is a close alliance between many of our manufacturing industries and agriculture. Since 1830 the amount of cotton used in our home manufactures has increased from 77,759,316 pounds to 793,240,500 pounds in 1880. In 1840 the wool used was 50,808,524, while in 1880 187,616,605 pounds were converted into goods, worth $234,587,671. The silk production of 1870 was valued at $12,210,662, while that of 1880 was worth $34,410,463, and the industry is growing rapidly, as is also the production of leather, boots and shoes, and kindred branches.

I give these figures to show in what large proportion agriculture appears in comparison with any national industry, being double in value of products of all other industries combined. We might add that in times of depression agriculture is the asylum for the unfortunate of all other classes. But it may be argued that agriculture is well cared for in the department as it now exists, and that there is no necessity for the passage of this bill; and yet it will hardly be disputed that the interest is of sufficient magnitude to justify it in ranking as the equal of any other department. My opinion is that the Land Office should be in this department, although this bill does not include it. The business of the Department of the Interior is too large and too varied to be managed with ease by one head. The Indian Bureau, with all its perplexities, the Patent Office, with its intricacies, the Pension Office, in which is centered the hopes for sustenance of hundreds of thousands of the nation's defenders, would seem to be enough for one department.

It does not follow that because agriculture has fared tolerably well in an inferior department the present arrangement will prove adequate for future needs. It will not be disputed that since the organization of the present department, some fifteen years ago, greater progress has been made in agriculture than for any similar period previous to such organization. This has been due largely, if not wholly, to more concentrated effort, more reliable data, and more scientific knowledge disseminated by the department. Its elevation would prove a further stimulus to renewed exertion in the line of practical and scientific research from which great benefits would be derived.

While our population has increased rapidly and other industries have been multiplied, agriculture has more than kept pace with the general advancement. New methods, new and ever-improving farm machinery, have greatly broadened the area of cultivation. The movement of the crops is now one of the most important questions with the American producer and consumer alike. Cheap transportation is therefore very properly one of the questions intrusted to the Agricultural Department by this bill. It is a question in which no large class of citizens is so much interested as are the farmers.

It is charged that this bill is crude and ill-digested. It is not pretended that it is perfect, but it is believed that its provisions are clear and comprehensive, and cover the whole ground. It has the indorsement of many of the best agricultural journals of the country. It provides for four bureaus in the department, and these divisions seem to be natural and proper. The bureau of agricultural products contemplates the investigation of the crops most profitable in the respective localities, soils, &c., and the dissemination of such practical and scientific information as shall be thus collected, together with seeds and plants. The bureau of animal industry, including the protection, growth, and use of all domestic animals, and the best means of preventing or exterminating all contagious and infectious diseases, is of the first importance. Millions of dollars annually are lost to American farmers through the loss of cattle, swine, and other animals, for which science and persevering investigation may reasonably be expected to discover remedies.

The bureau of lands, which includes forestry, is a growing necessity. There is much of the remainder of the public domain about which there are many doubts as to its adaptability to farming or grazing purposes, which doubts should be settled by competent authority before the emigrant is made to experience disappointment and loss in consequence of erroneous views as to the capabilities of the section. It is conceded that our timber lands are being decimated at a too rapid rate, and that tree planting must ere long be resorted to for actual use as well as to modify the rigors of climate. The bureau of statistics is, perhaps, the most important feature of the bill. It covers an entensive field, including education, labor, and wages, markets and prices, the transportation of crops and live stock, sources of raw material for manufactures, &c. In fact, it contemplates the collection of information on all subjects and matters having relation, directly or indirectly, to agriculture and animal industry. I think the purposes sought can best be attained through a department distinctively agricultural, and that such department should rank as the equal in dignity with any other department of the Government.

I think this bill should pass, because I am satisfied the intelligent agriculturists of the country desire it. It will not be questioned that the farmers of the country as a class are the best citizens of the Republic. For industry, morality, and intelligence, in regard to their business and current events, no very large class of people can fairly be compared with them. Their numbers, intelligence, wealth, and productive energy should, and I have no doubt will, command the respect of Congress. The measure asked by them will not materially increase expenses, while the creation of a Cabinet officer representing that great interest would be a merited tribute to the class of citizens which, more than all others, contribute to the national wealth and industrial prosperity. For these and many other reasons I am in favor of the passage of this bill.

National-bank Charters.

SPEECH

OF

HON. LEWIS BEACH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, May 13, 1882.

The House having under consideration the bill to enable national banking associations to extend their corporate existence—

Mr. BEACH said:

Mr. SPEAKER: It seems to me that the discussion upon this bill, like that on the tariff commission and other bills to which I might refer, has traveled wide of the issue.

The proposition before the House is a simple one. It certainly does not require the elaborate display of figures and the extended argument to which we have been treated. The spinning of fine theories and discussion of abstract points are quite unnecessary. The question is, above all others, a practical one; and a very brief examination of the facts is required to direct a safe and intelligent vote.

Within the next ten months the charters of three hundred and ninety-three of the national banks will lapse by limitation of time. In the absence of the legislation proposed by this bill each of these banks must die. Death means dissolution; and dissolution means liquidation; and liquidation means settlement. In other words, each bank must close its doors, collect in its assets, and pay its liabilities.

Such a dissolution of the banks at this time will, in my opinion, work wide-spread injury and distress. The country to-day is in a critical condition. I was about to say, we are on the verge of another crisis. The poor crops of last year in conjunction with overtrading have thrown the balance of trade against us and the result is now manifest. Europe is draining us of our gold. The great speculation for the last two years in railroad building—unequaled in the history of any country—has contributed its weight to the present condition of things. The new railroads, unable to float their securities, have been forced to countermand their orders for rolling-stock. As a natural consequence, the mills and locomotive works are resorting to "short time," reducing wages, and discharging their operatives in large numbers. Hence dissatisfaction among the workingmen leading to "strikes" and "lock-outs" which prevail to a greater or less extent in many of the prominent manufacturing districts. Industries are coming to a stand-still. Projected enterprises have been abandoned; capital is begining to be hoarded; merchants and business men are imitating the example of the mariner who reefs his sails in anticipation of the coming storm.

I am no alarmist, Mr. Speaker, but as I read the signs of the times the country is in a state that deserves at our hands the most careful consideration. Any man or combination of men or any party that would tamper or experiment with the finances of the country or obstruct their facile operation at such a time as this will assume a grave responsibility.

The national-bank system, notwithstanding all that has been said against it, has in the past bridged us over serious difficulties, and has given general satisfaction to the people. It possesses the main attributes of a sound system. It has uniformity, stability, and responsibility. It is, however, by no means perfect and complete. There are features connected with it which antagonize views I have always maintained, and still adhere to, on the question of the currency. But, Mr. Speaker, whether it is a good system or a bad one is not to the purpose. The question is, in the absence of a better, should it be continued?

I have given the discussion that has taken place on this floor fair attention, and I am free to say I have failed to find any system suggested which would be an improvement upon the old. As matter of fact, I believe it is conceded on all sides that during the existence of the national debt the adoption of any other system is out of the question. If the banks, then, are to continue, why oppose the pending bill? The bill bestows no new privileges upon the banks; it gives them no rights which they do not already possess. It simply clothes them with power to prolong their existence. It permits them to take out a new lease on the same old terms and conditions. It is purely an "enabling" act, and its sole purpose is to guard against the disturbance which the business interests of the country might otherwise suffer.

I repeat, Mr. Speakear, why oppose the bill? *Cui bono?* What good will come of it? I have watched the debate with great care for an answer to this query, and about the only one that has been given by the opponents has been that they are opposed upon principle to the national banks, and are not going to help them along. But the gentlemen fail to understand that it is the people who are to be benefited by the passage of the bill, not the banks. I do not believe that the banks care much for the bill. If they do they have not shown it. It has been observed by the gentleman from Missouri [Mr. BLAND] that we find in the box no petitions or memorials from the banks favoring the bill; nor are they represented here by agents or lobbyists. So far as my experience goes, and I have no doubt my own is that of the other members of this House, the banks are supremely indifferent to the fate of this bill. They may possibly entertain a feeling of pride for their old institutions, or the officers and directors may have a personal interest in the event of a reorganization becoming necessary. None of the banks, however, in the district which I have the honor to represent, have intimated even this much to me, by letter or otherwise.

In view of these facts, which are significant, it is quite possible that many of the banks will refuse the privileges of this bill. It may be they prefer to go into liquidation. It is claimed that they can now sell their bonds at a high premium, divide their surplus among the stockholders, reorganize under the State laws, and make as much if not more money than they do under the present system. If any considerable number of them should do this it will result in a serious contraction of the currency, and we all know what that means.

In the district which I represent there are fifteen national banks, with a capital of $2,775,500 and a surplus of $485,593. Their loans and discounts, according to the last authentic statement I have at hand, amounted to $4,501,681.02.

If this bill fails to pass, these banks would, upon the objection of a single shareholder, have to go into liquidation. It is undoubtedly true that new banks to take their place would be organized at once, and in many instances by the same shareholders. But the banks starting afresh would have no surplus. It would take years to accumulate it, and during this time the people would have a diminished security for their deposits. The old national banks, with a surplus of nearly a half million of dollars, would certainly be stronger and safer than the new banks with no surplus at all.

But, Mr. Speaker, I have a still more important reason to urge in behalf of this bill. From the statement I have made it appears that the banks in the district I represent have in loans and discounts over four and a half millions of dollars. These loans have been made in a large measure to farmers who are frequently forced by bad crops to renew their discounts from quarter to quarter, extending sometimes over years before finally paid. The banks are carrying them along. Let the banks be forced into liquidation by a failure to pass this bill and every farmer in the district who has been relying upon the banks for accommodations will be sorely distressed. The full extent of the injury done to this class can hardly be appreciated by those unacquainted with their peculiar circumstances. I am satisfied from my own knowledge that it would bring disaster and ruin on a very large number.

I have thus far, Mr. Speaker, addressed myself to the bill as it came from the hands of the committee. Various amendments have been offered, some of them worthy of support, while others are visionary and open to serious objection. The fate of these amendments is a foregone conclusion, and I can see no propriety in discussing them. I must, however, express my regret that a bill so harmless as the pending one, and so urgently demanded by the business interests of the country, and which, standing by itself, would doubtless receive the almost unanimous vote of this House, should be ridered with amendments which open the door to a wide discussion and lead to a waste of the public time. The relief sought for by these amendments could be more properly obtained by independent legislation or by amendment to the general bank law. I consider its introduction in this debate as ill-timed and unnecessary.

Tariff and Revenue Laws.

SPEECH

OF

HON. LOWNDES H. DAVIS,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 4, 1882.

The House, in Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws—

Mr. DAVIS, of Missouri, said:

Mr. CHAIRMAN: I oppose this bill simply because I favor a revision of the tariff, and I am satisfied its whole purpose is to delay such revision.

The consideration passing between the people and the government of a nation is the yielding up by the governed of a part of their natural rights in return for a guarantee on the part of the government that they shall enjoy immunity from oppression and injustice.

The reciprocal duties and obligations of the parties to a national compact being thus generally defined, it becomes manifest that the primal and paramount duty of all free governments resides in a proper protection of all their citizens from every form of injustice and inequity, whether arising from combinations of capitalists, threatening their pecuniary interests, or from conspirators engaged in attempts to subvert their political liberties.

So we reach the conclusion that all free government rests on delegated power, and all good government consists in the proper distribution and exercise of this power.

Let us consider for a moment the conditions essential to the proper distribution and exercise of this power.

To insure a wise and just administration of governmental powers every department, legislative, judicial, and executive, must be absolutely untrammeled by class or personal interests. They must be entirely beyond the control of cliques or combinations of men formed for the purposes of personal aggrandizement, because the functions of government extend to the welfare of the whole people, which invariably conflicts with the interests of classes.

It becomes, then, a matter of primary importance to eradicate from among a free people everything that partakes of class interests, in order that all public measures may be taken in the interests of the whole country; for while powerful class interests exist it is certain the general interests will proportionately suffer. And it is also certain no nation can profitably exist whose aims fall short of securing to the majority of its people the highest attainable benefits consistent with the rights of all. The Old World is populous with the misery and ruin wrought by ages of conflict between class and popular interests.

Is there no danger menacing our own country from this source? If there be, let us profit by the experience of older nations. But where shall we seek for the source of this danger? Surely not in the direction of a landed aristocracy, such as dominates other nations. No; but there are aristocracies as inimical to the interests of a people as any that claim the soil. Commercial monopolists are as much to be dreaded as landed monopolists. There is no difference in principle between a man who controls the soil of a nation and him who controls its wealth and commercial enterprises. In either case it is a monopoly; in either case a class interest is created alike oppressive and injurious to the people at large.

Center two-thirds of the wealth of the country in the hands of a few men, and the balance of the population is entirely at their mercy. Are we not rapidly drifting into this fatal vortex? How otherwise happens it that there should be a powerful clique of monopolists in our midst seeking to perpetuate the high protective tariff heresy, which is practically nothing more than an impudent piece of class legislation intended to protect a few manufacturers in a monopoly of their products; an unjust, oppressive system whereby the poor are made poorer and the rich richer?

The principle of a protective tariff is simply the taxing of one man to keep up the business of another. It is a process of extortion practiced by the favored manufacturer, whereby the public is compelled to pay him a higher price for his goods than they can be purchased for in the open markets of the world. And be it remembered that the difference between their value in the open market and the price the consumer is compelled to pay for them at home goes not always into the national Treasury to benefit the whole people, but into the private purse of the manufacturer to swell his hoard, and, if necessary, to enable him to purchase the continuance of the prerogative to extort from the public.

Can it for a moment be contended that the enactment of a prohibitive tariff law, such as that with which we are burdened, and which keeps dutiable articles from our markets, and consequently excludes revenue from our Treasury, for the benefit of a class, is a wise and just exercise of its powers by the nation that sanctions it? Is it not a gross infringement of the rights of the whole people that one portion of them should be taxed to protect the interests of any other portion? For, I repeat, this protective tariff scheme is nothing but a system of indirect taxation, levied on the consumer by the manufacturer for his own personal benefit. It is the tribute which the people pay to the manufacturer, and a tribute, too, which, if continued for the next quarter of a century, will concentrate the wealth of the country in the hands of a few capitalists.

Taxes for "revenue only" should be a fundamental principle of popular government. What is "more than this cometh of evil," and the avaricious monopolist cannot too soon take counsel of wisdom and profit by its profound admonitions. This protective-tariff doctrine can be vindicated by no clause in the Constitution and by no principle of justice; indeed it is diametrically opposed to the spirit and teachings of both, and can be defended by nothing save an inordinate spirit of greed. Every citizen should stand equal before the law, and the burdens of the Government should be distributed according to the ability to pay them. The farmer should be taxed only for the support of the Government, and so with the manufacturer, and not one class for the benefit of another. Is this the case under our present tariff system? That we may understand whether this is so or not we give a list of a few articles and the tax or tariff imposed on the same, as follows:

Cotton, plain bleached, valued 20c. per square yard	45.51 per cent.
Cotton, not bleached, valued 16c	48.89 per cent.
Cotton, printed, over 100 threads to square inch	58.09 per cent.
Cotton, printed, over 200 threads to square inch	55.64 per cent.
Cotton, muslin shirtings and lappets	53.62 per cent.
Spool thread, 100 yards per spool	73.34 per cent.
Spool thread, 200 yards per spool	76.08 per cent.
Thread yarn, 44c. or less per pound	47.84 per cent.
Thread yarn, not exceeding 60c. per pound	59.36 per cent.
Thread yarn, not exceeding 80c. per pound	62.88 per cent.
Thread yarn, over 80c. per pound	53.95 per cent.
Plate-glass:	
24x30 and not above 24x60 inches	58.43 per cent.
Above 24x60	103.18 per cent.
Rough or fluted, above 24x30 inches	45.08 per cent.
Window-glass, common, unpolished:	
10x15	59.47 per cent.
16x24	71.88 per cent.
24x30	78.92 per cent.
Above 24x30	78.73 per cent.
Silver-leaf, in packages of 500 leaves	92.67 per cent.
Gunpowder, common	58.26 per cent.
Hair-cloth seatings, 18 inches wide	59.02 per cent.
Hair-cloth, over 18 inches wide	66.50 per cent.
Band and hoop iron	52.06 per cent.
Band, under ¼ inch	65.27 per cent.
Bar-iron, common	58.71 per cent.
Bar-iron	46.72 per cent.
Boiler-plates	43.88 per cent.
Cables and cable-chains	52.78 per cent.
Cut-nails and spikes	43.68 per cent.
Cast-iron pipes	51.80 per cent.
Chains, halter and trace	57.13 per cent.
Chains, less than ½ inch	55.55 per cent.
Hair-pins	50.00 per cent.
Hollowware	42.68 per cent.
Moisic iron	41.18 per cent.
Iron, rolled and hammered, not otherwise provided	49.82 per cent.
Scrap-iron, cast	42.52 per cent.
Scrap-iron, wrought	63.03 per cent.
Wood-screws, 2 inches	52.94 per cent.
Wood-screws, less than 2 inches	62.88 per cent.
Squares, marked on one side	60.00 per cent.
Squares, all other	90.00 per cent.
Iron wire, not less than No. 16	65.36 per cent.
Iron wire, No. 25	62.78 per cent.
Wire rope	58.90 per cent.
Wrought steam and gas tubes	73.28 per cent.
Cutlery	50.00 per cent.
Files, exceeding 10 inches	56.23 per cent.
Steel, in ingots, not exceeding 7 cents per pound	43.55 per cent.
Needles for knitting or sewing machines	47.05 per cent.
Steel rails	104.90 per cent.
Steel rails made in part of steel	45.00 per cent.
Steel wire, No. 16	42.78 per cent.
Steel wire less than No. 16	42.53 per cent.
Manufactures of steel	45.00 per cent.
Lead, in pigs and bars	56.60 per cent.
Lead, old scrap	55.01 per cent.
Marble, not exceeding 2 inches thick	80.20 per cent.
Marble, veined	66.74 per cent.
Marble, white statuary brocatella	56.14 per cent.
Marble, manufactures, not otherwise provided for	50.00 per cent.
Mats, screens, hassocks, and rugs	45.00 per cent.
Mineral or medicinal water	61.27 per cent.
Oil-cloths, valued at over 50 cents per square yard	45.00 per cent.
All other oil-cloths and water-proofs, not otherwise provided for	45.00 per cent.
Oil:	
Vegetable, fixed or expressed, bay or laurel	114.52 per cent.
Castor	98.10 per cent.
Croton	141.24 per cent.
Olive salad, in bottles or flasks	52.77 per cent.
Vegetable, volatile or essential, bay leaves	305.88 per cent.
Clove	95.58 per cent.
Fruit, ethers, essences, or oils of apples, pears, &c	140.46 per cent.
Nitro-benzole or oil of mirbane	48.16 per cent.
Other essential oil, not otherwise provided for	50.00 per cent.
Rum, bay rum, essences or oil	181.21 per cent.
Paints, &c.:	
Lead, dry or ground in oil, red	59.38 per cent.
Lead, dry or ground in oil, white	50.25 per cent.
Litharge	69.28 per cent.
Other dry not otherwise specified	44.56 per cent.
Ultramarine	46.45 per cent.
Umber	70.85 per cent.
Whiting and Paris white	228.52 per cent.
Pens, metallic	56.26 per cent.
Repairs on vessels	50.00 per cent.
Salt, in bulk	65.29 per cent.
Seeds, castor beans or seed	43.39 per cent.
Silk manufactures	60.00 per cent.
Soap, common	46.44 per cent.
Soap, toilet	50.97 per cent.
Starch, corn or potato	48.29 per cent.
Starch, made from rice	115.05 per cent.
Stone, rough freestone	41.85 per cent.
Sugar:	
Concentrated molasses sirups	62.48 per cent.
Raw sugar, not above No. 7	53.20 per cent.
Raw sugar, above No. 7 and not above No. 10	60.79 per cent.
Raw sugar, above No. 10 and not above No. 13	60.65 per cent.
Raw sugar, above No. 13 and not above No. 16	64.80 per cent.
Raw sugar, above No. 16 and not above No. 20	70.82 per cent.
Raw, loaf and crushed	64.01 per cent.
Sugar candy and confectionery	126.74 per cent.
Vinegar	84.60 per cent.
Varnish	63.08 per cent.
Wool:	
Class No. 1, cloaking wool, valued 32c. or less per pound	58.41 per cent.
Class No. 1, valued over 32c. per pound	40.38 per cent.
Class No. 1, scoured	74.38 per cent.
Class No. 1, washed, valued 32c. or less	58.58 per cent.
Class No. 1, washed, valued over 32c.	62.86 per cent.
Class No. 2, combing wools, valued 32c. or less per pound	53.80 per cent.
Class No. 2, valued over 32c. per pound	40.91 per cent.
Class No. 2, scoured	90.24 per cent.
Carpets:	
Aubusson	50.00 per cent.
Brussels	68.52 per cent.
Brussels tapestry	65.00 per cent.
Druggets	103.99 per cent.
Patent velvet tapestry	63.99 per cent.
Saxony and Wilton	71.69 per cent.
Screens, rugs, and covers	45.00 per cent.
Treble ingrain	50.83 per cent.
Yarn, Venetian or two-ply	51.96 per cent.
Dress goods and Italian cloaks:	
Value not exceeding 20c. per square yard	70.09 per cent.
Value over 20c. per square yard	66.20 per cent.
Weighing 4 oz. and over per square yard	65.85 per cent.
Balmorals, alpaca, and like goods:	
Value above 80c. per square yard	49.42 per cent.
Value above 80c. per square yard, and weighing 4 oz. and over	70.00 per cent.
Blankets, valued 40c. per pound	104.14 per cent.
Blankets, valued over 40c. and not over 60c	85.84 per cent.
Blankets, valued over 60c. and not over 80c	96.03 per cent.
Blankets, valued over 80c. per pound	69.00 per cent.
Flannels:	
Valued 40c. per pound	95.00 per cent.
Valued over 40c. and not over 60c	94.36 per cent.
Valued over 60c. and not over 80c	88.69 per cent.
Valued over 80c. per pound	64.87 per cent.
Hosiery:	
Valued at 40c. per pound	85.81 per cent.
Valued over 40c. and not over 60c	97.46 per cent.
Valued over 60c. and not over 80c	89.66 per cent.
Valued over 80c. per pound	55.31 per cent.
Manufactures of wool, not specified:	
Valued at 40c. per pound	94.76 per cent.
Valued over 40c. and not over 60c	90.09 per cent.
Valued over 60c. and not over 80c	87.58 per cent.

Manufactures of wool, not specified—Continued.	
Valued over 80c. per pound	70.31 per cent.
Shirts and drawers not over 60c. per pound	86.06 per cent.
Shirts and drawers valued above 80c	60.13 per cent.
Bunting	117.63 per cent.
Cloths	71.04 per cent.
Clothing made of wool	56.12 per cent.
Endless belts or felts	57.74 per cent.
Hats made of wool:	
Valued above 80c. per pound	66.32 per cent.
Manufactures wholly or in part of wool not otherwise provided for	64.78 per cent.
Rags, waste, and shoddy	52.06 per cent.
Woolen shawls	57.88 per cent.
Worsted goods not otherwise provided for	58.04 per cent.
Webbings, beltings, galoons, &c	69.25 per cent.
Woolen or worsted yarns:	
Valued not exceeding 40c. per pound	99.55 per cent.
Valued over 40c. and not over 60c	96.53 per cent.
Valued over 60c. and not over 80c	90.33 per cent.
Valued above 80c. per pound	78.02 per cent.
Zinc sheets	47.13 per cent.

Senator COKE, of Texas, in commenting upon a list of which the above is a part, presents the iniquity of our tariff in the following forcible language:

I could go on and fill pages with quotations from the tariff list of articles of daily use among the people with duties so excessive as virtually to exclude importation and thereby destroy revenue, but on which the consumers pay the duty to the manufacturer in the price of the domestic article.

A tariff framed like this, which taxes the people from head to foot as this does in behalf of full-grown, fully-developed manufacturing industries as ours are, able to compete with the world in open market, is subversive of every principle of justice between men as it is destructive of the revenues of the Government. This is protection, so called. I call it robbery under the forms of law.

A most remarkable and most odious feature about this tariff is that instead of the tax being laid upon luxuries, so that those most able to bear its burdens should do so, the commonest articles of universal consumption and absolute necessity for the poorest people are taxed the highest. Discarding fractions, wool hats are taxed 66 per cent. and silks 60 per cent.; salt is taxed 65 per cent. and diamonds 10 per cent.; trace-chains are taxed 57 per cent. and treble ingrain carpets 50 per cent.; Brussels carpets are taxed 68 per cent. and coarse blankets 104 per cent.; fine woolen rugs for the lady's parlor and covers to keep the dust and moisture from her piano are taxed 45 per cent., while flannels, to keep the baby warm, to protect the shivering invalid, the strong workingman and his wife, and the aged people alike from the freezing blasts of winter, are taxed 95 per cent.; plain unbleached cotton cloth for shirts and other garments of honest working people is taxed 49 per cent., and the window-glass in their houses 60 per cent., while fine porcelain ware for the rich man's table is taxed only 45 per cent., and artificial flowers and feathers for the adornment of his wife and daughters pay only 50 per cent. Such instances could be multiplied into the hundreds. Medicines and their ingredients are taxed all the way from 30 to 220 per cent.

I appeal to the tariff list in proof of the assertion that the poor people, the working people of the country, who are least able to bear it, pay more than double the amount of taxes under the tariff, in proportion to their consumption, than any other class.

In order to illustrate the operations of the tariff on individuals, I read an extract from a speech of Hon. Fernando Wood, delivered in the House in April, 1878, as follows:

"The influence of the tariff on the commonest kind of mixed woolen dress goods, such as are worn by the poorest classes in the country, is of a nature that requires the most serious consideration.

Fancy alpaca, costing in England 7½ cents per yard, is subject to a duty of 5 cents per yard, and sold in this market at 20 cents per yard. Now, as it takes twenty yards of this stuff to make a dress, the poorest woman of our working classes pays a direct tax of $1 for a dress. Black alpaca, costing in England 5¾ pence or 11½ cents of our money, is subject to a duty of 8½ cents per yard. This article is sold for 27½ cents per yard and worn by the millions of our population. Surely an article costing in England 5¾ pence cannot be considered a luxury; yet we find that the pernicious working of our tariff is of that kind which oppresses the poorer classes in all their necessaries of life. Black cashmere is worn as a Sunday dress by millions of our industrial classes. The cost of these goods in Europe is 26 cents, the duty thereon amounts to 18½ cents per yard, and is consequently sold at 55 cents a yard wholesale in the United States.

"Now, do our people generally understand what such a duty really means? A workingman in Europe buying a dress of this kind for his wife and using only ten yards of it would get it at $2.60, whereas his brother workingman in the United States, if he wishes to treat his wife with a dress of this class, would have to pay $5.50 for the same dress, or more than double.

"The question therefore arises whether it is absolutely necessary to charge a tax of $1.85 on a dress of this kind, coming as it does out of the pocket of the hard working man for the benefit of sustaining the Government and the industries of this country. Surely it must be admitted that there is no country in the world where an equal taxation is laid upon the labor and industry of the hardest working man of the population."

The same may be said with greater force as to blankets and flannels and woolen hats and clothing generally, as the duty is higher, and with equal truthfulness of cotton goods, calicoes, &c.

I read again from the same speech of the same distinguished gentleman:

"THE FARMER AND THE TARIFF.

"The farmer, whose whole mind is bent on his agricultural pursuits, has neither the time nor opportunity to investigate the influence of the tariff tax on his household expenses; it is a fact, however, that every article he uses is either directly subject to a tariff tax or enhanced by the tariff. Let us enumerate these burdens: the farmer's house in the West, where lumber is scarce, pays either a direct or enhanced tax of 20 per cent. on the lumber his house is built of; a tax of 35 per cent. on the paint it is painted with; of 90 per cent. on his window-glass; of 35 per cent. on the nails; of 53 per cent. on the screws; of 30 per cent. on the door-locks; of from 35 to 40 per cent. on the hinges; of 35 per cent. on the wall-paper; of from 60 to 70 per cent. on his carpet; of 40 per cent. on his crockery; of 38 per cent. on his iron hollow-ware; of 35 per cent. on his cutlery; 40 per cent. on his glassware; of from 35 per cent. to 40 per cent. on the linen he uses in the household; of 51 per cent. on the common castile soap he uses; 48 per cent. on the starch. When he goes into his stable, barn, or workshop he will find that he pays 35 per cent. on the iron he uses; 53 per cent. on the halter-chains; 45 per cent. on the files and rasps he may use; 47 per cent. on the backsaw; 49 per cent. on cross-cut saw; 38 per cent. on the hand-saw, and 35 per cent. on any sheet-iron he may require. On his medicines he pays 20 per cent.; on the quinine pills he swallows, 20 per cent.; on blue bills, 40 per cent., and 40 per cent. on any medicinal preparations. The female portion of his house cannot even go into hysteria without paying a tax of 20 per cent. on asafetida that may be required to quiet their excited nerves. On his sugar he pays a tax of at least 60 per cent. As for the clothing he and his family uses, let me enumerate the tax separately: on his wool hat he pays from 60 to 80 per cent; on his fur hat, from 45 to 60 per cent.; on his suit of woolen clothes, some 55 per cent.; on the leather for his boots and shoes, 25 per cent.; on his hosiery, 35 per cent.; on his wife's and daughter's common alpaca dress he pays 65 to 70 per cent.; on spool-thread, 70 per cent., and on needles, 35 per cent. If I were inclined to pursue these topics further it would take up too much time; suffice it to say that the furnishing of his child's cradle and the coffin in which he is finally buried pay a direct tax or are enhanced in price by our tariff system."

This is certainly a startling array of facts, and enough to cause the farmers and laborers of this country to stop and reflect as to whether this system shall be perpetuated. But who is to blame for this? I answer, the farmers themselves. They are in the majority, and yet year after year they vote for men who are in favor of the continuance of this system.

The Democratic party in 1880 declared in their platform for a tariff for revenue only. The Republicans took issue with them, and declared for a tax to protect our manufacturers, and boasted they won the fight on that issue.

A sufficient number of farmers voted the Republican ticket to elect a House of Representatives and a President pledged to this oppressive taxation, of which the above list is a sample. And this House now proposes by this tariff-commission bill to postpone the revision and reduction of our tariff, and thereby continue this unjust and onerous system of taxation. But if there were no other objection to a "protective tariff" than the fact that it is a breeder of monopolies, that in itself would be sufficient reason for consigning it to everlasting oblivion.

All monopolies constitute aristocracy, whether they originate in the consolidation of vast railroad interests, in a system of national banks, or in schemes for extending and perpetuating a protective tariff. The iniquity and national peril involved in these aristocracies assume the most alarming proportions when we consider the power they are calculated to exercise over the various departments of a government to the prejudice of a large portion of the public. With the vast resources at their command these enormous moneyed interests hold the commercial life of the nation by the throat, and establish over it a dominion fatal to its prosperity.

The object of all monopolies is to destroy healthful competition, in order to promote the growth of excessive profits, resulting in the accumulation of fabulous private fortunes at the expense of the people, by which they acquire extraordinary political power over them. Think for a moment of the vast army of employés and other dependents under the dominion of any one of the monopolies which to-day sway the rod of empire over some particular branch of trade or commerce, and you may gain some idea of the far-reaching influence which they exercise.

It cannot be too often or too forcibly urged that the interests of the people and the perpetuity of popular government rest on a vigilant and ceaseless resistance by the masses to the accumulation of enormous wealth in the hands of a few. Let us not forget the worst enemies of a nation often spring from the ranks of its own citizens. And this danger is most to be apprehended when capital seeks to control legislative action to compass its own selfish purposes.

There are no despoilers of free government more to be dreaded than "greed of gain and thirst for power," and these are the essential attributes of all monopolists, and while these are permitted to thrive and expand through the indifference of the people or the connivance of demagogues there can be no such thing as a wise and just administration of the Government. We have an illustration in the instance of the national banks. Here are a number of wealthy corporations banded together, possessing both the power and the will to dictate the policy of the Government on vital questions of finance. Only a short time ago we beheld the humiliating spectacle of these banks menacing the Government, and through it the entire business interests of the country, because certain acts of the National Legislature did not receive their approval. And the potency of their influence may be faintly comprehended when we reflect that the acts of which they complained were not suffered to become the law of the land. The world has seldom witnessed a more startling instance of the insolence of corporate power. Yet the great masses of the people slumber on almost unconscious of the affront and the peril. These institutions are proved thus manifestly what in fact all similar ones are known to be—important factors in national politics, shaping legislation in their own interests, regardless of the highest welfare of the nation. It becomes, then, of vital importance to the public weal that all powers and influences that are calculated to divert the course of legislation from its legitimate and natural channels, or which in any way impede or arrest the laws of trade, should be as far as possible promptly eradicated.

Again, this system of indirect taxation is, in the methods of its operation, so subtle and insidious that its impositions do not make themselves manifest to the observation of their victims, how keenly soever their effects make themselves felt in the hard condition of their daily lives. For instance, how few there are among the toiling masses who realize that extortionate tariffs, by which colossal fortunes are yearly amassed, hold any relation whatever to the dwarfed and meager pittance which they receive for their labor. Yet the price of every article of their raiment is increased by the excessive tariff tax imposed for the protection of the manufacturer. Because the merchant pays the tax to the manufacturer the consumer loses sight of the

fact that he bears the burden at last in the increased price of the goods he buys, and that the dealer or merchant is only the agent through whom the consumer pays the toll to the manufacturer.

Again, then, we are led to ask can that government be wisely and justly administered which permits the existence within its borders of the abuses briefly enumerated? Is it not unfaithful to its sacred trusts? If the experience of ages of human misery and disaster are impotent to awaken the people to the perils which menace their prosperity, let them listen to the ominous words of the nation's most illustrious son. "The freest government," says Webster, "cannot long endure where the tendency of the law is to create a rapid accumulation of property in the hands of a few and to render the masses of the people poor and dependent."

It is yearly becoming more manifest that under the present system of high tariff and corporate monopoly the condition of three-fourths of our population is continually gravitating toward social servitude and impecuniosity. It is impossible to conceive that this state of things can long continue without producing some serious political complication, the result of which no human discernment can foresee. Let us not forget that while in civilized communities nothing is slower to start up than a spirit of resistance to legalized oppression, yet when once started nothing moves swifter or more mercilessly, and nothing is with greater difficulty arrested in its terrible march. But let us also bear in mind that by a wise and just administration of the Government all such crises may be averted.

The wisdom and justice demanded by the exigencies of the hour lie clearly in the direction of reduced taxation and reform in the method of apportioning taxes.

To reduce taxation we must have greater economy in the administration of the Government; we must revise the tariff to a revenue basis; use the revenues to extinguish the national debt, and thereby remove a heavy interest charge and the necessity for extortionate taxation. We must place the burdens of taxation where they can best be borne and remove all unjust discrimination in favor of one class of our citizens at the expense of another. Not until these things are accomplished can we felicitate ourselves in that wise and just exercise of governmental powers on which the welfare of a people and the repose and security of a nation depend.

National-Bank Charters.

SPEECH

OF

HON. NICHOLAS FORD,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, May 13, 1882,

On the bill to enable national banking associations to extend their corporate existence.

Mr. FORD said:

Mr. SPEAKER: In any thoughts I may submit upon the subject of national banking I wish to be understood as referring to a system, and not to men who may be identified with it.

The system I am opposed to; am convinced its success must prove detrimental to the general prosperity, is dangerous and threatens every industry by its pretensions; yet I concede that so far as safety to the note-holder and the uniform value of national-bank money are concerned the national banks afford us a protection never vouchsafed by State banks; therefore is much more desirable, inasmuch as the money of this country must be national rather than State or provincial. The old *régime* must not be revived. We do not want State banks. The money of the future will be national money, and the people desire that this money emanate directly from the Government. I might offer many reasons in support of this theory, why this Congress should not perpetrate anew the folly of the past and again invest moneyed corporations with special privileges. Experience is a sensitive touchstone; its admonitions should not be trifled with or disregarded.

The Constitution of the United States confers upon Congress the power to coin, to make money, and to regulate its value; but I do not believe the Constitution confers upon Congress the power to vest or delegate this right in or to individuals or corporations, a bank or banks.

If Congress transfer this prerogative for twenty or any number of years and abdicate its constitutional power, the people are subjugated, and, in the terse language of President Jackson, "the Constitution is for the time being a dead letter, and the act of Congress establishes a dangerous money monopoly above the people, above the law, and above Congress." Congress, sir, then proves unfaithful to the people; its weakness, if not treason, is a violation of the Constitution, and dangerous to republican government. It cannot defend an ignominious surrender of power confided by the charter of the national Government to either an individual or corporation.

I submit this is the issue presented, and the attitude of the national banks, at no time uncertain when the people attempt to assert their rights when their prosperity and happiness are involved, stamps with the highest degree of certainty a purpose to subordinate all other interests to that of sordid, selfish gain. I do not hesitate to say we have reason to distrust the national banking system. It may be the medium through which the few are enabled to monopolize not only the luxuries but even the mere vulgar bread and butter, the absolute means of support for which the thousands toil unending. Luxury for the few is privation for the many. I may be permitted to quote the language of a great man of national reputation, whose utterances the proudest and most intellectual concede worthy of serious consideration. Missouri, Missourians admire his integrity, and from his teachings extract truths that I trust may be accepted by a majority of this House in determining the vital question to be disposed of by this Congress. Thomas H. Benton uttered the following words in the Senate of the United States in 1838:

> The Government ought not to delegate this power if it could. It was too great a power to be trusted to any banking company whatever, or to any authority but the highest and most responsible which was known to our form of government. The Government itself ceases to be independent; it ceases to be safe when the national currency is at the will of a company. The Government can undertake no great enterprise, neither of war nor peace, without the consent and co-operation of that company; it cannot count its revenues for six months ahead without referring to the action of that company—its friendship or its enmity, its concurrence or opposition—to see how far that company will permit money to be scarce or to be plentiful; how far it will let the money system go on regularly or throw it into disorder; how far it will suit the interests or policy of that company to create a tempest or suffer a calm in the moneyed ocean. The people are not safe when such a company has such a power. The temptation is too great, the opportunity too easy, to put up and put down prices; to make and break fortunes; to bring the whole community upon its knees to the Neptunes who preside over the flux and reflux of paper. All property is at their mercy. The price of real estate, of every growing crop, of every staple article in the market, is at their command. Stocks are their playthings—their gambling theater, on which they gamble daily with as little secrecy, and as little morality, and far more mischief to fortunes than common gamblers carry on their operations.

Every sentiment uttered by the great statesman applies with undiminished force and power, intensified in consequence of the vast patronage extended to our present national banking system. I might collate the opinions of Jefferson, Jackson, and many other profound thinkers in support of the views of Mr. Benton and in opposition to the modern theory that the Government must resort to methods wholly inexpedient and dangerous in furnishing to the people a money medium for the transaction of the business of the country. These men proclaimed themselves, without reservation, in favor of the people as against monopolies, and they well knew that the superstructure upon which all the other evils rested was monopoly in money. Can we afford to trifle with their opinions? Had they not convictions unfaltering, unswerving, commanding, demanding our most sincere admiration, and shall we not hear these revered voices of the past now and endeavor to realize the extraordinary feast to which we are invited, a banquet at which labor is refused recognition, prepared specially for the favored few, the champions of special privilege.

All these distinguished men have borne testimony to the dangers that environ the people, and now, when a proposition is being seriously considered by which national banks can be re-chartered, is it not proper that the popular will should be respected and popular interests consulted and protected by the people's representatives? The National party objects to national banks because in the laws creating them we see the first effort ever made by Congress under the Constitution to create a perpetuity in banking monopoly, contrary to its letter and spirit, and at variance with past legislation and the decisions of our courts. Nor are these the only objections. Congress, apparently oblivious to the evil results that may be accomplished through a united concerted action of the banks, heroically shifts the responsibility by investing the Comptroller of the Currency with plenary power to create banking corporations *ad infinitum*, to "go on and on forever," wholly beyond the reach and control of the people, who are supposed to be the source of all power in this Republic.

The act of June 3, 1864, (13 Statutes at Large, 99,) under which these banks exist, provides that all banking associations formed under it shall enjoy corporate powers and banking privileges for twenty years, not from June 3, 1864, the date of the passage of the act, but from the time the banks receive the charters from the Comptroller. Here we have a general banking act, a departure from the traditions of the past. It does not create any banks as did the laws of 1791 and 1816 which created the banks of the United States; it makes the way easy, removes every obstacle, and proclaims that any five men and the Comptroller of the Currency may organize one of these beneficent institutions and put it into operation immediately. This is simply the initial step in the inauguration of a questionable system, and is not the only bad feature that alarms the man who will investigate; for at the expiration of the twenty years of their corporate existence they are not compelled to apply to Congress for a renewal of their charters. The whole subject rests with the stockholders; their option is the highest law. The people may feel intensely upon the subject, Congress even may think we have too many banks, but the people and the Congress of the United States

are powerless under the law where the articles of association are properly prepared and the Comptroller sees proper to authorize another syndicate to deposit non-taxable bonds for safe-keeping in the Treasury vaults. Thus we have in prospective a permanent system of banking, for it is well known that many of our distinguished thinkers are opposed to the liquidation of our national indebtedness; thus perpetuating interest-bearing bonds to serve as a basis upon which shall rest for all time the unjust, oppressive national banking system. To my mind this is a remarkable concession. The banks are above the law, above Congress, superior to the people, and really responsible only to the Comptroller, who I suppose has the power to recharter old banks as effectively as to charter new ones. Such power invested in the stockholders of a bank and any one officer of the Government was unknown to our fathers. It was not dreamed of by the States when they surrendered their right to coin money and emit bills of credit and to make them legal tender to the General Government. Had they ever imagined that Congress would yield up to corporations virtually all that they surrendered to Congress, the Constitution would never have been adopted.

The power to charter a bank was four times exercised by Congress previous to the creation of the present national banking system: in 1791, 1816, 1832, 1841; but not one of these institutions was permitted to continue its corporate existence after the term of the charter expired. Those banks were the creatures of Congress, and wanting the enacting clause there was no power that could be exercised by this Government by which the monopoly could be perpetuated. Gentlemen will recollect the history of two of these attempts to foist upon the people by act of Congress this incubus. President Jackson strangled the monster of monopoly in 1832, and President Tyler as effectually thwarted the plans of the aristocracy in 1841. No advocate of paper money then ever dared commit his party to the theory of special privileges in perpetuity for the banks. No party, no statesman or politician, could have safely enunciated such doctrine.

It is popular now, and at the money centers Republican and Democrat are heard shouting for honest money and a national banking currency. Circumstances control the action if not the motives of men. To-day we tolerate this unjust anti-republican system because during the dark and disconsolate days of war every consideration save the life of the nation was ignored by the million toilers who carried the flag to victory. Vampires, gloating over carnage, defeat, suffering, speculated in the blood and credit of the Republic, and the measure of their patriotism is indelibly written in Wall street gold quotations, in those perilous moments when doubt and uncertainty reigned supreme. Then this iniquity was conceived and tolerated, and under different conditions I think I am justified in asserting the pernicious system would have been spurned by nine-tenths of the people. Yes, sir, in that supreme moment finance and all kindred matters were left to Congress, and the people have been bound hand and foot by bankers and bondocrats who have been and are now crushing them to the earth.

The developments in Congress since the commencement of this session, in which the national banking system seems to be fortified behind the fears that another panic, financial stringency, is imminent, are interesting and furnish food for thought—serious, earnest thought. It is no doubt true a large majority of the people of the United States are opposed to national banks, but they are powerless just now and shall so remain until they exhibit courage to proclaim their convictions at the ballot-box. I find no fault with the action of the committee in reporting this bill. Impressed with the great necessity of taking care of "these little ones," whose mere caprice is more potential than any political party, whose domination it is difficult to resist, the committee feels that the monster must be placated. Hence this bill and report, in which we find all that the banks specially care about—the indorsement of the Committee on Banking and Currency.

I say, sir, this indorsement of the committee is all the banks need; and for this reason I understand the Attorney-General has promulgated an opinion that good lawyers assure me is correct, an opinion of vast importance to these "wards of the Government," that the national banks need no legislation to enable them to continue their corporate existence. They and the Comptroller of the Currency can do this without the consent of Congress—will do it; and may I ask what are you going to do about it? The banks will adopt this policy, and when we meet again next December the Comptroller will be able to report to Congress the gratifying fact that hundreds of banks have been rechartered, and that we have happily passed through the ordeal, escaping a financial crisis by extraordinary philanthropy on the part of the banks. Such statement, freighted with consolation, must produce the most magical effect upon Congress, and doubtless we shall all assume we have saved the country.

What of the men at home, Mr. Speaker? Think you they will be satisfied with a dress-parade when they commissioned this House to do some earnest fighting? They will not. The power of perpetuation should be taken from the banks. The national banking law should be so amended that the banks in the future should apply directly to Congress for a charter, thus holding the people's representatives to a strict responsibility. This is the people's affair; they will not be satisfied with any species of legislative jugglery that places monopoly beyond the reach of their assault; they will have, must have, a voice in the matter and determine whether they do or do not want such institutions. The authors of the banking law must have anticipated that the time would come when a cry would go up against the national banking system; hence the legal protection afforded it. Unassailable by the people, its representative men indulge in dire threats should Congress recklessly undertake to limit its power to contract the volume of currency at will and guard general interests by rendering the purposes of financial wreckers impossible.

Perpetuities are dangerous to liberty, and must, if tolerated, menace individual effort and prosperity, American traditions, and love of equality. American law is inimical to them, and legislators must know the sentiment of the nation cannot be safely trifled with. Define this issue in the next Congressional campaign, separate it from all entangling alliances in party platforms, avow yourselves as the champions of this system, state boldly you favor money monopoly, and I hazard little in saying you will be repudiated by the vast majority of intelligent voters throughout the country.

This experiment would be a fair test, and if I be correct in my assumption I ask if it be not the province of a wise statesmanship to recognize the unmistakable opposition to this dangerous system, and provide legislation leading to the retirement of banking currency and the substitution therefor of Government paper money based upon the authority and wealth of the nation, and not upon its outstanding bonds, an evidence of our weakness, because they proclaim our indebtedness. Mr. Speaker, I say the law, its genius and spirit, are arrayed in opposition to this doctrine of perpetuity. I think I am justified in this assertion, and merely refer gentlemen to the celebrated case of John McDonough. Mr. McDonough had bequeathed his vast estate to the cities of Baltimore and New Orleans for charitable purposes, and provided in his will that none of the property should ever be sold, but that the income, after paying certain legacies, should be invested in other real estate, all of which should be improved and rented, and the rents in excess of the charities reinvested in real estate, and so on perpetually.

Had the provisions of the will been carried out in this one particular, the property of the State of Louisiana might all have been absorbed in the process of time, and, while beneficent in its purposes of charity, its ramifications and vast proportions alarmed the people. The Supreme Court decided against the perpetuity clause, confirming the general provisions of the will. This estate, I am informed, was valued at about five million dollars. If a perpetuity involving this amount of money was considered dangerous to the rights and liberties of citizens, how much more grave and threatening is the national-bank perpetuity, which, if the greenbacks be removed, and the purpose to wage a continued war upon them is apparent, will place within the control of these ever-existing corporations, at a very moderate estimate, $1,000,000,000; in a word, all of the circulation, most of the capital, and deposits of the whole United States?

Through these institutions established in the States and Territories will be concentrated such power and influence as no dictator ever wielded before; and, judging the future by the past, there is not much rashness in the assumption that they will band together and encompass the defeat of those whom they would have reason to fear in the National Legislature. But a short time since we saw an exhibition of their power and heard their threats. They hold panics and financial disaster in the hollow of their hands; and the moment we attempt to restrain their pretensions, regulate their powers, so that the people may have assurances of some measure of protection, again we are gravely assured our safety must be purchased by extending to these anew the very concessions through which they have become masters of the situation. This uncertainty is harassing. Unlimited power must be taken from the banks. Congress should not delegate to the Comptroller of the Currency nor to any other official of the Government a prerogative of such vast importance.

The banks and the Comptroller can be brought to a halt in this work of very doubtful propriety by an act of Congress, and I think the sooner we adopt such legislation the better. I object to this banking system based upon our national indebtedness and committed to its perpetuation, which favors a large surplus in the Treasury that should be applied to the extinguishment of the debt in accordance with the provisions of the sinking-fund act. I never expect to be able to appreciate the wisdom of a policy that locks up two or three hundred millions in the Treasury vaults instead of applying it as it should be applied—to the redemption of interest-bearing bonds. There is a school of political thinkers in this country who are rather favorably impressed with the stability inseparable, it is argued, from national debt, and therefore they favor its continuance.

It will be found very difficult to educate the American people to accept this modern philosophy. They cannot believe it. As individuals they want to pay as they go, and their logic is as applicable to the nation as the individual. Interest is all-devouring; it impoverishes the great wealth-producing classes and as a rule they throw off the deadly incubus as rapidly as possible. I assert you do violence to them by the imposition of burdens their souls abhor, and I honestly believe they demand, exact at your hands in this Congress legislation tending to provide for the payment of our national debt as rapidly as practicable. I am not proclaiming a new doctrine. Washington, Adams, Madison, Jefferson, Monroe, J. Q. Adams, Jackson, Polk, Clay, and Lincoln, with many other eminent patriots and statesmen, were averse to and warned the people against the European system, by which the money-changers controlled governments,

enslaved the people, and rendered progress almost impossible. Can we afford to ignore the teachings of these wise, good men that the national banks and bondholders may flourish here and prove as detrimental to prosperity and progress as they have in other countries?

In 1834 as a nation we were out of debt, notwithstanding we had twice been forced to accept the issue of war; the first to win our independence, the second to defend ourselves by its maintenance. And even after the third war, the war with Mexico, which cost one hundred million, including sums for territorial acquisition, our debt was less than sixty million at the close of the year 1860. I simply refer to these facts as proof of my statement that the American people do not want a permanent national debt; they do not believe it a blessing, and they are in favor of paying every dollar of it within the shortest period possible.

The cost of our last war is estimated at about two billion five hundred million. It was bonded, and it is a matter of history; the transaction was unfavorable to the tax-payer and correspondingly favorable to the bondocrat. We have entered upon the task of liquidating it, and wish to pay the balance as fast as the bonds become due.

The people intend to stop the drain of interest, and are determined, notwithstanding the purpose so manifest of perpetuating the debt, to dispense with a bank circulation that is used to oppose and confront them in their efforts to destroy the enemy of their liberty, prosperity, and happiness. The bonds must and shall be paid off; this is the edict of the people; they have, without murmuring, paid into the Treasury millions of internal-revenue tax, cheerfully yielded to taxation in the shape of duties on imports, and they now ask that the hoarding policy be abandoned that the money they so cheerfully contribute may be promptly applied to the reduction of the debt. They will continue to meet these demands uncomplainingly, but they ask that Congress remove such obstructions as they have just reason to complain of, and the most feasible way of accomplishing this is by the repeal of the national banking law.

I object to these banks because there is no necessity for them. The object we are told was to secure a uniform currency. We had such a currency on the 28th of February, 1863, when the first national-bank act was passed. There never has been a time when these notes were more valuable than the Government notes. During the panic of 1873 the notes of the Government were worth 1 to 1½ per cent. premium over bank notes. Government paper money is the lawful money, and the bankers use it for the redemption of their own currency. The banks need not redeem their notes in coin, and when they are found doing so it is because Government paper money can be used more profitably in the performance of other functions of money. Government paper money commands a premium on the Pacific coast, in Canada, and even in Europe, and solely for the reason it is receivable in the payment of duties on imports. The money of the Government is in every way superior to the bankers' money. The law of 1874, I am informed, provides that the national bankers can deposit greenbacks in the Treasury to the amount of their circulation and withdraw their bonds—a new phase of circumlocution not dreamed of by Dickens.

Drive out Government paper money and the banks are supreme; this is their sole desire. The interest on one billion of bonds at 3 per cent., thirty million per annum; in fifty years one billion and one-half simple interest; hence the desire to popularize the national-debt theory. The cost of preparing for circulation one billion of Government paper money, and at all times be prepared to exchange new paper for torn or mutilated, I am assured would not exceed $100,000 per annum; in fifty years the sum of five millions. This vast saving would add greatly to the prosperity of the people in the equal distribution of economic benefits among them. The national banking law repealed, capitalists would seek investments in great enterprises, thereby benefiting because employing labor; the fears to which the people are now subjected would be banished; a well-defined national policy affording guarantees to be looked for in vain while at the mercy of the few who now hold the money of the country within their grasp.

Repeal the national banking law, substitute the money of the nation for the money of corporations, let all money for the country be issued by the Government of the country, all a full legal tender—and equal before the law—for all debts public and private. This, sir, I believe to be the solution of the financial problem, so far as Congress under the Constitution has the power to interfere and regulate the value and volume of money. Sir, there has been introduced at this session of Congress a bill providing for the reissuing of fractional currency, a meritorious measure, and one that should be passed before the close of this session. From all sections of the country may be heard demands for this legislation, and the very least we can do is to try to make reparation for the blunder, the iniquity of retiring the fractional currency. All classes, save the capitalistic few, are in favor of restoration of that most useful, convenient medium, and I hold we shall prove in every way derelict unless we retrace our steps and afford the people the facilities they so much desire in this particular.

The fractional currency went down, was retired to please "specie-basis, honest-money" advocates; it was a wretched and, all things considered, an expensive mistake, and furnishes indubitable evidence of the incapacity of men whose views are fashioned by the exigencies of any one vocation to see in a comprehensive way the necessities of all and properly provide for them. Should this Congress wisely and deliberately attempt the herculean work of correcting the errors of the past in financial legislation, it will make no mistake. A subject of such import ought not to be neglected, and I frankly state here it should have precedence over tariff-commission bills and much general legislation now occupying the attention of the House.

Mr. Speaker, the commercial metropolis of the district I have the the honor to represent, a city with a population of nearly forty thousand people, transacting a business of about eighty millions annually, whose banking institutions have a stability and worth recognized in all the great money centers of the nation, finds no difficulty in meeting every exigency and demand of business through the medium of its solid, excellent private banking houses. There is not one national bank in the city of Saint Joseph, and let me add few cities in the country present such evidences of present and prospective prosperity.

Why, sir, cannot other communities, the whole country, dispense with these institutions and march along the highway of progress unobstructed and undeterred by a financial system whose power for evil if exercised in the interest of corporations and against the people might at any time prove most disastrous. I believe, sir, the people are opposed to this system, and for their own protection demand national money, issued by the National Government, stamped a full legal tender in payment of all debts, public and private, not a national banking currency wanting the essential attribute of money, a full legal-tender capacity.

Tariff and Tax Commission.

Free trade is, like universal peace, an ideal end toward which we must tend, but it is not the starting-point of industrial progress.—*Martin's History of France.*

SPEECH

OF

HON. EDWARD L. MARTIN,

OF DELAWARE.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 4, 1882.

The House, in Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws—

Mr. MARTIN said:

Mr. CHAIRMAN: The bill under consideration proposes to appoint a commission to consist of experts, so called, to take into consideration all the varied industries of our country, and to ascertain by an examination of those industries in what manner our system of taxation can be revised. That there seems to be some necessity for such revision is apparent not only by the demands which reach us through the various channels of information but by the presence of this measure itself in the Congress of the United States.

I shall not, in the few remarks which I propose to submit on this question, enter into any elaborate discussion of the two systems of raising revenue by a tax upon goods of foreign manufacture imported into the United States, commonly called the tariff, one miscalled, in my judgment, the American system, or a tariff for protection, and the other a tariff for revenue, which has been denominated by some most unjustly as free trade.

The question of how the revenues for the support of the Government should be raised was one which early gave trouble in the convention which framed the Constitution. It was claimed on the one side that taxation, by whatever means, should be left to the States, while on the other hand it was deemed absolutely necessary that power should be conferred upon the Federal Government in order that it should not be subject to the vicissitudes and disappointments which rendered the Confederation incapable of commanding the necessary means to carry on the Government. But on neither side was it ever maintained, or even hinted at, that the States, in the various clauses referring to the raising of revenue, conferred any power upon Congress to tax the people in any way for any other purpose than to raise the revenue necessary to carry on the Government.

The idea of a tariff for protection solely has been advocated in this discussion by some gentlemen on the floor of this House, and in the other end of the Capitol, which has not been done in former discussions even by the most advanced advocates of the protective system. "Protection for the sake of protection" is class-legislation in its most obnoxious form. Nowhere has any government the right to oppress one interest or industry to enrich another. Much less has it the right to tax all for the benefit of one. It is contrary to the spirit of this free Republic, the corner-stone of which is justice. And to demonstrate that I am correct in saying that not until these lat-

ter days has "protection for the sake of protection" been advocated by pampered interests, grown arrogant by long indulgence, I quote from Bancroft's History of the Constitution of the United States, volume 2, pages 337–8, a work just published by the acknowledged historian of this country, the following reference to Hamilton, the alleged father of the protective doctrine:

> Himself a friend to the protection of manufactures, he condemned "exorbitant duties on imported articles," because they "beget smuggling," are "always prejudicial to the fair trader and eventually to the revenue itself;" tend to render "other classes of the community tributary in an improper degree to the manufacturing classes;" to give them a premature monopoly of the market;" to "force industry out of its most natural channels," and to "oppress the merchant."

There is a universal demand for revision and reform of our tariff system. Even the favored few who have been accumulating colossal fortunes by taxing the industrious many have been compelled, in view of the general desire, to express themselves by the voice of their powerful organization, called the Industrial League, as follows:

> They consider such revision desirable for the interests both of the industries affected and those of consumers, partly on account of some original imperfections in the present tariff and partly on account of the modifications which are demanded by the changes which have occurred in conditions of production and commerce.

And yet, while admitting these defects, instead of providing remedies at once and revising and reforming the tariff by correcting its incongruities and repealing duties which do not pay for the expense of their collection, they pursue the subtle policy of delay by proposing to leave every one of the many thousands of duties on imports just as they are, and to create a commission, to be appointed by President Arthur, who was elected to office mainly by their enormous money contributions to Republican election expenses, to inquire into the subject and make a report to Congress at its next session when its term is about to expire, and it could not do anything even if it would. It is merely throwing the tub to the whale, and whomsoever else it may deceive it will not deceive the people. For, with almost insane ostentation, monopolists flaunt their great wealth in the eyes of the hard-worked laboring classes, and the latter cannot be blind even if they would to the injustice of the present policy of the Republican majority.

Nor do I believe it was ever contemplated we should relegate to any other body than that designated by the Constitution itself the power or propriety of suggesting in what manner or to what extent the people of this country should be taxed, for the Constitution distinctly provides that all bills for raising revenue shall originate in the House of Representatives. And why? Because, sir, the matter of taxation has been in all governments, in all ages, in all stages of civilization, one of the most troublesome which has engaged the attention of the legislator. How to raise the largest amount of revenue and at the same time to impose the lightest burden upon the people, whether real or apparent, has been the touchstone of successful statesmanship.

The principle of taxation unaccompanied by representation was one of the chief causes which led to the separation of the colonies from the mother country. And we thought when we had achieved our independence that in America at least that principle had been settled forever. And it was therefore incorporated into the Constitution that the representatives of the people directly should alone originate bills for raising revenue, because it was believed that they would be more sensitive not only to the interests of the people themselves but more sensitive to the complaints, if any injustice was ever attempted. The Representatives being compelled to return to their constituents every two years to give an account of their stewardship were supposed to be more directly under the control and influence of popular sentiment than the other branch of Congress, whose tenure of office is longer and whose constituency is much further removed from the body itself.

I do not think it can be truly said, Mr. Chairman, that the Congress of the United States to-day is possessed of less ability, or less experience, or less capacity for legislation than previous Congresses which have legislated on this subject of the tariff. Certainly the means of information are not less abundant now than in former years, or the means of ascertaining the wishes and will of the people, whom we are elected to represent here in the formation of tax bills as well as of other necessary measures of legislation. Nor has the Government itself been at all niggardly or parsimonious in providing means for the collection of accurate information in regard to every branch of industry and of development not only throughout our own wide domain but throughout the world.

And the same agencies which are claimed by some gentlemen in this discussion to have wrought such wonderful revolutions in the arts and sciences have wrought equally wonderful revolutions in the sources of information and the means of disseminating it among the people. And therefore I see no reason operating upon this Congress more than upon any of its predecessors why we should not bear the responsibility imposed upon us by the Constitution itself, not less than by the expressed wishes of a majority of the people of the United States at the last election, if the declarations of gentlemen on the other side of the House are to be believed, because we were told then, and we have been told since, that the country demanded a revision of our present incongruous tariff system, and that the country was not willing to intrust that revision to the Democratic party, and therefore reversed the majority which had control of this House in the last Congress and gave power to our opponents, with the understanding, as we supposed, that one of their first efforts on meeting here during this session would be to undertake the revision of the tariff. And it is my firm conviction, Mr. Chairman, that had the same zeal been manifested on the part of the majority in this House to revise our tariff system that has been exerted to postpone it and to invent reasons and to suggest arguments for that postponement, we might to-day have been quite as far advanced toward a solution of that question, as we are toward the solution of the question of appointing a commission to do that work for us.

Now, sir, I believe the tariff should be revised. I believe that under our present tariff system we are not collecting as much revenue as a properly-adjusted system would collect, while upon those articles of prime necessity entering most largely into the consumption of those who are less able to bear onerous taxation the duties are too high and impose a tax upon the people from which the Government derives little or no benefit, while upon other articles that are used mainly if not solely by the rich the largest importations are made.

I do not believe, sir, that the imposition of taxation in any way cheapens the article to the consumer. I cannot understand nor do I appreciate the force of the argument of gentlemen here who say that a tariff for protection leads to increased competition and to a reduction of price. As was said by one of the gentlemen in this discussion on the other side, the fact of deriving revenue was proof of the competition of the foreign article, because the importation of the foreign article upon which the revenue was derived competed with the home production. Therefore the tariff must be fixed to prevent the importation of any foreign goods, if goods of like quality are to be manufactured in our own country. So that protection as construed in this day means prohibition. I cannot understand, then, how the two arguments of gentlemen favoring the protective system can be reconciled when one claims the tariff must be prohibitory and the other that prohibition leads to competition. It is a palpable absurdity on the face of it.

And, Mr. Chairman, do not the facts which come to us daily prove conclusively that in many of the manufactures of this country there is prohibition, but no competition. Else how is it, for instance, that the nail-makers of Pittsburgh and Wheeling can hold their conventions and determine for themselves what shall be the price of nails for the ensuing week or the ensuing month, or that the iron and steel manufacturers can issue their monthly bulletins saying what the price of their commodities shall be for the coming week or month, or that the paper manufacturers can say what shall be the price of their manufactures for any given time in the future?

The fact is that under our prohibitive duties vast monopolies have grown up in this country, so that when new capital is invested in a business and new men organize for the manufacture of these articles notice is at once served upon them by the older manufacturers, who have associated themselves together in protective unions with different names but the same object, that unless they come into this close corporation their goods shall not find a market in this country. In other words, these monopolies, after securing the prohibition of competition on the part of imported goods of the same character, at once organize themselves into a system for "crushing out" all competition from new manufacturers in the home market. In this way they establish a law unto themselves and the price at which they will sell their manufactured goods depends at last upon their own sweet wills, regardless of any other consideration.

Now, Mr. Chairman, this is not so with the farmers of this country, and I believe it is not contradicted they comprise a large majority of our workers. The farmer has to sell his products for what he can get for them, the price being regulated by what our surplus is worth in Liverpool, where it comes in direct competition with the grain of Russia and of other countries which employ the cheapest and most degraded labor in the world. And no tariff can protect the farmer against this competition.

It has been most truly said that "history is philosophy teaching by example," and it becomes us to listen carefully to its lessons of wisdom. In the time of Louis XIV, when the revenues fell into the hands of monopolists and luxury became more extravagant than in the days of the Roman Empire, the agricultural classes were sunk in ruin and degradation, and agriculture everywhere languished. So it always has been; farmers and farming become degraded and enslaved where monopolists obtain sway of legislation; and where farmers and farming do not suffer unjust exactions and thrive and are respected we see the happiest outcome of free government.

Bancroft says that "absolute free trade as to exports became a part of the fundamental law of the United States." Now, these exports are chiefly, if not wholly, made up of our great staple products of the soil. It is the inevitable logical consequence of the protective or prohibitory theory that if the highest duties on imports do not furnish adequate protection then duties on exports should be imposed, so as to make our cotton and wool cost more to foreign manufacturers than to our own. It would seem, then, that this free Republic is not established, according to the theory of the protectionists, for the general welfare, but for the sole benefit and aggrandize-

ment of the manufacturing class. This would be to establish a merciless moneyed aristocracy, which to be hated needs only to be known.

I represent on this floor, Mr. Chairman, a constituency of laborers, of workingmen, for in Delaware we have no very rich men and few very poor ones, and I have no theories of my own which I desire to carry out regardless of their injurious and disastrous effect upon these laborers, nor am I wedded to the schemes of any one else, however refined and plausible, which I would not at once reject if they conflicted with the happiness and well-being of that people. But having seen the beneficent effects of cheap and simple government, with taxes at a minimum in my own State, I have great faith that like results would follow could simple methods be applied to the Federal Government. High taxes lead to extravagance which produces corruption and finally works ruin.

When Turgot, after the death of Louis XV, was called to take the reins of power and save if possible the nation from ruin, we are told he "found France, and in fact all Europe, steeped in poverty and threatened with future calamities, not because the country was deficient in natural resources or the people unwilling to labor, but because through the lack of any appreciation or understanding of the most simple economic laws and principles the government authorities had so multiplied taxes, monopolized trade, and restricted commerce that production was everywhere carried on at the minimum of profit, accumulation prevented, and distribution so impeded that the people in one province were sometimes allowed to starve, while in adjoining departments there was a surplus seeking a market." In 1776 the royal decree, made in the name of the king but written by Turgot, contained the following:

> God, in giving to man wants, rendered it necessary that he should have property. The right to labor is not only the property of all men but it is the first, the most sacred, and the most imprescriptible of all property. We therefore regard it as the first obligation on our justice, and as an act most worthy of our beneficence, to free all our subjects from every restriction on this most inalienable right of humanity. We therefore abrogate every arbitrary institution that does not permit the poor to freely enjoy the fruits of their labor, which tramples down the sex whose weakness gives it more of wants and less of resources, and which, in condemning women to poverty and idleness, promotes immorality and debauchery; which extinguishes emulation in industry and renders useless the talent of those who are excluded from trade associations; which deprives the state of the industry, the trade, and the products of foreigners; which retards the progress of the arts; and, finally, which gives facility to members of corporations to so intrigue among themselves as to force those who are poor to submit to the will of the rich and so become the instruments of monopoly and the supporters of schemes, the sole effect of which is to enable a few to enjoy more than their rightful proportion of those commodities which are essential to the subsistence and comfort of the masses.

The average rate of duties in our present tariff is about 43 per cent. Now, that means that the purchaser here must pay 43 per cent. more for all manufactured articles than he would be compelled to pay if there was no tariff at all. When the fathers framed the Constitution 5 per cent. ad valorem was deemed to be an adequate duty on imports. Now, if this 43 per cent. was absolutely necessary to save our manufactures from extinction, that would be a different question; but, as I have shown, such is not the case. It is in effect a bounty given to the large manufacturers, for while foreign competi tion is prevented by this prohibitory legislation, at the same time all home competition is suppressed by the combination of powerful and wealthy manufacturing organizations. This is so well known I need not enlarge on it.

In our Government direct taxation has been reserved for times of great exigency, as when a war is waged and the largest revenue is needed. Nevertheless it has always been unpopular in this country. The people will submit patiently to very onerous taxation that is not felt directly by being taken from them by the hands of the tax-gatherer, while the attempt to collect a much smaller sum has several times led to serious outbreaks and to very general discontent. Therefore the most popular system of taxation in this country has been the indirect mode of raising revenue through the imposition of tax upon the importation of manufactured goods into this country. But as between the two systems of a prohibitory tariff, or absolute free trade with direct taxation, I am not sure if the latter would not be the preferable mode.

Of one thing I do feel absolutely certain, that the latter mode would lead to a much more economical expenditure of the public moneys, to a much more rigid accountability for public expenditures on the part of the representatives of the people, and to a purer, simpler, and freer administration of government than has been seen of late years.

But, sir, is there not reason to doubt it is the intention or desire of those advocating this measure there will be any revision of the tariff through the instrumentality of this commission? The very men who clamor against any revision of the tariff, and who insist on the highest rates of duty for protection *per se*, are the champions of this measure. And in order to make it absolutely impossible there shall be any revision of the tariff duties they advocate the repeal of all our internal-revenue laws and the total abolition of the entire internal-revenue system, knowing full well that the necessities of the Government in payment of the interest and principal of the public debt and the large annual appropriations for soldiers and sailors' pensions must, for many years to come, require an amount of revenue that will necessarily impose a high rate of taxation in the form of tariff.

If the internal-revenue taxes duties are repealed of course it must be the tariff duties will be in excess of those of which the people now complain. If I could believe, or if there had been any argument adduced by the gentlemen opposed to revenue tariff, that they would after this commission had discharged the function with which this bill clothes it address themselves earnestly and seriously to a revision of the tariff, I might overcome some of the objections which I have urged to this mode of legislation and would give this bill my hearty support. But I am forced to the conclusion that this is only a subterfuge to enable gentlemen on the other side to escape, if possible, the responsibility for not fulfilling their promise to the people who elected them at the last election.

That the danger to our liberties which I have referred to is a real one and not any figment of my imagination, I will support it by a brief quotation from a standard work, De Tocqueville's Democracy in America:

> I am of opinion upon the whole that the manufacturing aristocracy which is growing up under our eyes is one of the harshest which ever existed in the world; but at the same time it is one of the most confined and least dangerous. Nevertheless the friends of democracy should keep their eyes anxiously fixed in this direction; for if ever a permanent inequality of conditions and aristocracy again penetrate into the world it may be predicted that this is the gate by which they will enter.

At the close of the canvass in Indiana preceding the last Presidential election, and when it could not possibly be for any legitimate election expenses, the manufacturers of Pennsylvania were thrown into terror by the threat that unless they responded the Democrats would come into power and all duties would be taken off; and they did respond in enormous contributions, which we have reason to believe were "put where they would do the most good" to the Republican party.

I conclude, Mr. Chairman, by indorsing the following just thoughts:

> Cast your eye over the globe. Which are the happiest, the most moral, and the most peaceable nations? Those where the law interferes least with private activity; where the government is the least felt; where individuality has the most scope, and public opinion the most influence; where the machinery of the administration is the least important and the least complicated; where taxation is lightest and least unequal, popular discontent the least excited and the least justifiable; where the responsibility of individuals and classes is the most active, and where, consequently, if morals are not in a perfect state, at any rate they tend incessantly to correct themselves; where transactions, meetings, and associations are the least fettered; where labor, capital, and production suffer the least from artificial displacement; where mankind follows most completely its own natural course; where thought of God prevails the most over the inventions of men; those, in short, who realize the most nearly this idea: that, within the limits of right, all human transactions should flow from the free, perfectible, and voluntary action of man; nothing be attempted by the law or by force, except the administration of universal justice.

Department of Agriculture.

REMARKS

OF

HON. JEREMIAH W. DWIGHT,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 8, 1882,

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

Mr. DWIGHT said:

Mr. SPEAKER: So much has been said by those who are, by the rules of the House, in charge of this bill, which provides for the enlargement of the Agricultural Bureau and elevates the head of it to a Cabinet position, that I have not thought it necessary to occupy the time of the House in attempting to give any additional reasons why the bill should become a law. In consequence, however, of the attacks that have been made upon it, I ask to be heard very briefly.

The first objection that I shall notice was made by the gentleman from Alabama, [Mr. HERBERT,] who said:

> I do not want a bureau organized to control the farmer, and that will be the result of this scheme, so far as political influences can effect that result. This bureau, with its head in the Cabinet, taking its political complexion from the Administration, giving its political aid to the Administration, reaching out through its subbureaus all over the country, ramifying in every direction, touching the people at all points, will be a most powerful political machine.

In my judgment, Mr. Speaker, the gentleman fails to appreciate the purposes and scope of the bill, and the great interests involved in this discussion. He seems to forget or fail to realize that the agricultural, manufacturing, and commercial industries of the country are vastly more important than all other interests which engage the attention of our people. His fear that the proposed Cabinet office may be filled by a politician apparently dwarfs his conception, so that he is unable to comprehend the importance of the subject, and he would therefore defeat the passage of the bill.

Mr. Speaker, let me suggest that the President and Vice-President of the United States are politicians, and will continue to be. The Cabinet officers are and always have been politicians. The same is true of Senators, Members of Congress, and all other public officers. I am not aware, however, that it is the purpose of the people or the gentleman from Alabama to abolish all or any of the offices named because they have been, are, and will continue to be filled by politicians. It has not been hinted that I am aware of that the gentleman asks to have the office which he holds upon this floor abolished, or that he intends to resign because it is filled by not only a politician but a very zealous partisan.

The distinguished gentleman from Indiana, [Mr. BROWNE,] who is usually on the right side of all public questions, has, as it seems to me, mistaken this one. He says:

> There are many reasons, if I had the time to give them, why agriculture, so large and important an interest as it is, occupies no such relations to the Government as to make it either necessary or proper that it should be represented in the councils of the Executive.

He also says:

> What do you do by creating a secretary of agriculture except to make a new officer, to increase salaries, and increase expenditures of the people's money from the Treasury? That is all.

I know of no one here or elsewhere who proposes to abolish any of the Cabinet positions which now exist under the laws of the United States. By the consent of all parties and all citizens, I believe they are regarded and treated as absolutely necessary. And I desire to call attention to the fact that no one of them is delegated to treat subjects or interests that are more comprehensive and important to our whole people than will devolve upon the new Cabinet officer which will be created by the provisions of the bill now being considered, if it becomes a law. I will also add that the magnitude of the aggregated business that will come under the considerate care of the new secretary will amaze us all when we come to examine the data from which we approximate the amount. I have not at hand the statistics to enable me to speak with definiteness. Nor have I now the time or opportunity to obtain them. Nor is it necessary after the full and elaborate discussion which has already been had upon the subject. I will only state two items approximately, as I recollect them. I believe that the aggregate value of agricultural productions for the year 1880 were about nine billion dollars, and that manufactured productions for the same year amounted to about six billion dollars. Include with these sums the other interests which the bill provides for, of which I will name the following:

Collecting and disseminating all important and useful information concerning agriculture, and also concerning such scientific matters and industrial pursuits as relate to the interests of agriculture, which shall include divisions of botany, entomology, and chemistry, and the modes of farming in the several States and Territories, and report such practical information as shall tend to increase the profits of the farmer respecting the various methods; the crops most profitable in the several sections; the preferable varieties of seeds, vines, plants, fruits, and fertilizers. The bureau of animal industry, to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States; their protection, growth, and use; the causes, prevention, or cure of contagious, communicable, or other diseases; and the kinds, races, or breeds best adapted to the several sections for profitable raising.

The bureau of lands, the chief of which shall investigate and report upon the resources and capabilities of the public and other lands for farming, stock-raising, timber, manufacturing, mining, and other industrial uses. It also provides that there shall be a division of forestry, the chief of which shall ascertain the annual amount of consumption, importation, and exportation of timber and other forest products; the probable supply for future wants; the means best adapted to the preservation and renewal of forests; the influence of forests upon climate, and kindred subjects.

It further provides that the bureau of statistics shall collect and report the agricultural statistics of the United States; and, in addition, all important information and statistics relating to industrial education and agricultural colleges; to labor and wages in this and other countries; to markets and prices; to modes and cost of transporting agricultural products and live stock to their final market; to the demand, supply, and prices in foreign markets; to the location, number, and products of manufacturing establishments of whatever sort, their sources of raw material, methods, markets, and prices.

The subjects involved in this discussion are more important to the country and to all its people than any other subjects that have occupied the time and attention of this Congress.

It is not saying too much, Mr. Speaker, when I state that they underlie and overshadow all other questions. How my astute and distinguished friend from Indiana should have been led to adopt the view he has expressed I am unable to determine. I am quite confident that he will find himself here and elsewhere acting with a decided minority, which will constantly grow smaller as the wisdom of the measure shall be made apparent by the beneficent results that will follow its adoption.

Tariff and Tax Commission.

SPEECH

OF

HON. W. C. WHITTHORNE,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 5, 1882.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws—

Mr. WHITTHORNE said:

Mr. CHAIRMAN: I had determined not to participate in this debate, believing and knowing that the final passage of the pending bill was a certainty, but, inasmuch as the discussion has taken so wide a range, and has assumed a phase in which the expression of individual views becomes proper, if not necessary, I ask the indulgence of the committee for a brief time, in which I shall attempt to discharge this duty.

In the discussion of the pending question of a tariff commission it is well to look at the condition of the Government for whose benefit revenue is to be raised, to examine into its present necessities, and to determine as far as it is possible what are likely to be the demands of the future upon its accruing revenues. I assume, Mr. Chairman, that the financial condition of the country is correctly exhibited by the Secretary of the Treasury in his annual report to Congress, and I quote from it here what I deem to be pertinent to the views I entertain as to the present duty of Congress to the people, and which, in my judgment, makes manifest and imperative the need of present action upon our part. Says the Secretary of the Treasury:

> A revision of the tariff seems necessary to meet the condition of many branches of trade. That condition has materially changed since the enactment of the tariff of 1864, which formed the basis of the present tariff as to most of the articles imported. The specific duties imposed by that act, for instance, on iron and steel in their various forms had then a proper relation to the ad valorem duties imposed on the articles manufactured from those metals; but by a large reduction in the values, especially of the cruder forms of iron and steel, the specific duty imposed thereon now amounts, in many cases, to an ad valorem duty of over 100 per cent., while the ad valorem duties on manufactured articles have not been changed.
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> The growing demands of trade have led, also, to the importation of iron and steel in forms and under designations not enumerated in the tariff, and the great disproportion between the specific and ad valorem duties is a constant stimulus to importers to try to bring the merchandise under the ad valorem rate. This produces uncertainty, appeals from the action of collectors, and litigation, which prove embarrassing to business interests as well as to the Government; and what is instanced as the case with iron and steel will be found to be the case with other articles. An equalization of the tariff, and a simplification of some of its details, are needed. How far such revision shall involve a reduction of the tariff is a question for Congress to decide.
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> The rapid reduction of the public debt and the increase of the surplus in the Treasury present the question to Congress whether there should not be a reduction in the taxation now put upon the people. It is estimated that, if the present ratio of receipt and expenditure is kept up, the public debt now existing may be paid in the next ten years. In view of the large sum that has been paid by the present generation upon that debt, and of the heavy taxation that now bears upon the industries and business of the country, it seems just and proper that another generation should meet a portion of the debt and that the burdens now laid upon the country should be lightened. It is to be considered, too, whether the seeming affluence of the Treasury does not provoke to expenditure larger in amount than a wise economy would permit, and upon objects that would not meet with favor in a pinched or moderate condition of the Federal exchequer.
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> In some quarters there is already talk of an overflowing Treasury, and projects are put forth for lavish expenditure, not only to the furtherance of public works of doubtful legitimacy and expediency, but in aid of enterprises no more than quasi-public in character. Can a government be justly said to have an overflowing treasury when there is an outstanding debt against it greater than it could pay if lawfully presented, and when its means of payment in the future must be taken from its denizens by burdensome taxation? And is it a beneficial exercise of governmental power to raise money by taxation in greater sums than the lawful demands upon the Government require, when those demands are of themselves a heavy burden upon the industry and business of the country?

And very wisely has the Secretary called attention to the suggestion made by a large class of interested parties to the permanency of a national debt for investment and banking purposes. Approving his remarks in this connection as far as they go, I beg leave to quote them. Says the Secretary:

> Other considerations have been presented; such as that if the public debt be fully paid and all Government bonds retired, the best and safest basis for the national-bank system will be gone, and that a desirable mode of investment for savings-banks, trust companies, and fiduciary representatives will be taken away, and that the return of the sums paid to the holders of bonds, to seek investment through other channels, will disturb the business of the country. It is doubtful whether, in a government like ours, not designed for a paternal one, these will be held as sufficient reasons for keeping on foot a large public debt, requiring for the management of it, and for the collection of the revenue to meet the interest upon it, many officials and large expense.

The Secretary might have gone further and demonstrated, as I believe could be done, that "a permanent national debt is a permanent national curse," involving, as it always does, permanent taxation, attended with corruption. But he has said sufficient to arrest attention to the fact that he regards the payment of the public debt as important as affecting the character of our form of government, and

shows that in this regard he is imbued with the "ancient democratic faith."

Now, let us turn for a moment to the estimate made by the Secretary of the receipts and expenditures of the Government for the fiscal year 1883, remarking as we pass along that his estimate of receipts for the two last quarters of the fiscal year 1884 have been and will be exceeded, and expenditures will most likely be lessened. The estimate for 1883 is as follows:

FISCAL YEAR 1883.

The revenues of the fiscal year ending June 30, 1883, estimated upon the basis of existing laws, will be—

From customs	$215,000,000 00
From internal revenue	155,000,000 00
From sales of public lands	2,500,000 00
From tax on circulation and deposits of national banks	8,000,000 00
From repayment of interest by Pacific Railway Companies	1,500,000 00
From customs fees, fines, penalties, &c	1,350,000 00
From fees—consular, letters-patent, and lands	2,450,000 00
From proceeds of sales of Government property	250,000 00
From profits on coinage	3,250,000 00
From revenues of the District of Columbia	1,800,000 00
From miscellaneous sources	8,900,000 00
Total estimated ordinary receipts	400,000,000 00

The estimates of expenditures for the same period, received from the several Executive Departments, are as follows:

Legislative		$2,993,455 92
Executive		16,291,367 73
Judicial		403,200 00
Foreign intercourse		1,315,055 00
Military establishment		29,509,524 17
Naval establishment		17,249,148 46
Indian affairs		5,841,713 91
Pensions		100,000,000 00
Public works:		
Treasury Department	$3,282,000 00	
War Department	11,479,506 03	
Navy Department	2,829,938 00	
Interior Department	386,900 00	
Post-Office Department	8,000 00	
Department of Agriculture	43,730 00	
Department of Justice	1,500 00	
		18,031,574 03
Postal service		920,077 95
Miscellaneous		18,141,851 95
District of Columbia		3,562,599 31
Permanent annual appropriations:		
Interest on the public debt	$65,000,000 00	
Sinking fund	45,611,714 22	
Refunding—customs, internal revenue, lands, &c	7,514,160 00	
Collecting revenues from customs	5,500,000 00	
Miscellaneous	2,577,125 00	
		126,202,939 22
Total estimated expenditures, including sinking fund		340,462,507 65
Or an estimated surplus of		59,537,492 35

Excluding the sinking fund, the estimated expenditures will be $294,850,793.43 showing a surplus of $105,149,206.57.

Mr. Chairman, the receipts of the Government will be in excess of the estimates of the Secretary. This is apparent from the increase of importations, and the collections made from internal revenue and miscellaneous resources, and from the rapid extinguishment of the public debt. An interesting and reliable statement in this connection has been prepared and given to the public press by Mr. Carson, the able and efficient clerk of the Committee on Ways and Means of this House, and to which I ask your attention. It is as follows:

The reduction in the public debt for April was about the average for the preceding months of the current fiscal year, the amount for the month being $14,415,824, and for the ten months, $128,748,213. The largest reduction hitherto made in the public debt during any one year was in 1867, when the reduction was below $128,000,000, or about $100,000,000 less than has been reached during the past ten months. Thus far the reduction for the current year leads all preceding years, and is likely to reach $145,000,000. While the reduction for April is reported at less than $15,000,000, there was a reduction for the month, in the interest-bearing debt, of, $20,707,850. This apparent discrepancy is explained by the fact that the cash in the Treasury compared with April 1 is reduced about $5,000,000, and this in turn is explained by the large disbursements made on account of called bonds. Since July 1, 1882, the average monthly reduction in the public debt has been $12,875,000.

Of the continued 6 per cent. bonds only $89,000,000 are now outstanding, and nearly $42,000,000 of this amount have been called for redemption. The one hundred and ninth, one hundred and tenth, and one hundred and eleventh calls for $5,000,000 each will mature May 3, May 10, and May 17 respectively, and the one hundred and twelfth call, which is for $15,000,000, will mature June 7. In these four calls $30,000,000 are included, and the call issued yesterday for $11,000,000 wipes out the remainder of the loan of 1861, the original amount of which was $189,000,000, and which was the first loan authorized on account of the rebellion. Of the $80,000,000 included in the four calls last matured, about $7,500,000 are still outstanding.

The Treasurer's statement of assets and liabilities for April shows an increase of $3,416,473 in standard silver dollars, the amount of these coins now in the Treasury being $81,595,056. Against this amount there are outstanding $58,900,000 silver certificates, which shows the Government to be absolute owner of but 28 per cent. of the amount of silver dollars now in the Treasury. In fractional silver coins the increase for the month was about $250,000. In gold coins and gold bullion there are now on hand over $155,000,000, a decline of $11,250,000 since April 1. There is also a loss of $2,000,000 in the amount of United States national-bank notes held in the Treasurer's general fund since the last monthly statement was issued. The fund held for the redemption of notes of national banks, failed, in liquidation and reducing circulation increased during April $3,000,000. This is accounted for by the rapid absorption by the Government of the 3½ per cent. bonds. Many banks holding the called bonds deposit United States notes for their bonds and reduce circulation rather than purchase 4 per cent. bonds at the present premium. The amount of 4 per cent. bonds now held by the Treasury to secure circulation and deposits is $102,296,950, a decrease of nearly $600,000 compared with May 1, 1881. During the month just closed, however, the deposits by national banks of this class of bonds were $3,500,000, against $870,000 withdrawn. The bulk of these deposits was by new banks established in the West. The available cash balance in the Treasury is $142,334,183, a decrease of over $5,000,000 compared with April 1.

The total receipts of April show an increase of $3,500,000 over those for April, 1881, as will be seen from the following comparative statement:

Source of revenue.	1882.	1881.
Customs	$17,862,836	$17,056,836
Internal revenue	11,996,375	11,824,345
Miscellaneous	4,884,262	2,359,119
Total	34,743,473	21,250,100

For the ten months of the current fiscal year the total receipts were $334,300,557 against $298,008,253 for the corresponding months of last year, an increase of $36,000,000. In consequence of the larger reduction in the principal and rate of interest on the public debt the expenditures for the ten months, closing with April show a decrease of over $10,000,000 compared with the same ten months of the preceding year. This larger saving in expenditure has the effect to increase the net surplus revenue by that amount.

Now, Mr. Chairman, at the risk of being tedious in quoting "figures," I beg to call your attention to a statement of the interest-bearing bonded debt of the Government, giving the periods at which it becomes redeemable and payable, in order that we may see the demands that we make by this charge upon the public revenues. This statement I take from one of the current statements of the public debt issued by the Treasury Department:

Title of loan.	Authorizing act.	Rate.	When redeemable.	Total.
Loan of 1863, (81's)	March 3, 1863	6 per cent. continued at 3½ per cent.	June 30, 1881	$47,855,700
Funded loan of 1881	July 14, 1870, and January 20, 1871	5 per cent. continued at 3½ per cent.	May 1, 1881	401,503,900
Funded loan of 1891	July 14, 1870, and January 20, 1871	4½ per cent.	Sept. 1, 1891	250,000,000
Funded loan of 1907	July 14, 1870, and January 20, 1871	4 per cent.	July 1, 1907	738,772,550
Refunding certificates	February 26, 1879	4 per cent.		575,250
Navy pension fund	July 23, 1868	3 per cent.		14,000,000
Total interest-bearing debt				1,452,707,400

It will be seen that I exclude from the public debt statement all of the debt created prior to March 3, 1863, because all of the bonded debt so created has been called for, and that with a portion of the debt created under act of March 3, 1863, will be extinguished before the commencement of the next fiscal year, 1st of July, 1882. An analysis of this statement in connection with the calls for bonds made by the Secretary of the Treasury will show that of the debt now redeemable at the pleasure of the Government there will remain after the 1st of July, 1882, about four hundred and fifty million dollars.

Mr. Chairman, a careful study of these official exhibits makes it manifest that if our present tariff and internal-revenue laws remain as they are, and useless and extravagant expenditures are avoided, there will be collected under them a surplus of nearly or quite one hundred and forty millions per annum, and this too with liberal appropriations for pensions, and which being applied to the payment of the present redeemable debt of the Government, will extinguish it in about three years, or six years, before the next bonded indebtedness of the Government becomes redeemable, which, as is shown, is September, 1891.

In view of this state of facts, what is the duty of Congress? May I ask, is it just to the people that we should continue in existence onerous taxes in order to pay this debt prematurely? Is it not criminal to collect such a surplus over and beyond the necessities of the Government? Is it not already apparent from the vast schemes of subsidies, jobs, and extravagant propositions presented to this Congress that this surplus invites the public plunderer and lobbyist to a feast of corruption? To meet and defeat these schemes, and to be just to the people by the reduction of taxes, I hold to be the first and supreme duty of this Congress.

And it is this duty that the Republican party now shrinks from in their effort to create a "tariff commission." They would prolong the life of the national debt, but they dare not say so. They would

perpetuate the existing tariff, with all of its injustice, but they have not the courage squarely and honestly to face the people as its advocates and defenders, but seek by false issues and appeals to the fears of the people in their business relations to hide its enormities and eke out its life. No trained body of men in any service have ever been more effective in their work than the friends of the Morrill tariff in the Congress of the United States have shown themselves to be.

It is idle for gentlemen to arraign the Democratic majorities in this House of the Forty-fourth, Forty-fifth, and Forty-sixth Congresses for any failures to remedy the tariff. Those of us who were here know that outside of the overshadowing knowledge that the executive department was against any change, we felt and recognized the full power and efficiency of the friends of the Morrill tariff to defeat any proposed legislation, and this they will have the power to do in the future, notwithstanding any recommendation of a tariff commission, from their unity of purpose and cohesive organization. And they will do it, Mr. Chairman, unless the commission's report and the majority of this House is acceptable to them. Aggregated and corporate wealth is a fearful and powerful adversary to unorganized labor and industry.

I have said that the friends and advocates of the present tariff seek by false issues "to hide its enormities and eke out its life," satisfied as they must be that if the present large surplus of revenues is to continue much longer the people, unless misled and deceived, will unite to dethrone its exactions. Hence it is, Mr. Chairman, that they proclaim its opponents to be in favor of "direct taxation" and "free trade." There are no such issues, as they well know, tendered by any party in this country, and no practical person, however wise and correct he may believe the theories of either to be, deems it possible to establish such a policy on the Government even when the national debt is extinguished, much less so while it exists. The very frame-work of our Federal and State governments would make it a difficult problem, and the habits and customs of the people make it impossible.

It is, therefore, a false issue, sought to be made by the Republican party, and willfully so, in order to distract the attention of the people from the real issues in this connection tendered by the Democratic party in the interest and for the benefit of the people. These issues are the payment of the public debt, an economical administration of the Government, and the reduction of taxation; and in making this reduction such a reformation of the tariff as shall relieve the people of the burdens they pay, not to the Government, but to favored classes, and with the view and to the end that taxation shall be made to fall, as nearly as it can be done, in equal measure upon all.

These, Mr. Chairman, I repeat, are the real issues, and are those which the Republican party in the past have sought to postpone, and now insidiously avoid.

A brief retrospect of the proceedings of Congress and the action of the executive department will show that while the Democratic party on this floor have sought by their support of economic measures to retrench and reduce the expenditures of the Government so as to make the payment of the public debt easy, those efforts have encountered the opposition of the Republican party, and that in every endeavor to reduce the tariff made by the Democrats a sturdy resistance has been offered by the Republican party. A reference to the journal of our proceedings will also show that the Republican party leaders have sought to prolong the bonded indebtedness of the Government in the creation of a new bond payable at a distant period, the only purpose of such long bond or deferred payments being the perpetuation of the necessity of continued high taxes, or, in other words, "high duties," to the end that "protection," not to labor, but to "capital," whether invested in banks or manufactories, might be secured.

"Protection" to capital so invested is the aim and end of all their efforts. They are, by reason of the fidelity of the Democratic party to economy in the administration of the Government, and the resistance of that party to "monopoly" in gold, now confronted with such an exhibit of financial ability upon the part of the Government to pay the public debt in strict conformity with public faith, and at the same time largely to reduce taxation. So that to secure their object "a tub must be thrown to the whale," and hence the effort to show a reduction of taxation by the introduction of the bill to repeal certain internal taxes, the details of which I have not now time to examine, but I feel quite assured even this, it is not expected, shall receive final consideration by this Congress. If good faith had been intended, why not have made it a part of the pending bill, or had its consideration prior to this time? Yet again, if friendly to labor, why not prefer "farm laborers," and in it propose to take off all taxes on tobacco, instead of relieving capital?

No, Mr. Chairman, we cannot disguise the fact that the purpose of this present majority of the Committee on Ways and Means, and who are but the swift servants of a Republican caucus, is to secure and foster protective and prohibitory duties as the system of taxation which is to prevail and govern this country. If the "tariff commission" performs its intended office in its recommendations it will be supported by the advocates of the Morrill tariff; if not, it will be defeated by them.

Mr. Chairman, the question with them is not one of argument and reason, or even good faith to the great mass of the people; it is solely one of interest. They will not yield the tributes paid by labor to their wealth.

"Protective taxation," Mr. Chairman, is not warranted by the genius and principles of our form of government. The theory of our republican institutions is that the Government shall not foster and encourage one class of the people at the expense of another; that the Government cannot rightfully interfere with the right of the citizen to pursue fortune as he may choose, except so far as to prevent him from trespassing upon the like right belonging to others, nor can the Government oppress one class for the benefit of another class. The very spirit that gave birth to our constitutional forms of government was a protest and limitation against the governmental authority to discriminate between citizens and classes by unequal taxation.

The inherent and necessary inequality of protective taxation tends to encourage the growth of corporate wealth and to beget monopolies. A careful study of the economic history of our country for the last few years, makes the truth of this proposition clear, and while we are rejoiced at the rapid development of the resources of our country in all of its economic relations, yet those who are mindful of the lessons taught by the history of the grand and magnificent struggles of peoples against vicious oppression and partial governments in all the past, must contemplate with fear and apprehension the great increase of incorporated capital and the support and favor it constantly demands and receives from the partial legislation of the Government.

Indeed, Mr. Chairman, it has already in a marked degree arrested attention; so much so, in fact, as to call for the assertion by the people, by constitutional amendments and otherwise, of their ultimate right to control all charters and grants of power and privileges. The very office of "protective taxation" is to foster, encourage, and support classes, and this begets that vicious and corrupt character which history unerringly teaches us is ultimately destructive to any form of government. We, sir, are witnesses to the fact that the great "protected" interests are by their paid agents and attorneys represented in all the avenues of approach to the deliberations of this Congress.

Sir, the advocates of "protective taxation" upon this floor and throughout the country assume that it is the province of capital to take care of labor. In this they ask of the Government by "protective taxation" to secure their "wealth," and out of its thus assured profits they will pay higher wages to labor. So reasons the wolf with the lamb. Do any of the protectionists propose to give security for the faithful performance of such pledges? No, sir. And may I add, who believes that such protectionists would fail for a moment to purchase machinery that cheapened the cost of labor to them, or that they would employ the "pauper labor" of Europe that may flock to our shores, or even to take "the Chinaman" if perchance they could thereby secure a less rate of wages per day?

No, sir. They are for "free trade" in labor because it enhances the value of their capital, and not for "free trade" in anything that tends to diminish it. It is not, and should not be, one of the objects of government to interfere so as to disturb the natural and proper union and harmony between labor and capital. Legislative interference in this country between labor and capital is a great and growing evil, and nothing contributes more to make the recurring conflicts between these economic forces bitter than "protective taxation." In vain may gentlemen declare that the existing tariff has advanced the interests of labor in this country.

May I not, in answer thereto, ask you, Mr. Chairman, why is it that during the years of this tariff, trade unions and labor organizations have so rapidly grown and multiplied in this country, and why is it that during these years "strikes," which have threatened the peace and stability of our political fabric, have repeatedly occurred? Do they not even now hear the mutterings of that volcano? Do not these advocates of protective taxation realize that but for our cheap tillable lands, where starving want may and does find relief, labor would not for one hour tolerate that system of legislation under which "strikes" become a necessity, while at the same time favored classes become enriched into millionaires in the course of a few years.

From your cheap lands have come at once the relief and prosperity of this country, and when by restrictive legislation you shut off the markets of the world to the surplus products of the laborers on this soil, the time will come when down will tumble all your castles erected by protective taxation.

Mr. Chairman, does not the present state of things demonstrate the correctness of this proposition? The drought of 1881 diminished your agricultural products. Its effect was to diminish exports, and with diminished exports has come a contraction in the value of all capital, as is shown in the depreciation of stocks and bonds and the tightness of money markets.

Suppose by continued restrictive legislation upon the part of this country toward the trade of other countries you invite retaliatory laws upon their part, (and this we know is contemplated by some of them,) and thus shut off a demand for our products and thereby diminish our exports, have you not, or, rather, will you not accomplish the same results as the drought of 1881? I commend to gentlemen the wisdom and truth of the words of a distinguished political oconomist that "a commercial nation has the same interest in the wealth of her neighbors that a tradesman has in the wealth of his custom-

ers;" and in this connection, to quote the equally wise and truthful words of another political economist, that "all obstructions to the exchange of commodities between any two countries desiring each other's products must injuriously affect the interests of both."

This we know to be true as between individuals, and must be so as between different countries. No section of the world can produce all that its inhabitants want, and hence, in order to supply such wants an exchange of products becomes a necessity. This exchange is commerce, and all obstructions thereto operates either to diminish this exchange, or to make the gratification of wants burdensome, and in either event to lessen the value of labor. Protective taxation tends, therefore, to isolate a country, and ultimately to impoverish it.

It would be instructive in this connection to look at the condition of the commercial nations of the world, commencing with the greatest in wealth and population, and going on down to those least in either, and testing their condition by the question of "protective taxation." I have not the time now to do more than make the suggestion.

"Protective taxation" for the benefit of one interest creates the demand and necessity of like taxation for another. Bounties to one begets bounties to another. Full many an illustration of this truth could be given, but it is especially shown in the demand of the shipbuilders for subsidies. The subsidies, if granted, can only be justified because it is necessary to equalize, or rather neutralize, the injustice done this industry by protective taxation. But, Mr. Chairman, I hasten on, and hurriedly, to notice the main arguments made in support of "protective taxation." These arguments are:

First. That "protective taxation" for the benefit of manufacturers and other interests tends to and does cheapen the prices of the manufactured goods or protected articles.

Second. That the effect and office of "protective taxation" is to enhance the price of farm products.

Third. That "protective taxation" increases the price of the wages of labor.

Now, Mr. Chairman, if these propositions be true, it can well be understood that the farmer and wage-laborer would favor protective taxation, but why the manfacturer, whose goods are to be cheapened thereby, should desire it and involve himself in great expense to secure it is strange—passing strange. But, sir, upon their face these propositions are self-contradictory, and I submit that in the production of manufactured goods there are but three elements—material, labor, and capital. Now, if you increase the price of the material and the labor, which are the chief items of cost in production, it is impossible that the final cost of the product can be lessened by this process. A moment's reflection will demonstrate the falsity of one or the other of these propositions and their absurdity taken as a whole. My colleague [Mr. SIMONTON] very aptly made this manifest a few days since in his queries put to the gentleman from Michigan, when he asked how the farmer was to reconcile the proposition when told in the same breath that the tariff on oats "put oats up," and that the tariff on salt "put salt down."

In fact, these arguments of those who favor "protective taxation" reminds one of the bunko game, in which it is said of the "little joker," "now you see it, and now you don't."

But, Mr. Chairman, tables of certain and selected manufactured articles, showing large reductions in price, are exhibited, and at the same time tables of certain products of the soil are shown, and the advocates of protective taxation point to them to sustain these propositions, and display the tables of our large import and export trade as showing the great prosperity of this country. In answer to such arguments, it might be well to inquire what would have been the prices of these articles and the degree of prosperity in this country without the "Morrill tariff." Especially, sir, in view of the fact that it cannot be argued that "protective taxation" in the United States increased the commercial wealth of England and other countries of Europe. Turn for one moment to the exhibits of the export and import trade of Great Britain, France, Italy, and Germany since 1860, and you will note the immense increase in the volume of the trade of each.

That of the entire world has been largely augmented in these years, and the tendency in the alteration of prices in all of the articles which the advocates of protective taxation have exhibited is shown in each and everywhere. Now, is all this to be ascribed to the Morrill tariff of America? It is absurd to say so. Why do not these advocates deal frankly and candidly with the people, and say to them that the inventive genius of the world, as shown in the improvements of machinery and the use of steam, has cheapened the prices of labor in the cost of production; that the multiplication of the steamship and the steam railway has diminished very largely the obstructions and cost of transportation, and these, apparent and existing in all countries, have of themselves wrought changes in conditions and secured cheaper prices in certain articles and higher prices in others, according to the locality in which you may make the examination?

Take, for instance, the farmer in Illinois in 1845. Then his wheat, corn, and live stock commanded comparatively a small price, and his needed supplies a high price. Why? Because he had no means to reach the markets of the world. In 1880, by reason of increased transportation facilities, he is enabled to reach those markets; hence able to obtain higher prices for his wheat and corn, &c., and to secure his supplies at a less price. I need not make other illustrations to demonstrate that it is to the inventive genius of the world, as displayed in improvements in the mechanical forces, that the world is most indebted for its present wealth. The sober, disinterested intellect of the world recognize this, and pays willing tribute to the fact. In the face of it, does it not seem ridiculous to ascribe the progress of the United States to the Morrill tariff?

There are other arguments equally as unreliable as those just now referred to made in support of protective taxation, such as the balance-of-trade theory and "foreign influence." I pause as to one, but simply to ask, what intelligent man of these United States that does not know that in all of the great corporations of this country—banks, railroads, and manufacturing establishments—"foreign gold" is largely invested, and that this gold is largely interested for its own increase in continued protective taxation? And if it is to be supposed that "foreign influence" is at work in this country it is much more likely to be with the protectionists than against them. And especially, Mr. Chairman, when we regard the fact that it is under "protective taxation" the foreigner derives from American commerce the annual subsidy of over $100,000,000 in the carrying trade. The British ship-owner realizes, under the operation of the Morrill tariff, about one-half as much revenue as that received by the Government. Why should he complain and seek to have it altered?

"Protective taxation" is a tribute enforced by legislation, not for revenue, but as a bounty to favored classes from the great body of the laborers and wealth-producers of the country. When you come to look at the amount it is simply astonishing. I here quote what is said in reference thereto, in his recent speech before the Senate, by Senator COKE, of Texas:

During the fiscal year just closed the value of dutiable merchandise imported into this country from abroad, as the Treasurer's report shows, was $448,061,587.95. Upon this merchandise was collected at the custom-houses $193,800,897.67, being an average of 43¼ per cent. This is the entire revenue of the Government, derived from the tariff for the last fiscal year. Now, what amount do the manufacturers receive from the tariff? By the census of 1870 it was estimated that $4,000,000,000 worth of manufactured articles were consumed annually in the United States. The figures for 1880 are not yet published so as to be accessible, but following the ratio of increase in population and everything else, they must now amount to at least $5,000,000,000 each year. All these manufactures being increased in cost to the consumer by the amount of tariff duty, which, as I have before stated, is an average of 45 per cent., which goes to manufacturers, it is easy to see on that basis what the share of the manufacturer would be. But I will discount that per cent. so as to more than cover all contingencies and all drawbacks, and say they only receive under the tariff 25 per cent. on the sum total of manufactured articles consumed in the United States, and it amounts to the enormous sum of $1,250,000,000 annually. And the amount increases each year with the population and trade of the country.

So, for the year 1881, the results of tariff taxation and the distribution of its proceeds may be tabulated thus:

Revenue received by the Government	$193,800,897 67
Bounty received by manufacturers	1,250,000,000 00

So that, for every single dollar paid into the national Treasury under the existing tariff, six and a half dollars, at the lowest calculation, go into the pockets of the manufacturers. If this vast sum of money were collected annually from the pockets of the people directly, to be given to the already richest class of people in this country each year, its monstrous iniquity would, of course, be so apparent as to defeat it.

And I submit further in this connection what was said upon the floor of the Senate a few days since by Senator HARRIS, from my own State:

Mr. President, the revenues collected upon imports in the fiscal year ending June 30, 1881, as appears from the report of the Secretary of the Treasury, amounts to $198,159,676.02. Would that our Bureau of Statistics could report to us the exact data to show how many times that amount was, under this monstrous system of taxation, extorted from the earnings of the whole people to increase the profits and the wealth of the small number of capitalists who are engaged in manufacturing. The duty paid on the imported goods goes into the Treasury, but that paid upon the home-manufactured goods goes into the pockets of the manufacturer.

If we could show exactly what proportion the protected home-manufactured goods annually consumed in this country bears to the imported goods of the same character annually consumed, we could then see with absolute certainty what it costs the people to put a dollar into the Treasury under this system. I have no doubt that there are more than five times as many of the protected home-manufactured goods consumed by our fifty million people, as are consumed of imported goods of the same kind and character. But base the calculation on the proportion of five of home manufactured to one of imported annually consumed, and upon that basis it costs the consumers of these goods $1,188,958,056.12 to put into the Treasury under this system of taxation $198,159,676.02; or, in other words, in order to collect into the Treasury $198,159,676.02 the people are compelled to pay a bounty to a small number of manufacturers of $990,798,380.10.

Mr. Chairman, I have said that the amount paid by this country to foreign ship-owners in the carrying trade, which is estimated at over $100,000,000 is the annual subsidy enforced by the existing tariff. In attempting to demonstrate this, Mr. Chairman, I waive all that may be said of "free ships," or "free materials" for their building, and the arguments to be deduced therefrom upon one side or the other, and content myself in saying that the loss of the carrying trade and the decrease of American tonnage is not to be fully accounted for by "free ships" or "free materials," nor will the remedy be found in subsidies. The true cause of this loss and this decrease is to be found in the fact that under "protective taxation," and your other special legislation, the employment of capital finds better rewards in the manufacture of steel, woolen and cotton goods, and the building of subsidized railroads. Who doubts that if the carrying trade paid better than manufacturing enterprises that the capital would be so invested. And so long as you attempt to foster one interest you may be sure, under the great law of compensation, another will lose.

Would you, sir, advise your friend who had $100,000 of capital for investment to place it at 3 per cent., when following his own judgment he could use it at 10? Then, when by protective taxation you assure 10 per cent. and more in certain undertakings, must you not expect those that pay but 6 "to languish, and, languishing, to die." And is this not the truth as to the loss of American tonnage? In presenting this view I leave out what might properly be presented, namely, the enhanced cost of material, &c., produced by protective taxation, as tending directly to the destruction of the ship-building interest.

Mr. Chairman, I might pursue this line of thought and take up other industrial pursuits and show the effect of protective taxation on them; how it crushes small capitalists and small industries; but I choose now rather to turn for a moment to demonstrate its effect upon the consumers of taxed goods in their personal or individual relations.

In the absence of any official and certain data, but relying upon the tables of the census of 1870, and such as have been published of the census of 1880, it is safe to assume that the value of manufactured goods—the products of the industry of this country—per annum is fully equal to the amount stated by Senator COKE, namely, $5,000,000,000. It is safe to say that of this amount one-half is of the articles fostered by protective taxation; and if you apply the rate of taxation as it is under the existing tariff, you will find the amount to be between those of the statements made by Senators COKE and HARRIS. But I come to apply and distribute this among the individual laborers in this country. By the census of 1870 it was shown that the number of persons engaged in the different fields of labor was 12,506,000, divided as follows: 5,922,000 persons engaged in agriculture, 2,685,000 in professional and personal services, 1,191,000 in trade and transportation, 654,000 in mechanical trades and mining, 2,054,000 in manufacturing.

Now, it is safe to assume that 15,000,000 will now represent the persons engaged in these same fields. Leaving out of view the amount of goods used by these laborers, upon which they pay revenue to the Government, it is safe to say that of the manufactured goods protected by taxation that these laborers, who represent, feed, and clothe the remaining 35,000,000 of our people, use and consume one hundred and sixty-six dollars' worth per annum, and applying the average rate of duties of the existing tariff thereto, it will be seen that each laborer pays the tribute of about $70 per annum to the capital of the classes fostered by protective taxation. What does this tribute mean to the laborer? It means that from the food and clothing and education of his children he should take annually the sum of $70 and contribute the same to the capital of those who are favored by protective taxation. Relieved of such protective taxation this amount each year with the same energy as now he could pay to the comfort of his home and the education of his children.

Away from all the fallacies of logic and prepared figures we come back, Mr. Chairman, to the fundamental principles upon which our political fabric was built, that is to say, "of equal and exact justice to all, exclusive privilege to none," and "that the burdens of government shall rest upon all alike." It was upon these principles the Democratic party had its origin, and when true to its faith will enforce them in the administration of the Government; recognizing now as its first duty the payment of the public debt and the reduction of taxation, in the performance of which the country may feel assured that no violence or wrong will be done to any of its great industrial interests, and in the discharge of which it is now, and always has been, willing to enter.

But this is questioned by gentlemen when they ask, why did not the Democracy enter upon it when they had control of this House in the Forty-fourth, Forty-fifth, and Forty-sixth Congresses? Sir, I reply that they did, and did all that was possible, in view of the fact that the Republican party had control of the executive department during all that time, which rendered, as those who ask this question well know, all positive and affirmative legislation upon their part impossible; the negative work, which was "no jobs," "no plundering of the Treasury," "no extravagance in expenditures," was well and vigorously done, and to such an extent as to enable the Government to decrease largely the public debt, and to make a reduction of taxation an immediate duty, a duty which, however, as I have said, the Republican party, in the interest of favored classes, seeks to postpone and avoid.

Before concluding, Mr. Chairman, I beg leave to notice another appeal made by those who favor protective taxation, and that is the appeal made to the "New South." We are told by gentlemen that this "New South" is to be resurrected and brought to new life through the "Bourbon" faith of Alexander Hamilton, a faith founded on "contempt of the capacity of the people for self-goverment." And the further principle that government must sustain a class that that class might take care of the mass of the people. Alexander Hamilton believed the form of the British Government to be the best in the world, and would have so modeled our institutions, but for the stern opposition of Madison and Jefferson.

The faith of Madison and Jefferson was a government of the people, by the people, for the people. Who are the Bourbons here, the followers of Hamilton or the pupils of Madison and Jefferson? The new South! From whom and by whom was it created? Sir, I remember the facts and circumstances under which this appeal, if not apostrophe, was first made in the progress of the Republican party. Who will ever forget the welcome of the eminent Senator from Massachusetts [Mr. GEORGE F. HOAR] to the newly-elected Senator from Virginia, [Mr. MAHONE?] It was then the new South, according to Republican ideas, was born. Who does not blush at the agencies that produced that birth? Without a parallel in debauchery, it involved not only the good name of individuals but brought shame to States and parties indelible and ineffaceable. And by similar agencies and "pap" this new infant is to be nursed and maintained until the "infant" manufactured has sufficient strength to support its progenitors.

Mr. Chairman, I invite your attention a moment in a review of the state of affairs in the South, while we consider this appeal to the new South, and the assaults made upon its so-called Bourbon leaders. In doing so, will you pardon me if I refer to what I personally said upon this floor eleven years ago, upon my first entrance into this Congress, in a discussion of a measure intended, as I believed, to place the personal rights and liberties of the people of the Southern States in the hands of the Executive of the United States upon the allegations of their unwillingness to obey and support certain laws of the Government. I said upon the 28th day of March, 1871, speaking for the people of the South:

> I respectfully but firmly deny, for them and in their name, that they are not animated by as true and loyal devotion to law, order, and the sacred rights of person and property as any portion of the American people. Crime exists everywhere. Defiance to law by exceptional individuals is historically coincident with law itself; and while to this extent it may exist, aggravated by the peculiar condition of a society just emerging from a war which swept over it with all the devastation of a flood and which like the flood left its drift and scum as a deposit, yet, sir the whole body-politic is not demoralized. On the contrary, that people present to you higher evidences of thrift, economy, labor, wealth, and prosperity, the natural results of obedience to law and order, than any other given section of your Union, as I think I will be able to show before I am done.
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> To the returned confederate soldier, when his flag was furled, home was a scene of desolation. Gaunt poverty introduced him to barren fields and a cheerless fireside. His companions had been thinned; numbers of them were no more; all around him was mourning.
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> With courage, alacrity, and cheerfulness he went to work to repair his individual fortune, to build up waste places, to restore order, to aid his neighbor and the public; in fine, to perform all the duties of the laborious, useful citizen.
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> I have but glanced at the picture as it exists in the South. I would, sir, that before action had been taken upon the representations which I know do that people most grievous wrong and injustice, an inquiry, impartial and fair, had been made. Justice, I fain believe, would have been done. You would have seen, sir, how grossly they have been slandered and how maliciously they have been misreported; how mountains have been made of mole-hills; how giants and heroes have been manufactured out of dwarfs and sneaks. You would have seen, by the removal of the skin, the ass; but beyond all that you would have seen what to you would have been a most conclusive answer to these libels upon the States, commonwealths, and people; and as your eye took in the full measure of the picture your heart would have swollen with exultant pride and your judgment and patriotism would have paid a tribute in their wonder and satisfaction at the convincing evidences of the devotion of this people to law and order presented in their repaired and new-built railroads, in their increased manufactures, in their flourishing high schools, in their luxuriant and rich-yielding crops, in their growing cities and towns, in their improved farms, and in their increase of population.

I followed this with exhibits in certain tables, showing an increase in all the evidences of wealth. These I will not now read.

I had the honor to be immediately followed in that discussion by the honorable Mr. KELLEY, then and now a member of this House, who, among other things, said:

> Sir, as I listened to his statement of the productions of the South, as shown by the recent census, and which he seemed to think startling by reason of their grand tables, I could but grieve at the meager result.
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> No; the statistics presented by the gentleman from Tennessee do not prove his case. The results which he disclosed with such an air of triumph are so meager that they militate against his conclusion. When the census of 1880 shall be taken thoughtful men will study it, and looking back upon the results he has presented will see how terrible have been the results of the madness of the Southern Democracy as exhibited in their treatment of the freedmen and of Northern and other immigrants, and in permitting secret armed societies to intimidate capital and enterprise, and constrain them to remain without her borders or to flee from them after having the temerity to enter.

The census of 1880 has been taken and thoughtful men have studied it. And it is to the great body of the thoughtful of this country I appeal when, as they view in wonder and admiration the results of the census of 1880 in the Southern States, demonstrating to the surprise of the world as they do increase in population, increase in farm products, increase in railroads, increase in manufacturing establishments, increase in schools, and in fact, increase in all the evidences of great wealth and prosperity, as well as the evidences of progress in all the avenues of intelligence that is not surpassed in any other great section of the world. Sir, I pause to ask of these thoughtful men, whether statesmen, political economists, or practical business men, to reflect for a moment over the tremendous obstacles the conservative and progressive men of the South had to overcome in the accomplishment of these results.

The labor of no people was ever so demoralized nor the capital of any country so paralyzed as was that of the people of the South at the close of our gigantic civil war, nor was such labor and capital ever confronted with such powerful embarrassments as followed with the immediate years after the close of that war. Confronted with the solution of the very gravest economic, political, and social prob-

lems ever encountered by any civilization, is it not, I fearlessly ask of the judgment of the thoughtful men not only of America but of the world, the grandest, most magnificent gift that the struggle of any civilization ever gave to the world, this empire of wealth, of law, and of order; this country now peaceful, prosperous, and with a capacity of productive wealth unequaled by any other quarter of the globe?

All this, Mr. Chairman, has been secured to our country, with but comparatively little disturbance of the peace of the law, by the patient, industrious, conservative, and progressive people of the South in these years since the war, under the leadership of the so-called Bourbons of the South, namely, the Lamars and Georges of Mississippi, the Witherses and Johnstons of Virginia, the Ransoms and Vances of North Carolina, the Hamptons and Butlers of South Carolina, the Hills and Browns of Georgia, the Morgans and Pughs of Alabama, the Joneses and Calls of Florida, the Harrises and Jacksons of Tennessee, the Becks and Williamses of Kentucky, the Cockrells and Vests of Missouri, the Garlands and Walkers of Arkansas, the Jonases and Gibsons of Louisiana, the Maxeys and Cokes of Texas. And if the truth be told, it will be found that in their efforts to accomplish these results in advising observance of law, and the pursuit of peaceful labor in the private walks of life, and economy and good faith in domestic legislation they have encountered the opposition of the corrupt and lawless, and that these are the elements out of which by official patronage of the National Government, as now administered, and the appliances of the incorporated wealth of the classes favored by national legislation is to be created the new South. May thoughtful men, in view of this fact and the logic of the census of 1880, save us this attempted debauchery.

Sir, the truly conservative and progressive South has withstood many serious embarrassments and much oppressive legislation, and I believe that people will meet these new assaults upon their wealth and integrity, and reject these appeals to secure temporary profit at the expense of their permanent prosperity. In conclusion, and because I fully believe and concur in his reasoning and conclusions, I beg to commend to those who may for a moment heed the appeal of the advocates of protective taxation what is said by Senator COKE in the speech already referred to, as to the effect of such taxation on the industrial interests and commerce of the South. Says Senator COKE:

So I care not from what stand-point we view the subject, whether as an agricultural people content with our lot, or as a people ambitious to build up manufactures and consume their own raw material, the highest policy of the South is to favor the lowest possible tariff which will produce a sufficient revenue for the Government. Let the South, the West, let every section of this country where raw material is found, remember that the lower the tariff the greater is and will always be the compulsion upon capital to erect its workshops and factories in the localities where that raw material is, in order that the manufactured product may meet competition in the market with the least possible burden of cost in its production. Through a low tariff, as low as the necessities of the Government for revenue will permit, is to be found the only pathway of the South to manufacturing development.

If any confirmation of this proposition were needed, I have only to refer to the fact that under high protection for more than three-quarters of a century all the manufacturing establishments of every character in the South, if brought together in the same town, with owners, operatives, their families and dependents, all together would not equal in population or capital invested or wealth a prosperous manufacturing New England village. The protective tariff alone has enabled the New England States to draw our raw material to their factories. Take that away, and the factories and workshops will move to the raw material. The little pittance which the few embryo manufacturing establishments of the South receive from the vast wealth of bounties collected from the people is a "mess of porridge," offered us for the grand birthright which under a strictly revenue tariff is ours and cannot be wrested from us.

Geneva Award.

SPEECH

OF

HON. GEORGE W. LADD,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 11, 1882,

On the bill re-establishing the court of commissioners of Alabama claims, and for the distribution of the unappropriated money of the Geneva award.

Mr. LADD said:

Mr. SPEAKER: When our late sectional differences had culminated in hostilities we were at peace with Great Britain. Then it was her leading statesmen not only favored the project of her enterprising merchants and ship-builders to furnish a navy for the Southern confederacy, who were destitute of men and materials required, but they went further; they forced upon the Government the acknowledgment of the belligerency of the South, and for commercial purposes they induced their Government to tacitly permit the fitting and manning of vessels of war in their ports, in time of peace, to destroy our commerce, contrary to international law, which is so well described in the minority report of the Forty-fifth Congress, in the following language:

The nation that recognized a power as a belligerent before it had built a vessel, and became itself the sole source of all the belligerent character it has ever possessed on the ocean, must be regarded as responsible for all the damage that has ensued from that cause to the commerce of a power with which it was under the most sacred of obligations to preserve amity and peace.

Again, when she became aware that our civil war was to end in a continuance of our Federal Union, to be made stronger and more durable by the war which she had so industriously fanned from its inception, Great Britain became willing and anxious to settle, in part, for her wrongs to us, perhaps from fear that her unusual proceedings might be used as a precedent by us against her in the future. Events occurring in Europe had, even then, foreshadowed such a contingency.

Let us look at our condition during this war. We had to put up with all the outrages that Great Britain chose to impose upon our citizens and their commerce. Everything she demanded of us we granted from prudential motives. We sent our ablest men to her court to beg and implore her not to acknowledge the independence of the southern confederacy. We succeeded in part by interesting her kind-hearted Queen in our civilization. When the war was ended, when we became one people again, we then, with one united voice, called upon her for a settlement for all wrongs we had suffered from her upon the ocean.

At this time our country was convulsed from one end to the other, not for individuals nor for companies, but a demand for an apology for wrongs done us as a nation. So important and earnest were those complaints that England feared that delay might lead to hostilities with the nation she had, during its local trials, robbed of its commerce upon the ocean for the selfish purpose of enriching her merchants and ship-builders. This brought about the treaty of Washington of 1871, which resulted in the Geneva award. The distribution of the balance of this sum of money is now before us.

Let me now allude to the character of the claimants who come into this House for this award. Mr. Speaker and gentlemen, you who live where your harvests have been abundant; you who live where you can exchange the harvests of this vast country for the products of the world for a profit; again, you who are protected in all of your manufacturing industries by a tariff, can know and feel but little of the ills which come from such a war as we had to a State one-half of whose people depended upon commerce upon the ocean for a subsistence. Excuse me for saying more. Were it not for the wise order of Providence, which is, where nature has done the least for mankind there they have learned to do the most for themselves—but for this we could hardly have an existence to-day to plead our cause before this high court of justice, for in all matters appertaining to the distribution of this award you are a court of justice; if not so, this treaty is but a mockery, so far as the money paid us for distribution is concerned. We therefore call upon you who constitute the American House of Representatives to be judges of our cause, rather than lawyers, in the settlement of this question.

The machinery of our Government has not failed. This powerful Government has performed its functions so far as to receive an apology from England for all national wrongs, and has received a gross sum as a public award for damages done to our commerce. This sum you received for distribution among those whom we should in our wisdom find were entitled to it. This has been accomplished in part. Yea, more; you have, from fear that there might be claimants come forward who were not entitled to it, enacted in the first distribution a provision to prevent any duplicate payments, which your committee have shown were expected from the first, as follows:

No claim shall be admissible or allowed by said court in behalf of any insurance company or insurer, either in its or his own right, or as assignee or otherwise in the right of the person or party insured as aforesaid, unless said claimant shall show to the satisfaction of said court that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance the same shall not be greater than such excess of loss.

Ten millions of this award have not yet been distributed on account of obstructions offered by underwriters, those who have already obtained all they could justly claim, *i. e.*, for all losses, they could show over and above premiums received in their business. As the war enabled insurance companies to receive war premiums for risks before losses occurred, it caused them to be able to pay the war losses out of the war premiums in their hands; the business being profitable, a balance of interest and profit still remains in their hands.

I propose in the few remarks I have to offer simply to make a plain statement of facts, leaving the law questions for the lawyers of this House, who are so able and, I trust, willing for the most speedy and economical distribution of this award among those whom it is conceded actually lost upon the ocean.

The apology Great Britain has made in this treaty for the wrong done us was made for the country, and for our future guidance in such matters. The money paid us should be for those who lost by the war on the ocean. The simple question for us is, Who lost property on the ocean by the war, and who are entitled to that which we have to divide? In discussing this question I shall ignore those who made a profit by high charges for insurance against the captures of the cruisers complained of, believing, as I do, that those who had

property on the ocean at that time and dared for our benefit to keep it there until it was destroyed, have the highest claim to be considered, now that all animosities growing out of the war are changed into those noble aspirations for justice; so that you will not only consider those in want of relief but by your action will plant broad and deep seeds of patriotism that will bring forth in the future an abundant harvest to all who inhabit the plains of this vast country.

The three classes of claimants whom I have the honor to represent are doubly entitled to your consideration from what they have done for the country in the past and for what they can do for it in the future.

An independent government on this continent, or a government of the people, means much that the present generation know nothing of, except from a casual reading of the suffering of their fathers upon the Atlantic seaboard. If this Government of ours is to be perpetuated, we must foster and protect those interests which contributed to plant, sustain, and make renowned our power upon the ocean. The first class of claimants are those who sailed with the Stars and Stripes at the peak upon an ocean which they inherited from their fathers, without knowledge that their friends had turned to be enemies by the temptation of the enemies of American ocean commerce.

Said Mr. Adams in his famous note to Earl Russell of September 5, 1863:

> When one of the iron-clad vessels is on the point of departure from the kingdom on its hostile errand against the United States, I am honored with the reply of your lordship to my notes of the 11th, 16th, and 25th of July and of the 14th of August. I trust I need not express how profound is my regret at the conclusion to which her majesty's government have arrived. It would be superfluous in me to point out to your lordship that this is war.

This class of claimants are those who lost from the exculpated cruisers, so called, and should be paid in full.

The second class, the enterprising men who owed money for vessels, whose creditors demanded they should insure and pay from 5 to 10 per cent. insurance on their property thus exposed or their credit would be ruined, they, too, should be reimbursed for all premiums paid to be protected.

The third class, the enterprising merchant, who for a long life had learned to prefer the American flag in his business; he who had chartered ships out and home, to China, India, Australia, Buenos Ayres, Rio Janeiro, and all the other ports of the world; who could only recharter home by paying to underwriters all he could receive for freight home; or if he chose to load his ship home, had to insure cargo and all, bills drawn on a cargo against capture, which absorbed all freight and profits, and often more.

My limited time will not permit me to go into particulars as to the numerous causes that have produced a suspension of the honest distribution of the Geneva award among those who lost. The arguments have taken a wide range, prompted, perhaps often, by selfishness. Wise men have given opinions, and, I regret to say, some that insurance companies who made millions by war premiums (and have already been reimbursed for all actual losses) are entitled to receive over again payment which should be regarded as duplicate payment, while he who paid the war premium to them and thereby made a loss is not to be considered.

Again, there is a more comprehensive view of this question, which its importance demands us to examine before we can form a correct judgment as to whom this money should be paid. Can any of you suppose for a moment that the millions of this country became excited almost to the point of asking for a war with Great Britain to atone for her great wrongs to us and our commerce, for her breach of international law, for her long duplicity to the North and her deception to the South to obtain a divided union for commercial purposes—all this for the low mercenary purpose of obtaining a few millions of dollars from her, to be divided by us to a gang of insurance companies who had made millions of dollars by a profitable business, a business that had enriched them by high premiums, which they obtained from those who had to insure their property or fail, or those who insured from caution? Companies who made millions of dollars by the war ought not to enter this House as claimants for this award, while the many who have suffered stand trembling at your doors asking for an existence—this House, which should be the "holy of holies" for the just rights of the American people. No one who did not lose by the war should have a place here, for all you have to distribute, if an accurate scrutiny could be made, would be but a tithe for those who did lose and can show a loss. The fact that claimants of a doubtful character have retarded the rightful distribution of this award should not now prejudice the claims of those who are honestly entitled to it. Who are they who are justly entitled to this award, and what great interest do they represent? The shipping interest of New England, which had its birth, away back in Cromwell's time in her fisheries, its youth in the Napoleonic wars of Europe, its manhood from the fostering care of every administration of this Government from its birth to its sectional struggle of 1860.

Our commerce, sail and steam, in 1860 was 5,353,868 tons. We freighted of our imports and exports 66½ per cent. in our own ships then. In 1880 our sail and steam shipping only amounted to 4,068,034 tons, a loss in twenty years of 1,285,834 tons, and carrying of our imports and exports only 17½ per cent.

Certainly these figures show a great suffering on the part of one of our leading industries worthy of our attention. You all must acknowledge that if bread and cotton are kings or rulers, our sailors and ship-builders are worthy, even in these degenerated times, of a fair consideration for what they have done in the past, and what they can do for us in the future, in building up a marine such as we once had, ships built, owned, manned, and sailed under the American flag.

Many of you have spoken of the importance of our ocean commerce. The people of my State have read your speeches and wondered what all this meant when you were keeping millions of dollars piled up in yonder Treasury which you obtained with an apology to satisfy the national honor, in part for them, from Great Britain. We are poor and often have been discouraged. We have fought against the hardships of our climate and against the losses of the war, often disappointed respecting the wrongs heaped upon us by those we have made renowned in past time by whitening every sea with our canvas and by deeds of war upon the ocean. If what we have done does not call for reward, it certainly calls for justice. The Stars and Stripes which we so proudly displayed on every ocean were but the pioneer to you all of that greatness that has come to you as Americans.

If our ocean commerce has declined from 66½ per cent. to 17½ per cent. we can only answer, we did it not. We did not sow even the seeds that have brought this calamity upon us. If we represent today the one great American interest that was destroyed by our late civil war, we stand by the shattered wreck without even a sympathizing mourner. For you have responded to every call of distress except from those who had in better days the most to give you when you stood almost naked against a foreign foe, the one which now does so large a share of your carrying trade.

Can you afford to go further and add to negligence the crime of robbery?

Since the war you have given billions of dollars in lands to build up railroads for internal commerce, and, as your late Secretary of the Treasury often asserted, $100,000,000 for fictitious war claims. And you now keep locked up in yonder Treasury millions that belong to those who lost on the ocean and are as much entitled to it as are the children of men to the light of heaven. In God's name, has justice left this land; has the ship-owner and sailor, who first led the world hither to plant a Government of the people, who so nobly fought your early battles on the ocean, that gave you liberty, who can only restore your ocean marine—must he leave your halls with a curse upon his tongue for those who have forgotten the fisherman of New England? I will not believe it. We have had many bitter cups of sorrow to drain, but none equal to this.

I can excuse the distinguished gentleman from Kentucky [Mr. BLACKBURN] who said on the evening of March 20, "There is no politics in it, [this bill.] It simply proposes to take from the Federal Treasury some ten million dollars to distribute among men whom I do not believe to be entitled to a cent. There can be no politics here." While I have to thank the gentleman from Kentucky for that honorable vigilance which he has so often exhibited for the public welfare, I am constrained to say on this subject he knows not what he is doing by his earnest opposition to this bill.

Without burdening you with statistics within the reach of all, allow me to say our late civil war came upon us engaged in our industries like a thunderbolt from a clear sky. The Methodist denomination had divided; the Charleston Democratic convention had broken up. Yet we had full confidence in the future. We had learned in early manhood from the noble son of Kentucky, Henry Clay, that beyond the Alleghanies we had friends who would not look over our heads to Albion's shores for a marine that would defend us in war and make us renowned in peace. We had learned that compromises had been made, and we confidently expected another would be made. The great Senator of New York, W. H. Seward, had promised that sixty days would suffice to settle all. We continued our business upon our domain, the ocean of our fathers.

War came to us when in the full tide of ocean supremacy. Those who lost vessels from the cruisers complained of were the men of business, not politicians, men who had built up by personal attention the industries of our country, and who had brains, and whose vision extended, as their canvas had, to all the oceans and rivers of the world. They did not and could not be brought to believe that England could find dupes on this side to carry out her selfish purposes. They were mistaken, and for a period our ocean commerce went down. It remains with you, gentlemen, to say shall it now be restored by a simple act of justice to those who lost upon the ocean, and by fostering and protecting it in its struggle with the present gigantic power of Great Britain.

Who suffered and how did losses occur? The million of tons of our shipping, costing from fifty to one hundred millions of dollars, passed to English capitalists for half its real value. In every port of the world the American ship laid idle, to rot, unless the consignee had authority to give it away, or to purchase a cargo on owner's account, and to insure the ship and cargo against capture, for the benefit of the accepter of his drafts, and he an English banker. If he freighted the ship home he had to insure the cargo and ship, which was liable to capture and destruction. I beg of you, gentlemen, to remember that when Spain lost Gibraltar from weakness, that want of manhood

prevented her from raising a generation capable of retaking it. Let us not imitate one of the dynasties that helped settle this continent.

In my own district where half a million of this money, if properly divided, belongs, and where many a brave sailor remains unpaid for labor upon the ocean, one hundred ships would have been built within the last four years if justice had been done. In the district of my colleague [Mr. MURCH] still more.

We do not come here as beggars. God has made the dwellers upon our hills too proud for that. We leave all that for the soulless corporations. We come to demand a pittance, that which belongs to us for the wrongs done us; that which you wisely took with an apology, reserving the right to distribute to whomsoever you should decide was entitled to it, and nothing more.

The report of the minority of your committee is but the old story—send the claimants to the United States courts; prolong the settlement; subject the poor claimant to pay exorbitant fees and charges, which means to rob the poor ones and to deal out expensive justice to the rich, and to subject some to an entire loss of a just claim.

This award was obtained from Great Britain in gross. Obtained without deceit, it came, thank God, to the sovereign power, to be divided to those alone who can show they have been losers; and we are to-day the judges.

Then let us rise above our several professions and make laws, not quote the prejudiced opinions of others, differently situated. Our people, our industries have lost, have suffered, are now suffering. They demand of the American Congress justice. Can you longer deny them?

The right of an insurance company that pays a total loss to all that can be picked up from a wreck is not denied; the trouble here is there was nothing left. It is not denied but what all the captures were legal. We had no accounts to settle with the belligerent; we took all they had. No individual or company had any claim on Great Britain or on the belligerents, for the one was free by sovereignty and the other ceased to exist. No one will pretend to deny this. If our Government was bound to protect the insurance companies and the ship-owner it failed to do it, for its very life was in peril. It paid two thousand millions to protect itself.

Yea, more, it had a right to take every dollar of all its citizens to do this if necessary, and this without recourse. No company could subrogate anything here. Our obligation to protect the property of our citizens is incidental to the sovereign power which allowed us to take all and to pay all when and where justice demands. Does, then, justice demand that we pay him or them who do not lose and withhold payment from him or them that do lose? This right rises as much above the question of the right of subrogation as the government of the universe rises above a ward caucus.

The treaty of Washington of 1871 only came after several failures in this direction, consequent upon individual rights. Mr. Gladstone said in Parliament:

No claims of individuals have been submitted to arbitration in relation to the Alabama. What was submitted to arbitration was entirely a question between two governments.—*Foreign Relations, U. S.*, 1873, part 1, page 377.

And again:

The Alabama claim was a public claim arising between the two governments.—*Ib.*, page 74.

Secretary Fish gave the following instructions to our counsel:

The President desires to have the subject discussed as one between two governments. In the discussion of this question and in the treatment of the entire case you will be careful not to commit the Government as to the disposition of what may be awarded. The Government wishes to hold itself free to decide upon the rights and claims of insurers upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government without committal as to the mode of distribution.

After we became a united people and our statesmen had shaken off some of the shackles of fear, led by the eminent statesman, Charles Sumner, we began to appreciate, like an overgrown boy, that we had strength commensurate with our size. It was then we demanded of England satisfaction for the past and rules for the future. Thus came this treaty and this award. You of the South did as much as we when you came back; and we became a united people. The grand spectacle was seen all over the world that fifty million people had learned to govern themselves and to dwell in peace around the altars of their fathers. This gave us the power to dictate terms, and we did it.

The statesmen of England saw the necessity of healing the wounds they had made. They were shrewd enough to acknowledge three "inculpated cruisers," while they knew that we knew there were a dozen. Our difficulties with England were compromised for the gross sum of fifteen and a half millions. It was done by the commissioners in secret session. No one can draw the curtain to expose the controlling motives that led to the happy result, but from instructions given our agents we are bound to believe a compromise was arrived at for the benefit of actual losers upon the ocean.

Now, then, we want this what remains divided among those who were absolute losers upon the ocean; no duplicate payments to those who trafficked on our distress and made a profit on their war business.

One word more. I have the honor, in part, to represent a State that Martin Van Buren said in 1840 would be one of the leading States of this Union, on account of her extensive seaboard, forests, and facilities for ship-building.

This prophecy looks dark to-day in consequence of our misfortunes, our loss of population and decaying industries; the dark veil that has been drawn over us by the calamities of the late war; and the bountiful bestowal of the nation's wealth upon our internal commerce, upon railroads for the development of our vast continent, excites no envy in our breasts, but rather gratification, so far as its honest bestowal for the advancement and development of our glorious Union.

This union of States will by and by look smilingly upon a race of men dwelling up north who have done so much for others and so little for themselves that our nation might live and prosper and give us a chance in the future to do. When the dark cloud of war comes, as surely it will, we can be for this vast country what Venice was for Europe when the Ottoman crossed the Bosphorus into Europe; then aristocracies and democracies alike became dependent upon those who "go down to the sea in ships and do business on the great waters."

The original argument of the United States presents the claim as follows:

The United States maintain, as matter of fact, that the British Government was guilty of want of due diligence in permitting, or not preventing, the equipment, construction, &c., of confederate men-of-war in the ports of Great Britain; that such acts of commission or omission on the part of the British Goverment constituted violation of the international obligation of Great Britain toward the United States, and that thus and therefore Great Britain became responsible to the United States for injuries done to them.

Again, Mr. Evarts, in his colloquy with Lord Chief-Justice Cockburn, page 450, distinctly repudiates the suggestion that the American claim is based on or confined to the acts of any cruiser as the foundation of the demand:

We are not calling into judgment the authorities of this or that place. We are calling into judgment the British nation. It is a question of due diligence or not of *the nation* in all its conduct in providing, or not providing, for the situation, and in preparing, or not preparing, its officials to act upon suitable knowledge.

Later in his argument, page 454, Mr. Evarts deals with the British claim that the fitting out of a cruiser which goes out unarmed, although an offense against municipal law, is not a violation of neutrality. He says:

There is no act that the law of nations prohibits within the neutral territory that is not a hostile act. The law of nations prohibits it, the law of nations punishes it, the law of nations exacts indemnity for it only because it is a hostile act.

Senator HOAR, April 13, 1880, said:

We have, then, in our Treasury a sum of money received by America as the result of claims presented against Great Britain, not in the mode in which governments present their citizens' claims, but in the mode in which governments present their own; adjudged by the tribunal which awarded it as due to the nation and not to individuals; understood by the party who paid it as paid to the nation and not to individuals; accepted when we received it with the stipulation that it was to be held subject to our discretion, without obligation to any person whavever; received as compensation for injuries which by international law and by express treaty are declared to be national injuries, and which, either by international or municipal law, could not be ground of claim to an individual against any nation, corporation, or citizen whatever.

Upon whom shall we bestow it? Let it be paid over, not to those who have made vast gains by the circumstances from which it came, but to the actual losers whom the Government by design left unprotected, and with whose losses it bought for itself vast and incalculable advantages, alike in the darkest period of the war and in the remotest future in peace.

Again:

The insurance companies then cannot be subrogated to the claims of private owners, for the simple reason that no private owner ever had a claim against anybody to which they can be subrogated. The ship-owners suffered by war. Through Great Britain's neglect the war was carried on in a mode and place which otherwise might have been beyond the power of the belligerent. But the war and the negligence were alike offenses against the United States, and against them alone.

National-Bank Charters.

SPEECH

OF

HON. JESSE J. FINLEY,

OF FLORIDA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, May 13, 1882,

On the bill to enable national banking associations to extend their corporate existence.

Mr. FINLEY said:

Mr. SPEAKER: The proposition to recharter the national banks has been so fully discussed on both sides that I would not trespass on the indulgence of the House by submitting any remarks of my own were it not that I desire to place upon record some of the reasons which influence me to vote against the pending bill. This I will endeavor to do in a very brief manner. To change the monetary system of the country is an undertaking of great gravity and responsibility, and should not be entered upon lightly or inconsiderately, and we should be admonished to proceed with the present inquiry in the spirit of calm and dispassionate investigation, and, as far as may be, in the light of past experience.

I assume it to be true, and take it for granted, that no statesman of the present day will seriously advocate the revival of the old State-bank system, and will not, therefore, consume time in discuss-

ing it, but will at once proceed to consider the wisdom of continuing the present system.

The question that now demands the consideration and decision of Congress is, Shall the existing national banking system be perpetuated? That the national banks have afforded the country a sound and uniform currency cannot be denied even by the avowed enemies of the system, but at the same time it must be admitted by its most zealous advocates that the soundness and uniform value of its circulating notes are entirely owing to the pledged obligation of the Government to redeem them; and it may be safely affirmed that without this guarantee of the Government, based upon the deposit of United States bonds, our present banking system would be no better than that of the exploded and effete State banks which, as experience teaches us, produced a ruinous panic and widespread bankruptcy upon an average every ten years, and thereby unsettled the very foundations of both individual and national prosperity.

It is true that the national banks cannot increase their notes beyond the amount issued to them by the Government, but it is also true that they have the power to contract or expand the circulating medium of the country at will, and can thus obstruct the safe and healthful course of business, which can never be done without disastrous results. But it is contended by the friends of the bill now under consideration that it contains provisions which will obviate this objection to the present system. Even if this were so, which I gravely doubt, the question still remains whether it would be wise to continue it; and this is the question, I repeat, which now demands the consideration and action of Congress.

The duty devolves upon us to decide, and to decide now, whether we will continue the present system of banking, or whether we will adopt another in its stead; and I will add it is a duty that we cannot evade or escape, and for the performance of which every member of both Houses of Congress will be held to strict accountability by the country.

If we refuse to continue the present system we shall utterly fail in our duty if we do not at once inaugurate another and a better one, and so direct and control the transition from the one to the other as not to seriously disturb or rudely shock the business operations of the country.

Now, I contend that if we continue the present banking system we will necessarily be compelled to perpetuate the public debt. Would it be wise to do the latter? Is Congress prepared to accept and affirm by its action the absurd heresy in political economy that a "public debt is a public blessing?" Will the people approve and ratify such action on the part of their representatives?

I do not hesitate to declare that the people will place the seal of unequivocal and emphatic condemnation upon such a policy; for they have the good sense to see and to understand that it is with governments as it is with individuals, and that substantial prosperity cannot coexist with a heavy burden of debt and an appalling accumulation of interest. The people know, and cannot be cheated into the delusion to believe otherwise, that the public debt should be entirely discharged as soon as it can be done without being overburdened with taxation.

I have said that it is impossible to continue the existing national banking system without at the same time perpetuating the public debt; and I now unhesitatingly assume the responsibility of proving it.

The deposits of United States bonds in the public Treasury is the foundation upon which the entire national banking system is created, and without this foundation the whole superstructure would tumble into ruin, for, as I have already said, it is these bonds and the guaranty of the Government that impart to the circulation of the national banks both soundness and uniformity.

According to Comptroller Knox's report, the bonds deposited by the national banks in the Treasury, as a basis for banking, amounts to very nearly four hundred and twenty millons of dollars, which stated in figures is $420,000,000. The bonded debt of the United States, less cash in the Treasury, is $1,712,850,598.61. The Government is now paying the public debt at the rate of about $150,000,000 per annum.

Now, I have made a calculation which will show the annual reduction of the public debt, at present rate of payment, from the present time to the period of its entire extinguishment:

Present debt amounts to	$1, 712, 850, 598 61
First year's reduction to	1, 561, 850, 598 61
Second year's reduction to	1, 411, 850, 598 61
Third year's reduction to	1, 261, 850, 598 61
Fourth year's reduction to	1, 111, 850, 598 61
Fifth year's reduction to	961, 850, 598 61
Sixth year's reduction to	811, 850, 598 61
Seventh year's reduction to	661, 850, 598 61
Eighth year's reduction to	511, 850, 598 61
Ninth year's reduction to	361, 850, 598 61
Tenth year's reduction to	211, 850, 598 61
Eleventh year's reduction to	61, 850, 598 61

So that at a little less than eleven years and a half the entire national debt, at the present rate of payment, would be entirely discharged, and it is safe to say that if we continue to pay off the public debt at the rate we are now doing it will not be more than five years, even if this bill shall become a law, before the banks will be compelled to call in much of their circulation in order to prepare for early and inevitable liquidation.

Are we to wait until this unavoidable contraction is upon us before we take the necessary steps to supply the vacuum in the channels of circulation which will be occasioned by the retirement of the national-bank notes? In five years, according to the present rate of payment, the outstanding bonds of the Government will only amount to $961,850,598, with a further diminution of the bonded debt in the ninth year to a sum less by about one million dollars than the amount of bonds now kept on deposit in the public Treasury by the banks.

These facts and figures prove to absolute demonstration the proposition that it is impossible to perpetuate the present banking system without also perpetuating the public debt. Which shall we do? In my judgment we ought to discharge the public debt as soon as it can be possibly done, without an oppressive tax upon the people.

If this is done, the time will come in the near future when we shall be compelled, even with a twenty years' extension of their charters, to abandon the present national banking system and adopt another. Provident forethought and wise statesmanship require that some well-considered plan shall be devised by which the withdrawal of the national-bank notes from circulation may be supplied by an equally sound and uniform currency without any disturbance of the business operations of the country.

If the national banks are discontinued and their circulation retired as their present charters expire, what shall we substitute in their stead? I answer that the Government should do directly what it has been doing indirectly for the last twenty years; it should, in the exercise of its sovereign prerogative, issue all the paper money needed as a medium of domestic exchange in the form of non-interest-bearing Treasury notes, and made by law receivable for all public dues.

These Treasury notes would furnish as sound a circulating medium as the notes of the national banks, because the currency of both as a medium of exchange would rest on the simple guaranty of the Government to receive them at the option of the holder; while at the same time they would be endued with the essential quality of uniform value throughout the United States.

It is passing strange that the advocates of the national banks should object to national Treasury notes when both are alike indebted to the Government guarantee for their acceptance and safety as a medium of exchange. Ours is a mixed currency of gold, silver, and paper money, and must ever continue to be so. The metals have a currency throughout the commercial world, and will for this reason constitute the only stable medium of foreign exchange, while the paper currency will be the medium of local or domestic exchange. This localization of the paper money of each nation within its own borders is one of its most valuable characteristics, for the reason that it cannot be taken out of the channel of domestic circulation and transferred to foreign nations in the adjustment of adverse balances.

Now, just at this point, I venture to enunciate the distinct proposition that in all our legislation on the subject of the currency we should have due regard to domestic as well as to foreign exchanges, the metals for the latter and guaranteed paper money for the former, so that an adverse balance of trade could not disturb the equal flow of the needed medium for our domestic exchanges.

As to the authority of the Government to create paper money, I will here briefly observe that the power conferred by the Constitution to coin money is not a limitation upon the power of the Government to declare what shall constitute money. To make money and to declare what shall be money is a power inherent in every independent government, and needs no law, organic or otherwise, to confer it; and unless it is expressly prohibited by some fundamental provision, it is a power which exists in every sovereign government.

In my judgment the Government should issue all the paper money needed to effect a healthful exchange of commodities in our domestic trade, and at the same time adopt such a policy in regard to the metals as shall assure the needed supply, either in coin or bullion, to meet any adverse balance which in the fluctuations of our foreign trade may sometimes stand against it.

If the banks go into liquidation as their respective charters expire, the withdrawal of their notes from circulation will necessarily be very gradual, and Congress, by a law anticipating and providing for such contingency, can authorize the Secretary of the Treasury to supply the place of the bank notes as they are retired by the disbursement of Treasury notes in the payment of the current expenses of the Government to the extent necessary to prevent any undue contraction of the circulating medium.

But it is not at this point that the real danger lies in substituting Treasury notes for the national-bank notes now in circulation, for, as I have shown, the Government would have it in its power to prevent contraction in consequence of the retirement of the bank notes. The real difficulty lies in guarding against an undue inflation of the currency by the issue of Treasury notes beyond the normal requirements of legitimate trade; and I will here remark that we will have neglected to profit by the experience of the past if we fail to recognize the fact that undue inflation of the currency always leads to an abnormal enhancement of prices, encourages extravagance, lures to wild and reckless speculation, and ends in bankruptcy.

Now, I again repeat, in order that I may emphasize it, that, as the annual expenditures of the Government are so nearly equal to the circulation of the national banks, the gradual retirement of their

notes cannot possibly produce contraction, unless the Government should cease to meet its liabilities by discontinuing the issue of Treasury notes. The question which demands a solution at our hands is, how can the Government so gauge the measure of the currency and so control and regulate the volume of its circulation as to prevent undue inflation? For it will, I think, be universally admitted that an extravagant inflation of the currency would be as mischievous in its results and as disastrous to the business prosperity of the country as undue contraction.

The power to contract or expand the circulation *ad libitum* is now in the hands of the national banks, and its exercise is only controlled by business considerations affecting their own individual or corporate interests, and their policy is shaped and governed by the very natural desire to increase their profits. The motives which govern them in the prosecution of their business are precisely such as influence the merchant, the manufacturer, and all who are engaged in the various business pursuits of the country, and viewed in this light may readily be admitted to be entirely legitimate.

Now, in my judgment, (and I think it is the opinion of a large majority of the people,) it is safer for Congress, clothed as it is by the Constitution with the power to regulate commerce, to coin money and provide for the general welfare, to control and gauge the volume of the currency so as to fill the channel of healthy circulation without overflowing its banks than to leave it to private corporations, which are always influenced by considerations of self-interest, just as other men are who are engaged in the other business avocations of life. It is the duty of Congress to adjust as near as may be the circulating medium of the country to the legitimate demands of trade, avoiding undue contraction on the one hand and mischievous redundancy on the other. How the volume of circulation shall be adjusted to the healthful demands of trade and commerce and brought under the regulating control of legal enactments is a problem which must necessarily be left to the wisdom and patriotism of Congress.

It may be possible that this power may sometimes be unwisely exercised, but the people stand behind Congress, and can and will, by the omnipotent power of the ballot, correct the errors which their representatives may have committed. But banks in the full enjoyment of their chartered rights, without legal restrictions on their power to increase or diminish their circulation, are beyond the control of the Government and the people, and, choosing their own time, they have it in their power, by concerted action, to produce a financial panic and a prostration of business throughout the country. The banks possess the dangerous power to encourage credits and overtrade, to inflate prices, and to stimulate speculation by putting afloat a redundant circulation, and then by contraction to stop credits, strangle trade, shrink values, leaving the people in debt, thus placing the property of the country within the unrelenting grasp of the capitalists, who buy it in under the sheriff's hammer at a merely nominal price.

This being accomplished, the banks, which as a general thing belong to these very capitalists, have it in their power to again inflate the circulation, to revive speculation, enhance prices, and thus to realize much greater profits on their investments than would be possible from the legitimate business of banking. I do not say the banks would do this, nor need we stop to inquire even whether they would pursue so selfish a policy. It is enough to know that they have it in their power to do so; and it is the duty of Congress as the guardian of the public welfare so to legislate as to make it impossible to them; and if we stop short of this we shall fail in our duty to the people whom we represent.

For the reasons I have given, I shall be constrained to vote against the pending bill.

Department of Agriculture.

SPEECH

OF

HON. BENJAMIN LE FEVRE,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 8, 1882,

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

Mr. LE FEVRE said:

Mr. SPEAKER: Ours is an agricultural country. Here the farming interests are paramount to all other interests, and for that reason I favor any measure that I think will advance and foster the great productive industries of the country. About one-half of the people of the United States are either engaged directly in agricultural pursuits, or are following some calling which is closely allied to and depends for success upon the strong arm of the tiller of the soil. It is the fundamental business of the country, the foundation-stone for the success of the mechanic, the artisan, and the professional man. We are indeed a nation of farmers, and from the wide diversity of our climate and the varied richness of our vast valleys and plains, we must forever remain in advance of all other nations in the production of every article necessary to the sustenance of a vast, thrifty, prosperous, and happy people.

So vast is the productive capabilities of our soil that we not only produce about all we consume ourselves, but we export cereals and their products sufficient to supply many other nations. While famine may reach other countries it would seem almost impossible for such dire calamity to reach us here. Our domain is so extensive, our soils so productive, and our climates so varied, reaching as do our possessions from the arctic regions of the north to the semi-tropical regions of Florida and the Gulf States, it would have to be a blighting season indeed that would cause the failure of crops over so vast and wide-spread a domain.

Farming being the chief business of our country, our prosperity depends almost entirely upon the success of our crops. Even a partial failure of these leads to commercial depression and often to paralysis or ruin of great commercial enterprises. A depression of business invariably follows a short crop not only in this but in many European countries dependent upon us for their food supplies. And yet this great interest, upon the success of which depends our prosperity, has had but little encouragement by way of legislation. Why is this? Perhaps the farmer himself is responsible for much of the neglect shown by Congress and our State Legislatures. The day will no doubt soon come when the tiller of the soil will awake to his true interests, and send to this House men of his own calling to shape laws for the protection of the best interests of this Government.

During the last twenty years rapid strides in educational achievements have been made among the farming class, and to-day there is not a Congressional district—indeed, scarcely a county—in all this broad land that cannot furnish a score or more citizens who were born and bred farmers and who possess all the qualifications necessary to make intelligent legislators. This fact is yearly becoming better known, and the result is to-day an increase among the members of this House of those drawn from the ranks of the farming community. The lawyer and the professional man are to-day in the majority, but unless more concessions are made to this great class of producers—this class representing the foundation of our wealth, prosperity, and happiness—a few years only will have to elapse before these two classes will be reduced to a small minority on this floor. While on this branch of my subject permit me to quote the following eloquent words of a distinguished member of the Senate some few years ago. He, too, was pleading for a proper recognition of the farmers of the country, when he said:

> Here, sir, the tiller of the soil is sovereign. All things that are possible for any one are possible for him, and yet his class rarely has direct personal representation in the great executive and legislative offices of the Government. This is a national misfortune. The farmers of our country who own and cultivate farms are of all others most patriotic, for ownership, occupation, and use of the soil induce the growth of patriotism everywhere. None so slow as they to engage in civil strife, or to consent to needless foreign wars; none more conservative, more steadfast in their opposition to tyranny, to communism, to revolutionary movements of any kind against law and order, against the rights of life and property, and that protection resulting for all through a well-organized society. Therefore it is especially needful in a country like this, where the Government rests upon the consent and in the will of the people, that such a great, conservative, patriotic element should hold its full proportional representation in the personal direction of affairs.

This eloquent tribute to the worth of our great industrial population is true in every respect. From the very foundation of our Government the tiller of the soil—the man who should be sovereign here—has been thrust in the background. But that day is fast passing away, for the agriculturist is fitting himself for every calling. The best schools of the land are open to him, and his sons and daughters are taking advantage of the rich inheritance which his strong arm has provided for them. He is no longer satisfied with the mere rudiments of an education, for he has learned that successful agriculture requires a knowledge of economical chemistry, of botany, of physiology, of entomology, of physics, and of engineering. From these follow a study of political economy, the rules, usages, and requirements of commerce, trade, finance, and currency. And supplementing all these follows a close attention to literature and philosophy, the whole resulting in a "cultured, mentally disciplined, enlightened, and refined citizen," prepared to fill with dignity, grace, and wisdom, any position to which he may be called.

From the earliest ages down to the present time the pursuits of agriculture have been honored by numbering in its ranks renowned statesmen, philosophers, and warriors. Among our own great men may be named Washington, Jefferson, Madison, Jackson, Webster, Clay, Silas Wright, Horatio Seymour, and many others. Washington wrote to a friend as follows:

> I know of no pursuit in which more real and important service can be rendered to any country than by improving its agriculture and its breed of useful animals.

In his message to Congress in 1832, General Jackson spoke as follows:

> The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are everywhere the basis of society and the true friends of liberty.

So much for the ennobling character of this pursuit. Let us now briefly allude to the enormous wealth the tiller of the soil annually adds to the nation. I will take the production of cereals for only

one year (1880) as that will be sufficient for my purpose. They were as follows:

Cereals.	Bushels.	Acres.	Value.
Corn	1,717,434,543	62,317,842	$679,714,499
Wheat	498,549,868	37,986,717	474,201,850
Rye	24,540,829	1,767,619	18,564,560
Oats	417,885,380	16,187,977	150,243,565
Barley	45,165,346	1,843,329	30,090,742
Buckwheat	14,617,535	822,802	8,682,488
Total	2,718,193,501	121,926,288	1,361,497,404

So much for the production of cereals. The number of bushels raised is almost incalculable, as is also the value of the product. What other industry makes such a grand showing? What other enterprise adds one tithe to the above enormous aggregate? But this is not all. Other products of the farm for 1880 are given as follows:

Articles.	Quantity.	Acres.	Values.
Potatoes ..... bushels..	167,659,570	1,842,510	$81,062,214
Tobacco ..... pounds..	446,296,889	602,516	36,414,615
Hay ..... tons..	31,925,233	25,863,955	371,811,084
Cotton ..... pounds..	2,854,471,100	15,475,300	280,266,242

Making a total aggregate value of $769,554,155. This, added to the value of the cereal crop for 1880, gives a grand total of $2,131,051,859! But this is not all. To this enormous total should be added the value of live stock. For the same year the number and value of our domestic animals are thus given:

Domestic animals.	Number.	Value.
Horses	11,429,626	$667,954,325
Mules	1,720,731	120,096,164
Milch-cows	12,368,653	296,277,060
Oxen and other cattle	20,937,702	382,861,509
Sheep	43,576,899	104,070,759
Hogs	36,247,603	170,535,437
Total	126,281,214	1,741,795,264

Add this to the other productions given, and we have the enormous aggregate of $3,872,847,123 as the value of farm products for one year. But even this is not all. The smaller productions of the farm, in which may be included fruits, berries, vegetables, nuts, &c., have found no place as yet in these statistics. Add the value of these to the above, and tens of millions of dollars will be added to the grand total of farm and garden products for one single season. Does not an interest involving such a vast sum need all the encouragement we can give it? Is there any other interest so vast or one more greatly needing the fostering care of the Government than this?

In connection with the animal industry of the United States I desire to call attention to the following table; it was recently compiled from official sources by the Department of Agriculture, and shows the number of domestic animals owned in Europe:

Official statement from the International Statistical Journal of Agriculture showing the number of domesticated animals in Europe.

Countries.	Horses.	Mules and asses.	Cattle.	Sheep.	Swine.
Great Britain	2,101,100	.....	6,002,100	29,495,900	.....
Ireland	532,100	.....	4,142,400	4,482,000	.....
Denmark	316,570	.....	1,238,898	1,842,481	.....
Norway	149,167	.....	953,036	1,705,394	290,985
Sweden	438,090	.....	2,026,330	1,636,201	124,673
Russia	16,160,000	.....	22,770,000	46,432,000	1,700,000
Finland	254,820	.....	997,960	921,745	30,639
Austria	1,367,023	42,976	7,425,212	5,026,398	979,104
Hungary	2,158,819	33,746	5,279,193	15,076,997	572,951
Switzerland	105,792	.....	992,895	445,400	374,481
Germany—					
Prussia	2,278,724	9,708	8,612,150	19,624,758	1,477,335
Bavaria	351,669	228	3,066,263	1,342,190	193,881
Saxony	115,792	112	647,972	206,833	105,847
Würtemburg	96,970	199	946,228	577,290	38,305
German dukedoms	133,122	674	1,114,178	544,611	212,388
Holland	253,393	3,466	1,469,937	898,715	146,169
Belgium	283,163	11,849	1,242,445	586,097	197,138
France	2,742,708	705,943	11,721,459	25,035,114	1,794,837
Portugal	79,716	188,640	520,474	2,706,777	936,869
Spain	680,373	2,319,846	2,967,303	22,468,969	4,531,228
Italy	477,906	718,222	3,489,125	6,984,049	1,690,478
Greece and Ionia	69,787	93,688	109,904	1,200,000	1,339,538
Roumania	426,859	6,734	1,842,786	4,786,317	194,188
Total for Europe.	31,573,663	4,136,031	89,678,248	194,026,236	42,686,493
To which is appended:					
United States for 1880	11,429,626	1,720,731	33,306,355	43,576,899	36,247,603
Balance in favor of Europe	20,144,037	2,515,300	56,381,893	150,449,337	6,439,890

The above table shows how immeasurably greater are our interests in live stock than any European government. It will be observed that in cattle alone we have nearly two-fifths as many as all Europe combined, and more than five and a half times as many as England. In connection with this vast interest I wish to allude very briefly to the subject of contagious diseases incident to domestic animals. One of the most valuable acts of the late Commissioner of Agriculture was the organization in his department of a division of veterinary surgery. An investigation was at once instituted by this division to discover the nature and extent to which infectious and contagious diseases were prevailing among our farm animals. The results of the first year's labors disclosed the startling fact that our farmers were losing millions of dollars' worth of animals every year without knowing anything in regard to the nature of the maladies which were causing such destruction.

"Hog-cholera," now generally known as swine plague, was found to be the most destructive of any of the prevailing diseases, and it was found that this malady was annually carrying off animals valued at $20,000,000 in round numbers. Another startling fact was the discovery of a disease known as contagious pleuro-pneumonia of cattle. This is one of the most insidious and destructive diseases known to the bovine race. Until this examination was made the existence of this disease among our cattle had been steadily denied, but the investigation revealed the fact that it has had a foothold in some of our Atlantic States for a period of about forty years. It is an exotic disease, and was brought to New York in the body of a ship's animal from England. Since that time the disease has gradually progressed southwestward, until it has spread over large portions of New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, and Virginia.

Some of the afflicted States have attempted to suppress the disease. In some cases this desirable end had been almost reached, when a new infection was brought in from a neighboring Commonwealth, where no efforts at suppression had been undertaken, and the disease was again started afresh on its destructive path. Unless some action is taken by the General Government for the eradication of this malady it will sooner or later find its way to the West, and, once located among the countless herds of that locality, it will be impossible to eradicate it. During the past forty years England, with only its six million head of cattle, has lost by death from this disease animals valued at $500,000,000, or an average of $12,500,000 per annum.

Under a like condition of affairs—a general prevalence of this plague among our cattle—for the same length of time our losses would reach $2,000,000,000, (allowing a wide margin for the lower average value per head of such animals in this country,) or at the average rate of $50,000,000 per year. Is it not time for Congress to be waking up to the importance of this subject? In order to show that the whole country is deeply interested in this subject, I desire to call your attention to the following table, which gives a sufficiently accurate list of the number of cattle owned in the infected States as compared with a like number owned in non-infected States in the West and Southwest:

Infected States.	Number of cattle.	Non-infected States.	Number of cattle.
New York	2,135,500	Ohio	1,514,100
Connecticut	237,300	Indiana	1,219,200
New Jersey	236,700	Illinois	1,925,500
Pennsylvania	1,515,400	Iowa	2,033,000
Delaware	55,200	Missouri	2,148,200
Maryland	219,700	Tennessee	659,700
Virginia	669,300	Texas	5,344,500
	5,069,100		14,844,200

More recent data will no doubt show that there are at least three times as many cattle in the non-infected States cited above as there are in the infected States. Texas, the Empire State of the South, alone contains more cattle than do all the infected States.

I cannot better illustrate the importance of this subject to the whole country than by quoting the following language from the National Live Stock Journal:

The United States Government is as much called upon to defend her possessions against an enemy like this—so implacable, so relentless, and so certain, if not repelled, to lay us under an incubus which will increase with the coming centuries and dwarf the prosperity to which we are entitled—as against the less insidious one who attacks us openly with fire and sword. Let the national Congress consider this matter well. Let every stock-owner press it upon his Representative as a matter that cannot be safely ignored, even for a single day. Let boards of agriculture, farmers' clubs and conventions, granges, and all citizens who value the future well-being of the nation, unite in a strong representation on the subject. If the present Congress should neglect it, let citizens make it a test question to every future candidate for their suffrages, and elect only such as are pledged to carry suppressive measures into effect.

The danger threatens all classes alike, though the first sufferers will be the stock owners; for every tax upon production necessarily enhances the value of the product; and, as agricultural progress must be seriously retarded, the tax will not fall upon meat alone, but upon every product of the farm. Nothing can excuse a continued neglect of this subject, the dangers surrounding which increase from day to day, and the final results of which, if once it reaches our Western and Southern States and Territories, can only be computed by the prospective increase of our population and our herds of cattle. For this is not like an evil preying on our currency, banking, trade, or manufactures, the full extent of which may be in a great

measure seen from the beginning, and the repair of which may be at any time inaugurated by legislative enactment. The animal plague only increases its devastations as we increase the numbers of our herds, and threatens soon to acquire an extension to which no legislation can oppose a check, and a prevalence in the face of which the most desperate efforts of the nation will prove of no avail. Thus our cattle are increasing at the rate of 13,500,000 every ten years, so that by the end of this century they may be exactly doubled, with a prospective loss, if our Western and Southern ranges are infected, of $130,000,000 yearly in deaths alone.

The choice is now in our power. So far as we know, our stock-raising States and Territories are still unaffected. We can still successfully meet and expel the invader; next year it may be too late.

This subject has been before Congress now for three years, and during that time there has been appropriated for the purpose of investigating only as to the extent to which this terrible contagion prevails the sum of $30,000, and one-half of this sum was appropriated to the Treasury Department for doing that which had already been quite thoroughly done by the Department of Agriculture. The time for investigation has passed, so far as this disease is concerned, and what is now needed is a national law, to be enforced by the Government, and a sufficient sum appropriated to purchase and slaughter all infected and diseased animals.

Speaking more directly to the bill under consideration, I am not satisfied with it. It is a short step in advance in that it provides for a secretary of agriculture. That provision I shall vote for heartily, but the remainder of the bill is not sufficiently liberal to claim my earnest support. Before the subject is finally disposed of I hope to see the measure shorn of some of its incongruities and rendered more in unison with the liberal spirit of this House.

Department of Agriculture.

SPEECH

OF

HON. EDWARD S. LACEY,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 8, 1882.

The House having under consideration the bill (H. R. No. 4429) to enlarge the powers and duties of the Department of Agriculture—

Mr. LACEY said:

Mr. SPEAKER: I should feel that I had not done my whole duty if I did not do all in my power by voice and vote and influence to promote the passage of the bill under consideration. I shall not attempt in the brief time allowed me to discuss its several provisions. They are not in all respects what I desired; but in the main they seem to be well considered and wise.

The people whom I represent here are not sticklers for details. They have no pride of opinion as to particular methods; but they do insist with surprising unanimity that the powers of the Agricultural Department be enlarged and that no extraneous interests be ingrafted. They ask that it be made an executive department, fully understanding that matters of detail will receive wiser and more intelligent consideration under the full light of experience after the main object shall have been accomplished.

There are three excellent reasons to be given for the adoption of this measure.

1. A large majority of the people of this country earnestly desire it.
2. The experience of other nations proves it to be wise and expedient.
3. The magnitude of the interests involved demands it.

THE PEOPLE DESIRE IT.

In regard to the first proposition it may truthfully be said that within my own district there is but one sentiment expressed on this subject. Petition has followed petition, and letters have poured in upon me without number. Resolutions favoring it have been passed by county, State, and national granges, by farmers' alliances, and by agricultural associations of every name and character, and outside of these representative organizations the demand is equally as earnest and universal.

Is there any good reason why this request, coming up to us from the representatives of more than twenty-five millions of our most worthy and intelligent people, should be refused?

They come not as a class asking for special privileges and immunities, but as enlightened citizens having a proper respect for the dignity and honor of the calling in which they are engaged and fully realizing its necessities; having carefully considered the magnitude of the interests involved, and actuated by a firm belief that whatever tends to promote the interests of the tillers of the soil will surely add to the prosperity of those engaged in every other vocation, and will as certainly tend to increased intelligence and thrift, to enhanced prosperity and contentment, to the highest welfare of society, and the greater permanence of our free institutions.

I cannot give a better idea of the desires of those who are practical farmers than by quoting from the proceedings of the National Grange, which met in this city in Novembr last, the following resolution:

Resolved, That a committee of ten of this body be appointed to visit the honorable Commissioner of Agriculture, to confer with him in relation to the elevation of his department to higher rank, and to convey the protest of the National Grange against embracing in that department other industries beyond the one we represent—agriculture.

It will be observed that the earnestness with which they ask for an enlargement of the powers of the department is fully equaled by the vigor with which they protest against incorporating with it other industries having nothing in common with their own. This spirit runs through all that has come up to us from our constituents.

The Hon. Cyrus G. Luce, worthy master of the Michigan State Grange, a practical farmer and an old and experienced legislator, in an address delivered on the 13th day of last December, said:

For years the intelligent, progressive farmers of the country have earnestly desired that the Agricultural Department should be advanced in its scope and influence to such position as the importance and welfare of agriculture demands. The grange, both State and national, as true exponents of this advanced public sentiment, have taken active measures to secure its elevation to a Cabinet position. While their efforts have not been crowned with success, yet a bill was introduced in Congress providing for this change. It seemed to meet with much favor, and a motion to suspend the rules in order to put the bill on its passage came near succeeding. Let the fate of this measure be what it may, great advance has been made in the department. It has been lifted up from the very inferior position it occupied in the long years of the past to something like a just appreciation of its true mission.

A new danger in connection with this subject now presents itself. The idea is advanced of establishing a department of industry, and giving to agriculture a humble place in this department. This proposition is not and should not be satisfactory to agriculture. We believe that there is enough of this one industry that is great enough to command the energies of one-half of our whole people to claim a department by and for itself. The plan for connecting it with railroads, mining, and manufacturing will find no favor with us. While it is not within the scope of this communication to present reasons for this view, yet we may say that the man peculiarly adapted to preside over and care for an agricultural department might not be so well qualified to look after railroads, mining, and manufacturing. And we certainly have no desire to become the tail to a kite for any one else. We deserve and desire to occupy no second place.

Now, Mr. Speaker, I insist that we are here in a representative capacity, and that in legislating upon a subject which has been fully and intelligently discussed by our constituents it is both just and wise that the conclusions at which they have so unanimously arrived should have very great weight, especially where the question involved is one of method and not of principle.

EXPERIENCE OF OTHER NATIONS.

In passing to the consideration of my second proposition it is important for us to remember that all the great nations of Europe have made the agricultural an executive department except Great Britain and Russia. The former is so situated by nature as to oblige her to rely mainly upon commerce and manufactures, and yet she has given greater governmental aid to agricultural interests than have we.

The latter, although the most despotic of civilized nations, and possessed of a great class of farm laborers but recently emerged from serfdom, has, nevertheless, placed her agricultural affairs under the control of an executive department agricultural in everything but name, possessed of ample means and clothed with extensive powers.

Austria, France, and the Dominion of Canada have executive departments exclusively agricultural, while Hungary, Prussia, Italy, Spain, and Switzerland have like departments, in which agriculture is the great central figure. To this latter list may be added the greatest of South American nations, the enterprising and progressive Empire of Brazil.

In Prussia the minister of agriculture, domains, and forests is a member of the cabinet, and the executive department of which he is the head controls the expenditure of about $12,000,000 annually, and is charged with the fostering of agriculture, the control of the public lands, the management of an experimental farm in each province, connected with each of which are horse-breeding stations.

It collects information through Prussian consuls in foreign countries, and from other sources and imparts it to the public through an official paper published and circulated by the government, and also by means of a vast number of public officials, all of whom, from the county superintendent to the rural police, are under the direction of this department, and are required to both gather and disseminate information in relation to the pursuit of agriculture.

In addition to this force, when the public interests demand, as in case of floods, the prevention of the spread of contagious diseases among cattle, and in other emergencies where vigorous and concerted action is required, the Army may be called into its service. In case of the total failure of harvests over large districts seeds are distributed without charge. It also conducts a governmental school of agriculture and one of forestry.

In France the head of the department of agriculture is a cabinet minister, and the annual appropriations for its support are over $7,000,000. The policy of the department is broad and liberal, endeavoring to give aid and encouragement to everything appertaining to agriculture.

Agricultural schools are opened, in connection with which are taught trades and the arts. Model farms are conducted; stations are established for the improvement of sheep, cattle, and horses; veterinary schools are under its care; professors of agricultural science

travel from place to place giving instructions to the farmers; rare seeds are distributed, and the planting of shade and fruit trees is encouraged. These efforts have resulted in great good to the agriculturists of France, and the development of her silk and beet-sugar industries illustrates the beneficial effects of the application of scientific investigations and methods to agricultural pursuits.

I have thus mentioned briefly the organization and methods of like departments in two of the great nations of Europe to show that the measure before us has been fully tried and has stood the test of experience. The organization of the departments in the other countries named is of the same general character. The experience of all these nations has demonstrated the wisdom of the action proposed, and among their enlightened statesmen but one opinion, and that a favorable one, is entertained or expressed.

In none of these countries (if we except Russia) is the pursuit of agriculture to be compared with our own in point of magnitude, and looking to the near future even that exception becomes unnecessary.

MAGNITUDE OF INTERESTS INVOLVED.

But what shall be said in regard to the interests involved here in our own country? Shall we consider them in the light of past struggles, of present achievements, or of future promise? Shall we consider this pursuit as conducive to physical vigor, to pure morals, to correct social relations, to financial strength, and to intelligent and patriotic citizenship? Or shall we go to history and read of the pioneer farmer in his struggle with the savage, of the hardships endured by those sturdy men who have felled the forests, dried up the fountains of malarial death, and caused the land from ocean to ocean to bud and blossom and bear fruit?

Shall we look upon the cultivated fields, the comfortable homes, the hills crowned by schools and churches? Or shall we plunge into the ocean of statistics and bring thence indisputable proofs that those who cultivate the soil have filled the ranks of our armies and furnished their subsistence in times of war; have brought forth the means of deliverance in periods of financial gloom and danger; have been foremost in establishing and preserving our existence as a nation, and in rendering possible and probable the perpetuity of our political institutions and the enjoyment by our descendants of the blessings of free government in all the centuries to come?

Mr. Speaker, from whatever point of view we contemplate these interests we shall be well-nigh overwhelmed with a sense of their vastness. Can we fully comprehend the figures given us by the statisticians when they tell us that 25,000,000 of our people are engaged in or dependent upon this pursuit; that its surplus products exported in 1881 were valued at $729,650,016, and that the total production for the same period, by agriculture alone, is estimated at $9,000,000,000? Under what influence and with what speed have we reached these marvelous results? Let us pause a moment and inquire.

When, in 1839, in response to the urgent appeals of Hon. Henry L. Ellsworth, the first Commissioner of Patents, the Twenty-fifth Congress, in its closing hours, passed an act appropriating $1,000 for the establishment of a division of agriculture, this great interest received its first governmental recognition. From the day when the first colonist went forth with loaded gun and sharpened ax to conquer the savage and the forest alternately, through all the weary march, with ax and brand and plow and sickle, from the shore of the great ocean westward past rivers, lakes, and mountains to the then western limits of civilization, in the valley of the Mississippi, the man who tilled the soil had fought his way until this day unaided, relying alone upon his own strong arm and indomitable energy for success.

This was the first real indication that the terrible disadvantages under which he had thus far labored were to be in some degree removed by governmental aid and his own crude and ill directed efforts to receive the assistance afforded by organized research and investigation. Contributions from a common fund were henceforth to furnish means for collecting the abundant knowledge resulting from a wider and completer experience among the older nations of the world, and the wisdom thus gathered was to give greater potency to his efforts, impart greater intelligence to his methods, and bring more certain and abundant rewards when future harvests crowned the year. At this period—1840—we find that we were producing of Indian corn, 377,531,875 bushels; of wheat, 84,823,272 bushels; of oats, 123,071,341 bushels; sheep numbered 19,311,374, and the clip of wool was stated at 35,802,114 pounds.

The first decade after the establishment of the new division of agriculture was one of progress. The panic of 1837 had arrested emigration to the westward for a time, but the tide was soon again turned toward the rich prairie lands of Indiana, Illinois, and the farther west, and what was once deemed a region almost valueless for agriculture began that wonderful development which has made it the garden of the world.

When the statistics gathered by the seventh census came forth in the agricultural report of 1851 the progress of the decade was found to be truly inspiring to those who tilled the soil. The improved lands were reported at 113,032,614 acres; the leading grain in point of quantity, Indian corn, had advanced to 592,071,104 bushels; oats, ranking next, to 146,584,179 bushels, and wheat to 100,485,944 bushels. Horses now numbered 4,336,719, sheep 21,723,220, and the clip of wool aggregated 52,516,959 pounds.

During the second decade of the existence of the division of agriculture its importance began to be more fully understood.

The value accorded to its reports, the excellence of the rare seeds, plants, vines, and cuttings distributed, and the great aid it had rendered in the investigation and arrest of the potato disease, the Hessian fly, and other devastating visitations which had afflicted the land, had arrested public attention and had so commended it that in 1854 the annual appropriation, which had heretofore vacillated between $1,000 for the lowest and $5,500 the highest, (with an occasional year when it had none at all,) was now advanced to $35,000. A new impetus was given to the business of the division.

A propagating garden was established; sorghum and tea plants were introduced from China, and various cuttings of native and foreign grapes were distributed, in addition to the line of grain and seeds heretofore sent out. Entomological, chemical, and botanical branches were added in 1855, and through an arrangement with the Smithsonian Institution were commenced the procuring and publishing of meteorological statistics, which resulted in the present Signal Service.

And now comes the census of 1860 with its tale of progress. During the ten years over 50,000,000 had been added to the acres under tillage, which now stood at 163,110,720. The production of corn had advanced to 838,792,742 bushels, wheat to 173,104,924 bushels, and oats to 172,643,185 bushels. Horses numbered 6,249,174, sheep 22,471,275, and the clip of wool touched 60,264,913 pounds. Truly a wonderful increase all along the line, but particularly in wheat, which showed an increase of 73 per cent.

Notwithstanding the terrible gloom which the civil war cast over the opening years of President Lincoln's administration, the importance of giving all possible encouragement to agriculture did not escape the attention of the Executive nor of Congress.

On the 15th of May, 1862, the act establishing the "Department of Agriculture" became a law, and on the 1st of July in that year the same was formally organized, and Hon. Isaac Newton, of Pennsylvania, who had been chief of the division since early in 1861, was placed at its head. At the demand of the leading agriculturists, Congress had increased the appropriation to $60,000, and the first year of the new departure saw its powers for usefulness greatly enlarged and several new features added.

A statistical division was established, and valuable information in relation to the condition of the crops, their yield, prices obtained, supply and demand, and other facts of value to the farmer were collected and published and bulletins issued monthly. Notwithstanding the existence of a rebellion of unprecedented magnitude for one-half the period, the ten years ending in 1870 were full of activity and advancement in the affairs of this newly organized department. Its effects were visible all through the land. The withdrawal of 1,000,000 men from the fields and workshops did not suffice to arrest the onward march of this great industry. Improvement in methods appeared on every hand; newly invented machinery overcame the loss of laborers; great diversity of crops gave increased returns; vastly more attention was given to animal industry, and everywhere was to be seen the effects of patient investigation and careful experiments, resulting in the elevation and advancement of agricultural interests all over the land.

When the results of the census of 1870 were made known it was found that despite the obstacles which hedged the pathway a great advance was apparent. The lands under tillage had increased to 188,921,099 acres, the yield of wheat to 287,745,626 bushels, oats to 282,107,157 bushels, while the number of horses was stated at 7,145,370, sheep at 28,477,951, and the clip of wool at 100,102,387 pounds. Indian corn alone showed an apparent decrease, and was recorded at 760,944,549 bushels.

Just at the close of this last decade (1868) the department removed to the new building which had been erected for its accommodation, and inspired by its new surroundings and the evident appreciation of its efforts on the part of the practical agriculturists of the country, as reflected in the favorable action of Congress in the increased appropriations for new buildings, improved grounds, and enlarged operations, it entered upon the decade of 1870–'80 with increased activity and a broader and more liberal policy.

Among the many things which engaged the attention of the department we may mention a few which will give some idea of its plans and purposes. It was engaged in an investigation of the agricultural condition of the Pacific coast; sinking artesian wells in Colorado, with a view to the reclamation of the arid regions; experimenting in the culture of the tea plant; investigating the manufacture of sugar from beets and sorghum; observations as to the existence of pleuro-pneumonia and other contagious diseases in animals; examining into the necessities and opportunities of American forestry; testing textile fibers, both animal and vegetable; the scientific investigation of the habits of insects injurious to vegetation and the best methods of destroying them; all these in addition to the regular work of the several divisions of the department, with which we are all familiar.

In the midst of labors such as these came another census year. One-half of the decade just ended had been a period of almost unexampled depression, during which all branches of industry had lain prostrated. The fearful wastage of the war, aggravated by the losses incident to an irredeemable currency and the public and private ex

travagance produced by the enormous redundancy of circulation and its resulting era of speculation and financial intoxication, had borne their legitimate fruits and the blow had fallen with terrible force.

A revival of business came in 1879 with resumption of specie payments, and in June, 1880, before the effects of the reaction were fairly apparent, we proceeded once more to inventory the property of the nation. The increase in farm products was, under the circumstances, simply marvelous. The acres under cultivation had increased nearly 100,000,000, and is recorded at 287,220,231; the corn crop foots up 1,754,861,535 bushels, an increase of 1,000,000,000 in ten years; wheat is placed at 459,479,505 bushels; oats at 407,858,999 bushels; the number of horses at 10,357,981; sheep at 35,191,656, and wool 155,685,750 pounds, to which latter should be added about 100,000,000 pounds from herds on public land, ranches, &c., not enumerated.

Thus, Mr. Speaker, I have endeavored to trace the contemporaneous growth of both the department and the business of agriculture, through the four decennial periods which followed the date of the organization of the former in 1839.

I do not wish to be understood as asserting that this wonderful increase in farm property and products is due to the action of the department, but it is clear, in my judgment, that its efforts have been well directed and of immense value, and that its contributions to the general prosperity, through its aid in the development of the most important of all our great industries, have proved conclusively the wisdom of those who projected it, and have demonstrated the necessity for its continued existence with enlarged powers and increasing range of usefulness to the end that it may in the future, as it has in the past, keep abreast of the industry of which it has been and should be the help and guide.

During these forty years the practical farmers of the country have watched it with anxious solicitude, sometimes with generous praise and at other times with friendly though honest criticism; but through all this period, unmindful of the jeers and gibes of aristocratic idlers and cynical wiseacres, they have never doubted the wisdom which dictated its establishment nor the great value of its achievements, and they now demand with one voice its advancement to a higher plane of usefulness—to the full honors of an executive department. Shall this request be granted?

Some excellent gentlemen object on account of its causing increased expenditures. But, sir, the cost would be inconsiderable, and even were it vastly greater who shall say nay to those who simply claim their own? Who, allow me to ask, pay the taxes in this country? It is a notorious fact that a farm cannot be hidden from the taxing officer; its presence and its value are known to all.

The farmers are the taxpayers; and Jefferson says, "The revenue is the state." Does the magnitude of the possible expenditure in this case call upon us to stand between the people and the Treasury which they themselves have filled?

Another objects because it will add another to the members of the Cabinet. But, sir, it is well to remember that the Cabinet is an organization unknown to the Constitution and formed without authority of law. The President calls about him those whom he desires as advisers, and these constitute the Cabinet.

Washington's Cabinet was composed of three—the Secretaries of State, War, and the Treasury. The Secretary of the Navy was added in 1798, the Postmaster-General in 1829, the Secretary of the Interior in 1849, and the Attorney-General in 1870, making seven in all. The addition of a secretary of agriculture would make the number eight, which is considerably less than the average size of those of European governments, where the smallest cabinet, that of Austria, and called a council, is composed of seven members; and the largest, that of England, consists of fourteen. The number being not open to objection, it is difficult to understand what other can be raised. Most assuredly one, otherwise eminently fit, coming up fresh from the people, endeared to them by long association, enjoying their full confidence, jealous of their rights and impatient of their wrongs, ought to be welcome to the council chamber of the Chief Executive of a great agricultural people.

In this era of colossal fortunes and powerful corporations Representatives, who by birth, occupation, and association are free from their baneful influences, and are in full and hearty sympathy with the common people, should find a place in that chamber from which the legislative department is reminded of its duties to the people, where enactments are given the executive sanction and the officers are selected to whom are intrusted the interpretation and execution of the nation's laws.

And, sir, how important it is for the whole country that the affairs of this department should be in the hands of a man of great ability, fully understanding the matters with which he is to deal.

In the seventeen years during which specie payments were suspended in this country, commencing in 1861 and ending on January 1, 1879, our net exports of coin and bullion were $868,381,844, a yearly average of over $51,000,000, and had that continued the proposed resumption on January 1, 1879, would have ended in disastrous failure, and this nation would have gone on down the stream of inflation until at last ingulfed in the whirpool of repudiation. Nothing saved us from financial ruin at this critical period but the export of agricultural products, which for the three years 1879, 1880, and 1881 amounted to $1,959,137,695, a sum so vast as to be beyond our comprehension. This and this alone arrested the outflow of coin, turned the tide in our favor, and gave us in net imports of coin and bullion for the years 1880 and 1881 the sum of $167,060,041.

Why, sir, notwithstanding the great importance attached to the vast mining interest of this country it is a mere pigmy beside the industry we are considering. After supplying the necessities of fifty million people in our own country and paying for $642,664,628 worth of merchandise brought from abroad, our agriculturists received from foreign nations $91,168,650 in the year 1881, a sum greater than the entire product of all our gold and silver mines for the same period by over $12,000,000.

But, sir, gratifying as this exhibit is there still remains much to be done. The extravagance of our people will soon outstrip the capabilities of the producing classes, and even now the insane desire for goods of foreign make bids fair to turn the balance of trade against us. In this event our deliverance can only come from the productions of the soil. How can we best meet this emergency? By continuing to turn all our attention to those articles consumed abroad which must be transported thousands of miles to be sold in competition with the products of other countries situated as we are? Or shall we carefully look over the list of articles imported and see if we cannot supply our own people with what they are now bringing from great distances at great expense for carriage?

Among the tables which I shall print herewith as an appendix will be found one which shows that we imported during the fiscal year ended June 30, 1881, agricultural products valued at $285,681,008. A careful examination of this table will show that it is possible to produce in this country by far the larger part of the articles here enumerated. Is not this a field for grand effort? To save to this country this importation of products, more than three times in value the annual output of all our mines of gold and silver, is an undertaking worthy the best efforts of any man, be he in or outside of the Cabinet. The sugar and molasses imported into the United States in 1881 was valued at $93,392,322. Every pound of sugar we use should be produced at home.

For sixty years after it was discovered that sugar could be made from beets private enterprise struggled in vain to solve the difficulties which prevented its successful manufacture, and not until the first Napoleon was forced by the English naval power to largely abandon the importation of sugar did the French department of agriculture undertake to find the true solution of the question; and by reason of the governmental aid thus rendered not only is France now manufacturing from beets all the sugar used by her 36,000,000 people, and exporting to other countries, but the continent of Europe is producing of this same article over one-third the entire product of the world, and nearly double the crop of Cuba and the United States combined.

Have we not a right to expect that our department, with proper effort and sufficient expenditure of money and brains, will right speedily solve the difficulties which now prevent the profitable manufacture of sugar from sorghum and beets, and in good time render us independent of foreign supply, the lack of which independence is now a source of great weakness in times of war, and can we not for the years to come prevent this fearful drain upon our resources?

We are paying $21,004,813 for our yearly supply of tea, when our great diversity of soil and climate render it quite probable that the near future will enable us to raise all we consume, provided the Government will give its culture proper attention.

Why, sir, we imported last year of fruits and nuts, $12,365,529; of breadstuffs, $10,663,675; of wool, $9,703,968; of provisions, $1,278,788; of eggs, $1,206,067; and of potatoes, $874,223; and so on through all the list, millions upon millions being paid for what we can and should more cheaply produce for ourselves. Besides, much good can be accomplished by promoting greater diversity in the character of our productions. We are depending too much upon our wheat. Besides tending to the exhaustion of the lands thus tilled, the vast increase of this grain during the last decade, if continued, will lead to overproduction, and a full crop on both sides of the Atlantic is now the only condition needed to greatly embarrass those engaged in its culture.

While only 22 per cent. of this grain has been exported on the average for the past ten years, yet the price of this 22 per cent. would have much to do in fixing the value of the 78 per cent. consumed at home, and under the circumstances I mention the extremely low price which would prevail would bring great loss to those who now depend so largely on this cereal.

What a vast field for research and experiment is open to him who would bring under profitable tillage the vast regions now barren and sterile in our Western Territories and the growing area of worn-out lands in the older States of the Union. That this is proper work for the Government to engage in is apparent from the magnitude of the undertaking and the experience of European nations in like cases. Their agricultural experiment stations have accomplished grand results.

In the tenth annual report of the Sheffield Scientific School, quoted from by the gentleman from Vermont, [Mr. GROUT,] we read:

About the middle of the last century a light-house known as Dunston Pillar was built on the Lincoln Heath, Lincolnshire, England. It was erected to guide

travelers over a barren, trackless waste, a very desert, almost in the heart of England; and long it served its useful purpose. The pillar, no longer a light-house, now stands in the midst of a fertile and rich farming region where all the land is in high cultivation. For twenty-five years no barren heath has been visible even from its top. Superphosphate of lime, a chemical invention, first applied to land by the British chemist Murray and brought to the notice of reading farmers by Baron Liebig, has been the chief means through which this great change was effected. Superphosphate over great stretches of English soil makes the turnip crop. Turnips there support sheep, and with sheep the English farmer knows how to get rich on the poorest light lands.

Again we read:

Chemistry has taught agriculture how to utilize the refuse of slaughter-houses and fisheries, the bones, the flesh, the blood, which but a few years ago was a waste, a nuisance, and a peril to public health. It has found vast mines of fossil phosphates in England, Canada, Norway, Spain, France, Germany, South Carolina, Russia, and Austria, and has shown how they may be quickly and profitably converted into a precious fertilizer. Italy, Germany, France, Britain, and the United States have seen, or are seeing, the productiveness of thousands of their fields decline to a profitless minimum, until lands once beautiful with harvests are desolate and abandoned. But the artificial barrenness of exhaustion, like the natural barrenness of the heath or the sand-down, yields to the touch of science; and in all the older countries I have named the work of reclamation is in full progress, and, barring some great calamity of politics or nature, we are confident that the producing power of their soil will never again be less than now, but will increase many-fold in the future, until they become gardens in all their breadth and to the very hill-tops.

France had so far back as 1835, in the neighborhood of Strasburg, an experiment station on the farm of Boussingault, who was professor of rural economy in the conservatory of arts in Paris. Both in the laboratory at Paris and on his estate of Bechelbraun, Boussingault had for forty years carried on a series of most valuable researches, whether considered from the point of view of practice or of science. But Moreau was the first station where farmers themselves brought science to their own farms to aid them in farming. The example thus given was so brilliant and solid that within two years in the town of Chemnitz a second station was set up, and of the twenty-two years that have since elapsed, 1867 is the only one which has failed to witness the founding of one or more similar institutions in Germany or the neighboring countries. The experiment station shortly came to be regarded, not as a costly embellishment or an agricultural luxury, in which universities or wealthy gentlemen might harmlessly indulge, but as a most remunerative and necessary agency for the use as well as for the education of farmers.

I am glad to notice that our own department is giving this matter its attention, and from its action we may look for great results in due time. But, sir, I have already occupied too much time; I cannot go further into details. I can only suggest that the protection of our vast animal industry from the contagious diseases which threaten its very existence, the inauguration of some plan by which the farmers of the country may be able to save their crops from the locust, the grasshopper, the Colorado beetle, the canker-worm, the midge, the Hessian fly, the weevil, and a thousand other such foes are matters properly coming before this department for consideration. And, sir, these are not all the ills that the farmer is heir to. The cruel despotism established in some cases by vast corporations; the frequent unjust exactions and discriminations made by transportation lines; the outrageous black-mailing operations engaged in by the unprincipled owners of patents; the unwholesome conditions of the markets produced by gambling in options; and many other evils of lesser but still grave importance, are now proper subjects of governmental inquiry and of legislative action, and I sincerely hope that the department which we hope to establish by this bill will aid in bringing these matters to the notice of the proper authorities, with such suggestions as to the proper remedies to be applied as shall at last bring all interests into harmony, and insure a just and equitable division of the fruits of labor between all the different branches of industrial and commercial pursuits.

Mr. Speaker, I believe that this is a propitious time for the movement we contemplate. The present administration of the department is peculiarly acceptable to the people, and all are convinced that any new powers granted to it by the present Congress will fall into capable and experienced hands. And, sir, I repeat, let us limit our action to the enlargement of the powers of the present independent department. If in the future it shall be found practicable to add certain divisions or bureaus having control of subjects in greater or less degree affecting the pursuit of agriculture, our successors, in the light of experience, after the department is fully organized, can do so much more wisely than we. But for the present let us be content with the action recommended by those who have made the pursuit their life-work and study.

In conclusion, sir, let me say, that as for myself duty seems clear. I shall vote for this bill. It is in the interests of those who are conspicuously the conservators of the public weal. Time and again when some tide of dangerous error has swept over the land, bearing upon its seething bosom the discontented, the thriftless, the ignorant, and the vicious, threatening to ingulf all that makes this land the hope of the world, we have looked always, and never in vain, to the farmers of the land as to the rock whose firm unyielding strength should breast the flood and safely shelter us until the waters had receded and the danger passed away.

It is in the interest of that class among whom life and property are safest, and ignorance, indolence, intemperance, and vice most rarely found. It is asked for by those whose hearts always beat in sympathy with the oppressed, and to whom the downtrodden have never appealed in vain. It is desired by those whose success is necessary to the prosperity of every other vocation; by those who best understand and will longest defend those personal, civil, and political rights the enjoyment of which is guaranteed to every American citizen.

APPENDIX A.

Comparative statement of aggregates for the United States, from the Census of Agriculture.

	1880.	1870.	1860.	1850.
Land in farms.....acres..	539, 351, 713	407, 735, 041	407, 212, 538	293, 560, 614
Improved land .....acres..	287, 220, 321	188, 921, 099	163, 110, 720	113, 032, 614
Value of farms....dollars..	10, 197, 161, 905	9, 262, 803, 861	6, 645, 045, 007	3, 271, 575, 426
Farm implements .dolls..	406, 522, 414	336, 878, 429	246, 118, 141	151, 587, 638
Farm animals.....dolls..	1, 500, 503, 807	1, 525, 276, 457	1, 089, 329, 915	544, 180, 516
Farm products....dolls..	.....	2, 447, 538, 658	.....	.....
Horses.....numbers..	10, 357, 981	7, 145, 370	6, 249, 174	4, 336, 719
Mules and asses.numbers..	1, 812, 932	1, 125, 415	1, 151, 148	559, 331
Working-oxen ..numbers..	993, 970	1, 319, 271	2, 254, 911	1, 700, 744
Milch-cows .....numbers..	12, 443, 593	8, 935, 332	8, 585, 735	6, 385, 094
Other cattle.....numbers..	22, 488, 590	13, 566, 005	14, 779, 373	9, 693, 069
Sheep.....numbers..	35, 191, 656	28, 477, 951	22, 471, 275	21, 723, 220
Swine.....numbers..	47, 683, 951	25, 134, 569	33, 512, 867	30, 354, 213
Corn .....bushels..	1, 754, 861, 535	760, 944, 549	838, 792, 742	592, 071, 104
Wheat.....bushels..	459, 479, 505	287, 745, 626	173, 104, 924	100, 485, 944
Oats .....bushels..	407, 858, 999	282, 107, 157	172, 643, 185	146, 584, 179
Rye.... .....bushels..	19, 831, 595	16, 918, 795	21, 101, 380	14, 188, 813
Barley .....bushels..	44, 113, 495	29, 761, 305	15, 825, 898	5, 167, 015
Buckwheat .....bushels..	11, 817, 327	9, 821, 721	17, 571, 818	8, 956, 912
Cotton ....bales..	5, 746, 414	3, 011, 996	5, 387, 052	2, 469, 093
Hay.....tons..	.....	27, 316, 048	19, 083, 896	13, 838, 642
Wool.....pounds..	155, 685, 750	100, 102, 387	60, 264, 913	52, 516, 959
Butter.....pounds..	777, 204, 471	514, 092, 683	459, 681, 372	313, 345, 306

The value of products of agriculture has not yet been computed, nor the value of the hay crop of 1879. The wool does not include that on public lands and ranches, nor in hands of butchers, &c., 100,000,000 pounds.

J. R. DODGE,
Special Agent, Tenth Census, for Collection Statistics of Agriculture.

MAY 6, 1882.

APPENDIX B.

Statement showing the imports of agricultural products into the United States during the year ended June 30, 1881.

Articles.	Agricultural products.	
	Quantities.	Values.
FREE OF DUTY.		
Cocoa, crude, and leaves and shells of .....pounds..	8, 642, 970	$1, 044, 816
Coffee.....pounds..	455, 189, 534	56, 784, 391
Cotton, raw.....pounds..	4, 449, 866	757, 308
Eggs .....dozens..	9, 578, 071	1, 206, 067
Hair, unmanufactured.....pounds..	4, 179, 196	874, 039
Hides and skins, other than furs.....	.....	27, 477, 019
Indigo .....pounds..	1, 745, 350	1, 535, 530
Madder, other than the extract of.....	914, 986	59, 918
Seeds.....	.....	271, 823
Silk, raw.....pounds..	2, 550, 103	10, 888, 264
Tea.....pounds..	81, 843, 988	21, 004, 813
Articles admitted free under reciprocity treaty with Hawaiian Islands:		
Fruits and nuts.....	.....	20, 600
Rice .....pounds..	6, 984, 406	389, 017
Sugar, brown.....pounds..	76, 907, 247	4, 927, 021
Molasses.....gallons..	198, 987	35, 037
Tallow.....pounds..	28, 083	1, 402
All other free articles.....	.....	4, 326, 553
Total, free of duty.....	.....	131, 603, 618
DUTIABLE.		
Animals living.....	.....	3, 972, 835
Breadstuffs:		
Barley..... .....bushels..	9, 528, 616	6, 692, 125
Barley-malt .....bushels..	685, 297	653, 645
Indian corn.....bushels..	75, 155	88, 126
Oats.....bushels..	64, 412	23, 223
Rice.....pounds..	61, 755, 003	1, 413, 543
Rye.....bushels..	473, 925	415, 763
Wheat.....bushels..	200, 620	204, 508
Wheat flour.....barrels..	2, 396	12, 719
All other breadstuffs, &c.....	.....	771, 006
Bristles.....pounds..	838, 840	911, 519
Chicory, ground or prepared, and root.....pounds..	4, 207, 544	149, 201
Flax, raw.....tons..	5, 446	1, 462, 289
Fruits of all kinds, including nuts.....	.....	12, 344, 929
Hair, other than human, manufactures of.....	.....	359, 691
Hemp, raw.....tons..	32, 044	4, 047, 472
Jute and other grasses, raw.....tons..	68, 631	4, 026, 029
Olive oil.....gallons..	384, 413	480, 683
Opium and extract of.....pounds..	318, 700	1, 944, 587
Potatoes.....bushels..	2, 170, 372	874, 223
Provisions, (meats, poultry, lard, butter, &c.).....	.....	1, 278, 788
Seeds.....	.....	1, 713, 106
Spices.....pounds..	11, 173, 658	1, 700, 267
Sugar and molasses:		
Sugar, brown.....pounds..	1, 857, 654, 221	81, 352, 570
Molasses.....gallons..	28, 509, 234	6, 699, 047
Melada and sirup of sugar-cane.....pounds..	12, 163, 248	378, 647
Tobacco, leaf.....pounds..	7, 468, 664	3, 897, 980
Wine, in casks.....gallons..	4, 370, 947	2, 743, 669
Wool, raw.....pounds..	55, 964, 236	9, 703, 968
All other dutiable articles.....	.....	3, 761, 232
Total dutiable.....	.....	154, 077, 390
Total agricultural products imported.....	.....	285, 681, 008

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., May 7, 1882.

DEAR SIR: I hand to you herewith a table purporting to show the value of the products of agriculture imported into the United States.

It is impossible to prepare an accurate table showing such imports for reasons fully explained on pages 18 and 19 of part 1 of the Report of the Chief of the Bureau of Statistics on Commerce and Navigation.

Very respectfully,

JOSEPH NIMMO, JR.,
Chief of Bureau.

Hon. EDWARD S. LACEY, *M. C.*,
House of Representatives.

APPENDIX C.

Values of exports from the United States of domestic merchandise, and of the exports of the products of agriculture, and the percentage which the exports of such products bear to the total value of exports of domestic merchandise, for the years mentioned.

Year ended June 30—	Value of exports of domestic merchandise.	Value of exports of products of domestic agriculture.	Per cent. of products of agriculture.
1820	$51,683,640	$41,657,673	80.60
1830	58,524,878	48,095,184	82.13
1840	111,660,561	92,548,067	82.91
1850	134,900,233	108,605,713	80.58
1860	316,242,423	256,560,972	81.14
1870	455,208,341	361,188,483	79.34
1880	823,946,353	683,010,976	82.90
1881	883,925,947	729,650,016	82.55

Values of exports from the United States of bread and breadstuffs, cotton, provisions, mineral oils, and tobacco during the years 1840, 1850, 1860, 1870, 1880, *and* 1881.

Year ended June 30—	Bread and breadstuffs.	Cotton, raw.	Provisions.	Mineral oil.	Tobacco and manufactures of.
1840	$13,535,926	$63,870,307	$3,503,704	None	$10,697,628
1850	13,066,509	71,984,616	10,927,485	None	10,599,855
1860	24,422,310	191,806,555	16,612,443	None	19,289,975
1870	72,250,933	227,027,624	29,175,539	$32,668,960	22,705,225
1880	288,036,835	211,535,905	127,043,242	86,218,625	18,442,273
1881	270,332,519	247,695,746	151,528,216	40,315,609	20,878,884

Interstate Commerce.

SPEECH

OF

HON. THERON M. RICE,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, May 13, 1882.

On the bill to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

Mr. RICE, of Missouri, said:

Mr. SPEAKER: During this session of Congress a very large number of petitions, numerously signed, have been presented to the Senate and this House, praying for legislative action upon the all-important and all-absorbing question of regulation by law of interstate commerce.

Urgent and pathetic appeals from hundreds of thousands of our people who have representation upon this floor have, in the peaceful and constitutional mode prescribed by law and custom, time and again called our attention to flagrant violation of their most sacred privileges and rights by cormorant corporations, who to-day, governed only by their selfish greed for wealth, absolutely control the commerce and trade of the nation. Up to this hour these petitions, coming from all quarters of our broad and wonderful land, from the tens of thousands of those who produce and the thousands who transport our immense productions to the millions of consumers in our own land and to the markets of the world, have received but little or no attention. The right of the people by petition to manifest their grievances to Congress is unquestioned; that they are oppressed may be clearly shown; and that they are entitled to the relief prayed for may be demonstrated beyond all controversy.

Mr. Speaker, I shall offer no further apology for at this time addressing the committee on a measure identified as this is with the general welfare of the whole people.

"The business of transportation," as was forcibly said on this floor last session, "in the last quarter of a century has grown into such vast and almost immeasurable proportions of importance to the general welfare of mankind that legislative restraint upon its alleged aggressive tendency and power has become as indispensable and imperative as law for the suppression of crime."

The great highways of trade, of commerce, and of travel, stretching across the continent and uniting the oceans by steam; the highways of public enterprise, of industrial exchange; the highways of the nation for military and governmental purposes; in one word, the highways of the people, have been usurped and to-day are held, not as public avenues to facilitate and promote the public welfare, but as corporate property to promote corporate monopoly and corporate greed.

There is no subject wider in its range or more general in its effect than transportation. It rules subsistence, and subsistence is life. It rules values, and value is property or ruin, just as it is regulated. It rules comfort, for it gauges the price of the elements of comfort. It rules the price of land and the price of labor, for it determines the value of each. It is the one element upon which all exchange is dependent. Exchange is commerce. Commerce rules all activities of labor, all activities of education; the status of our labor and education is the true measure of our civilization.

To fully comprehend the power and properly measure the influence of railroads upon transportation, and to show, under proper control, how essential they are to the life of our social, civil, and political body-politic, and, unrestrained within legitimate limits, how dangerous to the prosperity and liberties of the people, I ask the indulgence of the House for a brief examination of the question.

GROWTH AND EXTENT OF THEIR POWER.

There is nothing in the history of human progress that shows any parallel to the growth, development, and power of coporations in the construction and use of railroads in the United States. Starting in 1830, the following statement will show how rapid has been their construction:

In 1830 we had but 23 miles; in 1840 we had 2,810 miles; in 1850 we had 9,021 miles; in 1860 we had 30,635 miles; in 1870 we had 52,914 miles; in 1880 we had 94,000 miles; in 1881 we had about 100,000 miles.

Up to 1850 they were mainly confined to the States east of Lake Michigan. To-day they extend from ocean to ocean. They interlace and gridiron the whole habitable portion of the Union. They unite cities, States, and peoples from the rock-ribbed shores of New England on the Atlantic with the golden sands of the Pacific. They have become the great, grand highways of American civilization. They transport the products of all sections and climates, all industries and trades; they transport the people, the mails, the Army, munitions of war and munitions of peace. Steam is their power and alike their slave. The commerce of the world is upon their wheels. Progress depends upon their velocity and prosperity upon their connections. The profits of agriculture, of manufacturing, of trade, and all the manifold industries of the mine, the farm, the shop, the forge, and the loom depend upon their charges. They have developed into immense engines of public convenience, public necessity, and public outrage and wrong.

In the beginning they were chartered for "a public use," to promote the general welfare of the people. Corporations were created as the express instruments and for the express purpose of a public use, public convenience, and public utility. They were granted the highest powers and franchises which it was possible to confer under State and national prerogative. They were given the right of appropriating the power of eminent domain simply and solely because they were to use this right as a universal agency for universal well-being of the people.

Local at first and limited in capital, in extent, in use, and in benefits; built with economy, worked with care, and solicitous to win public favor, they won it. Demonstrating their capacity as an almost immeasurable factor of public advancement, in convenience, in rapidity, and in cheapness of intercourse, they secured approval, commanded confidence, and marched with giant strides into practically universal occupancy of the highways of the nation and the people. That which was at first but local has become universal in extent, unlimited in use, overwhelming in capital, and so general in its connection with the industries, exchanges, commerce, and intercourse of States, cities, people, and individuals as to have become a universal necessity. Beginning with small capital they have rapidly advanced to the highest combinations of capital ever concentrated in human enterprise. To-day the railroads of the United States represent more than $5,000,000,000, and their yearly earnings and income is computed at $600,000,000; more than double the annual receipts of the Government of the United States.

This vast sum is managed by a limited number of men. Practically the whole system is controlled by the few individuals who have the lead in the management of the five great trunk lines which dominate over the transportation between the oceans. The New York Central, the Pennsylvania Central, the Erie, the Baltimore and Ohio, and the Union and Central Pacific, directly and indirectly have sovereign control of the transportation of all the through freight from the Pacific Ocean to the Atlantic. The four trunk lines above named,

independent of the Union Pacific and Central Pacific, have so absorbed the roads, routes, and feeders which center at Saint Louis, Chicago, Milwaukee, Indianapolis, Louisville, and Cincinnati, tapping the entire sweep of the Northwest, the West, and the Southwest, and having the financial control of nearly all of them, they virtually hold every highway of travel and transportation with gates barred by their combined capital, and by such mutuality of agreement among themselves that all opposition to their dictation is useless, and so will inevitably continue until the Government of the United States in this behalf asserts its right, proclaims its power, and exercises its authority.

I have no positive means of ascertaining the exact combination by which railroad power is managed, but a careful examination of statistics has resulted in showing that of the $5,000,000,000 aggregate capital invested in railroads in the United States, $3,319,000,000 is controlled by Jay Gould, Vanderbilt, the Pennsylvania management, Garrett of the Baltimore and Ohio, Huntington, Jewett, Garrison, Field, Sanford, and the few men who make up the combination. Their capital is divided as follows:

The Pennsylvania Central	$629, 000, 000
Jay Gould and associates	565, 000, 000
Vanderbilt combination	564, 000, 000
Huntington combination	321, 000, 000
Jewett and Erie combination	317, 500, 000
Garrett (Baltimore and Ohio) combination	194, 000, 000
Pennsylvania coal roads	508, 000, 000
Mitchel management	129, 000, 000
Garrison management	62, 000, 000

In looking over the list of the various lines which run into Saint Louis, Chicago, Milwaukee, and all the central and radiating *foci* of the West, forming the complete net-work of all the important lines from the shores of the Pacific to Omaha, the valley of the Mississippi, and the West, it will be found that while the trunk lines are owned by separate companies and corporations, the names of the leading men who form these companies will be recognized in the management and direction of nearly every tributary line of railroad upon which the trunk lines depend for their trade. It may therefore be asserted without fear of contradiction that all the great transporting lines are worked under the same management. There is a semblance of competition, but it is but a semblance. Combination has killed competition. They skirmish and have their periodical battles to deceive and cheat the people, but they are but battles for show—sham fights—for nothing is more certain than the fact that all the controlling roads are worked substantially in the same interest, and on a basis of mutually-agreed prices, fixed and established in united council.

The capital, influence, and power of each combination is pledged to support the united interest against all competition; against all State and local interferences, and against any and every attempt to subordinate their power, their exactions, and their tyranny to Congressional control.

The New York Central was the first company to enter upon the system of combination by which the great trunk lines have grown into colossal power. It started its work by consolidating the ten local lines which made up the route from Albany to Buffalo; then combining the Hudson River and Harlem roads, its way was clear to Lake Erie, and from New York to Cleveland it secured control of the Lake Shore road; from Cleveland it got possession of the lines to Toledo; thence to Chicago, by gathering in a controlling interest in the Michigan Southern, the first great trunk line from New York to Chicago was established. The work thus commenced, herculean and gigantic as it was, was but the commencement. Every road tributary was brought into subjection; not a line between New York and Chicago on the great central belt was overlooked; the purpose was absolute control, and there was no stoppage and no hesitation until it was attained. Consolidation was the order of the day, and the New York Central brought every element of competition under its control.

The Pennsylvania Central, taking an entirely different route, commencing in 1857, worked its way from the Hudson to the Delaware, from the Delaware through Pennsylvania, over the Alleghany Mountains to the Ohio, thence through Ohio and Indiana to Chicago; like the New York Central, uniting and combining every road, river, and appliance by which the travel and transportation of the entire region of country through which the route passed could be carried on.

In the same way the Erie made its way through the southern tier of counties of New York to Lake Erie, and thence to the great cities of the West and South.

The Baltimore and Ohio worked its way to Wheeling and the Ohio River, and thence westward until, like the other lines, it reached the great central points of trade and travel. Thus, from different starting-points, and by different routes, the railroads constituting the four trunk lines control the entire transportation from the West to the East.

Having secured every avenue of communication forming connection with the entire traffic east of Lake Michigan, they commenced extending their roads through the vast regions of the West, Southwest, and Northwest.

It was a stupendous work to organize into regulated order the thousand currents all converging into natural markets, so as to make the whole net-work of railroads gridironing the vast regions from the eastern slope of the Rocky Mountains, the valley of the Mississippi, and the agricultural districts of the Northwest into connecting limbs, united lines, and systematized feeders of the four great trunk lines to the Atlantic. But the work was done with masterly ability. There is nothing more instructive, nothing more incomprehensible, nothing which so illustrates the marvelous progress since 1850 as the railroad maps, which show the lines and extent of the railroad commerce organized and perfected into channels of trade and transportation west of the great lakes.

The wonderful resources of the immense belt of country lying between the Middle States and the Pacific Ocean, in proportions an empire by itself, have been unfolded with a rapidity and grandeur approaching the marvelous. We have shown that we possess nearly all the minerals valuable to man, and especially of the precious metals, in such wealth of profusion as to astonish and captivate the world; that we can produce agricultural products in greater variety and more abundant quantities than any country on the globe; that we possess every description of climate, from regions perpetual in ice to lands ever blooming with flowers; that we have but just opened the way for future productions so vast as to defy all computation. Over and through all this vast area of our domain the kings of the rail, the owners and directors of the trunk lines of railway, have assumed control, exercise power, and in fact assert the full sovereignty of dominion.

It was natural that all the new lines built in the States, springing as they have almost by magic into the arena of transportation, should connect themselves with and subordinate themselves to the trunk lines. It was equally natural that the mineral fields, unfolding their treasures of untold wealth, should have easy and quick transit to market; the immense cattle ranges along the base of the Rocky Mountains, the grain-producing fields from the Red River valleys in the North to the granaries of the Missouri and Mississippi valleys and the sugar and cotton fields of the South, could do no less. A market was essential to their people and their prosperity; short lines would lead them to the trunk lines, and the short lines were built.

The extension of power has been as natural as it has been persistent. Having command of all the trunk lines to the East and the highways to the Pacific, completely royalized into monopolistic control, the kings of the rail have made themselves absolute monarchs of our transportation system, and have become defiant in their position and dictatorial in their demands.

If competition lent a stimulant to the extension of their outstretching arms, combination became more forcible as a means for larger profits. Each of the Eastern monarchs of the trunk lines is found in the directorship of all, or nearly all, of the principal arteries, starting from the trade centers on the Atlantic seaboard, pointing toward the West, and by diverging lines permeate all through the producing regions, so that every bushel of grain, every pound of produce, every head of cattle, every article which can be spared for market, is made dependent upon the price of transportation for its home value. No government on earth ever exercised so direct and positive a power over its subjects as the American railroad management exercises over the producers of this country. No government was ever so defiant, so dictatorial, so tyrannical.

There are many Representatives on this floor who are older in active life than the railroads, and not one so young as not to know that they were chartered and brought into being by the power granting them their charter for a public use, to build highways for the people, for their convenience, for their wants, and to meet the demands of their necessities. To this end they have been granted privileges, powers, and immunities such as pertain to public rights alone. But as power has accumulated, capital increased, and their influence been extended they have ceased to be the servants, the benefactors of the people, and assumed to be public dictators, and use their franchises to oppress and wrong the people.

In the early history of railroad management in this country the right of the State or the Government to control the extent and use of the delegated power was not questioned. At first the power conferred upon railroad corporations was conferred by State authority, and only exercised and potent within the limits of the State granting it; but since, by their acts of consolidating connecting lines, thereby and through the liberality of State legislation, the great railroad belts span the continent, each under a directory controlling the whole, they deny the authority of State or Federal power to limit or in any manner control their use. It may be urged that since these main trunk lines have passed beyond local State lines and local State jurisdiction, passing over and through States, across the continent, all under the management of one consolidated directory, that they passed from under local State authority and State control. It is claimed by railroad magnates that this is true; that States have no jurisdiction, and that the Federal Government has none, for the reason that conferred franchises can only be modified, changed, or controlled as a reserved right to the legislative power conferring it.

But I deny this assumption and assert that it has no foundation in law, reason, or justice. The franchises and rights of a railroad corporation are no greater, no higher, than such as are specifically conferred by the terms of their charter. Their personal act in consolidating different connecting lines under one management may increase the facilities of the use, but in no sense does it increase or enlarge delegated power. By the individual acts of different corporations,

they may perhaps combine uses, franchises, and powers, and, as applied to railroad corporations, they may by such action enlarge or expand what was in the beginning but a State and local use into a national and public use, and by such combination of the exercise of local powers in effect transform that which was but a local franchise for a local use into a national franchise and for a national use.

The great American railway system has become the national highway for trade, for travel, and for commerce, without regard to State lines, without regard to municipal, civil, or political subdivision of our vast domain; it bears upon its tracks of steel our productions, our commerce, and our people; it is to-day the most potent element of our social, political, and physical power; it has created our nation's commerce; it has inspired production and has made markets; it has, in an unprecedented degree, enriched the East, made great and powerful the interior; it has covered the plains, valleys, and mountains of the great West with teeming life, industry, and enterprise; it is the grandest development of civilization; it is to-day a nation's necessity.

Railroads, like individuals, should be subject to legislative control. With all their good, they are chargeable with gross wrongs upon the people. And since they have become national in their character and uses, that control should, and of right ought to be, exercised by the Federal Congress. That Congress has this power inherent within itself under the Constitution, I will attempt to show.

Our great rivers, inland lakes, and seas, are natural highways of commerce and free to be navigated by whoever will; likewise our railroads are highways of commerce, but differing from our rivers in this only: they are artificial in their construction and private in their operation; but both alike are highways, the latter created for, and both in their operation designed, contemplated, and fostered for a public use, and both alike in this use must be subject to legislative control.

The Constitution expressly recites, as one of the delegated rights by the people to Congress, the right "to regulate commerce among the several States."

To regulate is defined to mean "to prescribe the rules by which commerce is to be governed." (Gibbon *vs.* Ogden, 9 Wheaton, 196; Story on Con., sec. 1061.) The power thus conferred is specifically conferred. It admits of no limitation, no expressed or implied qualification, and, being complete and entire, may be exercised to the full extent of the jurisdiction of the United States. (Gibbon *vs.* Ogden, *supra;* also Passenger cases, 7 Howard, 283.) The language of the Constitution is, "to regulate commerce among the several States." Not merely that carried upon the bosom of our rivers and lakes, but all commerce, let it pass over or through whatever channel it may.

This conferred power is not only absolute and entire but it is necessary. It is necessary to the perpetuity of the Union, to the tranquillity of the people, and to the interest of commerce itself. It is vital to the common rights and common wants of every community; indeed, independent of the power of Congress, there is no power competent to enforce obedience to law, to restrict abuses, and punish wrongs. (Gibbon *vs.* Ogden, *supra;* Federalist, pages 4, 7, 11, 22, and 37.)

Paschal, in his Annotated Constitution, says: "Commerce is traffic in its broadest sense. It is intercourse, and all the means by which traffic and intercourse are carried on." (Story on Con., section 1062 and note; United States *vs.* Halliday, 3 Wall., 417; 9 Wheaton, 101, 102.)

All buying, selling, and exchanging is commerce; all means by which communication for trade, traffic, or exchange is carried on is embraced in the term.

It includes navigation in every form—by steam-vessels, ships, boats, and vehicles—used to convey merchandise, the products of the soil, and every article entering into the business of life. (3 Wall., 417; 4 Denio, 469.) It covers and includes every means by which transportation, in its broadest terms, is made use of to convey passengers, merchandise, products of the soil, of the forest, of the mines, and of industry and trade in their widest significance from the points of production to market, for consumption, for use, or for exportation from one State to, through, over, and across another. It includes all the means by which trade and exchange can be carried on between the inhabitants of one State and the inhabitants of another State by passing overland and by water. (4 Wash., 388; Pennsylvania *vs.* Wheeling Bridge Company, 18 Howard, 421; Columbus Insurance Company *vs.* Peoria Bridge Company, 6 McLain, 70; Gilman *vs.* Philadelphia County, 3 Wall., 724.)

To the end and extent that railroads are a public use they are public property; and as public property they are subject to Congressional legislation and control, (see case above cited,) and it is for Congress to determine when, how, and where it shall exercise its authority and power. (U. S. *vs.* Combs, 12 Peters, 72; New York *vs.* Milne, 11 Peters, 102; Gilman *vs.* Philadelphia, 3 Wall., 725.)

Congress not only has the power to build and construct facilities for transportation but may prescribe absolute rules for their government. (2 Gale, 395; 3 Howard, 239; 9 Wheaton, 1; 11 Peters, 102–135.)

Railroads are essential parts of the highways which belong to and can alone be controlled by the nation. No corporation, no individual, and no State can lock up or appropriate these common essentials of our common rights; the Constitution has given to Congress the sovereign power over them. (New Orleans *vs.* U. S., 10 Peters, 662 to 729.) The public right is supreme; it is superior to all private rights. There can be but one sovereignty over that which is common to all the States and to all of the people of the States. Congress may select, adopt, and hold sovereign power of control over any and every interstate highway. It may select those which exist; it may adopt new routes, or it may construct and control one or all of the highways of interstate commerce. (10 Price, 350; 3 Wheaton, 383.)

The right to regulate the charges of common carriers has always existed as a positive element of sovereignty; it is a public business in which the whole public are interested. I may be permitted to make allusion to the decision in the celebrated Georgia cases. Though all was not accomplished in those cases that was anticipated, still the movement was anything but a failure. In those cases the court declared all that is essential to my argument. It held that a railroad company was a public and not a private corporation; that as such it has entered into an implied contract with the State to submit to such regulations as the Legislature may prescribe. The court also said that every corporation which appeals to the public for patronage is a public corporation, and by the act of organization *ipso facto* becomes subject to legislative regulation. An elevator company, an express, a car, a freight, a forwarding company, is as completely a public corporation as the railroad company. And I may add a flouring mill, built for custom service, is a public use for which they may charge toll, but the rates are regulated by statute. The mill is constructed purely as a private enterprise, upon private land, built wholly from the owner's private purse, and yet the right by statute to regulate his exercise of the use has, to my knowledge, never been questioned.

Pray show me what right, what higher immunity, a railroad company should possess than the modest, uncomplaining miller. The law, in respect of which we are now considering, applies to both alike, but for highest considerations should apply with the greater force to the former. It is created by act of sovereign power and to it is delegated important and valuable franchises; it is clothed with the right of eminent domain; its creation and its franchises are *in perpetuo;* it never dies; like Tennyson's poetic brook, "it goes on forever."

There is another consideration which is an important factor in determining the status of railroads and their relation to the public and liability to legislative control. A large majority of them have been built in part, and many entire, by Federal, State, county, and municipal aid, and this under the lying pretext of the projectors and managers of the return of valuable consideration in the issuance of stock.

In a few instances the stock, according to contract, has been issued, but the instances are very rare when that stock has ever been worth or realized a dollar to the parties who thus gave generous aid. Practically, the first step of the projectors in building a railroad is to get all the money they can, the greater portion of which is put down into their pockets, and then the road is built by money raised on what are called construction bonds, secured by mortgage upon the road, its right of way, and franchises. Soon follows a foreclosure, and the result is the directors have become millionaires, owning the road and the stock at a cost to them but little in excess of a nominal value. Thus it is seen that the enormous sum which it has cost to build our railroads has been paid either directly or indirectly by the people; that every dollar of the $600,000,000 annual earnings is a direct tax upon the people. The princely salaries paid to their officials, the money paid to sinecures and needy relatives, the annual salaries paid to attorneys, which in many instances is more than they could earn in a life-time, all come from the pockets of the people. And the $1,500,000 annually expended by their lobbyists with legislative bodies in attempts to persuade friendly legislation is raised by a tax upon the people, through exorbitant passenger and freight tariffs.

I have shown that railroad corporations are by the law of the land subject to legislative control. I now call attention to reasons, which have become manifest, why they should be thus controlled.

Railroads are a public use, so created, so designed, and so in fact should be. The claim that they are operated primarily in the interest of the public is not made by the managers; this species of labor is left to their apologists. The American railroad king said: "It is cheaper to buy than to elect a legislature." And the lesser Vanderbilt asserted: "If there is to be a railroad commission, the commission must own the railroads or the railroads must own the commission." Mr. Rutter, a vice-president of the New York Central and Hudson River Railroad, and a witness before the recent Hepburn committee of the State of New York, stated: "I serve the stockholders only, and only regard the public interest to make it tributary to the interests of the shareholders." "The managers of a railway company desire to make all the money they can for their clients, and to do this they have constantly before them the question: what rate within their chartered limits will an article bear."

So that, upon the admission of leading managers of railway companies themselves, they have no higher aim than selfish greed, no higher or other ambition than to extort the last farthing the necessities for their services may be able to demand.

In consideration of the truth of the statements of railroad officials, permit me here to introduce a few passages of daily concurrent history, declarations of leading statesmen, and editorial statements upon this point from the press.

The National Board of Trade, at its convention in 1881, adopted a report which declared that:

The degree to which the great powers of steam and electricity have been allowed to pass into corporate hands, which employ them as a means to tax the public unduly for their use, is at this time forcing itself upon the attention of our statesman, and there is a wide-spread feeling that the public welfare demands that the power and privileges of corporate grants shall be limited in the future.

The third semi-annual report of the railroad commissioners of the State of Georgia, submitted May 1, 1881, says:

The moral and social consequences of these corruptions are even worse than the political; they are simply appalling. We contemplate them with anxiety and dismay. The demoralization is worse than that of war, as fraud is meaner than force and trickery than violence. Aside from their own, the operators aim directly at the corruption of the press and the Government. Worse even than a miasmatic storm is this malaria in the air, which poisons all the body-politic and corrupts the youth of the country by presenting the highest prizes of society to its most unscrupulous and unworthy members.

The report of the legislative committee of the State of New York that investigated the management of the Erie Railroad in 1873 concludes with the following remarkable words:

It is not reasonable to suppose that the Erie Railroad has been alone in the corrupt use of money for purposes named; but the sudden revolution in the direction of this company has laid bare a chapter in the secret history of railroad management such as has not been permitted before. It exposes the reckless and prodigal use of money wrung from the people to purchase the election of the people's representatives, and to bribe them when in office. According to Mr. Gould, his operations extended into four States. It was his custom to contribute money to influence both nominations and elections.

In 1879 a committee of the State of New York, Mr. Hepburn, chairman, after an exhaustive examination, declared that the charge of flagrant abuses in railroad management had been fully proven, and added:

The mistake was in not providing proper safeguards to protect the public interest and to hold the railroads to a strict accountability for their transactions; thus, through the laxity of our laws and the want of governmental control, (measurably excusable, considering the unforeseen possibilities of railroad development at the time of the enactment of those laws, but no longer pardonable in the evidence herewith submitted,) have crept in those abuses hereafter mentioned so glaring in their proportions as to savor of fiction rather than actual history.

Hon. DAVID DAVIS, late of the United States Supreme Court, now acting Vice-President of the United States, says:

The rapid growth of corporate power and the malign influence which it exerts by combination on the national and State legislation is a well-grounded cause of alarm. A struggle is pending in the near future between this overgrown power, with its vast ramifications all over the Union and a hard grip on much of the political machinery, on one hand, and the people in an unorganized condition on the other, for control of the Government. It will be watched by every patriot with intense anxiety.

Governor Gray, of Indiana, in his message to the Legislature of that State in January of last year, said:

In my judgment the Republic cannot live long in the atmosphere which now surrounds the ballot-box. Money corporations, to secure favorable legislation for themselves, are taking an active part in elections by furnishing large sums of money to corrupt the voter and purchase special privileges from the Government. If money can control the decision at the ballot-box it will not be long before it will control its existence.

The attorney-general of the State of New York, in commenting upon an extraordinary proceeding in the Supreme Court, January 3, 1881, to thwart proceedings instituted by the State to protect the public interest in the case of the New York elevated railroads, stated that he was—

Amazed now at the power that corporations seem to have to embarrass necessary legal proceedings taken against them; that the increase of the influence of corporations in this country, and their ability to thwart the supervisory proceedings taken against them by the public authorities to prevent great monopolies or to subject them to proper restraints, are among the most alarming characteristics of the time, and constitute a danger to which all the people must be aroused before long if we would preserve our free institutions.

On the 27th day of January, 1880, Mr. Gowen, then president of the Philadelphia and Reading Railroad Company, in an argument before the Committee on Commerce of the House of Representatives in Washington, said:

I have heard the counsel of the Pennsylvania Railroad Company, standing in the supreme court of Pennsylvania, threaten that court with the displeasure of his clients if it decided against them, and all the blood in my body tingled with shame at the humiliating spectacle.

United States Senator WINDOM, in a letter to the president of the anti-monopoly league, says:

The channels of thought and the channels of commerce, thus owned and controlled by one man, or by a few men, what is to restrain corporate power, or to fix a limit to its exactions upon the people? What is then to hinder these men from depressing or inflating the value of all kinds of property to suit their caprice or avarice, and thereby gathering in to their own coffers the wealth of the nation? Where is the limit to such a power as this? What shall be said of the spirit of a free people who will submit without a protest to be thus bound hand and foot?

Hon. Jeremiah S. Black, ex-judge of the supreme court and ex-Attorney-General of the United States, recently stated:

All public men must take their side on this question. There can be no neutrals. He that is not for us is against us. We must have legal protection against these abuses. This agitation once begun, and the magnitude of the grievance being understood, it will force our rulers to give us a remedy against it. The monopolies will resist with all their arts and influence, but fifty millions of people, in process of time, will learn the important fact that they are fifty millions strong.

Nor is this all, the press, the exponent of the dangers that to-day environ our free republic and threaten the liberties of fifty million people, also sounds the alarm.

The New York Maritime Register says:

Much has been said about monopoly and anti-monopoly, and the latter has been condemned in influential quarters as only a spasmodic movement with politicians at its back. Time will prove the contrary. The anti-monopoly feeling is growing among the great mass of the people. They see in the gigantic monopolies which now impede healthy progress an evil of the greatest magnitude. They see in them a power which will separate people into two great classes—those who control and belong to monopolies, and those who must submit to their mandates. Comparatively few people enter into subtle distinctions. The majority recognize two or three prominent features and are guided by them. It is this characteristic that will obtain in the monopoly fight. People recognize in monopoly a power which closes every avenue of advancement and prosperity to all but the favored few; a power that would be master of all things, either directly or indirectly. They see that this leaves them practically at the mercy of the few. The spirit of our institutions is opposed to that. These points are all that they need to strengthen their determination not to leave the contest until a more equitable condition of affairs is established.

RAILROAD POWER.

H. C. Lord, ex-president of the I. C. and L. Railroad, writes the following to the Locomotive Engineers' Journal:

We have had a civil war, wonderful in its proportions, its terrible cost of life, human suffering, treasure, and national credit; and yet, in spite of all pride and boasting, how do we stand to-day? I put the question most honestly and earnestly, and future history will answer it. Is not capital realized through devious ways and by means of unjust methods reveling in luxury while labor is comparatively unrewarded, deferred, often unpaid and too often despised? Is not this an era in this country in which mediocrity, pride, and public corruption are holding high carnival; can railway managers accumulate great fortunes in half a score of years except at the ultimate, if not the immediate, expense of labor? If not of it, of what? It must strike every thinking man that the pride and avarice of our country is growing too rapidly and without any sufficient cause, and it will be better to put the brakes on in time. Let my readers commence, if they please, at Washington or New York, and prosecute their investigations over and through the railways spanning this continent and connecting the waters and commerce of the Atlantic and Pacific, and tell me when and where public integrity has prevailed against both political and financial corruption, or where capital and greed have not taken an unfair advantage over the rightful property and labor of the people.

The Kearney (Nebraska) Press says:

The virtue of the people must be placed against the money of monopolies, and if our present form of government is worth preserving they will prevail. The danger is imminent to the country, and should be met with the same spirit and courage shown by the young Republican party when it met, restricted, and finally abolished slavery.

The Washington Post says:

The managers of railroads in this country show less intelligence in dealing with the public than the owners of any and all other property. The patience of the people is taxed to its utmost limit year after year by railroad corporations. No obligation into which they enter with the public, or which is imposed upon them by law, is voluntarily performed. The history of their dealings with the Government is a history of evasion, deception, and stealth. They water their stock in order to absorb their earnings and make appear reasonable their otherwise extravagant dividends, the result of extortionate charges. The beneficiaries of munificent land grants disregard the conditions under which they receive these endowments and retain the benefit thereof.

The San Francisco Chronicle says:

If the past may be accepted as a fair index of what is to come, it will be but a few years at furthest before railroad monopolists will dictate the laws and control alike the legislative, judicial, and executive departments of the Government, own the territory, and fetter the working classes with the shackles of peonage. Already some of these corporations closely approximate that measure of power, and, unless their arrogance is signally rebuked, their aggressiveness checked, and they are forced to deal justly and respect the rights of the people, the existing form of government will collapse, and on its ruins will be reared an oligarchy of wealth.

THE COUNTRY'S DANGER.

The New York Real Estate Chronicle says:

There is real danger to the country in the vast expansion of power which the monopolists have secured, and by the time the people perceive the coils that are being wound around their necks there may be trouble. The safest way is to look the situation squarely in the face and to understand that the entire business of the country, linked as it is to-day to the telegraph and the press, is virtually at the mercy of Jay Gould, Cyrus W. Field, and D. O. Mills. They own the cables to Europe, the entire telegraphic machinery on this continent, and three out of the seven newspapers of the Associated Press. One paper more and the triumvirate will have the majority of that organization.

Do the people as yet understand the importance of this? It means that this triumvirate will have the news of the markets of the world in their possession, can operate in accordance with this news long before the great public is made aware of the dealings on the London Stock Exchange, the Paris Bourse, or the Chicago grain market. One week's operations in this manner alone will pay for the construction of more and more cables to all parts of the civilized world.

The masses will say "organize an opposition associated press," but how can newspapers construct telegraph lines when the entire machinery is already in the hands of the monopolists? There is only one remedy, and that is for the Government to take possession of the wires and deal on an equal and just footing with all those using the telegraphs.

The Omaha Bee says:

Railroad millionaires are already a menace to free institutions, and the country will not stand it to have many more of them created.

The Cincinnati Gazette says:

Honest railroad management is what is needed in this country; and it is needed badly.

The New York Journal of Commerce says:

Sooner or later the people will understand their rights and will maintain them, if this is their Government and not one of railroad pools and rings.

The Rochester Morning Herald says:

They have been hedged in and protected on every side by statutes in their interest, while the people who have nourished them until they have grown to the stature of giants, and in many cases the insolence and despotism of tyrants, are left almost wholly at their mercy. It is surely time that the people began to look after their own interests.

The Buffalo Express says:

No people in the world have welcomed the railroad era so joyfully as Americans; no other people have done so much by land grants and corporate aid to build railroads; no other people have so fully recognized the value of railroad transportation. If railroad managers have chilled this cordiality and changed it to distrust, they can blame nothing but their shortsightedness.

The Chicago Express says:

The curse of the country is not bank monopoly alone, nor railroad monopoly, but a tendency to concentrate and centralize the wealth and power of the people by means of monopolizing the wealth resources of the nation, and thereby commanding the political forces of the Government. Not a branch of industry nor an element of sovereignty but is under the ban of monopoly. Not a legislative body nor hardly a representative of the people but is a slave to its imperial dictation.

The New York Times says:

Nobody questions the value of railroads to the public or the necessity of the corporate organizations by which they are owned, but unless they are brought under the wholesome control of law, whereby the rights of individual citizens and of the community at large can be secured, sooner or later a conflict will come between their power and the might of the people which will shake the very foundations of law and order.

* * * * * * *

Corporate power is not only absorbing to itself the fruits of labor and the gains of trade and piling up wealth in the hands of the few but it is controlling legislation and endeavoring to sway the decisions of courts in its own interest. We are now at a state in the contest where the people may vindicate their authority and place these corporations under the regulation of law.

The New York Evening Post says:

All this, we may be sure, is not a summer cloud that can overcome the community without causing either special fear or wonder. It betokens a real, a menacing, a present danger. It implies that a time has come when the forces of public opinion must be set at work in earnest to breast and bear back a grievous calamity. Supineness will not answer; to close our eyes and stop our ears will not answer. A moment has arrived when we must change all that—a moment when legislators and those who bribe them must cry halt. "Combiners" and "consolidators" and all other plotters against the common weal in the interest of corporate monopoly must be told in trumpet tones and in something more than words if need be, "Thus far shall ye go and no further."

The Boston Journal of Commerce says:

The tendency of rapid accumulation of property, or what represents property, in the hands of a few, is one of the greatest measures of subversion of sound principles of government, and has proved itself so in the history of the nations, and, as a few become richer, the masses of the people become poorer in an inverse ratio.

The Cleveland Leader says:

A feeling prevails throughout the country that the present management of our railways is inimical to the best interests of the people. This feeling has begotten a dissatisfaction which is constantly increasing in intensity, and may eventually provoke a conflict which will end disastrously in more ways than one.

The Western Stock Journal, Iowa City, Iowa, says:

Combinations of men who own large capital for the purpose of controlling great and important business interests are the overshadowing evil of the present time.

The Saint Joseph (Missouri) Herald says:

The great danger of the day is the power of corporations. We feel it on election day, we see it in Congress, we feel it every time there is a change in freights, fares and telegraph rates.

The Portsmouth (Virginia) Times says:

Trouble, serious trouble, will just as surely grow out of the present state of affairs, and be precipitated by unjust railroad management and discrimination and the exercise of the power and influence of railroad monopolies in State and national elections, as that day follows night.

The Louisville (Kentucky) Democrat says:

There are few questions of more importance to the general welfare, owing to the aggressive spirit and arrogance of the great railroad corporations, their active participation in elections, and influence in legislative assemblies.

On another occasion, Judge Black forcibly describes the commercial situation, arising from oppressive exactions and unjust discrimination of railroad companies, in the following language:

They boldly express their determination to charge as much as the traffic will bear; that is to say, they will take from the profits of every man's business as much as can be without compelling him to quit it. In the aggregate this amounts to the most enormous, oppressive, and unjust tax that ever was laid upon the industry of any people under the sun.

Nor is this all.

A grain dealer at Baltimore gets a reduction or drawback which is denied to others, and he makes a fortune for himself while he ruins his competitors by underselling them. A single mill at Rochester can stop the wheels of all the rest if its flour be carried at a rate much lower. By discrimination of this kind the profits of one coal mine may be quadrupled, while another, with all it fixtures and machinery, is rendered worthless. Such wrongs as these are done not only in a few sporadic cases but generally and habitually on a very large scale. Certain oilmen, whose refinery was on Long Island, got rebates amounting to $10,000,000 in eighteen months, and seventy-nine houses (I believe that is the number) engaged in the same business were broken up. The creditors of the Reading Railroad, having coal lands of their own, made discriminations between themselves and others which drove competition out of the field, gave them the monopoly of the Philadelphia market, and enabled them to charge for their coals as they charge for their freight—whatever they please. Thus producers, dealers, and consumers all suffer together.

Mr. Speaker, that there is cause for alarm in the aggressive tendencies of railroad corporate power in this country, there can be no question; the press and declarations of notable men above quoted are but truthful statements of unvarnished facts.

It is not my purpose, and I do not conceive that it is, or will ever be, the purpose of this Congress or of any other American legislative body to do any injustice to railroad corporations. On the other hand, they should in their employment be accorded the equal protection that should be accorded to every citizen, however high or low, exalted or humble, in this free land, in this land where law, under the genius of liberty, "grants special privileges to none." Railroad corporations are created by law; their dealings and business are with the public; they are common carriers of persons and goods, for which they are entitled to a fair compensation adequate to a reasonable interest on their actual cash investment and cost and risk of service.

The charge against railway corporations is, that they know no law, and observe none, which in their management shall limit or control their selfish greed; that their rule for making rates of toll is not what is a fair compensation, but "what will the traffic bear;" that they make unjust discrimination against both citizens and localities; that they have fraudulently inflated their capital stock by adding to it from 50 to 100 per cent. of fictitious value with seeming fairness upon the face of their books, but with fraudulent purpose in fact, to obtain exorbitant dividends; that their capital stock has been largely made up of lands and money donated by the people, municipalities, and the Government, for which they make no deduction in their estimates of the interest charge or dividends on account of capital stock; that they are criminally extravagant in their salaries to officials and in their prodigal expenditures for useless employments; and that they wantonly corrupt the purity of the ballot-box and commit high crimes against the sanctity of State and national legislative bodies.

Mr. Speaker, grave and astounding as the above charges may be, I shall now show them to be true. To the intelligent and observing it will not be disputed that everything pertaining to railroad management is discriminative. The village is made to pay higher rates of toll than the city; the town dealer than the village dealer; the retail dealer than the wholesale dealer; the small producer than the large producer. Throughout the West, Southwest, and Northwest, off from the artery lines, the moment a point is reached away from the main thoroughfares the farmer and the merchant are forced to pay just such rates as the magnates dictate. There is no exception to the rule which governs their absolute power; their aim is—it is their own confession—to make the highest rate the market will bear. What does it matter to a soulless corporation how many its sins or how revolting its oppression. One single corporation, controlling fifty-two branches or feeders, has nearly as many rates for freight as there are stations, not *pro rata* but arbitrary. By discriminations and drawbacks the railroads virtually decide who shall do business and who shall not, and who and who not shall be driven from their pursuits and from the public markets. To the rich, who can monopolize a large traffic, they grant special rates and favors, which they deny to small dealers, this difference in rate, or drawback, equaling a fair profit on the aggregate of the rich man's trade.

As a proof of my assertion I call attention to the following resolution, presented to this House for reference, in the third session of the Forty-sixth Congress, by Hon. Rollin M. Daggett, a member from the State of Nevada, in February, 1881:

The following joint resolution of the Legislature of the State of Nevada being presented for reference—

Joint resolution to the Congress of the United States in relation to discrimination in fares and freights by interstate railroad companies.

Whereas the people of the State of Nevada have long suffered and do now suffer under the impositions and exactions of the Central Pacific Railroad Company, which, besides retarding enterprise, injures the business and prosperity of the people of this State, and amounts to the most enormous, unjust, and oppressive tax ever laid upon the industry of a people. The said railroad company exercises over the persons and property of others an almost absolute power, vicious and tyrannical, destructive of the rights of persons and of property, and opposed to common justice, as well as to every principle of civil and constitutional liberty known since the days of Magna Charta; and

Whereas it is proper that the truth should be known concerning this corporation and its transactions, the following facts are herein stated: The people of Palisade, distant four hundred and thirty-five miles east from Sacramento, have to pay for freight on flour (fourth-class freight, per published special-rate tariff of Central Pacific Railroad) per car-load the sum of $282 from Sacramento, while the people of Toano, one hundred and twenty-nine miles further east, pay freight on flour per car-load, according to the printed special rate, the sum of $275 per car-load, while the merchant having a contract for some so-called competitive point with this railroad company pays freight on the same article, to wit, flour, per car-load, only $200. The merchant at Toano, having a special contract, pays $82 per card-load less freight than the merchant at Palisade, although, as before mentioned, the carriage is one hundred and twenty-nine miles more. The goods delivered at Palisade or Battle Mountain, distant respectively four hundred and thirty-five and three hundred and eighty-three miles from Sacramento, have a freight charge of $480 per car-load, while at Toano the freight amounts to $275 per car-load to persons having special contract rates for so-called competitive points, the greater service being performed for the less amount. Persons shipping wool or other products from Palisade, Battle Mountain, Elko, or other points in this State to the Eastern States, have to pay local rates to Sacramento, thence freight at through rates back over the same road to the point of destination, the shipper being often compelled to pay freight at local rates for a distance of over five hundred miles, a service useless and unnecessary even if rendered. The same unjust discrimination is practiced by this railroad company against the people of this State in the rates of freight upon goods shipped from points east of this State. The freight on a box of eggs from Ogden to Toano costs one man $3.35 per box, and the same number of eggs, in the same sized box, and of the same weight, costs another man sixty-five cents. A hundred pounds of squashes costs one man in freight $1.36, while it costs another fifty-five cents. Hams and case goods costs one man $2.04, while it costs another but fifty-five cents. The distance from Ogden to Toano is one hundred and eighty-three miles. The same unjust discrimination is also practiced by this railroad company in passenger fares. A ticket from Omaha to San Francisco costs $100, while a ticket from Omaha to Palisade, being six hundred miles nearer, costs $95. A person desiring to go East is charged within a fraction of the full fare, through and from San Francisco to the point he desires to reach, although he may ride over one-third or less of the line of the Central Pacific Railroad. More appalling examples of injustice than are shown by the above instances, selected from among a myriad of kindred transgressions, are hard to conceive; and

Whereas such pernicious practices should be no longer tolerated: Therefore,

Be it by the senate and assembly conjointly resolved, That the passage of the bill now before Congress known as the Reagan bill, prohibiting discrimination in fares

and freights on interstate railroads, will be hailed with joy by the people of this State as a measure of justice and relief.

Resolved, That our Senators in Congress be instructed and our Representatives requested to vote for and use all honorable means in their power to secure the earliest passage of said Reagan bill.

Resolved, That his excellency the governor is hereby requested to transmit an engrossed copy of these resolutions, under the great seal of the State, at the earliest moment, to each of our representatives in Congress.

STATE OF NEVADA, *Secretary's Office, ss:*

I, Jasper Babcock, secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original joint resolution which passed the Nevada Legislature February 10, 1881, on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of State. Done at office in Carson City, Nevada, this 12th day of February, A. D. 1881.

[SEAL.] JASPER BABCOCK,
Secretary of State,
By J. J. CHESLEY, *Deputy.*

Upon the presentation of the above resolution Mr. Daggett, in his speech thereon, presented a tabulated statement of facts showins the atrocious character of the management of the Central Pacific and Union Pacific Railroads. These statistics so aptly illustrate and prove the truth of the foregoing charges practiced by railroad companies not only in the locality mentioned by Mr. Daggett but throughout the whole extent of our railroad system, that I give them.

The following table shows the distances referred to in the following expense bills:

Distances by the Central Pacific from San Francisco eastward to points in Nevada.

	Miles.
From San Francisco to Reno	306
From San Francisco to Wadsworth	340
From San Francisco to Winnemucca	475
From San Francisco to Battle Mountain	555
From San Francisco to Palisade	587
From San Francisco to Elko	619
From San Francisco to Kelton, (Utah)	803
From San Francisco to Ogden, (Utah)	895

Mr. Daggett says:

That on all merchandise consigned from New York to railway points in Nevada, and there delivered, must be paid the following charges:

First. Full through rates from New York to San Francisco, when in reality the freights are not taken through, but delivered six hundred or seven hundred miles east of San Francisco; and,

Second. Excessive way rates back from San Francisco to points of delivery in Nevada of the same freights, which have neither been forwarded beyond nor brought back by the railroad company making the cold-blooded charge.

So inhuman, so infamous are these combined charges, that, familiar as I am with their enforcement, I should refer to them with hesitation but for the proofs in my possession, to which I invite the scrutiny of the skeptical.

And now, sir, that the full rates exacted in Nevada may be seen at a glance on commodities of larg est consumption there, together with the distinct charges embracing the unwholesome aggregates, I present the following exhibit, and challenge the world to produce a parallel of tabulated railroad robbery. Should the showing fail to appal, I will submit to a change in the title:

Expense bill.

No. 253. RENO, NEVADA, 9—11, 1879.

Messrs J. & J. B. Mallon to Central Pacific Railroad Company debtor, for transportation of merchandise from Ogden:

	Weight.	Rate.	Amount.
500 boxes candles	20,950	$1 14	$238 83
Advances, (meaning through rates to San Francisco)			312 00
State toll			
Total			550 83
Storage			
Date of way-bill, 9—8. No. of way-bill, 263. No. of car, 5008.			

Received payment for the company,
(Signed) J. E. WRATTAN, *Agent.*

Expense bill.

No. 689. RENO, NEVADA, 8—12, 1879.

Messrs. J. & J. B. Mallon to Central Pacific Railroad Company debtor, for transportation of merchandise from Ogden:

	Weight.	Rate.	Amount.
250 cans lard-oil	22,200	$1 14	$253 08
Advances, (meaning through rates to San Francisco)			441 02
State toll			
Total			694 10
Storage			
Date of way-bill, 8—9. No. of way-bill, 327. No. of car, 520.			

Received payment for the company,
(Signed) J. E. WRATTAN, *Agent.*

It is possible that the railroad tyrants of the Pacific may devise some punishment for the gentlemen who have furnished these bills, for they brook no interference with their plundering practices in Nevada. But I warn them to move with caution. This is an inauspicious time for them to single out men who have dared to speak for their especial vengeance, for there is a spirit abroad which is growing red-eyed under the contemplation of such tyranny, and those who are now intolerant of reproach have reached the verge of a visitation of radical, irresistible, and irrevocable retaliation. Up the bronzed and sturdy arm of toil is steadily being rolled the sleeve of preparation, and they are wise who will not provoke the blow.

I now offer the following bill from Palisade, five hundred and eighty-seven miles east of San Francisco:

Expense bill.

No. 418. PALISADE, NEVADA, 9—17, 1879.

Mr. H. Johnson to Central Pacific Railroad Company debtor, for transportation of merchandise from Ogden:

	Weight.	Rate.	Amount.
6 boxes canned goods			
25 boxes common soap			
6 boxes Castile soap			
6 boxes maple molasses			
2 boxes sardines			
2 barrels baking powder	3,480	$1 91	$66 46
Advances, (meaning through rates to San Francisco)			73 53
State toll			
Total			139 99
Storage			
Date of way-bill, 9—14. No. of way-bill, 1409. No. of car, ——.			

Received payment for the company,
(Signed) J. L. FAST, *Agent.*

Expense bill.

No. 425. BATTLE MOUNTAIN, NEVADA, *May* 16, 1878.

Mr. A. A. Curtis to Central Pacific Railroad Company debtor, for transportation of merchandise from Ogden:

	Weight.	Rate.	Amount.
13 boxes machinery—100 boiler-tubes; 3 iron drums, 1 casting, 2 sections W. pipes, 12 pieces W. pipe, 1 balance W. pipe	20,600	$2 04	$420 24
Advances, (meaning through rates to San Francisco)			502 88
State toll			
Total			923 12
Storage			
Date of way-bill, 5—13. No. of way-bill, 603. No. of car, 4764.			

Received payment for the company,
(Signed) J. BROWN, *Agent.*

Expense bill.

No. ——. BATTLE MOUNTAIN, NEVADA, *February* 16, 1878.

Mr. A. A. Curtis to Central Pacific Railroad Company debtor, for transportation of merchandise from Ogden:

	Weight.	Rate.	Amount.
1 punch, 4 boxes P. plates, 2 crates	7,700	$2 09	$160 93
Advances, (meaning through rates to San Francisco)			360 56
State toll			
Total			522 49
Storage			
Date of way-bill, 2—14. No. of way-bill, 508. No. of car, 2740.			

Received payment for the company,
(Signed) JAMES BROWN, *Agent.*

Expense bill.

No. 6260.

BATTLE MOUNTAIN, NEVADA, 7—24, 1879.

Messrs. Gage, Curtis & Co., to Central Pacific Railroad Company, debtor, for transportation of merchandise from Ogden:

	Weight.	Rate.	Amount.
260 cars refined petroleum	20,600	$2 25	$463 50
Advances, (meaning through rates to San Francisco)			310 25
State toll			
Total			773 75
Storage			
Date of way-bill, 7—16. No. of way-bill, 10829. No. of car, 776.			

Received payment for the company,
(Signed) JAS. BROWN, *Agent.*

Although this last bill has been made to conform with the others from Battle Mountain, the charges are really embraced in two distinct bills—the first from Pittsburgh to Sacramento, comprising the through rates, amounting to $310.25, and the second from Sacramento back to Battle Mountain, with an additional charge of $463.50 and a total of $773.75.

APPALLING EXHIBIT.

Through-freight rates from New York to San Francisco, added to way rates back from San Francisco through the State of Nevada.

Car-load of ten tons.	Through rates from New York.	Back rates from San Francisco.	Charges at Reno.	Through rates from New York.	Back rates from San Francisco.	Charges at Winnemucca.
Coal-oil	$300+	$236=	$536	$300+	$416=	$716
Candles	300+	236=	536	300+	416=	716
Machinery, in car loads	600+	218=	818	600+	396=	996
Dry goods, in boxes	1, 200+	236=	1, 436	1, 200+	416=	1, 616
Clothing, in boxes or bales	1, 200+	246=	1, 446	1, 200+	596=	1, 796
Iron, bar, band, or boiler	300+	154=	454	300+	276=	576
Liquors, in barrels	500+	236=	736	500+	416=	916
Fine machinery, boxed	1, 000+	246=	1, 246	1, 000+	596=	1, 596
Nails and spikes, in kegs	300+	236=	536	300+	416=	716

The charges in this table are compiled from the printed schedules of rates of the Union and Central Pacific Railroad Companies, and must therefore be authentic. East of Winnemucca, as I have mentioned before, their figures do not extend. I therefore supplement the exhibit with the following figures, derived from receipted railroad bills and other information:

ADDITIONAL EXHIBIT.

Through-freight rates from New York to San Francisco, added to way rates back from San Francisco to points in Nevada east of Winnemucca.

Coal-oil andc andles, per car-load.	Throug hrates from New York.	Back rates from San Francisco.	Total.
To Battle Mountain, 535 miles from San Francisco	$300+	$450=	$750
To Palisade, 587 miles from San Francisco	300+	480=	780
To Elko, 619 miles from San Francisco	300+	500=	800

Is comment necessary upon these terrible rates? Do they not speak trumpet-tongued of impositions unparalleled in the annals of railroad ruffianism? These charges have been neither known nor credited beyond the State of Nevada. When mentioned by the press they have been denied, and with threats of still greater oppressions the railroad dictators have silenced the complaints of their victims.

The following letter, under date of December 9, 1879, from a prominent and respected citizen of Elko, I quote:

In relation to getting railroad receipts for freights I have been unsuccessful, for the reason that merchants and business men are afraid to have their names connected with the matter. They say the railroad company could and would ruin them in their business; therefore, they decline to give any printed receipts. Hence, I have only been able to collect the following items from a few of our leading merchants:

The Central Pacific Railroad Company charge $350 for a car-load of coal from San Francisco to Elko.

From Cleveland, Ohio, to Elko, freight charges on a car-load of oil, (ten tons,) $806.

Car-load of wagons from Racine, Wisconsin, to Ogden, $350; from Ogden to Elko, on the same, two hundred and seventy-five miles, $350; total, $700.

Car-load of stoves, from Ogden to Elko, two hundred and seventy-five miles, $344.

The merchants and business men of Eastern Nevada would be perfectly satisfied if they were not charged more for the delivery of freights at Elko than is charged for through freights to San Francisco, a distance of six hundred and nineteen miles farther on; or, in other words, they believe the Reagan bill now before Congress will give the desired relief, and all join in hoping that it may become a law.

What little I have written you in this matter is in confidence, as the little property I have is on the line of the railroad, and I, like others, am at their mercy.

What, I ask any gentleman upon this floor, is the meaning of this strange revelation? It means a lawless and cold-blooded levy of over $500 per car-load upon the people of Elko, with a threat to increase the amount should they make it public. It means highway robbery, sir, with hot pincher and thumb-screw accompaniments.

The gentleman who furnished the Battle Mountain bills writes as follows:

I inclose herewith several bills of lading of the Central Pacific and Union Pacific Railroads. It is difficult to understand their system except that they get all they can, as they have four or five classes, and seem to use their own judgment or whim as to which class they will rate your freight under. The bills are all of the Manhattan Company, which has shipped a large amount of machinery from the East during the past two years. We have simply paid whatever they asked without growling, as that would do no good.

Certainly not; growling "would do no good." The agents of the Central Pacific Railroad Company are instructed to dismiss their consciences, close their ears to protest, their hearts to mercy, and their eyes to everthing beyond the ghastly schedule of rates which has been placed in their hands, and charge—charge to the right of them, to the left of them, in front of them—charge everywhere and everything and see that the charges are collected. That is their business, their sole business, and it is no part of their duties to listen to complaints and rectify wrongs. Life is too short for that; and the directors of the Central Pacific, who are fast nearing the misty realms beyond the cloud-rifts and the storm, have not yet completed by some miles the southern road, which they expect in time to exchange for the one they are now operating in Nevada.

Mr. Speaker, upon examination of the Congressional Directory, Forty-seventh Congress, I see that in 1880 Mr. Daggett was a candidate for re-election to this Congress. And, sir, I query whether his gallant opposition to and exposures of railroad robbery did not have something to do in his defeat.

The foregoing exhibits need no comment. They show a system of robberies so excessive, so unblushing, and so defiant that it is only surprising that the Nevada merchant and shipper have not risen in open rebellion. But these bills and facts therein presented are but fair illustrations of the high-handed brigandage practiced to a greater or less extent by railroad autocrats all over the land.

The Standard Oil Company, chartered of course, devoted its attention to the production and transportation of the mineral oil found in vast quantities in Western Pennsylvania. It commenced its operations when its trade amounted to only about fifty million dollars annually. It furnished employment to a hundred thousand people. The trade extended over the United States and Europe; and its value was largely increased by a foreign demand. It had to be transported to seaboard markets, when cost of transportation became the ruling element in determining its market value. In addition to the Standard Oil Company, there were in the oil regions thousands of other dealers, producers, and refiners, who, enjoying a lucrative trade, gave employment to thousands of other laborers.

Now, the Standard Oil Company was organized to control this trade, and they conceived this would be easy, provided they could control the cost of transportation. To this end the Standard Oil Company colluded with the railroads, agreeing to ship a certain quantity of oil per annum, provided the roads would so fix the price of transportation as to pay back to the company a rebate of fifty cents on each barrel. No other dealers or shippers could obtain a like contract, and at once, as by magic, the Standard Oil Company became the king and tyrant of the trade. It went deliberately to work, under the fostering care of the railroads, to, upon their own terms, buy out, crush out, and drive out all opposition, and all production except such as yielded to its exactions and subscribed to its monopoly. It at once became the sole arbiter of the fate of every man and company in the oil business; it swept away the business of whole communities; it devastated fortunes it had taken long years to earn; millions of honestly earned competencies were swept into the damnable vortex of rebates of railroad tolls. The figures show that under this iniquitous system the amount of rebates covered back to the Standard Oil Company in the short period of fourteen months was $10,151,218.

This enormous sum, this immense profit, was a rebate paid on a single article, the product of five counties in Western Pennsylvania, and was paid by—

The Baltimore and Ohio Railroad Company	$1, 166, 633 98
The New York Central Railroad Company	2, 131, 755 78
The Erie Railroad Company	2, 131, 755 78
The Pennsylvania Central Railroad Company	4, 771, 072 46

Thus these railroad corporations deliberately robbed the people of the Allegheny Valley by their special contract to pay a given percentage of their stolen plunder to the Standard Oil Company. And this by their exercise of an unjust and unlimited power of discrimination.

The extortions of railway companies for short hauls on their lateral lines "are so cruel and so base," says an eminent statesman, "that they cannot be thought of without bitter indignation." It is certain it costs more, relatively, to move freight a short than a long distance, but that this excess is susceptible of a fair adjustment far below the rates arbitrarily charged on our short lines cannot be doubted or questioned. By reference to tables I find that the Belgian authorities have made pro rata rates upon the following basis. The estimates I give are from a table of established rates by the Belgian Government in 1868, and upon the basis of one ton of freight per mile:

15 miles	.0252	93 miles	.0102
31 miles	.0186	108 miles	.0092
46 miles	.0166	124 miles	.0086
62 miles	.0138	139 miles	.0080
77 miles	.0118	155 miles	.0074

The regularity of increase and decrease in rate charges may be, in fairness to railroad companies and in justice to the public, governed by fixed rules. There are certain charges which are always practically the same, whether the haul be long or short, on any given road, namely, the cost of loading and unloading. Upon the through lines in New York it was estimated in 1878 that the cost of loading and unloading per ton was 33 cents, and other items of fixed cost, 27 cents per ton; the cost of haulage (maintenance of track, repairs, &c., included) was eighty-three-hundredths of 1 cent per ton per mile, thus making the cost of transportation of one ton one mile, $0.6083.

The Senate committee of the Forty-third Congress appointed to investigate and report the cost of transportation from the West to the seaboard also adopted the above figures, and in extending the

principle here shown to different distances report the following as a fair table of rates. It must be borne in mind this was in 1875, and that by reason of increase of trade and other natural causes rates are much lower now than they were then. The principle of this estimate is upon the ratios of .60 divided by distance, plus the expense of haul, and is by the committee stated thus:

Haulage, &c.		Fixed rates.	Total.
1 mile	.0083	.60	.6083
10 miles	.0083	.06	.0683
20 miles	.0083	.03	.0383
30 miles	.0083	.02	.0283
40 miles	.0083	.015	.0233
50 miles	.0083	.012	.0203
60 miles	.0083	.01	.0183
80 miles	.0083	.0075	.0158
100 miles	.0083	.0060	.0143
150 miles	.0083	.0040	.0123
200 miles	.0083	.0030	.0113
300 miles	.0083	.0020	.0103
400 miles	.0083	.0015	.0098
500 miles	.0083	.0012	.0095
1000 miles	.0083	.0006	.0089

Experience has demonstrated that under proper economic management freights can be carried at rates less than the above and still yield to the company a fair net profit on the actual investment; but an examination of schedule rates will show their charges to be all the way from three cents to $1.60 per ton per mile and, as we have shown, in some instances rates far higher.

Mr. Speaker, to demonstrate the enormity of the crime yearly perpetrated upon the people of this country by unscrupulous exercise of power by railroad corporations, I call the attention of this House and the country to the following facts and figures:

The Pennsylvania Central road, in its cost of construction, is one of the most expensive roads in the United States; hence as the basis of our calculation we select this road, and upon the assumption of moving 400 tons of freight a distance of 150 miles. The estimate is made upon this company's reports for the year 1880. Now, it is stated that the actual cost of moving 400 tons of freight 150 miles was—for motive power, including locomotive repairs, fuel, and stores, $19.50; the cost of maintenance of way, $11.21; of maintenance of cars, $8.12; to which they add, for expenses of conducting transportation, which includes salaries to officers, agents, conductors, and train employés, advertising, expenses of stations, losses and damages, legal expenses, &c., $27.40; and cost of loading and unloading at terminal points at twenty cents per ton, $80, making the aggregate cost of moving 400 tons of freight 150 miles $146.23.

Before proceeding allow me to observe that, taking 150 miles haul for my base of calculation, the average between a long and a short haul is largely in favor of the company. Now, my deduction. If it cost $146.23 to move 400 tons of freight 150 miles, then my arithmetic shows that 400 tons for 1 mile will cost 97½ cents; 1 ton for 1 mile will cost .0024375; 1 pound for 1 mile will cost .00000121875; 60 pounds for 1 mile will cost .000073126; 60 pounds for 1,000 miles will cost .073126. Hence it is shown that the total cost of moving 60 pounds of freight 1,000 miles is 7.3 cents; and at the same rate, that the net expense of shipping 1 bushel of wheat from the Mississippi River to the Atlantic seaboard would be only 7.3 cents per bushel.

I repeat, this estimate is made upon the estimated costs on the Pennsylvania Central road, a road the construction of which cost some $50,000 per mile, while the average cost of railroads from the Mississippi to the Atlantic cities is less than $20,000 per mile; a road the operation of which is much more expensive than other average lines, on account of its heavy grades, so that, allowing 7.3 cents per bushel for shipping wheat 1,000 miles, upon the basis of the Pennsylvania Central Railroad Company's estimate as to actual net cost, I have been liberal to the railroads. The fact is, the estimate of Hon. S. E. Chittenden, of New York, in his letter published in the recent number of the journal of the American Agricultural Association, comes near the truth, in which he asserts that the actual cost is much less. Mr. Chittenden shows that a rate of one-fourth of 1 per cent. per ton per mile, for 1,000 miles, would pay all costs of transportation and expenses, and 10 per cent. on cost of construction or upon capital stock. From this last statement it appears that the tariff charge for all-rail transportation of wheat from Saint Louis, Saint Paul, and intermediate points, to New York, or Baltimore, would be only 7½ cents per bushel.

This estimate, based on calculations made upon the data furnished by reports and statistics compiled by railroad officials, shows that, limiting the charge of railroads for shipments of wheat from the West to the Eastern seaboard to 7½ cents per bushel, 7.3+ cents is actual cost, while 6.7+ cents per bushel is net income on capital stock. But again, on the 16th of December, 1872, the Senate of the United States adopted the following preamble and resolution:

Whereas the productions of our country have increased much more rapidly than the means of transportation, and the unprecedented growth of population and products will in the near future demand additional facilities and cheaper ones to reach tide-water; and

Whereas in his recent message the President of the United States invites the attention of Congress to the fact that it will be called upon at its present session to consider "various enterprises for the more certain and cheaper transportation of the constantly increasing surplus of Western and Southern products to the Atlantic seaboard," and further says "the subject is one that will force itself upon the legislative branch of the Government sooner or later; and I suggest, therefore, that immediate steps be taken to gain all available information to insure equitable and just legislation. * * * I would therefore suggest either a committee or a commission to be authorized to consider this whole question, and to report to Congress at some future day for its better guidance in legislating on this important subject:" Therefore,

Resolved, That a committee of seven be appointed, to whom shall be referred that part of the President's message relating to transportation routes to the seaboard.

Afterward, in March, 1872, the said committee was appointed, with Senator WINDOM, of Minnesota, as chairman. Senator Conkling, of New York, was appointed a member of said committee. After months of labor, thorough investigation, and careful research they made an elaborate report, comprising two large volumes of printed matter. The committee in their report were unanimous in all matters therein contained except as to the question of legislative control of railroads.

On page 128, volume 2, the committee say:

The regularity of decrease in rate charged corresponds with a general law governing all railway service, namely, cost of loading and unloading, and fixed expenses being the same, whether the trip is long or short. Cost of transportation per ton per mile regularly decreases as distance increases, being cost of haulage plus fixed cost divided by the number of miles. Thus if the cost of loading and unloading be 33 cents and other items of fixed cost 27 cents per ton equal 60 cents, and the actual cost of haulage (maintenance of track, repairs, &c., included) being .83 of a cent per ton, then the cost for different distances will be 60 cents divided by distance plus .83 of a cent, thus:

Miles.	Fixed.	Total.
10	.60	.0683
20	.30	.0383
30	.20	.0283
40	.15	.0233
50	.12	.0203
60	.10	.0183
80	.75	.0158
100	.006	.0143
150	.004	.0123
200	.003	.0114
300	.002	.0103
400	.0015	.0098
500	.0012	.0095
1000	.0006	.0089

Haulage, .0083.

From the above it is shown that in 1875 the actual net cost of shipping wheat 1,000 miles was $0.0263 per bushel and corn $0.0251; and that to ship a ton of freight the same distance cost $8.90.

Mr. W. C. Kibbe, of the Continental Railway Company, in his report to the Windom Senate committee in March, 1874, makes what, from a railroad stand-point, he being a railroad man, appears to be a liberal report for railroads, based upon the ratio of charges for transportation to necessary expenses, and to interest on stock and dividends. In his estimate he states that he makes a liberal allowance for all contingencies. Mr. Kibbe bases his calculation upon the actual business which may be done upon a double-line, steel-rail track from New York City to Council Bluffs, Iowa, 1,224 miles, assuming the road to be amply equipped, with a capacity to carry 18,180,000 tons annually over its track, and running trains of thirty cars and 300 tons at the rate of 200 miles per day.

He estimates the cost of road fully equipped at $225,000,000:

EXPENSES.

5 per cent. on $87,500,000, mortgage bonds	$4,375,000
8 per cent. on $87,500,000, capital stock	7,000,000
7 per cent. on $50,000,000, equipment bonds	3,500,000
To annual sinking fund	1,000,000
Total interest and sinking fund	15,875,000
Estimating the number of trains per day at 1,000 this expense will be	$43 49
Cost of all labor	90 00
Material and repairs to rolling-stock	13 00
Material and repairs to roadway	12 20
Train supplies	41 00
Total per train, 300 tons, 200 miles	199 69

Taking the above figures as the basis of all cost, expense, and interest-charge for transportation, the tariff on a bushel of wheat 1,000 miles would be $0.0996. I use the above figures, made by Mr. Kibbe, a railroad man, and who admits they are liberal to the railroad company, for the purpose of showing that while transportation by all rail from the Mississippi Valley to the Atlantic has received from 15 to 35 cents per bushel on wheat, that to say the least, upon the admission of railroad management, from 6 to 24 cents per bushel has all the time been to them an unconscionable profit.

I now propose to show, from statistics furnished by railroad companies, the correctness of which cannot be questioned, the figures stated above, upon which Mr. Kibbe makes his estimate, are largely in excess of the fact as shown by reports of the Pennsylvania Central, Baltimore and Ohio, and the Philadelphia and Reading Companies.

The average cost of construction, steel track, and equipment of railroads in America is $52,134 per mile. This makes the cost of

the Continental line, 1,224 miles, double track, full equipped, $127,624,032, which, at 6 per cent., makes the interest account per train per day $20 89
Labor account per train per day 90 00
Material for rolling-stock per train per day 6 50
Material for roadway per train per day 6 39
Train supplies 41 00

Total expense and interest per train per day 164 78

Upon this basis a four-hundred-ton train would carry wheat 1,000 miles at $0.0617 per bushel, and a five-hundred-ton train at $0.0484.

It will be seen that there is a difference between my estimate of the cost of the Continental line and the estimate of Mr. Kibbe of $97,375,968. My estimate is based upon statistics of railroad constructors and railroad operators as to actual cost, while his calculation no doubt is based upon the practice of watered stocks, a large bonded debt, negotiated to bonanza stockholders at a heavy discount to swell the exorbitant tributes paid by the people to the kings of the rail. I cannot be mistaken, for such is the history of railroad construction and management.

By reference to Poore's Manual of the Railroads of the United States for 1880 we see that the aggregate paid-up capital stock of the railroads in the United States is only $29.274—*i. e.*, twenty-nine dollars twenty-seven cents and four mills per mile—while the funded and floating debt amounts to $28,795.61 per mile, to which may be added capital on account of watered stock, $23,309.11 per mile. Thus it appears that our vast railroad system, aggregating in 1881 ninety-four thousand miles, has been produced and, with all its immense control of power, with all its complications and lavish expenditures of money, managed on a cash capital of $29.274 per mile. The owners and managers of our railroad system, upon a pittance investment of $2,750,000, own property to the extent of over $5,000,000,000, and are the recipients and disbursers of an annual income of over $600,000,000, with ambition unlimited and power uncontrolled.

To recapitulate: as dispensers of a public use, for a fair and reasonable compensation, I have shown where they only justly earn from $4 to $6 they extort from $15 to $40, and even more. To do this I have shown it to be their determined policy, their employés, agents, and managers declaring that it is their purpose and determination, "to serve the stockholders only, and only regard the public interest to make it tributary to the interest of the company, and to this end have constantly before them the question what rate within their chartered limits will an article bear."

The foregoing figures and estimates are made to show to the toiling producer and the consumer the extent they are taxed by unjust discriminations and exorbitant charges; they are made to show to them the extent of the wrong imposed; they have been made to show how easy it has been and is for the masters of the rail to build their palaces, gather together their fortunes, no longer counted by the thousands, but by the hundred millions, and live in luxurious pomp; they are made to show how $5,000,000,000 of concentrated capital has been combined into the most colossal corporate power that ever dominated over a nation or people; they are made to show how by legislation a few unscrupulous financial adventurers have been favored by giving their small investments an unlimited credit, so that from a few thousand dollars they control thousands of millions of property and realize incomes of hundreds of millions; they are made to show with how bold and ruthless a hand the railroad kings impose their taxes upon the people, with no power to resist their arrogance and no means of ending their tyranny.

Mr. Speaker, in the name of my constituency, in the name of the people of my State, I ask that their voice be heard and that this body do give heed to their petition. Memorials from nearly every county in Missouri, numerously signed, have been here presented, asking for relief, and demanding of you immediate action. That railroads are entitled to a fair toll compensation for their service is not questioned, and it is equally certain that their use of franchises sustains such relation to the Government and the people that they are of right liable to legislative control. To deny Congress this right is a bold assumption of power unsupported by principle or law, and in antagonism with all just theories relating to interstate commercial relations.

Railroad companies in justification claim that the roads are private property; that the road belongs to the company owning it; that they may use it or not use it; and in using they may dictate their own terms. I again assert that the assumption is not only false but arrogant in the extreme. More, I assert, it is shamefully impudent and basely ungrateful to a Government and people who gave them not only creation but the bone and sinew, the life-blood, the money which has in the last thirty years developed the American railroad system into colossal proportions. As before stated, the aggregate wealth of the present American railway system in 1881 amounts to about five billion dollars, all to-day owned and controlled by some fifteen or twenty so-called bonanza kings of the rail. In view of these astounding figures I ask gentlemen to pause and reflect. Nor is this all. The above figures simply represent the cost value of the construction and equipment of the 96,000 miles of railroad lines alone.

In addition to this, the men who own and control this immense railroad interest also own and control all over our broad, rich, and fertile land the vast wealth of our coal and iron fields; the coal mines and the iron and steel manufacturing industries. They own and control over 200,000,000 acres of the most valuable and productive of our public domain, all of which, in addition to the value of their railroad interest, from most careful estimates, from the best and most accurate obtainable data, amounts to $450,000,000,000.

The railroad kings, the iron kings, the coal kings, and the land kings are Vanderbilt, Jay Gould, Huntington, Jewett, Garrett, Mitchell, Dillon, Sanford, the Garrisons, and others, operating under some twelve or fifteen different corporate names, and yet, by mutual reciprocity of action and combination as one grand whole, to-day they wield and monopolize the iron and coal industry and production, the avenues of commerce, whether by land or water, of fifty million people. With an ephemeral beginning thirty years ago they have, by special legislation, princely grants, and enormous public and private contributions, become despotic masters over labor, production, commerce, and money of the nation and our people. In the beginning none were rich, some were poor, each was an humble and pliant beggar for grants and donations of money and lands to aid in extending and building up transportation thoroughfares from the markets of the East to the then comparatively undeveloped empire of the West.

I say and repeat, Mr. Speaker, thirty years ago these men were comparatively poor; their financial means and credit as men and as corporations were limited; they were suppliant beggars for favors, and were likewise profuse in their professions of good faith and fair dealing, while to-day their personal wealth is estimated by hundreds of millions and their personal and corporate control of the business interests of the country by hundreds of thousands of millions. To-day they are dictatorial in their methods and despotic in their rule; they toy with all departments of American industry; they foster, flatter, and at their pleasure destroy as may best conserve their own gain. The wards of the nation in the people's benefaction have become veriest agents of tyranny and oppression. That these assertions are true, that they are living facts, needs no further proof than to call attention to daily observation and experience of business men of the country. I have placed upon the witness stand Jay Gould, Vanderbilt, and other railroad magnates, and from their own lips, while theh do not use my language, despotism, tyrant, dictator, I assert that by implication what they do say is ample affirmation of the full truty of my charge.

Now, I inquire how came Jay Gould, Vanderbilt, Dillon, Sage, and others, so vastly rich, and the corporations to which they belong the controllers of such vast wealth—Jay Gould who long since earned and invested securely in the name of his wife $15,000,000, and Vanderbilt with his $20,000,000 income? I reply, sir, it came from no earnings upon investments of their own capital; it has not come from their personal labor, for "they have toiled not." On the other hand, I assert that more than 97 per cent. of all their vast personal and corporate wealth has under their management been derived from the thousands of millions of money and property placed in their hands for the development of a public use, contemplated and designed by the donors for a great public good.

I again assert, and without fear of successful contradiction, that of the $5,000,000,000 present estimated value of railroad property in the United States, and of the $450,000,000,000 of other property controlled by the railroad syndicates, less than 3 per cent. of the capital invested which has produced this fabulous wealth was their personal advancement. Therefore, I assert and repeat on this floor, to this House and the country, that the fact is Messrs. Gould, Huntington, Cook, Sage, Dillon, Vanderbilt, Jewett, Garrett, Michell, and others have, in all these years in which the people have lavishly given and confidingly trusted, been but financial adventurers in a vast enterprise, in which, if successful, they hoped fortunes to win, and unsuccessful, but very little to lose.

Stephen D. Dillaye, in one of his able articles upon railroad monopolies, so forcibly describes the growth of railroad monopolies from 1840 to the present time that I quote. He says:

> In 1840 corporations, or corporation speculators, as speculators, began to look to them as the great highways of profit, enterprise, and power. Yet there was no great overreaching, no systematized system of wiping out stock, no large combinations of capital independent of local and immediate interests, no watering of stock, and but few if any of the rings which have for the last quarter of a century manipulated railroads into mediums of kingly power and aristocratic monopoly. Down to 1848 there had been no prearranged first-mortgage swindles, by and through which the real owners, projectors, and stockholders were sacrificed to build into colossal fortunes and power the scheming few.
>
> There are four distinctive periods from which the monopolistic elements of railroad power may be said to have arisen and marched with ever-increasing disregard of public rights into that sovereignty of dictation over the highways of the nation which to-day characterizes these oligarchic powers:
>
> 1. The land grants, commencing in 1849–'50.
> 2. The consolidation of short and independent lines into vast trunk lines, inaugurated in 1873.
> 3. The war land-grant extension, reaching to the Pacific.
> 4. The unification of all roads from the Atlantic to the Pacific for distinctive power and distinctive monopoly.

As I have before stated, Poore's Manual for 1880 gives the aggregate of railroad capital stock as $29.27 per mile, which for 96,000 miles would be $2,810,120. At the same time it is assumed that the actual cost of construction and equipment amounts to about $5,000,000,000. The estimated cost of right of way and graduation of road is $20,000 per mile, and $32,133.75 as the total average cost of rail, rolling-stock, and equipage, so that the aggregate cost of right of way and graduation is $1,920,000,000, while the aggregate capital stock is $2,810,120,000. Capital stock here stated is the sum estimated for 1880, with all so-called watered inflations. Amount of capital stock

is never any indication of what a railroad has, or may cost. I use these figures furnished by estimates and reports of railroad companies to show how railroads are built and equipped, and at how little real cost to the ring-masters, the projectors and managers.

I assert, and think I will be able to prove, that the immense railroad property in the United States, amounting in valuation to over $5,000,000,000, has been built up upon a capital entirely furnished by the people, by private and public advancements, in the character of absolute donations and loans, and under the intendment of subscription to capital stock, for all of which there has been but little or no payment or return of equivalent. I have no means of ascertaining the amount of private, municipal, county, and State subscriptions in the form of donations on stock, but I may say that these donations and stock subscriptions amount to many millions of dollars, I may safely say hundreds of millions, as the people in the Western, Northwestern, and Southern States can affirm. Millions of debt in the form of bonds to railroad companies, on account of municipal stock subscriptions, are to-day oppressing, beggaring, and impoverishing the people.

For the accomplishment of the full purpose of my argument, I would be glad could I state the amount of the subscriptions, but I know of no tabulated statement containing the information. I think I am safe in stating that the money thus furnished to railroad companies has been nearly equivalent, especially in the West, to the cost of construction of road-beds. In addition to cash subscriptions, Congress has at different periods from 1850 to 1871 made land grants to eighty-two different railroad companies west of the Alleghany Mountains and in the South, amounting in the aggregate to 215,203,807 acres of land. Of this grant 6,859,544 have by subsequent acts of Congress become forfeited to the United States, leaving net lands to the several companies 208,344,263 acres.

These lands are the most valuable of all the agricultural lands in the West, and may be safely estimated at an average value of $5 per acre, and aggregating cash realized and which may be realized, $1,041,721,315. To this may be added the Government's loan to the Central Pacific, Kansas Pacific, Union Pacific, Central Branch Union Pacific, Western Pacific, Sioux City and Pacific, under act of 1862 of 6 per cent. thirty-year bonds amounting to $64,623,512, with unpaid interest thereon amounting April 1, 1882, to $37,654,729.83. These bonds now amounting, principal and interest, to the sum of $102,278,241.83, by the act of 1862 were made a first lien upon the respective railroads, but by act of 1864 this lien was released in favor of first-mortgage bonds issued by the companies, so that to-day the said companies pay no interest, and likely, we may say, to never pay any portion of the principal.

To all roads passing over public lands a right of way has been granted of 100 feet on each side of the track, also all necessary grounds for stations, buildings, workshops, depots, machine-shops, switches, side tracks, turn-tables, and water-stations, and all timber required for the construction of the roads to be found on the public lands. To the six named Pacific railroads also was granted all the timber and coal to be found within ten miles of the roads on either side.

One word as to subscriptions to railroad stock by individuals and municipal corporations. I have stated but little if any equivalent returns have been made for such subscriptions. I mean subscriptions by a class of persons other than by those who may be the managing projectors and directors of their corporate business.

It is well known as a matter of history in railroad construction that all such subscriptions are obtained that are possible. The people all along the line of course want the roads as a means of development of their country; they regard its construction as a great public benefit, and are therefore disposed to give liberal encouragement and liberal aid. By the knowing ones, the directors, they are also pursuaded to take stock as a source of profitable investment. Large subscriptions are made by individuals, by towns, townships, counties, and cities. Millions of stock are thus taken for a single road, and upon assessments the money is promptly paid and certificates of stock issued. With the money thus raised the road is located, graded, and in due time is ready for the rail and rolling stock. This work has cost on the average $20,000 per mile, the money, all, or nearly all, raised from among the people and has all been expended and the treasury is empty. Now mark what follows:

The directory, under the power granted in their charter to raise the necessary funds for iron, rolling-stock, and equipments, costing $32,313 per mile, issue from $40,000 to $50,000 per mile first-mortgage 10 per cent., ten, fifteen, or twenty years bonds, which are put upon the market and sold from 25 to 30 per cent. discount, and out of the proceeds of the sale money is raised which equips the road. The bonds by the act of the directory, under the company's charter, become a first lien upon, not only the iron rail, the ties, rolling-stock, and all equipments, but also upon the right of way, the franchises, and the road-bed, purchased and paid for with the people's money. The road is operated for a time, when it is represented by the directors that more money is needed for repairs and perhaps the construction of latteral branches and feeders. So a series of second-mortgage bonds are created and issued, in all respects like the first, only subsidiary to them, and at the rate of $30,000 to $50,000 per mile. The second bonds are also negotiated and the proceeds absorbed under the wise management of a so-called honest directory, acting professedly in good faith for the best interests of the company, the peoples' and public good. For a moment pause, and let us see how the account stands.

We have now got one hundred miles of railroad fully equipped, in complete running order, and paying expenses. The actual money invested is $20,000 per mile, and no more, all paid by the people on their stock subscriptions; for one hundred miles the road has cost $2,000,000. Upon this $2,000,000 paid by the people and invested in road-beds, the property of the company, the directory have created a debt charge of $10,000,000, out of which they as the legal custodians or the companies' financial business have realized in cash the sum or $7,500,000, which has equipped the road, leaving a surplus by them uninvested and perhaps unaccounted for of $4,286,600, absorbed may be in the vortex of contingent expenses!

The people, under their different styles of subscription in this one hundred miles of road, are the owners of $2,000,000 honest, *bona fide* stock; the road has been operated under its full equipment for ten or fifteen years; expenses have been large (so represented) and the interest charge heavy. No dividends have been paid, no interest on capital stock, for all surplus net earnings have been consumed in payment of the interest on the $10,000,000 of bonded debt.

The bonds are now due, and no money in the treasury with which to pay. The bonds are nominally in the hands of a national bank in the city of New York, and prompt payment is demanded. The sequence is, the mortgage is foreclosed, the road with all its equipage, fixtures, and supplies is sold in the public market, at public outcry, and to the highest bidder for cash. The road is really worth, with all its furnishings, only about $5,231,400, while the actual debt is $10,000,000. They who hold the bonds cannot afford to sacrifice; consequently they are the purchasers, and more than likely the only bidders. The sale completed, the title, in accordance with recognized legal forms, is transferred to the purchasers. Here the curtain drops, and $2,000,000 of hard-earned money the product of long years of labor and toil, this railroad stock, this remunerative, dividend-paying investment, this hopeful reliance for old age, or a fond father's legacy to his widow and orphans, by the intricate and mysterious philosophy of financial science is lost in oblivion forever. But, Mr. Speaker, let us for a moment look upon another scene.

On the morrow's dawn the curtain rises; before us lies the magnificent depot and grounds of our bankrupt railroad company; our eye rests upon the grand proportions and costly ornamentation of its headquarters business office; entering we witness luxurious profusion in all its appointments; we walk upon marble floors and stand on Brussels carpets; we are cordially entertained by the superintendent and all the employés; gladness smiles in every face and joy sparkles in every eye; all is bustle, all is animation, all is business; all the faces we meet, from superintendent to the page, are familiar; we have known them in the various employments of the company since the stock-subscription books were first opened; out in the yard and on the track we meet familiar faces, loaded trains upon rails of steel are hurriedly passing to and fro. The immense freight depot and elevators standing just beyond on a side track are filled with grain and merchandise, with trains of cars on either side loading and unloading. Astonished and bewildered with the scene before us, we again turn to the superintendent and ask: "Mr. A, we understood there had been a mortgage foreclosure against your road, and that you had a sale on yesterday, and that there would be a change of management." "Yes, we did have a sale. You see in the construction and equipment of the road we had to incur a large debt, for which the company issued $10,000,000 of bonds. Those bonds were sold to five of our directors, one of whom, you are aware, is president of the National Exchange Bank of New York, and by them were pledged to the National Exchange Bank for what money we needed to complete and equip the road. The bonds becoming due, it was thought best by the holders to foreclose, raise the money by new bonds and mortgage, pay off the old debt, and begin anew." "Mr. A, is not your road paying expenses?" "Oh, yes; it is one of the best-paying roads in the country. Since we commenced running through trains it has paid all expenses, including interest on the bonded debt."

Now, Mr. A, if that be so, and it be also true, as you state, that your five directors owned the old first and second mortgage bonds, and on the foreclosure bought in the road, you now having the whole road with all its equipages and franchises for your debt, why do you again make another bonded debt? As I stated, our five directors borrowed the money of the bank on the pledge of the bonds, first and second mortgage. Their purpose now is, since these bonds are due, to pay them off and consolidate the debt into a new fifty-year bond at 5 per cent., and then the sale will be likely to increase the road's facilities for a prosperous business, by thus consolidating its ownership, thereby rendering its business management more stable.

Ah, yes, Mr. A, we understand! Good day!

Now, seated in the kitchen-corner of our farm fireside, we ponder over the past fifteen years of hope and toil, and conclude our morning's reverie with the following table of figures:

Directory of railroad in account with company.

DR.	
To cash received on subscriptions	$2,000,000
To cash received on first and second mortgages	7,500,000
Total cash	9,500,000
CR.	
By cash paid for cost of road and equipment	5,213,400
Net profit	4,286,600

I say net profit. What else can it be? I show the directory received the money—every dollar; their total expenditures on the cost of road and equipment $5,213,400, and that there is a balance of four and a quarter millions of dollars. The sequel is, the directory now own the road, and by their management have absorbed $4,286,600 besides! I say again, Oh, people of our boasted land of the free, pause and reflect!

Mr. Speaker, I thus illustrate my ideas of the method adopted by scheming financial charlatans in the construction and management of railroads, and show how it is that the few absorb the industries of the many and thereby amass colossal fortunes. They may have subscribed to the capital stock to the extent of $50,000 or $100,000, but never paid a single dollar on their stock beyond fees and salaries, charged at such rates they could well afford to pay their stock for their salary, and thereby save a handsome income. It is a very rare occurrence for a railroad owner and manager to bankrupt. I do not remember now a name. On the other hand, from small beginnings they have become very wealthy. Not a man I now remember interested as a proprietary stockholder in any of the leading lines of railroad in the country but can now, or soon may, estimate his estate by millions.

I therefore say to this House and the country there is in all this a grievous wrong, and that Congress must assert its legitimate constitutional powers by controlling and regulating railroad companies or they will surely rule the country and the people. No one will deny but what reform in railroad management is needed, and this as to tolls to the extent of fixing and limiting charges to reasonable *pro rata* rates, which shall pay the companies, estimating expenses and hazard of business, a fair compensation for their investment, but nothing more. They should be prohibited from making fictitious inflations of stock or from making any stock estimates except upon a basis of actual capital invested. They should be forever prohibited from estimating or receiving dividends upon stock or valuations of property received by the companies by means of private or public donations of lands or money.

In other words, I know of no equitable or just reason why a railroad company, which has only furnished one-half or one-fourth of the actual cash capital for construction and equipment, should be permitted by means of toll-charges to tax the people to the extent of a dividend upon the whole. It is unfair that the people should, after having largely contributed to the building of a road, be taxed upon their advancements. This is compelling the people to pay something for nothing. The company have got the people's money; it is equivalent to one-half the real value of the road; and yet they are compelled to pay the same rates for transportation as though they had contributed nothing. I say this is not just, it is not fair, it is not honest dealing as between man and man. Do gentlemen say the road has built up the country and increased the value of farms and the farmers' facilities? This is true to some extent; but, under present management, only to them available under the perils of a fearful cost.

I assert that in all these cases, while the farmers' condition may be slightly improved, the railroad kings have amassed their millions, and that the relative advantages and gains are altogether disproportionate. These wrongs and outrages daily and yearly practiced upon the people can only be regulated and controlled by legislative action. I say to members of this House, knowing these wrongs and the shameful burdens borne by a long-suffering and patient people, knowing their urgent appeals to you for relief, will you, I may say dare you, long withhold it? Beware! beware, lest you delay too long!

Tariff and Tax Commission.

SPEECH

OF

HON. JOHN RANDOLPH TUCKER,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, May 5, 1882.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 2315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws—

Mr. TUCKER said:

Mr. CHAIRMAN: The subject involved in the discussion upon this bill is of all others now challenging public attention the most important, and one of the most difficult of practical solution. The fiscal action of this Government and of all governments—by which I mean the raising of revenue and its appropriation for the expenses of government—is necessarily unequal in its operation and effects. There is a large class of people who pay more into the Treasury than they ever get back from it; and there is a large class who get more out of the Treasury than they ever put into it.

The effect of this exaction and appropriation is, that there is in every country a tax-consuming class and a tax-paying class. Therefore, it should be the policy of all good governments to confine within the narrowest bounds consistently with the needs of the public service this fiscal action of the government, because it must necessarily operate unequally in the distribution of benefits and burdens.

But in the character of our own revenue system there is a most unpleasant tendency to irresponsibility for expenditure as well as for taxation. Our whole system of taxation by the Federal Government is indirect in its character; and therefore taxation and expenditures are felt very little by the people, the consequence of which is that the Government may lavish enormous revenues upon its favorite projects, and the people be all unconscious that they are paying any taxes to meet these expenditures.

Now, how we are to apportion the $300,000,000 of revenue needed for the Government among 50,000,000 people, making on the average $6 per capita or $30 to the family of five persons; how we are to adjust this burden upon the people for the necessities of the Government; how to lay our taxes with justice and with the least oppression, so as to bear in due proportion to the ability of each citizen, rich or poor, to pay, is one of the most important and difficult problems of government.

Taxation is a branch of what the law writers call "eminent domain;" that is, the supreme dominion which government has over the property of the citizen or over his person, when either is needed for a "public use." Man and his property may be commanded by government for a "public use;" that is, for a purpose which concerns all as members of society, and gives benefit to the party subjected to this power, in common with all others. It must be a public use, as distinguished from a private benefit.

But government cannot take private property, even for a public use, without just compensation. This principle, canonized in Magna Charta six centuries ago, is a part of the fifth amendment of the Constitution of the United States.

Taxation exacts the property of the citizen for public use. It does not, it cannot, give him compensation for this, for that would be to give him back what it had just exacted, which would make nugatory the power of taxation. The just compensation which each citizen thus contributing of his means to the support of government receives is in the equal benefits which he derives in common with all others from the beneficent action of the government for the safety and well-being of the whole people.

Now, to take property for public use without just compensation is clearly unconstitutional. To take it for private use, even on just compensation, is as clearly unconstitutional. It assails the manhood of the citizen to take what he has earned for the private use of another. This is tribute exacted for the support of privilege. Take it for a public use, on just compensation, and it is right. But to take it for public use without compensation, or for private use, even on just compensation, is to violate the liberty of the man in his self-use, and his right to hold all he earns against men and government, except for the common benefit of society.

Taxation exacts property for public use without any compensation but the common benefit. Bearing a common burden, the citizen must derive a common benefit. When revenue is needed it is his contribution to the common fund for a common benefit; but when taxation is laid, except for the revenue needed by the Government; when it takes the property of A to give it to B; when it exacts a tribute from one to bestow a bounty on another, this violates right and justice; this lays burdens on one to create a privilege for another; this is despotism and tyranny; for if when compensation be given it is unconstitutional to take A's property for private purposes, *a fortiori* it is unconstitutional to tax A for B's benefit without compensation. When, therefore, the tax power is exerted to raise revenue for the Government it is just and legitimate; but when it is perverted from the purpose of revenue to the grant of a bounty or special privilege to a man or a class, if done directly, it is a robbery; if indirectly, it is a fraud, under forms of law. It is no longer for the use of government, but a bounty exacted from the citizen to maintain a privileged class. This is despotism and tyranny.

Taxation for revenue only is therefore a fundamental maxim of all true liberty! Taxation perverted from this purpose to the object of so-called protection to any class, directly or indirectly, is not only illegitimate but a violation of right and justice, and, in my judgment, contrary to the spirit of the Constitution.

Now, I advance another step and affirm that all taxation should be equal. I do not mean that each man should pay the same amount of tax; but it should be equal in this: it should he proportioned to the ability of each citizen to contribute to the common revenue, and by being thus proportioned it will meet that other view which has been taken of taxation by some writers; it will be in proportion to the means of each man, which are protected by the Government.

With a view to considerations which will be presented later in this discussion, I propose now to take a summary notice of the various modes of taxation which might be adopted by this Government.

The first form is direct taxation, which is a tax on the *corpus* of property, or on the income of property, or a tax on the head—a capita-

tion tax; and secondly, indirect taxation, which I may state generally is on consumption——

Mr. CHACE. The gentleman does not claim this Government can make a tax on property?

Mr. TUCKER. Yes, I do.

Mr. CHACE. The Constitution provides especially it shall be *per capita*.

Mr. TUCKER. I am sorry to see my friend from Rhode Island does not know as much about the Constitution as I think he ought, for he will read in the first article of the Constitution, and I think in the second section, that representation and taxation shall be proportioned to the number of people in the State; and a direct tax may be laid, observing that proportion, on the lands of citizens of the State, as that is one of the forms of direct taxation.

Mr. CARLISLE. And the Supreme Court has decided that is the only one.

Mr. TUCKER. Yes, and also the capitation tax. These two forms, and these only, the Supreme Court has decided may be adopted by the Federal Government under the terms "direct taxes."

Mr. CHACE. To be laid in proportion to numbers.

Mr. TUCKER. That is true; but it will be laid on the land or the persons. The indirect tax is a tax on consumption; because, as will be shown hereafter, customs duties, license taxes, and the excise tax, at last fall on the consumer, and therefore these indirect forms of taxation are really taxes on consumption.

Let us look at them for a moment. Suppose we should raise (as the gentleman from Rhode Island has suggested) the $300,000,000 of revenue we need by a capitation tax on 50,000,000 of people; that would be $6 per head or $30 for the family of five persons. Now, this tax would be very unequal and unjust, and specially onerous on the poor; but I will show you presently, Mr. Chairman, that there is not a poor laboring man in the country who would not make money by paying such a capitation tax instead of the taxes he pays under this tariff. Thirty dollars per family raised by a capitation tax would be very unequal, because Vanderbilt and Gould would pay no more tax than the pauper in the street. They would pay by the head and not according to ability.

Now, take a tax on the *corpus* of property. That ought to be ad valorem; because if specific then the same tax would be laid on an acre of mountain land as upon an acre in the city of New York. Therefore, it must be ad valorem in order to approach equality.

But if ad valorem, it would be an unequal tax, because it would tax the scanty furniture of the wretched room of the poor seamstress in the same ratio that you tax the owner of a palace filled with luxury and plenty.

And besides, you would tax the widow with her two mites, which she needs for her living, in the same ratio that you tax the property of the millionaire, which is far in excess of his needs. Besides, you would make the non-income-bearing property pay equally with that which breeds ample income, and furthermore, you would relieve the ample income of the professional men and others of all tax because they have no tangible property you could reach.

What then? It is best and fairest to lay the tax according to the ability of the tax-payer to pay, because all taxes, you perceive, are at last paid out of the man's income. The fairest tax of all the various forms of taxation, in my judgment, that can be laid on the citizen would be a tax proportioned to incomes; with an exemption of a part to cover the needs of life; because thus you would make the man pay, in proportion to his ability, to meet the exigencies of the Government. And while thus you would not burden non-income-bearing property, you would make those contribute to the public Treasury who get an income, although they have no ostensible property. Their income measures ability to pay—and also the benefit which the Government affords to him who earns the income under its protecting care.

I come now to indirect taxation. It is an ingenious device of government by which the citizen is chloroformed into unconsciousness of the source and cause of the felt burden which he bears. I will venture to say there is hardly one man in ten in the secluded parts of this country who realizes the fact that he pays in some States as much as fourfold more of tax to this Government than he does to the government of the State under which he lives; and therefore it is that there is a temptation—and I beg to call gentlemen's attention to it—on the part of the people to see power go out of the hands of the States into the hands of this Government, because power which requires an appropriation of money is felt by the people of the country less consciously when it is expended by this Government than when it is expended by the State government.

And, in my judgment, one of the most centralizing tendencies of our federative system results from this fact: that the power of this Government is made effective through indirect taxation of which the citizen is unconscious, while the power of the States is exerted by means of direct taxation; and the people, so unconscious of the one and so sensitively conscious of the other, are reluctant for the exercise of power by the States which will require the taxation they see and feel, and more willingly concede that power to the General Government because it is to be exercised through indirect taxation which they do not see and feel.

But the payer of the duty, of the license tax and of the excise knows that he pays no tax which he will not recover back from the consumer; and the consumer forgets or fails to remember that he is repaying the tax or duty already paid to the Government by these middlemen, the amount of which tax or duty is included and concealed in the price of the article which he buys. These are therefore taxes on consumption, and were originally invented to drug the people into unconsciousness and thus make the Government irresponsible for taxation and for expenditure. It thus stimulates extravagance and perpetuates heavy taxation; for from the effect such taxes have on the business industries and trade of the country, taxation becomes permanent, for fear a change may disturb these sensitive interests; and this generation is to-day paying taxes to which it never gave its consent through its representatives, but which was entailed upon it by a generation now dead and gone.

Now, Mr. Chairman, all this, in my judgment, is a great evil, and it seems to be an unchangeable evil, for when we proposed to change the law and reduce taxation it was postponed at one time since I have been in Congress because the country and its business interests were too depressed in their condition to bear the change, and now when it is proposed we are told we are too prosperous to admit of any change of our tariff system lest it may cause a panic in the land. Thus the calamity of grievous taxation is perpetuated.

And thus it has come to pass that this bill proposes that the whole tariff question be put into the hands of a commission, giving to other parties the responsibility which belongs to this House to find the facts upon which the tariff may be revised and a new system may be established. And I may say in passing here what would perhaps more properly come in at another time, that you propose to give the power to create this commission to the President and the Senate, thus divesting the House of the power which, under the Constitution, we have—to originate revenue bills, and placing it in the hands of the President and Senate. This is the second time in a month in which we are expected to do, what the President insisted should be done in the Chinese matter—that to him and the treaty-making power we should surrender our power to pass laws affecting commerce. Are we tamely to give up all our power to the President and Senate?

The question, Mr. Chairman, which is suggested at this stage of the discussion is this: Why is it—and I wish to press this inquiry upon the House—why is it that this House, which represents the tax-paying people, has been so reluctant for so many years to reduce the taxation upon the people? Was there ever a time in the history of any other country when the reduction of taxation was so difficult? Ah, Mr. Chairman, if you could call into full view the reason which operates in the minds of a portion of the people of this country and their representatives here against the reduction of this tariff system, you would find that their purpose in continuing this taxation is not to raise revenue for the support of the Government but to secure and perpetuate special benefits to those classes which have become predominant in legislation, by making other classes pay tribute to them.

Now, for one moment let me call your attention to this view. I arraign this tariff system as the most insidious form of the evil which results from indirect taxation that could be devised, in that it taxes incomes and the income of the poor in a larger ratio than that of the rich. Look at it for a moment, and see if I am not right in that proposition. Take the man who has an income derived from his labor of $300 and the man who has an income of a million. The poor laborer consumes the whole of his income from necessity. Suppose the millionaire only consumes as much through penuriousness. Now, suppose you tax all the necessaries of life through your tariff, and what will result? If you impose a tax of 50 per cent. upon the articles consumed by the laborer and those consumed by the rich man, then to buy the necessaries of life, which without duty he could buy for $200, he must expend all of the $300 earned by him. In other words, he pays 50 per cent. in their enhanced value upon their original cost.

That is to say, he will pay $100 out of the income he earns as a tax upon the necessaries of life which he consumes. This is 33⅓ per cent. upon his entire income. Now, take the millionaire, or the man who spends the same amount of his income as the poor man. He pays $100 upon the articles he consumes and no more, and that $100 is a tax of the one-hundredth of 1 per cent. upon his income of a million. The poor man therefore pays three thousand times as much in proportion to his income as the rich man does, and therefore the burden of taxation under your tariff system, by being laid upon the articles of necessary consumption, are to the extent the income is used in purchasing these articles a heavy and onerous tax upon the income of the laboring classes. You tax all the income buys, which is equivalent to taxing the income itself and exempting the articles bought from all taxation.

And this is what you call protection to the American laborer, by which the poor become poorer and the rich richer through your system of taxation. This makes a tax upon consumption strike down the poor while it benefits the rich. It is a heavy tax upon the wages of labor and exempts capital from its proportionate burdens.

Now, while it is true that all of the necessaries of life are not taxed under the tariff, yet to a large extent they are, and to that extent the proposition I maintain is a correct one. I take it that of the $300 earned by the laborer $150 are consumed in buying articles taxed under the tariff. and that would make the tax on the poor man about

$50 out of the $300. That would be a tax of 16⅔ per cent. upon his entire income.

Now, let me compare with the operation of this tax that of the other forms of taxation which I have considered. A has $300, and spends one-half for articles on which he pays a tax of $50 under the tariff. Hence A pays $50 tax per year for his family of five persons, which is one-sixth of his income. Now, see how the capitation tax would affect him. He pays only $30, as I have shown, out of his income of $300 as his proportionate share, and would thus make $20 by paying a capitation tax rather than by paying duties under such a tariff system.

And so with the tax upon property. The assessed valuation of the entire property of the United States is put down at $16,000,000,000, from a tax on which we are to pay this revenue of three hundred millions. If A earns $300 and owns $1,000, his tax would be only $18.75, instead of $50 under the tariff.

Now, suppose it was a tax upon incomes, and that the incomes of the entire country were seven billions of dollars, as was estimated in 1870, A would then pay out of his $300 of income only $13 tax, instead of $50 under our tariff. He would pay less tax therefore in any one of these other forms of taxation than he pays now under the operation of the tariff.

Now, I do not mean to be understood as maintaining that because of these evils I am for abrogating the tariff system. I am only arraying this tax by way of comparison with other modes of taxation, to show that the operation of the tariff system is to tax the necessaries of life consumed by the poor, and is in effect to tax the incomes of the poor in great disproportion to any tax paid out of their incomes by the rich.

I admit that the tariff system is a necessity, because a resort to direct taxation has other evils connected with it which I would gladly avoid and intend to avoid. I would rather see this whole internal-revenue system swept from existence if it could be done in justice to the revenue of the Government and without rendering necessary the increase of the rates of duty under this tariff; but at the same time, looking at the tariff system as a necessity, I ask my friends on both sides of the House if it involves this evil, this vice of inequality of burdens upon the poor and the rich, is it not right we should diminish these evil effects instead of increasing them or continuing them in their oppressive operation?

We are willing, sir, to pay revenue to support the Government, but not to pay bounty for the support of privileged classes.

If, then, the tariff means tax and is laid for revenue, I admit it is right; but if the tariff, which is tax, is imposed upon articles of consumption not for purposes of revenue, but with the object and design of bestowing a benefit upon any privileged classes in the community at the expense of any other; if it taxes one class and supports another, then I maintain it is against right, against law, and is unconstitutional in its character. Gentlemen will admit that a bounty paid out of the Treasury is a subsidy. Now, is there any gentleman on this floor who will maintain that this Government could pay to the iron interests of the country $100,000,000 out of the Treasury in order to support them and make them prosper? And yet I shall show to you hereafter that $100,000,000 is the amount of the bounty paid by the consuming classes of this country to the iron interests protected by this tariff. Where is the difference whether, on the one hand, you tax the people to fill your Treasury, and then pay out of it to these favored classes $100,000,000 by direct appropriation, or, on the other hand, while putting no money into the Treasury, you put your hands by your tax-power into the pocket of the consumer and take out his money and put it into the pockets of these favored classes? Does not the one injure the consumer and benefit the privileged class as much as the other? If different in form, do the methods differ in substance? The one would be done by open violence; the other is done—I mean no disrespect to anybody who maintains it—by fraud on the part of the Government. Can you do by indirection what you dare not do directly?

Mr. Chairman, I maintain that this tariff system is not only against right but is really unconstitutional. This is no new position. I quote the resolutions of the great Massachusetts expounder of the Constitution, proposed in 1820, and adopted by the people in Faneuil Hall:

Resolved, That we have regarded with pleasure the establishment and success of manufactures among us, and consider their growth, when natural and spontaneous, and not the effect of a system of bounties and protection, as an evidence of general wealth and prosperity.

Resolved, That relying on the ingenuity, enterprise, and skill of our fellow-citizens, we believe that all manufacturers adapted to our character and circumstances will be introduced and extended as soon and as far as will promote the public interests, without any further protection than they now receive.

Resolved, That no objection ought ever to be made to any amount of taxes equally apportioned and imposed for the purpose of raising revenue necessary for the support of government; but that taxes imposed on the people for the sole benefit of any one class of men are equally inconsistent with the principles of our Constitution and with sound judgment.

Resolved, That the supposition that until the proposed tariff or some similar measure be adopted we are and shall be dependent on foreigners for the means of subsistence and defense is, in our opinion, altogether fallacious and fanciful and derogatory to the character of this nation.

Resolved, That high bounties on such domestic manufactures as are principally benefited by the tariff favor great capitalists rather than personal industry or the owners of small capital, and therefore we do not perceive its tendency to promote national industry.

Resolved, That we are equally incapable of discovering its beneficial effects on agriculture since the obvious consequence of its adoption would be the farmer must give more than he now does for all he buys and receive less for all he sells.

On the limitations upon the powers of every government in respect to the rights of the individual, I quote the massive language of Chief-Justice Marshall in Fletcher *vs.* Peck, reported in 6 Cranch, 87–135:

It may well be doubted whether the nature of society and of government does not prescribe some limits to the legislative power; and if any be prescribed, where are they to be found if the property of an individual fairly and honestly acquired may be seized without compensation? To the Legislature all legislative power is granted; but the question whether the act of transferring the property of an individual to the public be in the nature of the legislative power is well worthy of serious reflection.

In the case of the Loan Association *vs.* Topeka, 20 Wallace, 662, the same doctrines are applied to the case of a diversion of the power of taxation for private benefit instead of being exercised for revenue only. Mr. Justice Miller, delivering the opinion of the court, said:

Beyond a cavil there can be no lawful tax which is not laid for a public purpose. * * * To lay with one hand the power of the Government on the property of the citizen and with the other bestow it upon favored individuals, to aid private enterprises and build up private fortunes, is none the less robbery because it is done under the forms of the law and is called taxation.

Again:

It must be conceded that there are rights in every free government beyond the control of the State. A government which recognized no such rights, which held the lives, the liberty, and the property of its citizens subject at all times to the absolute disposition and unbounded control of even the most democratic depository of power, is after all but a despotism.

No court, for instance, would hesitate to declare void a statute which enacted that A and B, who were husband and wife to each other shall be so no longer, or which should enact that the homestead now owned by A should no longer be his, but should henceforth be the property of B.

If these decisions be true expositions of constitutional law, how can any tariff be constitutional which is not laid for revenue only, or which is not laid for a public purpose or use, but is designed to defeat revenue by an entire or partial prohibition of imports in order thus to enhance the price of domestic products (to use the language of Justice Miller) "for the benefit of private enterprises and to build up private fortunes?"

These decisions seem to me to cut down to the very roots of this protective policy and to invalidate the principle on which it is based. But let me look at the question more in detail.

Is the protective principle constitutional? On what clause of the Constitution does it rest? If its claim rests on the clause "to lay and collect taxes, duties, imposts, and excises," then I confront it with the clear purpose of the clause to give a power for revenue only. There is no power to lay duties, except as connected with that to collect. It is a power for revenue only. Its purpose is defined in the succeeding words, "to pay the debts and provide for the common defense and general welfare of the United States." These words, taken from the old Articles of Confederation, fix the objects thereby defined as for revenue only. You cannot pay debts with a tariff which defeats revenue; you cannot provide for general welfare by taxing one part for the benefit of another. That is special, not general welfare. You cannot provide for the general welfare of the United States when some of these States are burdened for the benefit of other States. If the claim is based on the power "to regulate commerce," I deny that that clause gives the power to lay duties on imports, and this for several reasons.

First. Before the Revolution our ancestors distinguished between the power of the mother country to regulate commerce and to levy duties. The last was denied, the former was largely conceded by the colonies. The framers of the Constitution could not have intended by giving to Congress the power to regulate commerce to grant the power to lay duties. (See Dec. of Rights, Oct. 14, 1774; Jour. of Cong., 27–29.)

Second. In the convention the power to regulate commerce was restricted at first by requiring a law regulating commerce to have a two-thirds vote in both Houses. In the mind of the convention then the power to lay duties could be exercised by a majority, that to regulate commerce by a two-thirds vote. How, then, can we suppose they intended by the power to regulate commerce, which could only be done by a two-thirds vote, to include the power to lay duties, which could be done by a majority vote?

Third. This interpretation is sustained in Gibbons *vs.* Ogden, 9 Wheat., 1.

Fourth. The origination of bills for raising revenue in the House of Representatives shows this distinction. Must a bill to regulate commerce originate in the House? And so in article 1, section 9, we read of "a regulation of commerce or revenue"—showing the same distinction.

Fifth. If the power to regulate commerce with foreign nations includes the power to tax imports from a foreign nation, how can we avoid the conclusion that the Government may tax articles passing from one State to another? And yet no such power has ever been claimed, nor is its negation due to the prohibition on taxing articles exported from any State, for the Supreme Court has interpreted that word "exports" as meaning exports to a foreign country.

Taking, therefore, the absence of power to lay duties except for revenue, and the deeper view presented by the Supreme Court, that to tax for a private benefit is against right, as I have shown it was

contrary to a provision of Magna Charta, now incorporated into our Constitution, I feel I am on firm ground in disputing the constitutional power to lay duties to protect and foster special and favored interests. It is a perversion of power from its lawful to an unlawful use.

But gentlemen say the power is conceded by the historic action of the Government; that the first tariff act of 1789, in its preamble conceded the claim of the Government to lay a tariff for the purposes of protection. That preamble is as follows:

Whereas it is necessary for the support of this Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid, &c.

Interpreting the preamble by the act passed, in which the duties ranged from 5 to 15½ per cent., we can readily see that the idea of our fathers was that such protection as manufactures could get as an incident to a tariff for revenue only they did not deny. The average rate under that act was 8½ per cent.

Well may we say with Burke, in speaking of the preamble to the Grenville act in regard to the claim to tax America: "It is the weight of that preamble, of which you are so fond, and not the weight of the duty, that the Americans are unable and unwilling to bear!"

There is not a so-called free-trader on this floor who would not gladly adopt that act as the consummation of all their desires, and which protectionists vaunt as the precedent for their power to levy duties under this tariff of 100 and in some cases several hundred per cent.

The tariff of 1790 averaged 11 per cent.; that of 1791 13½ per cent. In 1809 the highest duty was 24¾ per cent. The tendency to increase is observable and fruitful in suggestion of evil from a bad precedent. Power, when it once gets a foothold, never yields what it has won, but stealthily and step by step moves on, until to-day it claims a manifold larger measure of protection for its manufactures in their maturity than when it fostered them in their infancy.

It was not until after the war of 1812, in the year 1816, that the real era of protection began. And yet, looking at that tariff, with one or two exceptions, we would adopt that, which was deemed sufficient for the infant, as the measure of your fostering care over these sturdy adults, who now clamor for larger protection than was required for helpless childhood.

I proceed now, Mr. Chairman, to consider the effect of the tariff upon imports and revenue. The natural effect of a tariff—and I dislike to seem to go into the simple principles of this question, but for its being the best method for reaching its real philosophy—the natural effect of the tariff must be to raise the price of the article which is imported. The formula for revenue is revenue equal to duty multiplied by imports, (or $R = D \times I$.) Now, when you lay the duty on an imported article, the result must be that either the importer, the foreign producer, or the consumer will pay that duty. And I admit that there are cases in which it is divided between them; but there are also cases in which the consumer pays it all.

When the duty is very low there will be very little decrease of importation. In fact as you increase the duty, while the duty remains very low, you will also increase the revenue almost in the same proportion. But when the duty is much increased the tendency will be to diminish consumption more rapidly, because consumption is in the inverse ratio of prices.

And it is curious to see how the consumption of such a prime article of necessity as sugar has gone up and down in Great Britain and the United States with an almost infinitesimal decrease and increase of price. In other words, the man with scant revenues has to cut his coat according to his cloth. And where there is an increase of the price of any article of prime necessity he has to reduce the amount of consumption in order to meet the exigencies of his case.

Now, this would not be so if the duty did not enhance the price of the article to the consumer. I admit that it is not always true that the full amount of duty is paid by the buyer; for the seller may abate his price (which abatement may come out of his profit or out of the cost of the article which includes the duty paid by him) in order to secure a market; and thus the seller would share with the consumer the payment of the duty. But the rule is as I have said, that the consumer pays back in price the duty which the importer has paid. Demand and supply may also temporarily affect the question.

Again, sometimes the foreign producer may have to pay the whole or a portion of the duty in order to secure our market through the domestic importer. Hence the foreign producer, the domestic importer, and the consumer may in some cases divide the duty; but ordinarily the duty will fall on the consumer in whole or in great part because the foreign producer will not continue to produce nor the importer to import if neither can get back from the consumer what the custom-house demands in the form of duty.

Suppose the duty is over 100 per cent. on the first cost of the article, then it is obvious, if the importer or the foreign producer pays it all, he will be paying in duty more than the value of the article in order to give it away. If the duty is just 100 per cent. and the foreign producer pays it all, he will really be giving away his product. And then as the duty rises from 1 per cent. to 100 per cent. consumption will decline with the advancing price, and the producer may begin to abate his price to retain the market until he finds his abatement has exhausted his margin of profit; when foreign production for our market will cease, imports be at an end, and the prohibitory point be reached.

In this way the foreign producer or the importer may to a certain extent divide the duty with the consumer. The margin of profit to either defines the limits within which they may for a time, but beyond which they will not long consent to, share the burden with the consumer.

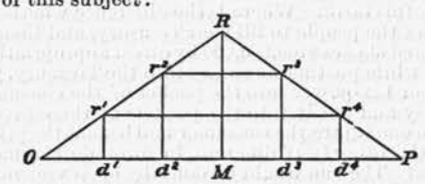
Taking now the formula $R = D \times I$, the results may be stated thus: In the case of the tariff system, it follows that as the rate of duty increases, the amount of consumption or importation will decrease. When the duty is nothing, the revenue will be nothing, however great the importation. When the importation is nothing the revenue will be nothing, however great the duty; and as the importation falls off with the increase of the rate of duty until the duty becomes prohibitory by so increasing the price of the import as to prevent any consumption, it follows that between the point of no duty and the prohibitory rate there will be an ascending scale of revenue to a maximum point of revenue and a descending scale of revenue from that maximum point to the point of prohibition; so that on either side of that duty which raises the maximum revenue on any article there will be a lower and a higher duty which will raise the same amount of revenue.

Therefore, as no higher duty ought to be laid than is needed to raise the requisite revenue on any particular article, it follows that the true revenue duty is the lowest duty which will bring the required revenue. To lay the higher duty to obtain the required revenue, instead of the lower, which will achieve the same result, is an oppressive violation of right in making the burden heavier than the needs of the Government require for its support. Such higher duty is not a revenue measure, but is a needless limitation upon consumption, oppressive to the citizen and an improper restriction upon freedom of commerce. In other words, the lowest rates of duty which will secure the required revenue may be termed a revenue tariff; the highest rates securing the same will be a protective tariff. The former enlarges consumption, the latter diminishes it, and both bring the same amount of revenue. The one decreases the comforts of the people by decreasing ability to consume; the other increases their comforts by enlarging their capacity of consumption.

That is my idea of a revenue tariff—the lowest rate of duty on every article which will produce the required amount of revenue from that article. To lay the higher rate of duty which is on the other side of the maximum revenue point is to make a protective tariff, and is to lay heavier burdens on the people than the needs of the Government require.

This view enables us to test the object and design of different forms of duty. If the higher duty is laid when the lower will produce the same revenue, then the difference between the two duties is that amount of duty which is not laid for revenue at all but is laid for protection only. Thus if we should find that 20 and 40 per cent. on any one article would raise the same revenue, and we should lay 40 per cent. rather than 20 per cent., the difference, or 20 per cent., would be the duty not laid for revenue at all, but laid simply to raise a bounty which consumption is compelled to pay for the support of privilege. This test fixes the purpose, lawful or unlawful, as a stamp upon the act.

If the committee will allow me I will give a ready geometrical illustration of this subject:



Let the isosceles triangle O R P have its base O P as the measure of rates of duty, and the perpendiculars $r^1 d^1$, &c., from the sides falling on the base be the measures of the revenue from the rates measured on the base. The perpendicular R M is the maximum revenue point, the duty O M being that which obtains it. Now, observe at O and P, points of no duty and of a prohibitory duty, there is no revenue marked on the diagram. When the duty is O d^1 and O d^4 the revenues marked by $r^1 d^1$ and $r^4 d^4$ are equal. If the duty O d^1 be laid, the duty is for revenue only. If O d^4 be laid, O d^1 being for revenue only, the excess of duty measured by $d^1 d^4$ is the measure of tribute exacted, not for revenue at all, but for privilege only. This enables us clearly to mark the line between a tariff for revenue only and one laid with another design or purpose.

Hitherto I have considered the effect of the duty only upon consumer, foreign producer, and importer.

But a new party must need be now more particularly noticed, though he has already been introduced. As the price of the foreign product is enhanced to the consumer by the duty and by freight and other incidental charges involved in transportation from point of production to point of consumption, it is obvious that if a producer of the same article can be found at home who can afford to do so at the enhanced price, but could not at the prime cost abroad, plus freight, &c., he will get his chance to do so under a tariff system. And this is the respect in which a tariff becomes useful in the eyes of some gentlemen for a purpose, which disregards revenue as the primary object of the grant of power to lay duties, and looks

almost exclusively to the support of classes of industry through this sovereign power of taxation. This purpose, some gentlemen of full advanced ideas regard as the principal object, and, so far from favoring a tariff for revenue with incidental protection, they uphold a tariff for protection for protection's sake, and only for revenue as an incidental object.

Let me examine this question critically. When, for any cause, the cost of production of any article is greater in this country than in foreign countries, it is obvious if all duties were abolished the only enhancement to the price of the foreign product would be in freight and other charges of transportation. These last give a constant advantage to the home producer.

But when a duty is laid it increases that advantage. Yet, unless the prime cost of the foreign product plus duty plus transportation charges raises its price to the prime cost of the home product, the latter cannot compete in the home market successfully, that is, with profit, with the foreign article. The duty in such cases may decrease consumption of the foreign article by increasing its price, but it gives no protective advantage to the domestic product and the duty is thus a duty for revenue only.

But if the duty be raised so as that the cost of the foreign product plus duty plus freight, &c., shall equal the cost of the home product, the two will be in fair and equal competition in the home market. This is the rate of duty which my friend General Garfield always said he favored, and I may term such a tariff a competitive-protective tariff. The prices of the foreign and domestic article are by the duty thus made equal, and the consumer may buy the one or other for the same price according to his preference. And this competitive tariff will generally be beyond the maximum revenue point, because consumption of the foreign article will fall off from the double cause, increased price and the new domestic competitive source of supply. But there will be revenue from such a tariff and yet protection; a tariff bringing in revenue, and yet raised for the distinct object of giving protection, competitive protection.

When you raise the duty beyond this precise point where each puts his article on the market with equal chance for profit, you increase the advantage of the domestic producer, because you compel the foreign producer to abate his profit in order to put his product on the market on equal terms with the domestic producer, who can still sell at full profit.

When your duty is raised so high that the foreign product must abate all profit or even lose if sold at equal price with the domestic product, importation will cease and your tariff becomes prohibitory. It protects by the absolute exclusion of the foreign product, and hence revenue ceases and your prohibition gives a monopoly of the home market to the home producer. In this case you cease to lay a duty for revenue; you lay a duty to prevent revenue, and give a monopoly to your privileged class in the command of the home market.

I proceed now to answer a very natural question: Can and, if so, how can a tariff for revenue only, a duty this side of the maximum revenue point, give any protection to the home product? Can and, if so, how can a tariff for revenue only incidentally protect?

What do we mean by "incidental?" As the word indicates philologically, it means that which may fall into, that which may either casually or probably fall into, or happen; for it has this latter meaning (probability) secondarily. Now, how will this happen with reference to a revenue tariff? There are different modes in which it may happen, and the House will excuse me if I indicate them, for a great deal has been said on this topic, and I hope that what I shall say will throw some light upon it.

The cases already considered have been taken, as if all foreign production, as well as domestic, was by one person, at one place and under one fixed condition. But this is not the fact, and from this variance between the reality and our previous hypothesis arise the conditions which make it possible to have a tariff for revenue only—which may and does give incidental protection to domestic products.

First. The foreign article may be produced in two countries abroad; one of which can produce it at a much less rate than the other, and therefore the rate of duty may exclude the higher-priced article from abroad, and may not exclude the lower-priced article. Take, for instance, a case of this kind: suppose a ton of pig-iron can be made in this country for $15, in England for $10, and in Sweden for $5. It is obvious that a duty of $7 per ton would raise the price of the English pig to $17, so that it could not compete with the American pig at $15, yet the duty of $7 per ton on the Swedish pig would raise its price to only $12, so that it could not only come into competition with, but undersell, our domestic product. Thus a tariff may be laid for revenue only, and may bring the maximum revenue, by reason of a large importation of some foreign articles which can be so cheaply made, and yet other foreign products be excluded by the same duty, and the domestic product take their place in home consumption. The cheaper foreign product might not supply the whole home demand, and hence home production would fill the vacuum from which the higher-priced foreign product would be excluded by the duty.

Second. But there is another mode in which a similar result may happen. I desire to call particular attention to this because the conditions which give rise to it exist in this country and in all countries. There are certain places in every country where a given article can be made more cheaply than elsewhere in the same country. Take, for instance, pig-iron. I have before me an article from "Bradstreet," in which the writer says that in Pennsylvania pig-iron can rarely be made for less than $19 per ton; in Ohio, for not less than $20 per ton; while it can be made in Virginia, Tennessee, and Alabama for $12 to $14 per ton. It can be made in the district I represent at these low figures. It is obvious, therefore, that a duty of $7 a ton on English pig-iron, which can be made at $10, (I find $12.50 seems to be the average,) would, with the freight and charges, say $4, bring it into delicate competition with the Pennsylvania and Ohio pig, while the Alabama iron and Virginia pig could undersell both in our markets. And I say to my Southern friends who are fascinated by this doctrine of protection that the advance of Southern manufactures will come not from protective duties, but from the fact that she has cheaper raw materials than Pennsylvania for iron manufacture, cheaper ores, as cheap coal and fluxing material, and as nearly in contact. Pennsylvania may need this high duty to compete with the foreign product, but not so the South. At a lower rate of duty she can undersell England and Pennsylvania, and the capital now invested in Pennsylvania would, if the duty were lower, have to make its plants in the South in order to meet the foreign rival in the home market.

The South has her cotton-fields by the side of her factories, and without any or only a moderate duty on cotton goods, with skilled labor such as New England has, the freight on the raw cotton alone will give her the advantage of her Northern and her foreign rivals.

Third. Another mode in which a tariff for revenue only may afford protection incidentally has been already intimated, but I must give more prominence to it.

When I was a boy, I will not say how long ago it was, I went to Northern Indiana when there was scarcely a railroad west of the Alleghany Mountains. I went to an iron furnace in that State. No doubt the pig-iron made there had a market in the neighborhood. What did the maker care about English pig? Why, sir, to make a haul overland in wagons, and by water in part, from the seaboard to that furnace in Indiana would have enhanced the price of the English pig-iron more than the duty now laid on it. So there is an element of protection from freight; not only freight from abroad, but domestic freight to the point of consumption, or, in other words, freight from the point of production to the point of consumption, which makes a large factor in protection the domestic product receives, Therefore you may, in competition with the English iron, have an advantage equal to freight on the foreign product to its seaboard plus the ocean freight and insurance plus the freight from the seaboard to the interior point of consumption; and that will so raise the price of the foreign article in the far-off interior market as that it cannot come into competition with the domestic article made near to that point of consumption. This is nature's protection, given without oppression, and independent entirely of the duty which you propose to lay by law to help the one man who produces the article at the cost of another who consumes it.

Now, the furnace on the seaboard may not be able to compete with the English iron but the furnace in the interior may well do it, because it has the additional protection of the freight from the seaboard to the place of consumption. So that, while on the sea coast foreign iron may be consumed, and hence pay a large revenue, in the interior the domestic product may exclude the foreign, and thus the same duty may be laid with the object of raising the largest possible revenue, and yet incidentally protect some of the domestic products.

Fourth. There is another mode I will now mention. When the home consumption is far beyond the possibility of home production to supply its needs, then a very high duty may be laid for very large revenue, and which will be highly protective to the home product. This arises chiefly where the article is one of prime necessity. Consumers must have it, though the price be largely enhanced by the duty, and when so enhanced it raises the price greatly of the home product, and thus protects it.

A strikingly beautiful illustration of this is in the article of sugar. I give table of imports:

	Pounds.
1879 total imports, (dutiable)	1,598,461,986 00
1880	1,592,261,958 00
1881	1,869,173,897 50
1881 total imports, (from Hawaiian Islands, free)	77,136,270 00

Our products at home were as follows:

1879	239,478,753 00
1880	198,962,278 00

In round numbers we consumed in 1880 of sugar forty pounds to the head; we produced only one-ninth of what we consumed; we admitted from Hawaiian Islands two-fifths of our production.

We could hardly by any duty prohibit importation of sugar; people must have it. Hence a very high duty brings us $46,000,000 of revenue, and yet gives sugar planters a large incidental protection. And if we did not fear to lose the revenue from sugar—nearly one-fourth of all we derive from customs—the duty should be decreased by which revenue and protection would be diminished.

But in this case the bounty paid to the home producer is one-ninth of what the Treasury gets. Rice is another article on which a very high duty brings large revenue and yet gives great, too much, I think, incidental protection. In this case, the duty no doubt is beyond the maximum revenue point; in sugar it is not.

Fifth. One other mode may be mentioned in which a purely revenue duty gives incidental protection in special conditions of the market. A specific duty when the price of an article is low may be absolutely

prohibitory, for its equivalent ad valorem duty is very high. The same duty may become a revenue duty when the price of this article is high, for then it is a relatively low equivalent ad valorem duty. Thus when English pig-iron is worth $10 per ton the duty of $7 is 70 per cent. ad valorem, which would be nearly prohibitory. When the price is $20 per ton (because of active demand) the same duty is only 35 per cent. ad valorem and will give large revenue. This has been demonstrated by experience in the last decade.

An ad valorem duty may, when prices are low, be prohibitory, but when high may be a revenue duty, because at high prices the producer may abate his price to secure the market in which he can sell despite abatement at remunerative profits.

Hence a tariff for revenue only at the time of enactment may become a tariff for protection at another.

These instances must suffice to show how a tariff for revenue only may incidentally, perhaps accidentally, protect domestic products.

When I am asked what I mean by a tariff for revenue only, I answer: I mean a tariff the object and design of which is only to raise revenue, and which is limited to the necessities of the Treasury. If that revenue duty accomplishes the purpose of protecting any industry at home, at the same time it raises the requisite amount of revenue, and be the lowest duty on the article which will produce it, then, gentlemen, so well and good; I will not fail to accomplish the principal purpose I have in view and for which the duty was laid, and which it does accomplish, because of that result which falls in as an incident to my legitimate purpose. I will not, to avoid the incident, abandon the principal design. But as soon as you pass the maximum revenue point and lay a heavier burden on the people than revenue demands, you step beyond the limits not only of the constitutional power you have but overleap the bounds of right and invade the sanctity of property. You strike a blow at the manhood and personal liberty of the citizen.

If the only design of the duty be to raise a certain revenue on any article, and the lowest duty which will do that is laid, the incidental protection which casually or more probably will arise from it is not unlawful; it is the incident and not the object. The object is revenue, and that is attained; the incidental protection which follows is lawful. And I may say that the benefit of such an incidental protection is that thus only healthy enterprises will spring up, and while they will thrive, they will do so with no detriment to consumers. The incident of protection arises from the natural relations between the foreign product, the domestic product, and consumption; between the points of supply and demand, and out of the cost of production and of carriage; so that the domestic producer under a revenue tariff invests his capital, thrives, and blesses others while he himself is blessed.

I am afraid I am traveling by slow stages to what gentlemen may consider the practical bearing of this subject, but I hope to be excused, because I desire to discuss the fundamental principles of this whole tariff system as far as my capacity will permit.

If I am now asked the question: "But does the duty enhance the price of foreign products, and does it enhance the price of domestic product?" I say it does. But if gentlemen ask me "does it enhance it to the full amount of the duty?" I say no, not always, but always to a greater or less extent, in the normal condition of things.

There may be exceptional conditions which will prevent it doing so, and some I will now mention.

For instance, supply and demand will effect the result. Thus high duties, when they are first imposed, (and I desire to call attention to that,) offer such a stimulus of bounty to all those who would go into the business, all over the country, that they rush in regardless and not knowing of other people doing the same, and the result is overproduction, and overproduction brings about a fall in prices, and then the high-tariff man says, "Don't you see, gentlemen of the consuming classes, that high tariffs make low prices?"

A few years ago, when this question was before the Committee on Ways and Means, a gentleman by the name of Parks, an intelligent witness, appeared before that committee, and a colloquy occurred between him and myself on the subject of Bessemer steel rails. I quote from his testimony:

Mr. TUCKER. Can the American steel manufacturer, in ordinary times, make steel as cheaply as the English manufacturer?

Mr. PARKS. No, sir; not as cheaply. Labor is very much higher in this country, and the cost of almost everything, except perhaps fuel, is higher in this country. In ordinary times a tariff is necessary to raise the price of the imported article so as to allow the American article to be sold, and we are obliged to sell it two or three cents a pound below the foreign article.

Mr. TUCKER. Has the price of steel fallen within the last two or three years?

Mr. PARKS. Yes; it has fallen on an average three to five cents per pound.

Mr. TUCKER. To what do you attribute that?

Mr. PARKS. Partly to competition, partly to prejudice.

Mr. TUCKER. How can that competition be overcome by continuing the present tariff?

Mr. PARKS. In this way: those of us who are thoroughly and fairly established and who have expended large sums of money in economical appliances and reduction of labor can go on and probably make a little money.

Mr. TUCKER. It is an application of the new doctrine of the survival of the fittest?

Mr. PARKS. Yes, sir; the strongest can survive.

Mr. TUCKER. What will become of the weaker ones?

Mr. PARKS. They will go down, as they have been going down.

Mr. HILL. The more the tariff is reduced the greater the number will go down?

Mr. PARKS. Yes, sir; and still the price will go up. The fewer there are in the business the better prices we will have.

Thus a tariff stimulates overproduction, a temporary fall in prices follows with the ruin of the weak investors, the strong survive as monopolists, prices rise to their normal condition, and that is the enhancement of price of the foreign and domestic product to a point approximate to if not to the full extent of the duty imposed on the foreign article.

Now, Mr. Chairman, all this is denied by our friends on the other side of the House. They say the tariff does not enhance the value of the domestic article. I think that there are some answers on the surface of this statement to which I will briefly call attention. First, if the price of the home product is not raised but reduced by the tariff, why is it that for seven long years since I have been in Congress the room of the Committee on Ways and Means has swarmed with the representatives of the iron, steel, and other protected industries, clamoring that Congress shall keep up this system of duties, and piteously declaring that if the duties are taken off they are ruined? Ruined by high prices! and prosperous under low prices! Are they clamoring to keep up the tariff system in order that prices may be kept down and their gains lessened? Do they protest against lowering the tariff because they fear the articles that they manufacture may go up in price?

How absurd! Is not your demand based upon this, that you are in such an unhappy condition in this country that you cannot produce articles in competition with foreign products because of your dear labor and dear capital? That is, that the English and European factory man can make a cheaper article than you can because he has cheap labor and cheap capital. Then what is the duty for? To enable you, with dear capital and dear labor, to sell at the same prices as he does with cheap labor and cheap capital; to force his low price to the higher one, at which you can afford to sell. Why, Mr. Chairman, there is not a sensible man who represents the protected industries on this floor who could be induced to maintain such a proposition for an instant; and do you gentlemen of the protectionist school who profess a desire to protect the wages of the American laborer aim to do so by lowering the prices of the articles he produces and thus decreasing the fund out of which his wages are to be paid?

Now, I put you upon one or the other horn of the dilemma. Either this tariff system increases the price of the article to the consumer or it does not. If it does, what right have you to force the consumer to pay more for the article than he could buy it for in the open market of the world? And if it does not raise the price, then I turn you over to the American laborer, and now ask how can he be protected by low prices instead of high prices? You may take either horn of the dilemma you please, and I insist you must be impaled upon one or the other to your utter discomfiture. And notwithstanding the boast of my distinguished friend from Michigan [Mr. BURROWS] the other day, who prophesied that the high-tariff system of this country is bound to prevail, I venture to predict that this protective system is bound to be condemned by the free public opinion of the intelligent people of the United States in this the nineteenth century.

Upon this question of political economy I quote Alexander Hamilton:

Exorbitant duties on imported articles would beget a general spirit of smuggling, which is always prejudicial to the fair trader, and eventually to the revenue itself; they tend to render other classes of the community tributary, in an improper degree, to the manufacturing classes, to whom they give a premature monopoly of the markets; they sometimes force industry out of its more natural channels into others in which it flows with less advantage; and in the last place they oppress the merchant, who is often obliged to pay them himself without any retribution from the consumer. When the demand is equal to the quantity of goods at market the consumer generally pays the duty, but when the markets happen to be overstocked a great proportion falls upon the merchant, and sometimes not only exhausts his profits but breaks in upon his capital. I am apt to think that a division of the duty between the seller and the buyer more often happens than is commonly imagined. It is not always possible to raise the price of a commodity in exact proportion to every additional imposition laid upon it. The merchant, especially in a country of small commercial capital, is often under a necessity of keeping prices down in order to a more expeditious sale.

The maxim that the consumer is the payer is so much oftener true than the reverse of the proposition that it is far more equitable that the duties on imports should go into a common stock than that they should redound to the exclusive benefit of the importing States.—*Federalist*, No. 33.

John Quincy Adams, in a most able report upon manufactures made in 1832, said:

The doctrine that duties of import cheapen the price of the articles upon which they are levied seems to conflict with the first dictates of common sense. The duty constitutes a part of the price of the whole mass of the article in the market. It is substantially paid upon the article of domestic manufacture as well as upon that of foreign production. Upon one it is a bounty, upon the other a burden, and the repeal of the tax must operate as an equivalent reduction of the price of the article, whether foreign or domestic. We say, so long as the importation continues, the duty must be paid by the purchaser of the article.

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The incidental effect of competition in the market, excited, on the part of the domestic manufacturer, by the aggravation of duty upon the corresponding article imported from abroad to reduce the price of the article, must be transient and momentary. The general and permanent effect must be to increase the price of the article to the extent of the additional duty, and it is then paid by the consumer. If it were not so, if the general effect of adding to a duty were to reduce the price of the article upon which it is levied, the converse of the proposition would also be true, and the operation for increasing the price of the domestic article would be to repeal the duty upon the same article imported—an experiment which the friends of our internal industry will not be desirous of making. We cannot subscribe, therefore, to the doctrine that the duties of import protective of our own manufactures are paid by the foreign merchant or manufacturer.

Now, Mr. Chairman, after discussing this question upon the general features and upon the authority of those two distinguished gentlemen from the North, two of the most distinguished men in American history, I come to prove the fact that your high tariff does enhance the prices of the domestic product. Take pig-iron: I have a table which was made by myself several years ago from reliable data; the duty was 7 per ton:

Year.	British pig-iron.	Philadelphia pig-iron.	Difference.
1871	$15 00	$35 12½	$20 12½
1872	25 00	48 87½	23 00
1873	30 00	42 75	12 75
1874	23 00	30 25	7 35
1875	17 00	25 50	8 50
1876	15 00	22 75	7 25

I present another, made up from the Iron and Steel Bulletin, the organ of the iron and steel associations of this country, in which also the price of pig-iron is given abroad as compared with domestic prices:

	English pig.	Scotch pig.	American.	Duty.
1879.				*Per ton.*
Average	$8, $10, $13	$10 to $17 50	$21 50	$7
Jan. 14, 1880	$22 50		40 00	7
May 15, 1880	$12 25 to $14 25		25 00	7
Dec. 28, 1881	51*s.* 6*d.* = $13 61*s.* = $15 25		$23 00 to 27 00	7
Feb. 15, 1882	50*s.* to 59*s.* = say, $15		24 00 to 27 00	7
Mar. 29, 1882	$12 50 to $15		23 00 to 25 50	7

Freights, $3, $4, $4.50, $5.

Take March 29, 1882: price of British pig ($12.50) + duty ($7) + freight ($3) = $22.50. This is the cost to the consumer of British pig-iron. The cost of American pig-iron is $23, showing that the price of the home product is enhanced to the full amount of the duty and freight on the foreign article.

The duty on pig-iron is $7, and the freight from $3 to $5 per ton. So if you make an equation you will find that the price of the foreign product plus duty plus freight equals just about the price of the American pig in the American market.

In other words, as a friend of mine outside of this House says, the pig-iron manufacturer gets the "full pound of flesh" which is given to him by the duty on the foreign product. And so in reference to bar-iron. I take a comparison as of January 6, 1882:

Price of Staffordshire bar-iron in London £7 5*s.* to £7 15*s.*, say	$37 50
Duty	22 40
Price of bar-iron in New York	60 48

It is thus seen that the difference between the British and American bar-iron is about the amount of the duty, which in this and the former case the consumer pays to these privileged classes.

I come now to Bessemer steel rails, and I take the table, for which I am indebted to my careful, learned, and distinguished friend, Mr. CARLISLE, of Kentucky, in which it is shown that the difference between the price of the two does not always come up to the full duty of $28. In 1882 it was $25.90, the duty then being $28. Then I have the statements here from the Iron and Steel Bulletin, in which the prices are given, from which it is shown that the full pound of flesh is almost always taken in that case.

Hon. J. G. Carlise's table.

APPENDIX A.

Year.	Price in England, free on board.	English price.	Price of American steel rails in gold.	Difference in price.	Rate of duty.	
					Per cent.	Per ton.
	£ *s.*					
1864	17 12	$85 65	$148 50	$62 85	45	.....
1865	16 7	79 56	127 50	47 94	45	.....
1866	14 10	70 56	117 50	46 94	45	.....
1867	13 10	65 70	113 28	47 58	45	.....
1868	12 12	61 32	105 00	43 68	45	.....
1869	11 6	54 99	97 38	42 39	45	.....
1870	10 7	50 37	91 17	40 80	45	.....
1871	11 6	54 99	91 18	36 19	.....	$28 00
1872	13 18	67 64	98 43	30 79	.....	28 00
1873	16 9	80 05	103 91	23 06	.....	28 00
1874	13 2	68 75	85 76	17 01	.....	28 00
1875	9 2	44 28	59 75	14 97	.....	28 00
1876	6 12	32 12	44 97	12 75	.....	28 00
1877	6 0	29 20	42 08	12 88	.....	28 00
1878	5 5	25 55	42 00	16 45	.....	28 00
1879	5 10½	26 88	48 25	21 37	.....	28 00
1880	7 1½	34 36	67 50	33 14	.....	28 00
1881	6 10	31 53	60 00	28 47	.....	28 00
1882	6 7½	31 10	57 00	25 90	.....	28 00

I now add my own table, taken from prices current in the Bulletin:

Bessemer steel rails.

Date.	British price.	American price.
December 28, 1881	$31 25 to $32 50	$57 50 to $60 00
February 15, 1882	31 25 to 32 50	55 00 to 58 00
March 29, 1882	28 25 to 32 50	55 00

I come now to iron rails, and give a table compiled from same sources:

Iron rails.

Date.	British price.	American price.	Duty.	Freight.
1879	$27 50	$41 25	$15 68	$3 00 to $5 00
March, 1880	45 00	68 00	.....	.....
May, 1880	30 00	50 00	.....	.....
December 28, 1881	$27 50 to 30 00	$48 00 to 50 00	.....	.....
February 15, 1882	27 50	46 00 to 46 50	.....	.....
March 29, 1882	27 00	47 00 to 48 00	.....	.....

By equating the items in this table it will be seen that on March 29, 1882, the result is as follows:

British rails, $27 + duty, $15.68 + freight, $3 = $45.68.

This is less than the price of the American rail; so that the consumer pays to the iron-rail manufacturer the full amount of duty plus freight in enhanced price.

We consumed in 1880 of iron and steel, imported $51,454,573; we consumed in 1880 of iron and steel produced at home, $296,557,685. On this the Government got a revenue of $21,462,534.36, or an average duty of 41.6 per cent. If we suppose the enhanced price paid on the domestic product was only 30 per cent., or about three-fourths of the duty—and this was moderate, as I have shown; the full duty was paid on pig, rails, and nearly so on bar-iron—then the bounty paid on all iron and steel products by the consumers to the protected classes was not below $80,000,000; I think it was over $90,000,000. Allowing only $6 for pig-iron, $20 for bar-iron, $12 for iron rails, and $25 for steel rails, as the enhancement of price per ton on the domestic product consumed, I find the bounty paid on these alone is over $65,000,000; that on the residue would bring it up to $90,000,000.

The Government gets none of that. The Government gets $21,462,534.36, or about one dollar in revenue for every four or five dollars that the iron manufacturer gets in bounty. Contrast this with sugar. The Government gets eight dollars for every one the planter gets in bounty. One-fourth as much in case of iron and steel, eight times as much in case of sugar.

Now, as regards woolens. My friend and colleague on the committee, Mr. RUSSELL, of Massachusetts, said the other day that he had an instance that was got up by somebody in reference to blankets, which seems to me most unreliable and inaccurate. I give my statement in reference to blankets, which I have from good authority. A pair of wool blankets of five pounds' weight in England costs $2.50 a pair; a wool blanket with no shoddy in America costs $4.50. In other words, the blanket buyers, shivering in the cold winter blast, pay only $1,500 of revenue to the Government, and I estimate seven or eight millions of dollars to the blanket factory man in this country in bounty. The amount of revenue from blankets is the stupendous amount, at a duty of from 80 to 100 per cent., of $1,500. It is absolutely prohibitory. The diamond that glitters in the ear of beauty pays a duty of 10 per cent., and the shivering pauper who wants a pair of blankets to cover his nakedness pays nearly 100 per cent. duty upon their cost.

The English laborer with three days of work can buy a pair of blankets; he does that in what is God-cursed England, according to the idea of protectionists; and the American laborer cannot buy a pair of blankets in this country except with four days' labor. What matters it if he gets more wages if they will buy less than the wages of the English laborer? Is not this a fine specimen of the protection given to the American laborer by this tariff policy; to make our laborer pay more for a blanket than the pauper laborer of England?

I had from the great house of A. T. Stewart & Co. a letter, about two years ago, in which they give a statement of the prices of a number of articles of woolen goods within their knowledge and connected with their business. I remember there was a great laugh in the Committee on Ways and Means a year or two ago when I insisted on reducing the duty on balmorals and alpacas. It was thought to be astonishing that I knew anything about balmorals. [Laughter.] I did not know a great deal about them. Still what little I did know gave me an interest in them. You will find, Mr. Chairman, from an inspection of this table that the amount of enhanced price of the American goods of like character with the British goods is almost in every case the full pound of flesh, the duty on the foreign articles:

NEW YORK, *October* 2, 1879.

J. S. MOORE, Esq.:

SIR: Agreeably to your wishes we herewith hand you statement showing rela-

tive values of certain goods made in Europe with similar goods made in the United States. In all cases manufacturers' prices only are stated:

Cost.	Cost of similar goods of American manufacture.	Duty.
BLACK ALPACAS.		
Cost in England, fall of 1879, per yard.	*Per yard.*	
27-inch, 4*d.* = 8 1-6c	$0 20	6c. + 35 per cent. = 8.8c. = over 100 per cent. ad valorem.
4½*d.* = 9 1-5c	22½	6c. + 35 per cent. = 9.1c. = 100 per cent. ad valorem.
5*d.* = 10 1-5c	25	6c. + 35 per cent. = 9.50c. = 95 per cent. ad valorem.
5½*d.* = 11 1-4c	35	6c. + 35 per cent. = 9.9c. = 90 per cent. ad valorem.
6*d.* = 12 1-4c	37½	6c. + 35 per cent. = 10c. = 83 per cent. ad valorem.
7*d.* = 14 1-4c	40	6c. + 35 per cent. = 11c. = 79 per cent. ad valorem.
8*d.* = 16 1-3c	42½	6c. + 35 per cent. = 11.6c. = 72 per cent. ad valorem.
9*d.* = 18 3-8c	45	6c. + 35 per cent. = 12.3c = 68 per cent. ad valorem.
BLACK CLOTHS.		
Cost in Germany, fall of 1879, per yard.		
54-inch, 5 marks = $1.22	2 50	50c. + 35 per cent. = 92.7c. = 75 per cent. ad valorem.
FANCY SUITINGS.		
Cost in England, fall of 1879, per yard.		
6-4, 5*s.* 10*d.* = $1.40	2 30	30c. + 35 per cent. = 69c. = 50 per cent. ad valorem.
BLACK WORSTED COATINGS.		
Cost in France, fall of 1879, per yard.		
56-inch, 9.25 francs = $1.80	3 25	30c. + 35 per cent. = 83c. = 46 per cent. ad valorem.
MERINO HALF-HOSE.		
Cost in England, fall of 1879, per dozen.		
1 lb. 12 oz., 9*s.* 10*d.* = $2.40	$4 50	50c. per lb. + 35 per cent. = 84 + 87c. = $1.71 = 68 per cent. ad valorem.
MERINO VESTS.		
Cost in England, fall of 1879, per dozen.		
Men's, 10 lbs., 43*s.* 1*d.* = $10.55	20 00	50c. per lb. + 35 per cent. = $8.50 = 85 per cent. ad valorem.
Ladies', 8 lbs., 42*s.* 7*d.* = $10.42	22 50	50c. per lb. + 35 per cent. = $7.30 = 73 per cent. ad valorem.

We have on hand samples of all goods represented by the above statement. In many instances it can readily be seen that the imported articles are much superior, notwithstanding the great difference in prices.

The imports of woolen goods according to the report for last year amounted to $45,164,149; the revenue from duties thereon to $27,285,625; which makes an average of 60 per cent. duty. The total woolen product of this country—of which none, or almost none, is exported because the woolen manufacturer of this country cannot go into the markets of the world and compete with the manufacturers of the world—for 1880, as per census returns, was $267,271,254, which we buy at the enhanced price. This would make the total amount of bounty which we pay to the woolen and worsted manufacturers of the country $125,000,000, counting the enhancement of price not at 60 per cent., the full rate of duty, but taking it at 45 or 50 per cent. of the duty.

When it is remembered that there is embraced in this class of woolen goods not only blankets but flannels, hats of wool, and other goods that are used for clothing for the poor of this country—when I show you this I ask you, Mr. Chairman, is it not time that this enormity of oppression on the masses of the people of the country and the laboring classes for whom the gentlemen on the other side profess so much friendship and care should be at once and forever destroyed? I do not mean that the whole tariff system should be destroyed, but that its enormous bounties should be cut down and its oppressive burdens on the poor should be largely reduced, and that we should by judicious steps reduce these heavy duties to a standard which will avail to raise the revenues of the Government and avoid that system by which tribute is exacted from the many in order to pay for privilege to the few.

For, see what revenue you derive from woolens; you get, as I have stated, $27,285,625; you pay in bounty to this privileged class, say, $125,000,000. That is for every dollar we pay to the Government we pay nearly $5 as a tribute to privilege.

Take one or two articles of glass, and the story is the same. Even that article which admits the light of heaven while it shuts out the storm is burdened to the humble cottager with a heavy duty—a tax on light and shelter in America from which the British home is free.

Plate-glass above 24x60 per square foot.

Cost in Europe in United States money	$0 31
Duty	50
Wholesale price in New York	94

Window-glass, common, 24x30 per box of fifty pounds.

Cost in Europe in United States money	1 01
Duty	1 38
Wholesale price in New York	3 50

I have not been able to procure anything in reference to the current prices of British and American cotton goods. I understand that a great many American cotton goods have been sent abroad to be sold. When I mentioned that fact to a friend some years ago (I will not give his name, because it was said in private conversation) he said that a great deal of that resulted from the fact that overproduction had thrown upon the hands of our manufacturers a large amount of goods that were unsalable in this market; and like a great many dealers who advertise that they are selling off at cost or below cost, the manufacturers shipped off these goods anywhere that they could get anything for them rather than hold them without sale and at a loss.

But if it be true that American cottons can compete in foreign markets with foreign goods, then here is another dilemma. Can the cotton manufacturer of the United States manufacture as cheaply as the Englishman? Can he compete on equal terms and without protection with the Englishman in foreign markets? Then in the name of common sense why is it that you give strangers the benefit of your high skill, and make the children at home pay an exaction of from 30 to 50 per cent. for your benefit? If you can compete profitably in the foreign market without a duty, then you can compete at home with the foreign manufacturers without a duty, and we are entitled to the same privilege of obtaining at low prices cotton goods from you at home that the foreign consumer is entitled to abroad.

Now, you may take your choice of these two horns of the dilemma: either you can make your goods as cheaply as they can in England, or you cannot. If you can, then take off the duty; if you cannot, then, gentlemen, we pay the enhanced price of your product on account of your inability to produce as cheaply as they do in Great Britain; and therefore, by reason of the duty on foreign goods, we pay an enhanced price for home goods.

Now, what is the amount of tribute paid by the consumers of this country to the protected interests? That, of course, is a matter very largely of conjecture. There are certain facts to which I have already called your attention, and they are facts about which there can be no doubt, which show in the case of certain articles what is the amount of tribute that is paid beyond all controversy.

Looking over the whole field, and giving credit to the principle of supply and demand as bringing the price of goods down, with the margin which they have of high profits, from the full pound of flesh to what the manufacturers can get for their goods in the market, I take it that the total amount of bounty paid to privileged classes of this character cannot be far short of $800,000,000 a year. Professor Perry, as my friend from Illinois [Mr. MORRISON] said in his very able speech of yesterday, has put it at $600,000,000. Some years ago I put it at $500,000,000. The elements of the calculation may be stated thus: In 1870, the manufactured products amounted to $4,232,325,442. In 1880, the amount cannot be less than $6,000,000,000. Suppose one-half only is affected by the duty, and that only two-thirds of the duty is the measure of enhanced price. The average duty is 43 per cent. That would make the amount over $800,000,000, which is nearly one-tenth of the annual product of the country; and that amount is thus transferred annually from the mass of consumers who are without bounty, and who pay thus much of tribute to the privileged orders erected by this protective policy.

Now, take any one of these sums and you have this enormous problem to solve: Why is it, on what principle of right is it, that you can lay a tax upon the mass of the consuming classes of this country of from five hundred to eight hundred millions of dollars, in order to support the privileged classes engaged in manufactures?

It is said, however, by our friends on the other side, and they argue their case with great power and great ingenuity—for power never failed in all the history of the past to have the means by which its intrenchments may be made strong and its fortresses and bulwarks well-nigh impregnable—our friends on the other side say "Oh, it is true that at present you do pay more for the goods you buy than you would if you bought them abroad. But remember fifty years ago you had to pay a great deal more for these goods than you have to pay for them now, and you ought to be content with that."

Why should I be content with that? Is the whole advance of civilization, by which the production of the world has so greatly increased that all the comforts of life are almost, or ought to be, within the grasp of the poorest man in the land—are these great benefits to be denied to me and to you for the purpose of enhancing the profits of the producer of the article at home? Am I not entitled to the advantage which this generation has inherited of cheap prices for all of these articles of necessity and comfort?

"But," they say, "it is pretty hard on you now, but hold still and in the 'sweet by and by' it will come easier, and a high tariff will

reduce the prices of these articles after a while. You ought to be content to pay heavily for them to-day in order that twenty years hence you will pay much less for them on account of the protective system."

Now, let us see about that. I will not go into the details. They say: "Why, you complain of Bessemer steel rails being so high. Look at it; ten years ago they were $150 a ton, and now they are down to $60 a ton. Do you not see of what advantage the protective tariff has been? If it had not been for the protective tarift Bessemer steel rails would be very high yet."

Now, has your protective tariff reduced the price of Bessemer steel rails? It is like the fly on the wheel of the carriage that thinks he is turning it around. Sir, your tariff has nothing to do with it. If it had, then what has lessened the price of the article in Europe? It is true that Bessemer steel rails have gone down all over the world. Is it due to your tariff?

And, gentlemen, if it is due to your tariff, will you tell me why it cannot do something else? Why does it not reduce the price of iron rails? Eh? What is the reason? Here I have a table giving the price of iron rails. In 1850 they were $47 a ton; in 1860, $48 a ton; in 1882 they were $49.25 a ton. Why does not your protective tariff operate a cure in that case?

Look at pig-iron prices: In 1844, $25.75 per ton; in 1850, $20.87 per ton; in 1860, $22.75 per ton; in 1880, $28.50. Take bar-iron: In 1850, $59.54 per ton; in 1860, $58.75, and in 1880, $60.38.

Do you not see your specific is not a panacea in any case but in Bessemer steel rails? And I will now show you it had nothing to do with the fall of prices in that case.

One cause is that machinery is ever taking the place of the man. In 1850 in manufactures wages was 23 per cent. of product; in 1860, 20 per cent.; in 1870, only 13 per cent. The percentage of labor in Bessemer steel rails is only 9 per cent.

Mr. Robinson, in an address at Sheffield, in 1879, (quoted in a note to Mr. Levi's British Commerce, 533,) shows how the inventions of Mushet, Krupp, Bessemer, Siemens, and Whitworth have revolutionized the production of steel and cheapened it in all branches everywhere.

Twenty-five years ago cast-steel tyre cost 120 shillings per hundredweight; now 18 to 25 shillings. Forged-steel cranked axles when first introduced cost £15 per hundredweight; now, £3 5*s.*, &c.

In 1851 Great Britain produced 51,000 tons of steel. In 1878 Bessemer steel product alone was 800,000 tons, showing how largely the capacity of production has increased under the cheaper processes which inventive genius has introduced

This promise of what protection is going to do for low prices is an old one. You will find that the little infant, "mewling and puking in the nurse's arms," is still as greedy, and demands as much of the milk of its mother, protection, as it did forty years ago. When will it gain its majority? It was born from the genius of the accomplished statesman of Kentucky (Mr. Clay) in 1816. At the age of 66, I suppose it has attained its second childhood, for it certainly cannot stand alone even now.

Mr. SPRINGER. And the father is already dead?

Mr. TUCKER. Yes, all the family, its mothers, and sisters, and uncles, and aunts. [Laughter.] But I am told, "Oh, what you say may be all true; but you do not understand that all this burden is what the country has to pay for general prosperity. Free trade will ruin any country, it will ruin ours; protection will benefit every country and will make ours more prosperous."

Let me consider these propositions on principle, and then in the light of facts and experience.

Mr. Chairman, wealth is the child of labor and nature. The brain, the brawn, the bone constitute that trinity of human powers at the call of whose almost superhuman voice dead nature leaps into life for the service of man. It is when labor weds itself to the objects of nature that there spring into being these agencies and these products for the use, the comfort, and the tastes of man which bless and ennoble the human race. Labor is the great wealth-producer.

Its creative power is such that labor will in not more than four years create values equal to all the accreted values of the world. Let labor cease and consumption would strip the earth of all its accumulations and leave nature childless of a product for man's use.

If this be so, it follows that wealth increases—

1. By increased productiveness of labor.
2. By economy in saving its products.

Let labor stop work or consume all it makes, and the wealth of the world would not increase.

The question of economy does not come into the plan of this discussion, except to say that true civil-service reform in our day must take hold of taxation and expenditure and patronage, all effectual agencies to defeat true reform. If taxation is oppressive and partial, if revenues are excessive, thus tempting to large expenditure, and if extravagance is tolerated, these breed corruption, misrule, and despotism. Let taxation, which is a drain on individual wealth and thus a check on aggregated wealth, be limited to what is needed for an economical administration of the Government, and take no more from the means of the many than the Government needs for its public uses, and nothing from any man to lavish as bounty on another.

I turn back to the increase of productiveness of labor and its efficient direction as the great source of national wealth. How can labor be most efficiently directed?

My first proposition is this: each man's interest is a better guide to the efficiency of his labor than government; because—

First. His interest and his intentness and exclusiveness of thought in respect to it make him, if intelligent, a surer judge than a stranger.

Second. Government must know less of his affairs than he does, and may have adverse interests to his own to subserve.

Third. Social life is too intricate in its character, its relations are too infinite, and the laws of its action too subtle for human intervention. God rules it by laws as fixed, but as inappreciable and unmanageable by man, as the winds, the tides, the air, the light, the heat, the electric currents which thrill through the material world.

Take another view: the sum of human products is the fund from which all human labor is paid for the supply of human wants. Profits and wages, in their largest sense, are drawn from this common fund for each and all. The larger this common fund, the less restricted by interfering action its accumulation; the more free labor is left to select its field of operation, the more just and equal will be the distribution of the fund, and the larger to each individual man.

Thus the interest of all is at one with the interest of each, and all and each suffers by the idleness or by the misdirected energy and labor of any one bee in the hive of society. All must consume, and all therefore should labor most efficiently in order to increase to the largest degree the fund for consumption. *Non omnia possumus omnes.* Each must select the field he is best fitted for in order to the largest product. Hence division of labor is a wealth producer. And social progress is in each man's work being exchangeable for every other's, thus each becoming a multiple of the efficiency of all by attending to his own work and bartering its results for those of another man.

Let me use some illustrations used by me on a former occasion. There was an old idea among the economists that in all exchanges one man must be the loser and the other must be the gainer. I believe in the civilized world that is now an exploded doctrine, and commerce, in its honest conduct, is regarded as productive of benefit to each nation engaged in it. In most exchanges each man is benefited.

The question in all these cases is the biblical question, "Wherefore should we spend our money for that which is not bread and our labor for that which satisfieth not?" Why should we put our labor and energies into employments that do not yield profit, that do not pay? Why should we do this and then require those who are making profits by their employments to contribute to our support in a profitless enterprise? It is in this assignment of each man to that occupation which he can do best and with least labor that the triumph of the great principle of the division of labor in the increase of wealth of all and of each is to be realized in these modern times.

Take another illustration: a bootmaker can make a pair of boots in a day, and a tailor can make a coat in a day; but it would take the bootmaker two days to make a coat, and he would botch it at that; and it would take the tailor two days to make a pair of boots. Do you not see each gains a day of labor by confining himself to his own business and exchanging his product for that of the other? For each thus by two days' labor gets both boots and coat, when each would take three days' labor if he made both for himself. Both make a profit, therefore; the one by sticking to his last, and the other by sticking to his needle.

I hold that each man is fitted for his special mission by Providence; there is something each can better do than another; and each locality and each nation has its special productive capacity and its distinct and peculiar forms of industrial development. The tropics are fitted for the growth of cotton, sugar, &c.; the northern climes for the cereals. Commerce, by exchange of these various products, gives to each people all the blessings which God has given to every other people for the use of mankind. It is in this interchange between man and man that each enjoys the profit of every other's industry; and thus each is enriched by the possession of useful commodities, the productions of every country and every climate, and all are made better morally, intellectually, and physically. Each draws to himself the special good which others have, by transferring what he has to others in exchange; and thus each member of the race, as each member of the body, by mutual dependence and exchange gets all that others have, as if they had been originally his own.

It is in the free commerce of thought that each mind is made larger and stronger. Neither mind loses, both gain by the exchange. And so it is in the interchange of commodities that each nation is made richer and greater. No nation loses, both gain by mutual exchanges. England cannot grow cotton, except in a hot-house. Under the exclusive and protective policy of England, in order to supply herself with cotton, would be told to raise it in hot-houses! What folly! She makes more raw cotton by making cotton manufactures and buying cotton with them—ten times, a hundred times more—than she possibly could if she were to attempt to raise cotton. In the same way we make more cotton manufactures by exchanging our cereals, which we make cheapest and best here, than we could by building up through artificial means manufactories of cotton in this country. If these manufactures can be made here by natural means, and not

by the hot-house policy of high tariffs, it is a healthful and good result. I have no objection to this, but only to the forced process, against nature, by which it is proposed to bring it about.

But if gentlemen still insist that it is better for the consumer and the producer to be close to each other, I ask are they not so in this wonderful age? Look the world over. Steam, the telegraph, the telephone, the phonograph, that gives its significant prophecy of our solemn account in its perpetuation of every idle word that we may speak—all these great improvements indicate, and especially to us in America, that we must stretch out our hands to embrace the whole human race in the arms of our commerce, trade, and industry; and this miserable fallacy (if gentlemen will permit me to use the expression without any disrespect) which constricts within its fatal folds the limbs of this infant Hercules, that tells us we can and should live within ourselves, produce only for ourselves, and hug our self-interests to our hearts, steeling them against the sympathies of universal intercourse, would dwarf the genius of America, stifle all its noblest aspirations, and defeat its destined mission of blessed influence upon the progress of human civilization.

What, then, is true national policy? I answer, as the aggregate wealth of a people is the sum of the wealth of its individual members, it must increase with the profitable employment of each member. Let each put his energy and labor to what will do most good at least cost, that is, will be most valuable with least expenditure of energy, labor, and capital; for profit is equal to price of product minus cost, (which includes capital and labor.) It is obvious if the cost is greater than the price of product, profit will be a minus quantity, or a loss; if the cost is equal to the price, profit will be zero; and it is only when the price of the product is greater than the cost in capital and labor that there is any profit.

Now, is it not obvious that to expend energy, labor, and capital on what produces no profit is wasted by the individual and is a loss to the aggregate national wealth? If each and all put out their effort upon profitable occupations they get rich, and the nation too. If any, instead of doing so, engage in profitless occupations, such get poor, and the national wealth suffers decrease, for they are not only not working-bees in the social hive but drones, consuming what others have secured.

Nobody doubts of this law when applied to any particular nation or to the individual man. The man who would insist on making all he consumes in order to keep his money at home would be justly denounced as a fool, and would starve for his pains. Hence the man must not only be free to work but free to trade and barter, to exchange his products for those of others, to buy and sell, to sell where he can sell for most and buy where he can get most for his own labor product. The value of property is in its possession and in the power to dispose of it. To retain the power to hold without the right of disposition is to emasculate the right of property; and manhood labor is assailed in its most precious and divinely vested right when the freedom to buy and sell is denied, as well as when his freedom to take and hold the product of his labor. Property is the equivalent of the brain and muscle expended in its creation. It is an intensely personal right, because it is the fruit of individual energy and skill. It is the right to acquire by personal energy, to hold by absolute title, and to dispose of freely and without the hinderance of man or of government. To deny this is to deny the liberty of the individual man. This is free trade, as a branch, an indispensable branch, of that liberty of life, of self-use, for self-development, for the well-being and for the honor of the man and progress and civilization of the race, and for the glory of that God who gave to every man his life and his freedom.

Exchange thus is the necessary adjunct to the efficiency of labor in production, whether it be between men or nations. If each was compelled to keep all he made, it would ruin him and reduce social and international life to stagnation. Its value to the participants in it is based on the soundest though most simple philosophy. Each can get most for his labor by doing what he can best and with least labor do, and exchanging his product with others for what they can best and with least labor do. Each thus gets most for his labor, each thus gains most wealth; and so society will have a larger aggregate wealth and a grander development.

As a corollary from this proposition I deduce this: that exchanges, personal and international, are the best *indicia* of the measure of wealth, because in fair exchanges each party is benefited, both are enriched, and neither is worsted. Exports show an excess of what each nation can best and most cheaply do, (that is, with least labor,) and hence exports and imports are the marks of increasing wealth, because they spring from the exchange of that which is least valuable to each for that which is most valuable. It is thus that commerce has enriched all nations engaged in it and that the wealth of a nation is marked by the progress of its foreign trade.

If these views be correct, how in the name of common sense can any gentleman maintain that free trade, which is the liberty of a man to produce with his brain and his brawn and his bone whatever he chooses, and to hold his earnings against everybody and every power on earth, except for the legitimate purposes of government—so to hold it with the right to dispose of it and exchange it as he pleases—how is it possible that such a system as this can impoverish any man or any nation? And how is it possible that the contrary system, which misdirects the man in the use of his energy, which restrains him in the disposition and exchange of the products of his labor, can be otherwise than like the Chinese shoe of restriction, which actually destroys the very thing it was intended to protect?

My distinguished friend, the chairman of the Committee on Ways and Means, [Mr. KELLEY,] has used an expression, I believe he quoted it from John Stuart Mill, that free trade is a science based on assumptions.

Mr. KELLEY. That "political economy is a science based on assumptions."

Mr. TUCKER. Well, my friend would say that the free-trade theory is one of the branches of political economy that is based on assumptions.

Mr. KELLEY. My recent article was written to show that.

Mr. TUCKER. So I understand. My friend has the exclusive credit for that article and for all the articles that he produces in that direction; and the world, while it may differ with him, will always thank him for the industry and zeal with which he has advocated a cause in which he believes.

Mr. KELLEY. I would remark to the gentleman that the article is not copyrighted; if he wants to distribute it in the Lynchburgh district it is free to him. [Laughter.]

Mr. TUCKER. I will tell my friend that in this matter there is a question of exchange and reciprocity; I will give him my speech to distribute in his district. [Laughter.]

Mr. KELLEY. And I will be obliged to the gentleman from Virginia, because I intend to buy a good many copies for distribution. You will make a better argument for my district than I can.

Mr. TUCKER. I will be glad to hand it over to your people.

I come now to the evidences afforded by experience. Let us see what is the effect of this free trade and this protective policy, as shown by the census reports for 1850, 1860, 1870, and 1880.

In 1850 there is an estimated true value but no returns of assessed values of total wealth. The assessed value would be less. In 1860 and 1870 there are returns of estimated true values and of assessed values. Let me compare them. In 1880 only the assessed values are returned:

1850:

Estimated true value	$7,135,986,732
No assessed value.	

1860:

Estimated true value	16,159,619,068
Assessed value	12,084,500,000

1870:

Estimated true value	30,068,513,517
Assessed value	14,178,986,732

1880:

No estimated true value.	
Assessed value	16,902,755,893

During the decade from 1850 to 1860 the tariff rates were thus: from 1850 to 1856, on all articles paying duty an average of 24 per cent.; on all articles dutiable and free an average of 20.4 per cent. From 1857 to 1860 the average duty on all dutiable articles was 19 per cent.; on all dutiable and free 13.8. This was, therefore, a decade of low tariff—of a tariff for revenue only. And yet wealth increased 126 per cent. on estimated values, and it would have been no less on assessed values had that for 1850 been given. Did free trade ruin the country?

During the decade from 1860 to 1870 there was, from 1861 to 1865, an average duty on all articles dutiable 37.5, and on all dutiable and free 29.3. From 1866 to 1870 average duty on dutiable articles was 45.41 per cent., and in all 36.57 per cent. This was a tariff with nearly double duties. It was high tariff, protective almost to prohibition on many articles. Wealth increased on estimated values 87 per cent. only, and on assessed values only 16 per cent. Did protection make wealth grow and the country prosper?

From 1870 to 1880, after the waste of war, the average duty was, from 1870 to 1872, from 1873 to 1877, and from 1877 to 1880, respectively, as follows: On all dutiable articles 45.41 per cent., 41.50 per cent., and 43.64 per cent., and on all dutiable and free 36.57 per cent., 28.48 per cent., and 29.57 per cent. And yet wealth increased only 20 per cent. Did high protection prosper the country and make its wealth increase?

These three decades tell the story. Wealth and prosperity leaped forward in splendid progress during what gentlemen call the free-trade decade, from 1850 to 1860, and was checked from 1860 to 1880 under protection. In the one decade of free trade the aggregate increase was greater than in the two decades of high protection. Let the facts guide the verdict of the people.

But gentlemen will ask, how was it as to manufactures and agriculture? I will answer. From 1850 to 1860 (the revenue-tariff period, or, as the gentlemen please to call it, the free-trade era, and during the last three years under a great reduction of tariff duties) the capital in manufactures increased from $533,245,351 to $1,009,855,715, or 90 per cent; the products of manufactures increased from $1,019,106,616 to $1,885,861,676, or 86 per cent.; the profits from $227,227,330, or 42 per cent. on capital invested, to $475,377,618, or 47 per cent. on capital. Did free trade destroy manufactures and ruin them?

But gentlemen will ask, how as to the special manufactures? I answer: The pig-iron product increased from 1830 to 1840 (when the tariff on pig-iron fell from $14 per ton to $11.20) 90 per cent.; from 1840 to 1850 (when the duty fell from $11.20 to 30 per cent. ad valorem) the product increased 79 per cent.; from 1850 to 1860 (when it fell to 24 per cent.) the product increased over 50 per cent.

From 1850 to 1860 capital in pig-iron increased nearly 50 per cent.; product over 50 per cent. In bar, sheet, and railroad iron capital increased over 45 per cent., products over 100 per cent., and profits rose from 18 per cent. on capital to 30 per cent. Steel products increased from $172,080 in 1850 to $1,778,240 in 1860, or tenfold. Did free trade ruin iron and steel manufacturers?

Take cotton goods:

In the same decade capital increased 29.6 per cent.; products nearly 80 per cent., and profits rose from 13½ per cent. to 45 per cent.

Take woolen and worsted goods:

In the same decade capital increased 18 per cent., products 41 per cent., and profits rose from 43 per cent. to nearly 50 per cent.

In view of these facts I again ask, did free trade ruin our manufacturing industries?

Now let me turn to agriculture:

During the same decade the value of farms increased over 100 per cent., product of wheat 73 per cent., Indian corn over 40 per cent., cotton nearly 120 per cent., tobacco over 100 per cent., and live stock 100 per cent; farming implements 63 per cent.

I call special attention to the fact that these two great industries seem to advance hand in hand and with equal step under a tariff for revenue only Population increased about 33 per cent., and agriculture and manufactures increased in a larger ratio; the country advanced in wealth, and all its industries were healthful and prosperous.

But gentlemen will say under the protective system manufactures advanced more rapidly. I shall take account of that, and call special attention to it, because while manufactures, under the system of bounties they received, greatly advanced, agriculture, which paid them, fell back in the equal progress it had shown in the previous decade.

Comparing the decade from 1850 to 1860 with that from 1860 to 1870 as to general results tor manufactures and agriculture, and calling, for brevity, the one free trade and the other protection, I present this result:

Capital in manufactures increased during free trade 90 per cent., during protection 110 per cent.; products of manufactories increased during free trade 86 per cent., during protection 125 per cent.; profits of manufactories increased during free trade 47 per cent., during protection 90 per cent.

This was a bloated prosperity. But whence derived?

Comparing the progress of agriculture during the same periods, we find: values of farms increased during free trade over 100 per cent., during protection 40 per cent.; wheat increased during free trade 73 per cent., during protection 60 per cent.; Indian corn increased during free trade over 40 per cent., decreased during protection 9 per cent.; cotton increased during free trade nearly 120 per cent., during protection decreased over 40 per cent.; tobacco increased during free trade over 100 per cent., during protection decreased over 60 per cent.; live stock increased during free trade 100 per cent., during protection increased over 40 per cent.; farming implements increased during free trade 63 per cent., during protection increased over 36 per cent.; wool increased during free trade 15 per cent., during protection increased over 66 per cent.

This appalling difference between the growth of manufactures and agriculture in the two decades tells the sad story (even allowing for the wastes of war, which devastated the agricultural South more than the North) that under free trade both were prosperous and neither preyed upon the other; but that protection meant license to the bounty receivers to plunder and leaving defenseless and unprotected the bounty payers to the enormous exactions of the privileged classes.

These facts establish that free trade does not retard but helps manufactures in a healthful development, making its growth steady and natural, while protection increases that growth to abnormal proportions, acquired by feeding upon, and thus impoverishing, all the other great industries of the country. The facts prove that free trade did not destroy but promoted the growth of manufactures, and, by forbidding their plunder of other industries, benefited each and all, and gave to our country an era of peace, plenty, and prosperity.

But I take another basis of comparison. I have shown that exports and imports of a country are the *indicia* of its progress in wealth, because based on the production cheaply (that is, with less expenditure of labor relatively than can be done in the country to which exports go) of certain products which, as exports, are exchanged for what others produce more cheaply than we can do, and come to us as imports. This cheapness of product depends on the relative plenty and accessibility of natural resources, (a better phrase than raw material,) the efficiency and supply of labor, and the other conditions which make production easy, and on the costs of transportation from the point of production or supply to that of consumption or demand.

We have, for example, cheap land, easy and cheap culture, though dear labor. England and Europe have dear land, expensive and difficult culture, though cheaper labor. We make bread and cotton, &c., cheaper than Europe can. The ratio of product to cost is much larger here than there.

In manufactures we have dear capital and dear labor. Europe has cheap capital and cheap labor. The ratio of product to cost is larger there than here.

These are just the conditions of a fair exchange, which is not only no robbery by either, but a profit to both. Free trade invites it; protection forbids it.

The more of it the better for the nation achieving the result. It is all the time bartering things cheap to it for things dear to it, and that means profit. The nation which insists on production at heavy cost, when it can get the product at less cost, is bound to remain poor comparatively, as the man who does it is on the high road to the poor-house.

Now, what has been the result of free trade and protection on the export and import trade of the United States.

I give a table of exports and imports during various periods, with the average duty on dutiable articles, and average duty on all, and see when the free list was increased over $100,000,000, (which was partial free trade,) in August, 1872, how the average duty on all articles fell and trade leaped forward. No better barometer of progress can be used than this table, looking to the population of each period:

	Average duty—		Exports.	Imports.	Total.	Average population.
	On all.	On dutiable.				
	Per cent.	*Per cent.*				
1822 to 1832	39.1	32.2	$56,697,347 00	$62,669,841 00	$119,367,188 00	11,000,000
1833 to 1842	21	15.5	96,782,810 00	114,399,434 00	211,182,244 00	15,000,000
1843 to 1846	32.4	25.2	94,737,657 00	91,851,044 00	186,588,701 00	19,000,000
1847 to 1856	24	20.4	196,497,454 00	202,195,714 00	398,693,168 00	23,000,000
1857 to 1860	19	13.8	335,456,750 00	340,436,954 00	675,893,704 00	28,000,000
1861 to 1865	37.5	29.3	225,384,319 00	251,290,155 00	476,674,474 00	33,000,000
1866 to 1872	45.41	36.57	408,412,288 00	450,244,269 00	858,656,557 00	37,000,000
1873 to 1877	41.50	28.88	586,392,328 00	576,036,626 00	*1,166,428,954 00	43,000,000
1877 to 1881	43.64	29.57	785,830,302 00	538,963,390 35	1,324,793,692 35	48,000,000

*Increase nearly all free goods.

Of course the great fall in trade during the war and its revival after it and the extraordinary demand for breadstuffs since 1878 will be taken to modify the results presented by this table, but it shows in any two consecutive periods the point on which I am insisting very impressively, that the more free the trade, the larger and the more restricted, the smaller the sum of exports and imports.

Now, let me illustrate the effects of these systems by Great Britain. If free trade ruins and protection advances, this will afford evidences of it. In 1846 Great Britain abandoned the protective policy, and in 1849-'50 entered on the policy of free trade, not by abrogating her tariff, but by laying it for revenue. Her corn laws were repealed; her navigation laws were annulled; she entered the world's lists as a carrier, and invited all to her own. Did ruin follow? I do not mean to maintain that all that has followed is the beneficent result of free trade. I deny your proposition that free trade ruins a country because Great Britain has flourished under it. My argument neednot insist that free trade is the cause of her prosperity, but only that it does not bring ruin.

I start with coal, the light giver on the march of national progress. If this is the test, as the gentleman from Iowa [Mr. KASSON] says, how is it with Great Britain? One hundred years ago the product was 6,000,000 tons. In 1878 she made 133,000,000, and exported coal valued at £7,330,000. The United States produce and consume about 70,000,000 tons. Great Britain makes over 6,000,000 tons of pig-iron, (fourfold the product of the United States,) valued at $12.50 per ton. Comparing 1828 with 1878, she exports four times as many cotton goods, fifteen times more of iron and steel—$90,000,000 in 1878—three times more of woolens, &c. The total foreign trade of the United Kingdom was £172,132,716 in 1840; £268,210,145 in 1850, just after free trade started. It rose in 1860 to £375,052,224; to £547,-

337,000 in 1870; and to £697,644,030 in 1880, or nearly three and a half billions of dollars. This doubles our foreign trade. Great Britain has 34,000,000 of people; we have 50,000,000. In 1849, before the repeal of her navigation laws, her tonnage was 3,096,342; in 1861, 4,359,695; in 1871, 5,761,608; in 1880, 6,344,577. She has doubled her tonnage under thirty years of free navigation laws.

Look at the United States.

From 1850 to 1860, the free-trade era, their tonnage advanced from 2,562,084 to 5,539,813 tons. Under the protective policy, it fell to 1,517,000 in 1875, and still to 1,353,000 in 1880.

France has only advanced from 688,000 tons in 1851 to 932,000 in 1880.

Does free trade destroy shipping? Does protection advance it? If so, why does free-trade England outstrip protective France and the United States?

Population has increased in the United Kingdom from 27,523,694 in 1850, to 34,788,814 in 1881, over 25 per cent. Yet pauperism has declined 11 per cent., crime nearly one-third, and school attendance has advanced from 271,126 to 3,155,534. Wealth has increased from £3,800,000,000 in 1843, to £8,500,000,000 in 1875, or 125 per cent., while population has increased only 28 per cent.

And how has free trade affected the laboring classes? I will only speak of its general effects, relatively between Great Britain and countries on the continent of Europe.

The following table will show how much better labor is paid in free-trade England than in Germany and France where the protective policy prevails:

Statement showing the weekly rates of wages in the several countries, compiled from the consular reports.

Occupations.	Belgium.	Denmark.	France.	Germany.	Italy.	England.
Agricultural laborers:						
Men, without board or lodging	.....	.....	$3 15	$2 87	$3 50	$3 60
Men, with board and lodging	.....	.....	1 36	1 48	1 80	2 60
Women, without board or lodging	.....	.....	10	1 08	1 55	1 80
Women, with board and lodging	.....	.....	.....	75	60	1 15
House-building trades:						
Bricklayers	$6 00	.....	4 00	3 60	3 45	8 12
Carpenters and joiners	5 40	$4 25	5 42	4 00	4 18	8 25
Gas-fitters	5 40	.....	.....	3 65	3 95	7 25
Masons	6 00	4 45	5 00	4 30	4 00	8 16
Painters	4 20	4 15	4 90	3 92	4 60	7 25
Plasterers	5 40	.....	.....	3 80	4 35	8 10
Plumbers	6 00	.....	5 50	3 60	3 90	7 75
Slaters	.....	.....	.....	4 00	3 90	7 90
General trades:						
Bakers	4 40	4 25	5 55	3 50	3 90	6 50
Blacksmiths	4 40	3 90	5 45	3 55	3 94	8 12
Book-binders	.....	3 72	4 85	3 82	3 90	7 83
Brass-founders	.....	4 20	.....	3 20	5 49	7 40
Butchers	4 50	4 50	5 42	3 85	4 20	7 23
Cabinet-makers	4 80	.....	6 00	3 97	4 95	7 70
Coopers	.....	4 10	7 00	3 30	4 35	7 30
Coppersmiths	.....	3 85	.....	3 30	3 90	7 40
Cutlers	.....	3 85	4 63	4 00	3 90	8 00
Engravers	.....	.....	.....	4 00	4 00	9 72
Horseshoers	.....	3 85	5 40	3 25	3 50	7 20
Millwrights	.....	4 00	.....	3 30	4 95	7 50

But not only is labor better paid in Great Britain than on the continent of Europe, but its bread and meat, its sugar and rice, its blankets and flannels, and other clothing; its iron and steel, its glass and pottery, are untaxed. The following table shows how increased is the annual average consumption, per capita, by the people, under free trade:

Articles.	1840.	1850.	1860.	1870.	1878.
Bacon ..... pounds.	.01	1.41	1.27	1.98	12.60
Butter ..... pounds.	1.05	1.30	3.26	4.15	5.82
Cheese ..... pounds.	.92	1.38	2.24	3.67	.....
Corn, wheat, &c ..... pounds.	42.47	81.76	118.86	124.39	.....
Sugar ..... pounds.	15.20	24.79	33.11	41.93	48.56
Tea ..... pounds.	1.22	1.86	2.67	3.81	4.66
Tobacco ..... pounds.	.86	1.00	1.22	1.34	1.45
Rice ..... pounds.	.90	.....	.....	.....	7.50

John Bright, one of the great men of England and of this age, in a recent speech before workingmen in England, spoke as follows; and this testimony is very strong, because reliable. He was comparing wages in 1840 with present wages in Great Britain, before and since free trade, and in a country where population has increased and is crowded beyond anything we know of in this country:

There, according to his statement, was an actual doubling of the wages of the laborers in Lord Beaconsfield's own county of Buckingham. Perhaps some of you may recollect a letter which was published almost immediately after Lord Beaconsfield's death, which he wrote to a gentleman who had sent him a book about the condition of the population in the southwestern counties of England, and Lord Beaconsfield said he thought he underrated the improvement in the condition of the farm laborers; that according to his opinion the rise in the wages of the farm laborers had been at least 40 per cent.; that is 10*s.* of wages per week had risen to 14*s.* per week. I believe, indeed, that in many parts of the country the wages of farm laborers, taking into account the hours which they work and all particulars, are doubled since the free-trade policy was established. [Hear! Hear!] Now, take the other class of men. I walked down from the Reform Club through the park to the House of Commons one day in the past summer, three or four months ago, and a man—an intelligent, respectable-looking workingman—joined me and addressed me by name. I asked him how he knew me. He knew me because, he said, "I have been a good deal in Birmingham, and have attended your meetings there, and so I know you very well." [Laughter and cheers.] I talked to him a little about his business. He said he was then getting 7*s.* 6*d.* a day as a bricksetter, and, he added, "formerly I used to work for 4*s.* a day." There is a jump. From 4*s.* to 7*s.* 6*d.* is a considerable leap.

ADVANCE OF WAGES IN THE COTTON TRADE.

Now, I should like to tell you of something that has happened nearer home, for I suspect there are many persons in this meeting who have not the least idea of the actual increase of wages that has taken place among the factory operatives in this neighborhood during the last forty years. I was looking the other day at one of our wages books for 1840 and 1841. I will tell you what I found in it and what I find in our wages book now. The figures are taken over an average of two months at that time and over an average of two months now, and therefore are a fair statement of what happened then and what happens to-day. Many persons here know, of course, all about the interior of a cotton factory, and therefore I shall speak as if we were in a mill and looking over the different people at work. I find that in 1839 the throstle piercers—I need not explain who they are—were receiving 8*s.* a week, and they were working twelve hours a day. I find that now the same class of hands are receiving 15*s.* a week at ten hours a day. If they worked for twelve hours, and were paid at the same rate, it would be 16*s.* a week, or exactly double what they received in 1839, 1840, and 1841. [Cheers.] The young women who worked at the drawing frames at that time had 7*s.* 6*d.* a week; they have now 15*s.*, and that is without reckoning the fact that they are working two hours a day less. The rovers and slubbers got 8*s.* a week then, and they are getting 14*s.* a week now. The doffers, [laughter,] are considered a class whose wits are a little too sharp—[laughter]—and are sometimes not very manageable. They used to have 5*s.* 6*d.* a week, and they now have 9*s.* 6*d.* The warpers in those days, as far as my recollection serves me—I am speaking of our own business—were all women. They earned on the average of the two months 17*s.* 6*d.* a week. The warpers now are all men, and they have earned in the two months an average of 35*s.* 6*d.* a week. [Cheers.] Well at that time we had a very clever man as blacksmith, whom I used to like to see strike the sparks off; his wages were 22*s.* a week. Well, our blacksmith now has wages of 34*s.* a week, and that only for factory time, which is ten hours, whereas the man of 22*s.* a week worked the then factory time, which was twelve hours. Now, you see the enormous change to the people in these factories. They have two hours leisure which they had not before, and their wages are nearly double.

* * * * * * *

I think it is impossible to account for this extraordinary improvement in the wages of agricultural laborers, of bricksetters and carpenters, and all your factory operatives, and all your mechanics, upon any other theory than this, that the new policy with regard to trade, which has made your trade fourfold, has been the cause which has made this stupendous and unimagined improvement in the condition of the people. [Cheers.]

And after speaking of the increase of population, he adds this piquant sentence:

And yet, with all that increase of population, you have had the demand for labor more steady, employment better paid, the time of labor shorter. The man must be absolutely blind, or worse than blind, who cannot see and will not acknowledge that the great mass of the people, in physical condition, are enormously better off than they were forty years ago.

Mr. Leone Levi, to whose works I am indebted for much of the statistical matter already given in his History of British Commerce, (1880,) pages 506, 507, sustains the testimony of John Bright by detailed statement of wages paid to laborers.

Without going into a tabular statement, I will say that in agriculture wages have since 1862 increased fully 25 per cent.; to seamen, from 30 to 40 per cent.; in building trades, from 1853 to this time, from 60 to 80 per cent.; in cotton manufactories, an average of over 50 per cent.

Does free trade ruin England? Does it starve labor? Does it give it pauper wages? It has prospered England. It has fed and clothed and educated her poor. It has increased the wages of the laborer, and cheapened everything he buys with them. Great Britain is a noble monumental evidence that the policy of free trade does not ruin but advances all classes and the whole society in wealth and prosperity.

Mr. MILLS. The incomes of the poor deposited in savings-banks have increased.

Mr. TUCKER. Yes; that is an additional proof that the laboring classes of England are prospering under her free-trade policy, and not wretched because they are not protected by a tariff.

If I am still asked by gentlemen for the experience of the world in reference to free trade, I answer further: I challenge your attention on this point. Look at the American Union. What is the law of this American Union of free States? Free trade between all the members composing it. Is there any man here who will advocate a system of custom-houses between the States of this Union? Why not? If protection is a benefit, if it enriches each commonwealth that establishes it, why not establish it among the States in order to their growth in wealth? Is the Union a failure? Is it a blunder? Does it fail because of its original intent to break down custom-houses and establish free trade between the States?

Here is another dilemma for gentlemen who support the protective principle: either the Union is a failure, or free trade is a blessing and protection a curse. Am I to be told that so long as Canada is not a part of the United States she is enriched by having a protective policy, and so are we by our protective policy as against her products; and if we should happen to annex Canada to the American Union it would be a curse to both, because necessarily protection would then end and free trade would begin? There is a dilemma on which you must decide, and you can take again either horn of it.

Is there a man who believes such a thing? But you will say this is a question between nationalities; we are different people, with

different interests. But I put to you a politico-economic question, and ask, if the United States and Canada should be brought under one form of government would not both be benefited by free trade? If they would not be benefited by free trade, then why longer permit it between the States already in the Union? And yet my learned friends upon the other side, and the honorable gentleman from Pennsylvania, the chairman of the Committee on Ways and Means, who will close this debate, will insist that this argument has no bearing because of the different interests of the two countries. But I speak of this as a politico-economical question, and our friends argue that, irrespective of international relations, the protective policy enriches, and free trade ruins a country. But how can this be if the States of this Union are prosperous by reason of free trade? And if free trade is ruinous to each and protection would prosper all, then is the Union a curse and not a blessing. But would not Canada and the United States both be benefited by her admission into the Union? If so, both would be blessed by abandoning protection and adopting free trade. How, then, can the argument of the gentleman be sound, or otherwise than a fatal fallacy?

So much for facts and experience, as well as sound philosophy, as to the two lines of policy. I have thus far been on the defensive in part; I now assume the aggressive. I arraign this existing tariff because it taxes not only classes for the benefit of manufacturers but it taxes the many for the benefit of the few. In 1870, of all engaged in industries—12,505,923—there were: agriculturists about 48 per cent.; professions, trade and transportation proper, about 30 per cent.; and manufacturers and miners about 22 per cent. Eliminating from the latter those clearly not protected, (as the blacksmiths, the carpenters, butchers, plasterers, tailors, bakers, &c., all of whom pay duties on their tools of trade, as well as on all they use,) and there was not more than 1,500,000 within the privileged classes protected. That is about 12 per cent. of all. The percentage is no greater now; and yet to uphold the business and enhance the profits and wages of twelve men in a hundred the eighty-eight are to pay tribute. Is not this taxing the many for the few?

Again, I charge that this tariff is a tax on one section for the benefit of another—on all the States for the advantage of a few States. It enriches the favored States at the expense of all. There are burden-bearing States and bounty-receiving States. It is not only a tax on one class for the benefit of another, but on many States for the advantage of a few.

In 1870, of all the products of manufactures Pennsylvania produced one-sixth and had 20 per cent. of all the capital invested. Pennsylvania, New York, New Jersey, Rhode Island, Massachusetts, and Connecticut, six States, had two-thirds of the whole capital.

In 1880, of all capital in iron and steel industries Pennsylvania has 46 per cent. Five States have 75 per cent. of all. In Bessemer steel five States have 96¼ per cent., of which Pennsylvania has nearly 50 per cent.

In the iron and steel trade the annexed table shows the distribution between the grand divisions of the country in the census year 1880:

Grand divisions.	No. of establishments.	Capital invested.	Hands employed.	Wages paid.	Net tons produced.	Value of all products.
Eastern States	556	$149,507,461	82,842	$34,361,660	4,671,808	$192,696,010
Southern States	218	29,145,830	20,595	6,261,344	649,153	25,353,251
Western States and Territories	224	50,755,990	36,663	14,542,587	1,912,689	76,933,686
Pacific States and Territories	7	1,562,603	878	311,194	31,490	1,574,738
Total United States.	1,005	230,971,884	140,978	55,476,785	7,265,140	296,557,685

If this system transfers bounties from the mass to privileged classes, and these last are congregated in a few States, wealth will not only flow in a steady torrent from all sections to the favored one, but from all classes to those of privilege, who are fed with the bounties the mass are forced by law to pay.

But this is not all. This present tariff taxes the poor at a heavier ratio than the rich, by taxing luxuries more lightly than necessaries, and lays a higher duty on the cheaper goods bought by the poor than on the higher goods bought by the rich.

Diamonds pay 10 per cent., or 25 per cent. if set in gold; blankets pay 70 to 100 per cent.—the highest-priced ones 70 per cent., a low-priced one 98 per cent.; balmorals, 66 per cent. if high-priced, 85 per cent. if low-priced; flannels worth not over 40 cents a pound pay 95 per cent., if over 80 cents, 61 per cent.; hosiery not over 80 cents, 89 per cent., over that 55 per cent.; hats not over 80 cents, 96 per cent., over 80 cents, 58 per cent.; shirts, drawers, &c., under 80 cents, 100 per cent., over, 67 per cent. So as to cottons and carpets and other woolen goods. Chains, trace, halter, and fence, 51 to 58 per cent.; a finer species, 35 per cent.

Plows and all farming and mechanic tools of steel are 45 per cent. By the specific duties on brandy and spirits, all at $2 per gallon, the poorer spirits pay the same tax as the expensive brandy. Thus brandy pays only 85 per cent. while spirits from grain pay 322 per cent. and wines and champagne only 44 to 49 per cent. The same rule prevails as to cigars.

So in the internal-revenue system. The cigars which cost $250 per thousand pay no more than those worth $50. The poor in this way, if the process was applied to horses, would pay as much on a $50 cart-horse as Mr. Lorillard would pay on the $20,000 racer.

Is it not obvious that this is not only unjust, but tends to make the rich richer and the poor poorer?

And this is the natural effect of specific duties. The ad valorem where it can be adopted, and so as to avoid frauds in the revenue, is most fair, because it proportions tax to ability, and to the value of the thing taxed.

I cannot go fully into the injurious effect which the tariff has on the agricultural people, as they are the chief export producers. They furnish 82 per cent. of all our exports. These must be directly or indirectly paid for by imports.

Who is our best customer? Who buys most of our breadstuffs, cotton, meat, and even manufactures exported? Great Britain, out of $883,915,947 of total exports, took $481,135,078. We took of her only $174,493,738. She took of us in excess of what we took of her $306,641,340.

On the other hand, with countries on these twin continents of North and South America and the West Indies, including Cuba, Hayti, &c., we reverse the case. Our excess of imports over our exports is $120,000,000. With China, Japan, and the East Indies the balance against us is over $50,000,000.

Now, see how it is with Great Britain. In 1880 she had a balance in her favor with South America, including West Indies, of $35,000,000. We exported to these, our neighbors, only $54,358,789, while Great Britain exported $123,761,060, or more than double our exports.

It is obvious that we pay South America our balance by drafts on England, and she pays them by sending her goods to South America.

What can be done to improve our trade with South America, to enable us to pay our balance to her with our exports without drawing on England? Why can England sell cottons to Brazil and other American countries to the extent of $15,440,470, while we only sell $3,415,455?

Manufacturers must look to the foreign markets, especially on this American continent; must cease to live only on the home markets, and prepare to enter the foreign lists for their real triumph. Why should we not succeed? We have cotton grown at the door of the factory; iron, coal, and other materials in abundance and accessible; we have the most efficient labor, and what cramps us? Duties on raw materials, duties on the supplies for labor, duties on machinery, duties on tools and implements of trade, mechanic arts, and agriculture, duties on ship-building, restraints on ship-buying, heavy freights, which the consul at Nassau says makes American iron goods cost nearly as much for carriage as British, which are four times as far away.

Strike off the fetters which constrain and cramp industrial enterprise; open our products to cheap freights; make production less costly by removing tax on materials and the instruments of production, and we will rapidly, by devoting our energies to what we are best fitted for, realize a growing trade in manufactures, which will increase our wealth, diversify healthily our industries, and be a blessing to all and an oppressive burden on none.

One thing is certain: for a long period our great exports must be of food and the raw material for clothing. Great Britain takes more than 50 per cent. of our exports. She took of food in 1880 over $150,000,000. This will increase with removal of restrictions. The great agricultural interest cannot allow our best market to be closed by closing our ports to the products of England. By opening our market to her we open her market to us.

Thus it is that free trade must help the growers of cotton and the cereals the products of the beef and the pork and of other farm products. Agriculture finds her market for $784,755,413 of her products abroad, of which she gets $481,135,078 into Great Britain and Ireland. Close our ports by prohibitory tariffs, and nearly a billion of products would rot on the farms of America. If so, is it not clear that to the extent you restrict our foreign market you cramp the farming producer, and to the extent you expand it you benefit him.

What answer can be made to this array of facts and reason against the protective policy?

The agriculturist is told, "We give you a home market." It is said we consume more of agricultural products than we export. This is true as to breadstuffs; not as to cotton. The mills of Great Britain consumed an average for the years 1877, 1878, 1879 of 1,220,000,000 pounds; our mills only 724,800,000 in 1880. It is not what we consume, but what we cannot consume. The real question is, can we consume all agriculture can produce? Clearly not. The excess of agricultural production over home consumption is increasing, and is bound to increase more and more. If shut out from foreign markets our wheat and corn will be valueless, and may be used for fuel, as they will be useless for food.

The economic law is this: When a country produces anything in excess of its consumption, its price will depend on and be regulated by foreign demand, and the home buyer will pay no more than, but must pay as much as, the foreign market offers.

This is a full answer to the home-market argument. The farmer's price for all his crop depends on foreign demand for his surplus, and not on the home consumption.

And this answers that other taunt, that wheat and corn, &c. are protected by the tariff. Protection never helps an article made in excess of home consumption and which must in large part be for export; for no matter what the duty on such an article, the price will never be offered in the home market beyond what the home buyer knows the home producer must take for his excess from the foreign buyer.

But the great and bold argument against free trade is that we need to protect our capital and labor, which are dear, from the products of foreign capital and labor, which are cheap. And then the corollary is jumped at that otherwise our labor would fall to the rates of the pauper labor of other lands.

The corollary does not follow from the main proposition. I address myself to the manufacturer.

You wish protection for your product against the competing foreign product. Why? Because to make it you have to pay high wages, and you need to be compensated for having to do so. The danger is therefore not to the wage man, but to you. If you do not pay the laborer what he can get elsewhere he will go elsewhere and leave you. To keep him you must give him what the market price of labor requires. And if you pay high wages and get a price for your product only equal to the cost of the low-wage product from abroad you will get back in your price only the pauper wage, when you have paid the laborer the high wage. Thus you are crying for help for yourself, and not for the laborer.

There is no danger of pauper wages here. It is because no man will take them, that capital which has to pay the high wages demands a bounty to enable him, after paying for labor at the high rate of wages, to get a profit besides on his investment. Protection is to help him to make profit, though compelled to pay high wages. The laborer is above the need of protection by Government; he is protected by natural causes, which are independent of all tariff or free-trade policies. What are these? The price of labor depends on two things:

First. Its supply.

Second. The demand for it, which includes the opportunity of the laborer for better results by independent operations if not employed as a subordinate laborer by capital.

The first is greatly in his favor. We have plenty of elbow-room; the supply is limited compared with the glutted labor markets of the Old World; capital cannot grind labor down to a low wage by its crowded demand for employment.

The second is the great lever of labor in our country. The demand is active for new employment constantly opening in this infinitely fruitful land for the development of great industrial enterprises.

But the chief thing is the opportunity to better himself, which the laborer has by making his independent *strike* for a home in the new Territories. The strike for wages in Europe or Asia is the outburst of despair; in America it is the bold demand of hope and faith in the future which beckons him to the West and South. Labor in the Old World knows it must starve or work at the wages which capital offers; in the New World it knows it need not starve while the heaven-blessed West offers food, and shelter, and raiment in abundance to him who will reach out his hand to receive them.

If, therefore, capital will not give the high wages an American laborer demands, he can refuse to work, and go West or South, and command the wages which he has demanded and which was refused. Labor, if every factory in the land were closed, would therefore still be employed at high wages. Its wages do not depend on the factories. The prairies of the welcoming West, the lands of the sunny South, will give him ample wages. He need not demand at this Capitol full wages; he can always command them, unless under a false system he has been led to spend his labor for that which satisfieth not.

That there is no danger of pauper wages for American labor is evident from the stream of emigration from Europe. It is the demand for laborers by employers; it is, above all, the opportunity which laborers have for large returns in our virgin lands, which stretch from ocean to ocean and from the lakes to the Gulf.

But there is a double aspect of this wage question:

First. What wages can a man get for his labor?

Second. How much can a man get with his wages?

No matter how much wages he gets for his labor, if the things he buys with his wages are taxed 50 to 100 per cent. the result is delusive. It is this double aspect which gives rise to these proper questions: What wage does he get, and what is its purchasing power? In other words, how much, not of money, but how much of the necessaries and comforts of life will he get in barter for his day's work? The amount of money is nothing to the question; how much with the money, as a medium between his work and the needs of life, can he get of the comforts of life? If you tax the things he buys, you might as well tax the wage he receives or decrease it to the amount of the tax.

But there is one other element which must be looked at: How many hours of work do you call a day? Pay men by the hour; do not pay by the day of ten or twelve hours' work, and then say you pay more than in Great Britain where the day may be only nine hours' work.

But there is another element: comparing two workmen, what is the efficiency of their respective labor? Does one do more in a given time than the other? Do you pay by the time, the hours employed, or according to the work done? For example, an American, it is claimed, can do 50 per cent. more than an English laborer. If you only pay 50 per cent. more wages than in Great Britain your wages are no higher than theirs for the actual work done. In 1850 each hand in the iron industry produced $640 of the total production; in 1860, $1,310; in 1870, $2,672; in 1880, $2,103. Yet wages were not paid in the increasing ratio of the product per hand.

But there is a deeper question still. I must content myself with suggesting the line of thought, rather than attempt to develop it.

In all industries capital and labor are partners. What share of the product is each entitled to? Taking material from gross product, what part of the difference, which is the value created by the partners, should labor have? what should capital have?

In Bessemer steel product $10,000 of capital gets as much as fourteen men. That is, each man is valued as the equivalent of $710!

Is that your valuation of a white freeman or of a freed African? A slave was valued at double that amount.

Take another view. Capital is the saved wages of labor—labor of brain or brawn.

A manufacturer can hire $1,000 for $60 per year. Why should that $1,000 hired for $60 get more than a man out of the jointly earned product?

Again, capital at 6 per cent. doubles in sixteen years, or at compound interest in eleven.

Labor, (in which I comprise brain labor as well as that of muscle and nerve,) produces in four years the totality of wealth now existing; that is, labor doubles all accreted capital in four years at farthest. This is shown by the estimate of total wealth in 1870 as $30,000,000,000, and estimated annual product as $7,000,000,000, or one-quarter of total wealth.

If capital doubles itself in sixteen or at least in eleven and labor doubles it in four years, why should capital get more of profits out of products than labor does of wages?

Capital invested in all iron and steel is $230,971,384; the product is $296,557,685. That is, capital has more than doubled in a year. It is true this included raw materials, which may have been confused with the capital fund. The owners of the capital are few. The hands employed were 140,978. Capital gets in profits $49,809,750 and labor in wages $55,476,785, or $393 per hand. A man gets as much as $1,900 of capital; in Bessemer works, only as much as $710, as I have shown.

Is this the fair dividend for labor? Is the wage man equivalent to $1,900? or more or less?

An agricultural laborer in England gets on the average $4.30 per week, or $223.60 per year, with cottage and garden; in all, say $260 per year. Say his living would be $100. Then his net earning would be $160 per year. Take him at twenty-four years of age, and his chances of life by De Moivre's tables will be thirty years. The present value of an annuity of $160 for thirty years at even 3 per cent. would be, say $2,500. That is the present capitalized value of the English laborer. Now an American laborer ought to be worth $3,000 at the least. Now when the man is yoked to capital and is worth $3,000, we would have in the case now in hand the capitalized labor of 140,000 laborers to be $420,000,000 as against $230,000,000 of capital invested in the iron and steel business. That is to say, the input of labor is nearly double that of capital. The fund of product, less material, is about $105,000,000, of which capital gets forty-nine millions and labor fifty-five millions, whereas the fair dividend would seem to be about thirty-seven millions for capital and sixty-eight millions for labor. Capital gets twelve millions more and labor twelve millions less than the fair dividend.

I do not assert that this view is precisely accurate or may not be open to some objections. It seems to me, however, that it is a problem of great interest whether brain and brawn and bone get a fair dividend with capital in the partnership products of their united enterprises.

I am satisfied labor is at a disadvantage in its bargains with capital; and how seldom it is that human nature stands the test of integrity when men meet to bargain on matters of interest on unequal terms.

Capital can live for a time without employment. It is saved wages. Labor cannot live a day without work. Idle capital may manage to survive with food, raiment, and shelter; but idle labor suffers from want. With this vantage ground capital dictates wages to labor and labor submits until, hungry and naked and homeless, it strikes in desperation. In crowded Europe it strikes in vain. In America it strikes for bread and raiment and shelter—in the new territory which Providence has given to us for the comfort of the poor and as an asylum for the oppressed.

I come now to discuss concisely the concrete and practical question, What wages does labor get in our protected industries? Let protection show its triumphs in enhancing the wages of labor.

Take the iron and steel, the most prosperous of all. In the blast-furnaces the average wages for skilled labor is $1.90; for unskilled, $1.17, for a day of twelve hours; that is 15⅝ cents per hour for the

one and 9¾ cents for the other. Taking the whole of these iron and steel industries and the result is as follows: average wages for skilled labor, $2.59; for unskilled, $1.24, for a day of 10⅝ hours; that is 24 cents per hour for the one and 11½ cents for the other.

The highest daily wages for skilled labor is $4 per day, the lowest, $1.35; for unskilled the highest $2, the lowest 54 cents. The highest wages are usually paid in the far and new West, where the opportunity for better remuneration raises wages, which shows that wages everywhere in America are regulated by the opportunity our new Territories offer to ill-paid labor.

Looking to the effect of free trade and tariff on wages, I take the plan which my able friend from Kentucky [Mr. CARLISLE] has done of tabulating the wages in currency, gold, and in purchasing power, according to the careful tables of the Director of the Mint, Mr. Burchard, one of the most accurate and able of American statisticians.

We have not yet full returns of annual wages of labor for 1880 in all of the industries, but we have in cottons, woolens, and iron. In cotton the annual wages average $242.89; in woolens, $293; in iron and steel, $397.51. Combining these, and we get the average for 1880—$277.

It is fair also to say that the low average of wages in purchasing power in 1870 was due to our debased currency, and the greater purchasing power in 1880 was due largely to the return to the better currency based on specie. The result is as follows:

Year.	Currency.	Gold.	Purchasing power.
1850	$244 83	$244 83	$244 83
1860	287 00	287 00	255 32
1870	358 12	306 55	230 83
1880	277 00	277 00	272 91

It will be thus seen that wages advanced in the free-trade decade 17 per cent. in gold, but only 4 per cent. in purchasing power. In the protective decade, from 1860 to 1870, wages advanced in gold about 6 per cent., but declined 10 per cent. in purchasing power. In the last decade wages fell 10 per cent. in gold, but increased 18 per cent. in purchasing power.

Comparing 1860 and 1880 wages declined 4 per cent. in gold value, though in purchasing power they advanced about 6 or 7 per cent.

These results show that the barometer which regulates wages is not in the factories; not due so much to tariff or free trade, but to those more general causes which enable labor here to demand and command better wages than in foreign countries.

But let us compare the wages of labor here and in England, and in other European countries.

I have already shown that English wages are much higher than those paid in France or Germany. Free-trade England pays better wages than protection does in France or Germany. And I have shown that under free trade in Great Britain wages have increased from 50 to 100 per cent., and that in the United States the increase in thirty years has been very small.

In comparing wages in Great Britain and the United States the gentleman from Massachusetts [Mr. RUSSELL] and a Senator from Maine [Mr. FRYE] have taken the wages in New York, which are highest, instead of those paid in New York and Chicago, as their basis of comparison. I shall take Liverpool and London for Great Britain, and Chicago and New York for the United States, and give the hours of work. Our laborers work, as will be seen, full one-ninth more time than in Great Britain, and are entitled to more wages per day than there.

Weekly wages.

Occupations.	New York.		Chicago.	
	Wages.	Time.	Wages.	Time.
		Hours.		*Hours.*
Carpenters	$9 00 to $12 00	59	$7 50 to $12 00	60
Bricklayers	12 00 to 15 00	59	6 00 to 10 50	60
Masons	12 00 to 18 00	59	12 00 to 15 00	60
Painters	10 00 to 16 00	58	6 00 to 12 00	60
Bakers	5 00 to 8 00	86	8 00 to 12 00	60

Occupations.	Liverpool.		London.	
	Wages.	Time.	Wages.	Time.
		Hours.		*Hours.*
Carpenters	$9 00	54	$7 30 to $9 72	54
Bricklayers	10 00	55	7 30 to 9 72	54
Masons	$8 60 to 9 00	47 to 49	8 46 to 10 96	54
Painters	9 50	54	.....	.....
Bakers	.....	.....	*4 38 to 7 30	.....

*A part board.

It will be seen that the difference of wages paid in the two countries is very small.

Agricultural skilled laborers get in Bradford, England, $5 to $6.25 per week, or say $200 to $375 per year; and common laborers, $3.75 to $4.50 per week, or $195 to $234 per year, with a cottage and lot.

Some laborers get higher wages in Staffordshire; an ordinary laborer gets $340 per year without his board.

In Sheffield an ordinary laborer in farming gets from $4.14 to $4.86, or say an average per year of $230, with cottage and garden.

Comparing the wages of factory operatives in America as already given, $277, with agricultural wages in Great Britain, and the difference is very inconsiderable.

Another mode of comparison may be adopted:

I have already shown that in iron and steel industries (which give the highest wages paid in any manufacturing industry) skilled labor gets 24 cents per hour, and unskilled 11½ cents. In blast furnaces the former gets 15⅝ cents per hour, and the latter 9¾ cents. In Pennsylvania, the great iron and steel State, skilled labor gets only 13 cents per hour, and unskilled less than 9 cents.

Now, in the Report on Labor in Europe for 1878, page 235, I find engine-drivers on railways get 10 to 15 cents per hour, and there are car-drivers and conductors in Washington who get $2 per day of sixteen hours, or 12½ cents per hour.

These facts show that the so-called pauper wages of Great Britain are nearly, in some cases fully, as high as the wages of the American laborer under the protective policy.

But in cotton manufactures, I have more precise means of comparison. In the Consular Report of October, 1881, issued by the State Department, the conclusion is stated in regard to the comparative efficiency of British and American labor in these words, page 91:

It thus appears that each American operative works up as much raw material as two British operatives, turns out nearly one dollar and fifty cents' worth of manufactures to the British operative's one dollar's worth, and even in piece goods, where the superior quality and weight of the American goods are so marked, the American operative turned out 2.75 yards to 2.50 yards by the British operative.

This being so, the wages of the American laborer ought to be higher in the ratio of the greater amount of work done by him than by the British operative.

But is this so? I append the statement of this same report, pages 98 and 99:

Owing to the different arrangements of the English and American tables of wages, it is difficult to give comparative analysis thereof which would show at a glance the difference in the wages of the operatives of both countries.

The wages of spinners and weavers in Lancashire and in Massachusetts, according to the foregoing statements, were as follows, per week:

Spinners: English, $7.20 to $8.40, (master spinners running as high as $12;) American, $7.07 to $10.30.

Weavers: English, $3.84 to $8.64, subject at the date on which these rates were given to a reduction of 10 per cent.; American $4.82 to $8.73.

The average wages of employés in the Massachusetts mills is as follows, according to the official returns: Men, $8.30; women, $5.62; male children, $3.11; female children, $3.08. According to Consul Shaw's report the average wages of the men employed in the Lancashire mills on the 1st of January, 1880, was about $8 per week, subject to a reduction of 10 per cent.; women, from $3.40 to $4.30 subject to a reduction of 10 per cent.

The hours of labor in the Lancashire mills are 56; in the Massachusetts mills, 60 per week. The hours of labor in the mills in the other New England States, where the wages are generally less than in Massachusetts, are usually 66 to 69 per week.

Undoubtedly the inequalities in the wages of English and American operatives are more than equalized by the greater efficiency of the latter and their longer hours of labor. If this should prove to be a fact in practice, as it seems to be proven from official statistics, it would be a very important element in the establishment of our ability to compete with England for our share of the cotton-goods trade of the world.

In the two prime factors which may be said to form the basis of the cotton manufacturing industry, namely, raw material and labor, we hold the advantage over England in the first, and stand upon an equality with her in the second.

Having the raw material at our doors, it follows that we should be able to convert it into manufactures, all things else being equal, with more economy and facility than can be done by England, which imports our cotton and then manufactures it in her mills. The expense of handling, transportation, and commission must be an important item in this regard as compared with our turning in the fiber from the cotton-fields to our mills and shipping it in the advanced form of manufactured goods. Add to this the secondary fact that it costs us no more to handle and manufacture the same than it costs in England, and we stand on an undoubted equality thus far in the race of competition.

In Massachusetts men get $8.30 for sixty hours' work, or 14 cents per hour. Women get $5.62 for sixty hours' work, or 9.3 cents per hour. Boys get $3.11 for sixty hours' work, or 5.2 cents per hour. Girls get $3.08 for sixty hours' work, or 5.1 cents per hour. In Lancashire, England, men get $8, subject to 10 per cent. reduction, for fifty-six hours, or say $7.20, or 13 cents per hour. Women get, say, $3.85, subject to 10 per cent. reduction, or 6.1 cents per hour.

I have shown that our laborer is more efficient. On this point I quote Mr. Nelson, the intelligent correspondent of the Philadelphia Press, in his letter from Atlanta on the 26th of last November:

I have already shown in a former communication that a British operative will run over eighty-four spindles, while the American operative runs about sixty; and that this makes an enormous difference in the wage account in favor of the British mill-owner. The difference between New England and the South is vastly greater. The average New England operative runs sixty-eight spindles, and the average Southern operative runs thirty-four spindles.

This state of facts does away in a large measure with the wage question. The New England mills can afford to pay very much larger wages to operatives who can do so much more work.

Our French consul says an American laborer can in nine hours do as much as a French laborer in eleven or twelve hours. Our Ger-

man consul at Leipsic says our laborer will do two or three times as much as the German laborer.

In "Labor in Europe," page 36, already quoted, Mr. Secretary Evarts says:

> 9. That the average American workman performs from one and a half to twice as much work as the average European workman. This is so important a point in connection with our ability to compete with the cheap manufactures of Europe, and it seems on first thought so strange, that I will trouble you with somewhat lengthy quotations from the reports in support thereof.

These official data show, taking the efficiency (that is, the amount of work done by the laborer) and the time occupied in work, that the wages of labor in Great Britain and America differ very little—certainly not over 25 per cent., and some of the statements show not at all.

I have not, in the previous discussion, insisted that the better condition of labor in Great Britain was due to free trade, or the reverse elsewhere to protection. But looking to the results of the diverse policies in Great Britain and in the United States, I think I am warranted in holding that these policies and these results stand in the relation of cause and effect.

I have already argued that as wages are paid out of the aggregate fund of products, as labor is more efficiently directed under free trade than by the protective policy, wages will naturally tend to rise under the former and be depressed by the latter.

In thirty years the population of Great Britain has increased 28 per cent.; its wealth 125 per cent. This shows her growth in productiveness has quadrupled her growth in population. Is it wonderful her wages have advanced from 60 to 100 per cent.? In the same period the United States have increased in population 117 per cent.; in wealth not over 200 per cent. This disproportion in the increase of wealth and population, as compared with Great Britain, is followed by an increase of wages of less than 12 per cent.

Free trade has stimulated wealth and wages in Great Britain. Protection has retarded both in the United States.

I now advance to the examination of another question. What duty on our manufactures will compensate our manufacturers for the difference in the prices of labor? What duty will so enhance the price of our domestic product as to enable the employer to give his operative full American wages and compete with the foreign product?

Take pig-iron. Pig-iron product by the census returns for 1880 was 3,781,021 tons. I have taken the wages, capital, various materials, &c., and dividing each by the number of tons have ascertained the amount of each entering as a factor into the price of a ton of pig-iron. The average cost per ton is $19.

Of this labor is $3.10, or 16 per cent.; ore is $8.38; coal and coke is $6.03; fluxing material is 67 cents; all others 42 cents; making $19. Allowing that the American manufacturer pays 50 per cent. more for labor, the amount to be allowed to compensate for that would be $1.14; 20 per cent. more for ore would make $1.46; for bituminous coal, 4 cents; for flux, anthracite, and charcoal, (no duty;) for coke, 43 cents; allowing 3 per cent. more of interest and 2 per cent. more of taxes on capital, $105,151,176, $1.40; total, $4.37.

Thus $4.37 would be a full compensatory duty. The duty is now $7. Five dollars would more than compensate for every difference due to difference of cost of labor and capital and for the duty on our raw materials. A like calculation on Bessemer steel rails will show $14 per ton is a compensatory duty. The present duty is $28. The duty on all other iron and steel products can be shown to be largely in excess of what is compensatory.

My friend from Kentucky [Mr. CARLISLE] has been called to account for his statement as to bar-iron; but I have made a calculation, in which I have included the labor in every raw material used, as stated in the census returns, and I find it differs slightly from his own. My estimates are very liberal, and I find the cost of all labor in the raw materials used and in the production of rolled iron, including bar-iron of commerce, is $23.49.

The duty on bar-iron is $33.60, or more than ten dollars in excess of all wages paid in the manufacture; and if we suppose we pay 50 per cent. more for labor than abroad, then we do pay about $8 more than the British manufacturer for all the labor entering as a factor into the perfected bar-iron product. Eight dollars duty would compensate for that difference, and yet this duty is $33.60, or $25.60 more than labor needs for its protection—which excess goes into the pockets of the capitalist as his share of the bounty exacted from the consumers. And I may as well add that in these computations I have allowed for difference of cost of iron-ore due to the duty of 20 per cent. ad valorem; and yet I find the ore used by our manufacturers costs on the average $4.57 per ton, and the Iron and Steel Association report the average cost of ore to the British manufacturer as $5.25; so our ore is the cheaper of the two.

Without going into details I will add, as the result of like calculations, that a compensatory duty on woolens would be 34 per cent., yet the duty on woolens ranges from 70 to 100 per cent., and that includes blankets, flannels, knit goods, carpets, &c.

A full compensatory duty on cotton goods would be 16 per cent.; 20 to 25 per cent. would be ample.

If, then, the duties imposed by this tariff are so far beyond what the cry for protection to labor demands, the question now arises, to whom does this great excess of duty inure? Who gets it? Labor does not, for the compensatory duty I have stated makes up for all enhanced cost of raw materials on which duties are paid, for all the difference between foreign and American labor, and for all difference in interest on capital or alleged difference of taxation, and my friend from Kentucky [Mr. CARLISLE] has shown we pay less taxes really here than in England. Who then gets the benefit of this large excess of duty? I answer, the capitalist engaged in manufactures.

What are the profits? If we deduct from the value of the product the wages paid and the cost of raw material, the remainder is profit.

Mr. Swank, the secretary of the Iron and Steel Association, was employed by the Census Bureau to report the facts. He did so. The results are before me. I predict, however, that it will be found they are less favorable to my views than these facts would exhibit, for the following reason:

He estimates as capital invested all which is invested in works, which did not produce, because not in operation, as well as those which were in operation. It is obvious, therefore, that the profits which result from the returns on which I base my estimates will be a less percentage on all the capital, active and non-active, than if taken as the profits made by those actively at work. I enter this caveat. So that the results I shall so state are below the real percentage of profits, and cannot be in excess. Besides, the wages paid for repairs of plant must have been confused with those paid in production, for Virginia seems by the returns to have lost money in making pig-iron, when the fact was otherwise.

I find that in all the iron and steel works the profits realized were 21 per cent. on capital invested. In Bessemer steel the profits were nearly 67 per cent.; in woolens the profits were 34 per cent.; in cottons, 21 per cent. This shows us that while these excessive duties did not enhance wages of labor, they filled the swollen coffers of the monopolists who, under the guise of protecting American labor, wax fat with spoils filched by this protective policy from the mass of the people to satisfy the greedy demands of these privileged classes. But it is said these alleged profits are not net profits; that some of them go to restore the waste and wear of machinery and for the improvement and repair of the plant, &c. Suppose it does; it leaves a large margin for net profits. But where in your fund for wages is your margin for the repair of the wear and tear of the brain and brawn and bone of the worker in your factories? What restores the life of the laborer, worn out or lost in your service, to his widow and his children? What do you allow from your well-filled treasury to heal the distress which strikes in bold demand to-day for better recompense to the man and less to dead capital and driving machinery.

Mr. Chairman, I have shown that this tariff policy taxes the income of the workman at a rate which would appal the millionaire, whose income is free, by the burdens which labor bears; that it taxes luxury lightly and necessaries grievously; that it builds up a privileged order of wealth which menaces the equal rights of men in our society; that it takes at least a half billion of dollars annually as a tribute to the greed of 12 per cent. of our people from the unrecompensed 88 per cent. of toilers in other industries; that it creates in the Union two classes of States—one bearing burdens, the other feeding on bounties; that it obstructs access to the world's eager markets for the produce of our teeming soil; that, without benefit to labor's wages, it makes enormous profits to its favorites under the specious plea of a tender love for the workingman; and that it cripples the industries, impairs the wealth, and impedes the progress of the American Union. And does all this without warrant from the Constitution and in flagrant disregard of the rights, the sacred rights of liberty bequeathed from our fathers to the manhood of the people of the United States.

When we come and ask that this monstrous burden, which has been borne by our people for twenty years, shall be removed, or its chief enormities decreased we are met with a sturdy protest against disturbing the vested rights of privilege.

I would not strike down the system at once. I recognize the danger of change. Many of these investments have been induced by this vicious policy of the Government. This forbids the hand, which invited them, to destroy them at a blow. But moderate their excesses. Reduce the most flagrant and oppressive duties, especially those which burden the clothing, the shelter, and the food of the poor. Reduce by degrees, so as not to injure honest men who have gone into these employments, but limit and reduce their profits, and thus relieve the consumers. Look to revenue, for a reduction of duties, as I have shown, which are now prohibitory on many articles, will increase the revenue. They are beyond the maximum revenue point, and reduction of duty enlarges the revenue in such cases.

No man favors free trade in the sense of repealing all tariff laws. But let us turn back from a policy which makes our revenue system a pretext for bounties to favored classes, which makes protection the object and revenue the incident, and march honestly forward toward a tariff system which is laid with the design only of raising revenue, but will not avoid the protection which incidentally may arise from such a *bona fide* purpose.

I shall consume the remainder of my time by making some general observations upon the bill pending. There was a gentleman outside of this House, and the remark has been before quoted to the House, who laughingly said—he is a man of weight and power, and a lawyer—that this tariff-commission bill was an affidavit for a continuance. An affidavit for the continuance of a bad cause; a cause

in which the defendant dares not go to trial before the people. But what is the proposition here? It is that this House, charged by the Constitution with the origination of all bills for raising revenue, shall hand over to the President and to the Senate the absolute power of appointing a commission that shall gather together evidence as the basis upon which to frame a tariff bill, but which, after all, must be digested, considered, and first passed by this House.

The object of this commission is to take all the evidence in the case as it may be presented by the general interests of the country on either side, and report them to this House. Is this right? Can we do this justly to our constituents, justly to the country, and justly to the cause of truth? Gentlemen say that this bill is not intended for any delay, but the matter is given to a commission because this House and the Committee on Ways and Means cannot do the work. Why, sir, I do not know that I am telling secrets of the committee, and if I am, my friends will tell me, when I say that the McKinley bill——

Mr. MORRISON. It is published in the newspapers of the country.

Mr. TUCKER. Yes, sir, that the committee was ready to report the McKinley bill which did not reduce but increased the duties, and that it was determined to report it until this commission bill came up, and then the question arose, if you are going to vote a commission why bring in a bill for a partial revision of the tariff? Why, if that bill of my friend from Ohio [Mr. MCKINLEY] had been brought into the House the entire tariff question, as gentlemen upon the other side of the House know full well, would have been opened to debate in this Hall. We had a tariff bill ready then to report and the House was ready to consider it. It ought to have been brought in in some shape. This House can do the work now as well as next winter, or two years hence. If it cannot we should resign and let the people send representatives who can do it. The Committee on Ways and Means can do it now. My friends who disagree with me, and gentlemen upon our side of the question (except myself) are fully able now to revise this tariff and perfect a scheme that can be brought in and adopted. This scheme of the commission will have to be at last discussed and adopted or repudiated by this House. Why not, then, take it up now?

It is, as I have said, an affidavit for continuance. What ought we to do? Why, instead of voting to put the whole question into the hands of a commission, this House ought to march up boldly to its duty, and meet the issue squarely before the country. They ought to say to the Committee on Ways and Means, report a bill good or bad and let us consider it. Let us at least labor for the correction of the iniquities of a system which taxes the necessaries of life higher than it does the luxuries; which taxes the great agricultural and other industries of the country for the benefit of the manufacturers, and which necessarily checks our foreign exports, in which agriculture is deeply interested. But as I have said, I have no time now to discuss these questions specially. I only ask that the Committee on Ways and Means may give a careful consideration to this system, and bring in a bill of their own, so that in the end we may not only have a just system but one not marked by the inequalities and enormities which inhere in the present tariff policy, under which certain industries are being built up and fostered at the expense of the great body of the people of the country. [Applause.]

National-Bank Charters.

SPEECH

OF

HON. JOSEPH H. BURROWS,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, May 13, 1882,

On the bill to enable national banking associations to extend their corporate existence—

Mr. BURROWS, of Missouri, said:

Mr. SPEAKER: This amendment is so short, its purpose so apparent, that it is almost useless for me to occupy the time of this House in explanation or even to urge the necessity of its adoption. A uniform and stable currency is the bed-rock of prosperity and peace; without it all is in jeopardy and peril every hour. Every member upon this floor knows, and it has often been admitted here during this discussion, that there is no limit to the number of banks that may be organized or the amount of circulation, with the bare exception of the bonded debt, less the 10 per cent. retained in the Treasury. We know to our sorrow that there is nothing in the law as it now is to prevent banks from retiring their circulation and reducing the volume of money at will.

The gentleman from Pennsylvania [Mr. RANDALL] sought by his amendment to put in a preventive, an ounce of which is said to be better than a pound of cure. I do not now offer mine as the cure but as a penalty to a violated trust as well as a safeguard to a recurrence of an evil everywhere admitted in inflating and contracting, as the spasm may take them. I therefore offer the following amendment:

Add:

"SEC. 8. Whenever any banking association, organized under the provisions of this act, shall withdraw from circulation their circulating notes, or shall take up their bonds deposited with the Comptroller of the Currency by depositing Treasury notes or those of their own with a view of retiring the same, such association shall not again be permitted to increase the volume of its circulation for a period of twelve months next succeeding the date of such retirement."

If this section is adopted it will add largely to the stability and uniformity of our currency, and take from these corporations a power they have not only used but abused. I will reprint from my speech of April 11 some remarks upon this same topic:

A dangerous power? I call the attention of the House to the action of one single bank, as reported by United States Treasurer Gilfillan in the financial reports for 1880; and if one national bank may do this all may do so; and is there a man upon this floor wise enough to portray the evil which would result from such action if it were a united action by the 2,200 national banks? He says:

"In January and February, 1875, a certain bank retired its circulation from $308,490 to $45,000 by deposits of legal-tender notes. Between September 26, 1876, and May 26, 1877, and before that deposit was exhausted, it increased its circulation to $450,000. Between August 14 and September 10, 1877, it again reduced its circulation to $45,000. On September 19, 1877, nine days after completing the deposits for this reduction, it began to take out additional circulation, although $42,550 of prior deposits remained in the Treasury, and by the 26th of that month its circulation had again been increased to $450,000. July 22, 1872, its circulation had again been increased to $450,000. July 22, 1878, it for the third time reduced its circulation to $45,000, and in August and September, 1879, again increased it to $450,000, at which it now remains, the balance of its former legal-tender deposit then in the Treasury being $112,615. From January 13, 1875, to the date of this report, $778,275 of its notes have been redeemed, of which only $40,700 were redeemed at the expense of the bank, although during more than one-third of that period it had outstanding and was deriving the benefit from the full amount of circulation which its capital authorized. The only assessments which have been made on the bank for the expense of redeeming its notes were $24.14 in 1875, and $4.39 in 1878. At one time there were in actual circulation $852,550 of its notes, although the highest amount ever borne on its books was $450,000."

Is this a safe power to be lodged anywhere outside the people themselves, through their representative, the Congress of the United States?

I think not. A little more than one year ago the New York Tribune said in an editorial, and surely did not make so bold a threat without authority:

The national banks are so well organized that they can act at a moment's warning and can defy any act of Congress.

Is it indeed a fact, and shall we admit it here, that there is in this country a power higher than the Constitution and stronger than Congress and the people themselves? If so, then where is your boasted liberty and republican government? It would be but little less than a "hiss and a by-word," and Congress has become a mere "sounding brass and tinkling cymbal."

During the rage that took possession of Wall street during the discussion of the funding bill in the last days of the Forty-sixth Congress, as is very vividly remembered all over the country, when these same national bankers gnashed their teeth and threatened to bring death, destruction, and I had liked to say damnation, to the whole country, and made the Chief Executive very uneasy in his chair, until he had obeyed the behests of these autocrats, the people stood aghast at their own humiliation; the press (that was not subsidized) teemed with its denunciations of the attempt at "bulldozing." I will print with my remarks an editorial that appeared in the Globe-Democrat, the most influential Republican paper published west of the Mississippi River, and it was warmly indorsed by the country press throughout the West and South. I ask for it a careful perusal:

THE RECENT FLURRY.

The Wall-street tempest in the tea-pot is over. The stocks that on Friday were down so low that nobody would touch them were on Saturday so high that nobody could reach them. The excited bankers who went at express speed from the West to Washington, laden with greenbacks for the withdrawal of their circulation, now claim that they just wanted to see the inauguration; the more excited brokers who left Wall street for the White House to tell Hayes that he had to veto the refunding bill are drinking cocktails at Willard's with the air of men who are above getting excited about politics; the greenhorns who let go of their stocks under the apprehension that Jay Gould was going to break are remarking that Wall street is a queer place anyhow; the old sharps who always make their heaviest haul of fish in troubled waters are chuckling internally over the facility with which a storm can be conjured up; but outside of the little crowd who gamble in Wall street, no trace remained last night of what threatened twenty-four hours before to turn to a panic worse than that of 1873.

The country has gotten off with a bad scare only because the country was in good condition, its current values for all commodities being in nearly all cases legitimate, real, and reasonable values. But if an extension of credit, an enlargement of speculative investment, and an inflation of currency and prices had placed our transactions on an insecure basis, a much smaller contraction than the one so suddenly forced on us by a couple of dozen national banks might easily have knocked down a larger line of speculative values; a much smaller decline in stocks would have led to failures that might have sent bank after bank down like a row of bricks. Nothing of the kind happened, because the holders of stocks were solvent and their values were real values, and two days of unprecedented fluctuations in the stock market have gone by without a single failure in consequence thereof. Nothing could better establish the stability of our financial dealings, but it would not do in congratulating the country over its escape from a great disaster not to recall the circumstances which made disaster a possibility.

Congress was undoubtedly wrong in frightening weak and foolish bankers with the prospect that their bonds would be indefinitely locked up while they were chasing their own identical notes around the country. Congress is undoubtedly correct in its notion that the banks should not have the power of suddenly contracting the currency at will, and the flurry of last week is a proof that Congress is doing right in restricting this dangerous power. But Congress did the right

thing in the wrong way, and invited the very calamity it wished to avert when it took snap judgment on the banks with an unexpected amendment, and served notice on them that those who did not get out their bonds before the refunding bill was signed might have hard work in getting them out at all. This would have been an injudicious proceeding at any time; it was especially injudicious as an amendment to a bill which, by reducing the rate of interest on the bonds held as security, made it certain that some of the banks would desire to withdraw their circulation.

Congress was ill-advised, but the sin of Congress sinks into insignificance compared with the sin of those wild-cat bankers who, partly through the fear of a panic and partly through the hope of a panic, went to work to smash things generally. In the rush to deposit greenbacks and to withdraw bonds it is easy to distinguish two classes of national-bank presidents—the fools and the knaves. The fools were those who were so panic-stricken at the mere prospect of being obstructed in the retirement of their circulation that they did not stop to calculate the much greater loss they would suffer from any injury to the national credit. The knaves were those who deliberately helped to contract the currency to lighten the money market and to create a panic in order that they might go in after the battle, like camp-followers, to rifle and scalp the fallen.

It might be very hard to prove, but it is still harder not to suspect, that every New York national bank that went into such sudden retirement is managed by speculators in stocks, who helped the bear movement in the sub-treasury for the sake of profiting by the bear movement in the stock exchange. The sooner the United States Government severs its connection with such disreputable agents the better. The national credit and good faith are interests far too valuable in themselves and too far-reaching in their connections to be made the counters of desperate gamblers, who see nothing beyond the morrow's quotation of the stock-list. One such performance as that of last week has opened the eyes of the people to the real nature of the national banking interest and the motives which move it; and the complaints of the national banks against adverse legislation hereafter will meet with little sympathy, but will be taken rather as an evidence that they are getting just what they deserve.

Mr. Speaker, for the Government to pay interest on the bonds of its own indebtedness that lay in its Treasury and are virtually paid off, save 10 per cent., is bad; and for Government to give to those who are already rich 90 per cent. more, thus doubling their wealth, is worse; but to allow these same corporations or associations to increase or decrease the circulating medium is the worst of all, and is the most objectionable, if not the most dangerous, feature in the national banking system. It is a well-established principle in political economy, and one so oft repeated and but so recently proven in our own country, that as the stock of money increases prices advance, and as it decreases prices decline. This is as true of labor as of property. To this I challenge contradiction. Shall we, then, permit any man or body of men less than the Congress of the United States, who should but voice the will of the people, to put a price upon all labor and all property? I trust not. Let us, then, take out the sting from this serpent, the virus from the monster, by adopting this amendment.

National-Bank Charters.

SPEECH

OF

HON. IRA S. HASELTINE,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, May 13, 1882,

On the bill to enable national banking associations to extend their corporate existence.

Mr. HASELTINE said:

Mr. SPEAKER: I propose the following amendment:

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

"That all the interest-bearing indebtedness of the United States now due or optional with the Government, and all other interest-bearing indebtedness as it shall hereafter become due, shall be paid in lawful money of the United States.

"SEC. 2. That all money now in the Treasury, and all revenues of the United States Government not otherwise appropriated, shall be applied in payment of the interest-bearing debt.

"SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized and required to issue non-interest-bearing Treasury notes of the United States of the denominations of one, two, five, ten, twenty, fifty, and one hundred dollars, which shall be made lawful money and a legal tender at its face value for all taxes, revenues, and debts, public and private, within the United States, which may be necessary in addition to the aforesaid money and revenues to pay the said interest-bearing debt now due, and also the interest-bearing debt now optional with the Government, and all other interest-bearing debts as they shall respectively become due.

"That the Secretary of the Treasury is hereby authorized and required to issue Treasury notes made a full legal tender and lawful money in denominations convenient for currency, and in quantity equal to any contraction which may be caused by the withdrawal of national-bank notes.

"SEC. 4. That all acts and parts of acts in conflict herewith be, and the same are hereby, repealed."

Mr. Speaker, this amendment provides for paying into the circulation all money and revenues not otherwise appropriated, and issuing legal-tender currency to take the place of interest-bearing bonds now due, or optional with the Government, and also to take the place of national-bank currency. It provides against any contraction by the withdrawal of bank paper and saves to the people from $12,000,000 to $15,000,000 per annum. The adoption of this amendment would provide for the payment of the interest-bearing debt and supply the people with money which is preferred to gold.

Mr. Speaker, Hon. Peter Cooper, the great American philanthropist and political economist, who in moral and patriotic grandeur is second to no man of his time, in his late petition to Congress protests against the passage of the bill under consideration as reported by the committee, and presents the argument for a just and enlightened policy so clearly and forcibly that I deem it due to the cause and in the interest of good government and humanity to give his petition entire:

Petition of Peter Cooper to the honorable Senate and House of Representatives of the United States.

HONORED GENTLEMEN: Your petitioner, now in the ninety-second year of his age, respectfully prays that the present Congress may not adjourn until they have made the necessary and proper law requiring that all banking shall in future be carried on with United States Treasury notes, receivable for all forms of taxes, duties, and debts, both public and private, and that after the expiration of the charter of our present banks no paper money shall ever be allowed to circulate in this country in excess of the amount of the people's money actually found circulating as the currency at the close of the war. For every dollar of that currency the people had given value to the Government, and it should only be increased as per capita with the increase of the population after every census.

Your petitioner further prays the honorable Senators and Representatives to examine with care the following reasons that prompted him to offer this petition:

Impelled as I am by an irresistible desire to do all that is possible to call and fix the undivided attention of the Government on the appalling scenes of wretchedness and ruin that would inevitably follow the rechartering of the 2,200 banks deceitfully called national, I cannot help addressing you on this occasion once more.

Such an army of banks, all united in one common effort to secure for themselves the largest amount of interest on their small specie capital, would find it for their advantage to expand and contract the currency to attain their object.

Only a few weeks ago (March 30, 1882) Hon. RICHARD WARNER, member of Congress from Tennessee, proved in Congress that the banks, deceitfully styled national, have made out of the people the enormous sum of $1,848,930,000 within the last sixteen years, leaving the national debt at the present time nearly as large as it was at the close of our terrible war for the nation's life.

For one, I have the most fearful forebodings of the consequences that must grow out of a recharter of these grasping institutions, which are even litigating to be exempted from local taxes! The American people are beginning to realize that a national debt is not a blessing, as claimed by selfish monopolists, but a national curse, which a wise and parental government should dread as we would a pestilence.

I have lately learned that a secret organization has grown up in our country, which is known as the Knights of Labor, and that they already number 150,000, and are daily increasing from the strikes that extend over the States. They are under the guidance of able and talented leaders, who have the wisdom and courage to tell their working brothers what they must do to save themselves and their families from the enslavement of a national debt that enriches monopolists and non-producers. They caution them against strikes for higher wages, and advise them to continue work and use their money to buy for each organized company a Gatling gun, with one hundred and fifty rounds of ammunition, and three months' provisions for their families; then they may like honest and prudent men demand, obtain, and maintain their "inalienable right to life, liberty, and the pursuit of happiness," as mentioned in the Declaration of Independence.

Such a body of industrious men, with such leaders, will not allow idle tramps as members of their order. If our bankers would act wisely and prudently they would adopt the language of the late John Earl Williams, for many years the honored president of the Metropolitan Bank of New York, who said:

"I would suggest that Congress assume at once the inherent sovereign prerogative of a government and exercise it by furnishing all the inhabitants of the United States with a uniform national currency. Surely the people, and the people only, have a natural right to all the advantages, emoluments, or income that may inure from the issue of either $1,000 bonds with interest or $10 notes without, based on the faith and credit of the nation!

"This principle, simple, clear, and undeniable, ought to be recognized as fundamental and the only safe and proper basis on which may securely rest all the circulating medium of the country for the sole benefit of all the people, and not, as now, for the profit of a class of stockholders, however deserving they may be in all other respects.

"To carry into effect this principle—to substitute United States notes for bank notes—take away as soon as praticable and forever all circulation from banks.

"They would do a strictly legitimate business as banks of discount and deposit, knowing that whatever leads to the prosperity of the whole people must be beneficial to the banks; but leaving the right where it belongs, to the United States Government, to supply the whole circulating medium of the country.

"In this connection, we must remember that banks are the creatures of law The laws which created them may, by virtue of rights reserved, be amended, altered, or repealed.

"To those who are disposed to complain of the change as a hardship, one is tempted to ask what natural right a dozen stockholders have to receive notes from Government to circulate that any other dozen men do not possess?"

As this gentleman was an eminent banker, his opinion must have weight.

Some ideas and advice from the founders of this country and from patriotic financiers will not be out of place here and now:

Franklin says: "Paper money, well founded, has great advantages over gold and silver, being light and convenient for handling large sums, and not likely to have its volume reduced by demands for exportation. On the whole no method has hitherto been formed to establish a medium of trade equal in all its advantages to bills of credit, made a general legal tender."

Jefferson: "Treasury bills, bottomed on taxes, will take the place of so much gold or silver, which last, when crowded, will find an efflux into other countries, and thus keep the quantum or medium at its salutary level.

"Treasury notes bearing or notbearing interest, as the case may be, is the only fund on which the Government can rely for loans; it is the only resource that cannot fail them, and it is an abundant one for every necessary purpose."

In 1813 Jefferson declared: "Bank notes must be suppressed and the circulation restored to the nation, to whom it belongs."

Madison, in his message of December 3, 1816, said: "But for the interests of the community at large, as well as for the purpose of the Treasury, it is essential that the nation should possess a currency of equal value, credit, and use wherever it may circulate. The Constitution has intrusted Congress exclusively with the power of creating and regulating a currency of that description."

Jackson: "I submit to the wisdom of the Legislature, whether a national one, [currency,] founded upon the credit of the Government and its resources, might not be devised, which would obviate all constitutional difficulties and at the same time secure all advantages to the Government and the country, that were expected to result from the present bank."

Calhoun: "It appears to me, after bestowing the best reflection that I can give the subject, that no convertible paper—that is, no paper whose credit rests on the promise to pay coin—is suitable for a currency. No one can doubt but that the Government credit is better than that of any bank—more stable and more safe. * * * Bank paper is cheap to those who make it, but dear, very dear, to those

who use it. On the other hand the credit of the Government, while it would greatly facilitate its financial operations, would cost nothing or next to nothing, both to it and the people."

Webster: "When all our paper money is made payable in specie on demand it will prove the most certain means that can be used to fertilize the rich man's field by the sweat of the poor man's brow.

"The producing cause of all prosperity is labor! labor! labor! The Government was made to protect this industry and to give it both encouragement and security. To this very end, and with this precise object in view, power was given to Congress over the money of the country.

"He predicted that conditions which permitted the rapid accumulation of property in the hands of a few, remitting the masses to poverty, would soon destroy free institutions."

Benton: "The Government ought not to delegate this power if it could. It was too great a power to be trusted to any banking company whatever, or to any authority but to the highest and most responsible which was known to our form of government. The Government itself ceases to be independent, it ceases to be safe when the national currency is at the will of a company. The Government can undertake no great enterprise, neither of war nor peace, without the consent and co-operation of that company; it cannot count its revenues for six months ahead without referring to the action of that company, its friendship or its enmity, its concurrence or its opposition, and see how far that company will permit money to be scarce or to be plentiful, how far it will let the money system go on regularly or throw it into disorder, how far it will suit the interest or policy of that company to create a tempest or suffer a calm in the moneyed ocean. The people are not safe when such a company has such a power. The temptation is too great, the opportunity too easy to put up and put down prices, to make and to break fortunes, to bring the whole community upon its knees to the Neptune who preside over the flux and reflux of paper. All property is at their mercy."

F. E. Spinner, fifteen years United States Treasurer, during our late war said: "I had made up my mind that when I left the Treasury never again to meddle with or even think of politics, or of anything in any way connected therewith, and to seek that peace and quiet of mind and bodily rest that a man at the age of seventy-three, who has been so actively engaged, mind and body, for more than half a century, so much needs. But it now seems to be somewhat doubtful whether I will be able to carry out that resolve. * * * Educated as I was in the hard-money school, I have had hard work to unlearn what I was taught as being truism in political economy and to rid my mind from preconceived and, as I now believe, erroneous ideas.

"My experience in the Treasury has been to me a very practical school, and I must have been blind not to have seen the errors of the popular theories that have been so long accepted as settled truths by the various commercial people of the world. * * * I hope to live yet long enough to see Congress make a beginning in the right direction by passing an act authorizing the issue of a bond bearing a low rate of interest that can, at the will of the owner, be at any time convertible into a legal-tender Government note, and the note, in a like manner, convertible into such a bond. * * * Such a currency would at all times adjust itself to the exact business wants of the country, and therefore a commercial revulsion would be next to impossible.

"This once accomplished and working, as you and I believe it will work, for the benefit of the whole people, other important and beneficial reforms would soon follow. The Shylocks foresee all this, hence their fierce opposition."

This letter speaks volumes in favor of Treasury notes.

Senator JONES: "We cannot, we dare not, avoid speedy action on the subject. Not only do reason, justice, and authority unite in urging us to retrace our steps, but the organic law commands us to do so; and the presence of peril enjoins what the law commands. By interfering with the standards of the country, Congress has led the country away from the realms of prosperity and thrust it beyond the bounds of safety. To refuse to replace it upon its former vantage ground would be to incur a responsibility and a deserved reproach greater than that which men have ever before felt themselves able to bear. The present is the acceptable time to undo the unwitting and blundering work of 1873, and to render our legislation on the subject of money consistent with the facts concerning the stock and supply of the precious metals throughout the world, and conformable to the Constitution of our country."

Hon. RICHARD WARNER, M. C., observed in his able and comprehensive speech on our national finances:

"You have about twenty-two hundred banking corporations knocking at the doors of Congress to recharter them for a period of twenty or thirty years, as the case may be, and leaving a law in existence which will permit the chartering of as many more if desired, asking to allow the control of the currency to be continued in corporate bodies. I would favor the repeal of the laws allowing the charter of national banks, refuse to re-enact them, and pass a law winding up national banks as soon as their charters expired, taking from them the power and control of the currency, placing it back in Congress, where the Constitution fixes it. The Constitution creates but one legislative body, and vests in that body the sole and exclusive legislative power. There is no clause in the Constitution that gives Congress the power to delegate legislative power to any other body. It alone can exercise such power. If Congress has the power to give or delegate to banking corporations power and control over the currency to the exclusion of itself, by parity of reasoning could they not delegate and give to railroad corporations the power and control over commerce?"

In spite of these warnings, uttered and written by sages, statesmen, and financiers from Franklin, Jefferson, and Webster to Senator Jones, president John Earl Williams, and Treasurer Spinner; in spite of the seven and ten yearly periodic panics that impoverished our farmers, manufacturers, mechanics, and laborers, and enriched the banks and capitalists, Secretary Folger and Comptroller Knox seem now inclined to advise the rechartering of these banks, deceitfully called national. I wish these two financiers could see as clearly as Treasurer Spinner before it is too late.

The charter of these banks, deceitfully styled national, was granted February 25, 1863, under the pretext of a war measure. In 1864 they circulated but $31,235,270 of notes furnished and guaranteed by the United States Treasury; in 1865 they circulated $145,137,800, which, from that date to 1880, increased to $343,834,167. On these millions the people's Treasury has paid them interest in gold ever since, while laborers and producers had to take their wages in paper. Thus did the one hundred and twenty bankers, who were members of Congress, manage to legislate for their interests. Now their first charter being about to expire, they apply for a recharter in a time of profound peace, when there can be no pretext for a war measure. Such a power in the hands of heartless corporations is not only dangerous to our liberties and persons but to our daily comforts; because, when they see fit, they contract their circulation and refuse accommodation to manufacturers and employers, who are consequently obliged to stop work and discharge the men and women in their employ, thus causing panics, poverty, misery, and ruin. Soon such contractions will reach farms, houses, and stocks, which these favored banks and their friends can buy for one-half or one-quarter of their cost, because the honest owners cannot pay the interest and taxes thereon, all of which makes the rich richer and the poor poorer, as happened from 1837 to 1841, from 1847 to 1850, from 1857 to 1863, and from 1873 to 1878, when the laboring and producing classes were impoverished by special legislation, that enabled bankers and monopolists to deceive the people, and bribe such as stood in their way. A passage from some patriot and philanthropist, I cannot remember, will be appropriate here and now:

"Corporations are fast becoming the curse of modern life. They usurp the powers that belong of right to the community and its government, and actually threaten the liberties of the people. The individual capitalist is often, if not generally, a benefit to the community. He respects public opinion. He cares for the approval and regard of his fellow-citizens. He has human sympathies and a conscience. He generally uses his wealth for the public benefit in indirect, if not in direct ways. But, when he combines with other capitalists in forming a corporation for special objects, and puts his money in it, the thing he helps create is utterly destitute of personal or human qualities, and is often managed in absolute disregard of the rights, the interests, the welfare of everybody but the men who own and operate it. Every individual who has a hand in controlling the machine feels absolved from moral responsibility in its conduct. If it robs other people, ruins their business, injures their estates, it is none of his concern and he washes his hands of personal guilt. Americans rejoice that they have got rid of kings and lords. But they have saddled themselves with corporations which are proving to be harder task-masters, and more grinding and heartless despots than any of the Old World tyrants."

There was a somewhat plausible reason in 1863 to charter banks, deceitfully styled national—this reason was called war measure; but now, 1882, our country and the world are at peace; there is not even a war-cloud. Why, then, recharter these banks against the letter and the spirit of the Constitution, which contains no clause or word that authorizes Congress to delegate the money power to anybody? Allow me to cite again Senator JONES's emphatic language:

"By interfering with the standards of the country Congress has led the country away from the realms of prosperity and thrust it beyond the bounds of safety. To refuse to replace it upon its former vantage-ground would be to incur a responsibility and a deserved reproach, greater than that which men have ever before felt themselves able to bear. We cannot, we dare not, avoid speedy action on the subject. Not only does reason, justice, and authority unite in urging us to retrace our steps, but the organic law commands us to do so; and the presence of peril enjoins what the law commands."

May our Congress pass no more laws giving away immense tracts of land to heartless corporations, thus creating land monopolies like those that now curse the British Isles—and grant no charters to banks that can contract and expand the people's medium of exchange at their pleasure—for such legislation favors the few at the expense of the many, causes discontent among the masses, and produces Nihilists, Guiteaus, and men who commit acts like the one just perpetrated in Dublin, May 7, 1882, which disgraces the civilization of the nineteenth century.

As previously stated, I am now in the ninety-second year of my age, and have the satisfaction of knowing that I have given to my country the best efforts of a long, laborious life. In the course of my endeavors I have written and printed more than a million of documents, which I have sent to Congress, to the President, and members of the Cabinet, and to all parts of our common country.

The burden of my theme has been to show that the Constitution has made it the imperative duty of Congress to take and hold the entire control of all that should ever be allowed or used as the money of the nation. If the plan, set forth in a petition to Congress, to the President and his Cabinet on the 14th of December, 1862—in which I showed that my ideas of finance were based on the opinions of such men as Franklin, Jefferson, Madison, Calhoun, Webster, &c., whose words and warnings I quoted, as I do in this document—had been adopted, the Government would have had all the means it wanted in Treasury notes, and we should not have an enormous bonded debt in 1882.

Most respectfully,

PETER COOPER.

Department of Agriculture.

SPEECH

OF

HON. CHARLES G. WILLIAMS,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 9, 1882.

The House having under consideration the bill (H. R. No. 4429) to enlarge the powers and duties of the Department of Agriculture—

Mr. WILLIAMS, of Wisconsin, said:

Mr. SPEAKER: I am obliged to my friend from Ohio [Mr. UPDEGRAFF] for his courtesy. It has been my design to prepare some remarks which should be worthy of a subject so important as the one now under discussion, but I have been engaged in other duties and did not expect to speak to-day. I can now only outline in the most general manner what I wish to say.

Mr. Speaker, if this were merely a question of whether the present Department of Agriculture should remain as it is or be represented in the Cabinet the change would be of very little consequence; but in my judgment it means vastly more.

It is the future possibilities implied in this bill, as well as what it contains, that should commend it to support. England's prestige is on the sea; America's on the land. England has as much or more capital invested in manufactures than all the rest of Europe. She has her coal and iron, but her supplies of raw material come largely from abroad, as do her meat and bread. She is the great workshop of the world, but her markets are abroad. The United States could live within herself, England could not. Her water-ways must be traversed at any cost, whether by subsidies or otherwise. Hence England builds ships, while America builds railroads. We hear much of the ocean-borne commerce of England, yet while in round numbers she has invested in all her ocean trade $500,000,000 capital, America has $700,000,000 in locomotives and rail cars.

I have often thought that whenever the trade of the sea demanded American capital and gave it better profits than the land, American capital would be forthcoming. Surely if $700,000,000 can be found to put into railroad equipments alone, $5,000,000 could be gathered to start a steamship line if the demands and profits warranted it.

Hence I say the bulk of commerce in this country is, and in our generation probably is to be, on the land. If so, what are its source and life? That question recent statistics, official and authentic, have answered—it is agriculture. As late as the 19th of April just past the Superintendent of Census sends tables here showing that of the 50,000,000 of our population 25,000,000 are employed in agriculture; and of the value of domestic merchandise exported in the year 1881, amounting to $883,925,947, agriculture furnished $729,650,016, or 82.55 per cent. The estimate of the average yearly crop of Indian corn being $500,000,000 equals the entire capital of Great Britain invested in her ocean commerce! The hogs slaughtered in Chicago in the year 1880 reached a value equal to the capital invested in shipping of France and Germany combined. These facts are but finger-boards pointing the way to the possible developments of agriculture in America. Only one-seventh of her arable land has yet been brought under cultivation. The application of machinery, steam, and electricity to the useful arts and to agriculture is but in its infancy. Does it require a prophet to foretell that these are soon to unlock the stored-up forces of nature and release human muscle, in a large degree, from the drudgery of agriculture, and that brain rather than brawn will thenceforth run the farm? Every wheel, every lever, every physical appliance that releases a human muscle, wakes up the brain and gives it a chance. Compare the farmer's home to-day with what it was when we were boys. Look not only at the literature in farm-houses but test the plans of the prosperous farmer as to crops, and markets, and stock, and business.

Now, the question before us is whether an interest, based on the facts and possibilities just stated, is entitled to be recognized in a government founded and built upon it? I repeat, if this meant only that a Commissioner of Agriculture should have a seat in the Cabinet it would be a matter of small consequence, worthy and capable as our present Commissioner is. The specialties now recognized in that department might probably be carried forward as well there as elsewhere. But, sir, this means more than seeds, insects, or scientific analyses, though these are by no means to be lightly spoken of. They have already returned and will continue to return in actual wealth fourfold all the department has cost.

The bill provides that the secretary of agriculture shall be a "practical agriculturist;" so far so good, provided all other things are equal. But if the effect of this were to send into the Cabinet "a specialist" only, I care not whether he be farmer, lawyer, merchant, or doctor, I should doubt the soundness of it. This Cabinet minister should not only be an agriculturist but a political economist and practical statesman of the highest order. He should sit at the council board not as a mendicant begging special favors for special interests but as a peer, representing the grandest interests in the grandest nation of the world, and his presence and influence should be felt accordingly in matters of practical administration.

To say that this position is to be a political sinecure to anybody is to insult the intelligence of the hour.

The secretary of agriculture should not only understand all that pertains to that but its relations to commerce, manufactures, and labor as well; the cost of raw materials the amount and value of labor bestowed, where transportation begins and where it ends; and what value it has imparted, what mercantile skill and capital were necessary in finding the best market at the best time, and what the relations of all these are to each other and the measure of fair returns and equitable distribution; and having found these, then what legislation is most practical and likely to secure it. Mere production is but the A in the alphabet of possibilities of the future of the American farmer.

Released from hand drudgery the head will solve some of these other problems, and, like the master of chess, will look not only in one direction but in all, and with hard, practical sense will weigh all the averages of the situation. That the American farmer or American laborer is going to be content with the old ratio of allotment from the proceeds of the joint efforts and contributions while others reap all the advantages which invention and science give no thoughtful man believes. There must and there will be a recast of these ratios. But it must come, if it come at all, like the growth of the crops, through intelligent appliances and common-sense methods. Miracles cannot be wrought, and spasmodic complaints accomplish little.

As military science now martials all the devilish enginery of war, and individual valor is less conspicuous than of old in the winning of victories, so organization and the slow yet sure movement of the forces which command results must bring relief from current evils. Both the blessings and evils of new-born forces are now upon us, and in their development the agriculturist must mingle. He is a part of them, and must study his true relations to this new order of things. It is in this light, Mr. Speaker, that the measure so easily ridiculed and scoffed at as the work of demagogues in my judgment rises up to the full level of importance with any measure before the present Congress.

Properly organized and rightly directed there is no power so potent on this floor to-day as the agricultural interest. Let this minister be identified with it; let him study all these problems; let him mingle with the people; let him explain to them and to us what is practical and what is not; let him develop and carefully scan all this class of legislation; let him furnish the official data on which it should stand, and then let his recommendation come to us backed by the dignity and standing of a high Cabinet officer; and let the people study them as they will, and we shall then have begun methodically to shape legislation pertaining to this vast subject. Let this bill become a law, and your Department of Agriculture will cease to be sneered at as a seed store, but will be given at once the dignity and influence which even under present methods its worthy and able Commissioner is so rapidly imparting to it.

No lawyer need apologize for zeal manifested on this question. It is easy and cheap to refer to the "lawyer" farmers here. Call the roll to-day and you will find that three-fourths of the lawyers in this body were raised on farms. They know the struggles of farm-life, and the memories and associations of early life are strongest of all. Whether your Congress shall be made up largely of farmers, lawyers, merchants, or business men, drawn from American firesides, I repeat, that rightly organized and wisely directed, there is no force more potent in shaping legislation than that which comes from the American farmer. But "organization" is more than a word. It means, among other things, associations and libraries in every county, town, and school district. It means discussions and lectures in each of these. Into these libraries should go one copy of every document published by the order of Congress. It should go there free under the frank of the member; a copy of the record of Congressional debates, of every report, of all collections of official statistics, and at least of all the works, pertaining not only to agriculture but commerce, manufacture, and labor as well. It should be an exhaustless fountain of official and authentic information at which the farmer and his boy may freely drink. These things are published and paid for now by the tax-payer; why should they not be distributed upon some common-sense method and system? What a convenience to members in the distribution of public documents? Where now, from the inadequate number published in comparison with the whole population, one man is served where a hundred are slighted, all could then have free access on equal terms. With this kind of information at hand pertaining to lands, mines, crops, commerce, ships, finance, banking, the statutes and land laws, domestic industries, home and foreign production, inventions, patents, and all things coming within the range of legislation at home or abroad, the farmer would become skilled in his knowledge, and would be prepared to meet any demagogue who chanced to come that way, and be no longer compelled to listen to every hobby forced upon his attention.

Through these library stations the department could gather full and accurate weekly reports on matters of crops and other things of interest, while at them might be displayed daily weather bulletins warning the farmer as the storm-signals now warn the mariner. A simple system of telegraphic signals displayed in any neighborhood denoting "fair," "foul," or "threatening," would enable each farmer in his field to read from these the weather for the coming day far more accurately than he reads it from the sky. These, sir, are but mere snatches and hints of the possibilities wrapped up in this legislation. Let the bill pass, let it be amended and perfected as necessity or wisdom shall require, and through this department of Government agriculture in all its varied relations shall be justly recognized in the halls of legislation.

Geneva Award.

SPEECH

OF

HON. WALDO HUTCHINS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 11, 1882.

The House having under consideration the bill re-establishing the court of commissioners of Alabama claims, and for the distribution of the unappropriated money of the Geneva award—

Mr. HUTCHINS said:

Mr. SPEAKER: At the close of the war of the rebellion the people of the United States regarded the conduct of England during its progress as being in violation of the comity of nations. Confederate cruisers, apparently with her approval, had sailed out of her ports and preyed upon our commerce. The number of American vessels captured whereof damages were claimed was one hundred and twenty-nine. With a view to arrange preliminary questions and establish the basis of a settlement, two international conventions were held, without favorable results, to consider claims against Great Britain, the one November 10, 1868, and the other January 14, 1869. The correspondence, negotiations, and arrangements preliminary to a precise understanding of matters growing out of these captures

occupied largely the attention of our statesmen from the close of the war until June 27, 1871, when what is called the treaty of Washington was formally ratified. This treaty contained on the part of England an apology for her want of regard for neutral rights and embraced the proposition for the international tribunal of arbitration to meet in Geneva, which was to serve as an international court. This high tribunal was composed of the following arbitrators from countries at peace with England and the United States: Switzerland named her eminent citizen, M. Jacques Staempfl; Italy, Count Frederic Sclopis; Brazil, Vicomte d'Itajuba; England, Sir Alexander James Edmund Cockburn, and the United States Charles Francis Adams. The court composed of these gentlemen assembled at Geneva, Switzerland, December 15, 1871, but adjourned the next day until June, 1872. As a result of the action of this court, $15,500,000 was awarded in a gross sum to the United States in a full, perfect, and final settlement of all claims, individual or national, growing out of the war. This judgment was signed and dated September 14, 1872, and Great Britain paid the amount September 9, 1873. This sum is what is known in history as the Geneva award, and the distribution of which has engaged so much of the time of Congress during the past ten years.

All the claims of American citizens sent by their agents for adjudication before the international tribunal of arbitration were classified under the following heads:

First. Claims for direct losses growing out of the destruction of vessels and their cargoes by the insurgent cruisers.

Second. The national expenditures in the pursuit of those cruisers.

Third. The loss in the transfer of the American commercial marine to the British flag.

Fourth. The enhanced payment of insurance.

Fifth. The prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion.

By the unanimous decision of this high court all these claims, excepting those enumerated under the first head, were rejected. Upon this definite understanding the court proceeded to examine the claims before them as presented by the agent of the United States and arrived at a valuation of the destroyed property. Direct losses only were admitted, and claims for interest. The schedules of the insurance companies afforded the only reliable data for the valuation of the destroyed property.

With a view to equitably adjust the claims of American citizens the Forty-third Congress, June 23, 1874, passed an act, chapter 459, constituting the court of commissioners of Alabama claims, and limited the authority of this court to acting only upon claims for direct damages caused by the inculpated cruisers. Thus this act was intended to settle those claims only about which there was no dispute. It was understood then that further legislation must provide for claims not recognized by this act. Under this law $9,316,120 were distributed, and there remained of the fund principal and interest March 31, 1877, $9,553,800, since which time it has drawn no interest; and that amount now remains in the Treasury.

The question before the House for its consideration is the distribution of this unappropriated balance of the Geneva award. We are told that we are sitting as a court, as the highest court in the land, in adjudicating upon this matter. It certainly is to be presumed, if we are sitting as such court, that we will give the most careful attention to the proceeding before we consent to take ten millions of dollars out of the Treasury and appropriate it for the benefit of anybody; that no member will vote on that question without giving it the consideration it deserves, and without a full understanding of the subject.

I must say that my opinion has entirely changed in relation to this matter upon a careful examination of it. I had heretofore supposed that the reports which have been made by committees having the matter in charge by both branches of Congress were correct, and that this money should be appropriated as they had recommended. But I am compelled to say that a full examination of the question has led me to believe that either this fund should be disposed of under the terms and for the reasons for which it was awarded, or else it should be returned to England.

I was somewhat surprised at the argument of the gentleman from Maine, the chairman of the Committee on the Judiciary, [Mr. REED.] He spoke of this amount of $15,500,000 as a sum awarded to the nation for the injury which had been done it by England during our civil war. Why, sir, fifty times fifteen millions would not pay for that injury, if the matter had been settled on that consideration.

When the war commenced we had the carrying trade of the world; when it closed we had lost it. I aver that England was the aider and abettor of that war, and without the assistance which she gave it would not, in my judgment, have lasted six months.

I was not one of those who thought that Mr. Seward, statesman and philosopher as he was, was far out of the way when he predicted that the war would not last sixty days. But he could not have taken into consideration the fact subsequently developed that within thirty days from the time Fort Sumter was fired upon England would grant belligerent rights to those in rebellion against this Government.

England, in pursuing this course, did directly and indirectly all that she could to perpetuate the war of the rebellion. She permitted cruisers to be built and manned in her ports, and to escape therefrom. She gave assistance to France, so far as she could, to impose upon Mexico an imperial form of government; and she accomplished the purpose she had in view from the beginning, to become the carrying nation of the world.

The war being closed, a claim was made for damages on the part of the United States on claims which during the war had been certified to our Government on the part of those who had suffered losses by the destruction of ships, for reclamation and for damages. These claims were never enforced. We were willing to have them remain as they stood at the close of the war, and to accept the position which had been taken by England, that what she had done in reference to the rebel cruisers was not a breach of neutrality. We could have afforded to stand on that ground. If we had decided to maintain that attitude we should have had England at a great disadvantage. What followed? When in 1866 the conflict occurred between Prussia and Austria, England, with all her sympathies in favor of Austria, was compelled to stand still and allow her in less than six months to lose her prestige as one of the first powers of Europe. England could do nothing. She sat chafing—chained to her ocean isle. During the war between Prussia and France what occurred? France had a right to look to England for assistance in her struggles. She had a right to expect such assistance. But all that England could do was to look on and see the Prussian soldiers march into Paris and impose such terms upon the conquered as they pleased. England was powerless under the circumstances to render any assistance.

Early in 1869 I had the pleasure of meeting a member of the English cabinet, with whom I had a conversation in reference to this matter. I said to him that if I had my way England should pay $1,000,000,000 as damages for the course she had pursued toward our country during our civil war. He did not seem surprised at the suggestion, but replied: "Why, England could not afford to pay more than half that amount." I answered that I would not accept half that amount; that England, by the course she had pursued, had gained the carrying trade of the world, which we had lost, and she ought to indemnify us. Then he said to me: "I know what you mean, but we care nothing about affairs on the Continent; we care no more about them than does the State of Massachusetts." In one year from that time war broke out between France and Prussia. Then it was that England did begin to care about affairs on the Continent. The time had come when she could defer the settlement of our claims no longer. She insisted through her agents in Washington and throughout the country that this question of national liability which had existed between England and the United States should be settled.

I speak of this because of a suggestion made in the report of the majority of the committee, that "when this matter was settled by the Geneva tribunal we did not wish to obtain as large an indemnity as possible, because the claim must be based on principles which might intolerably enlarge our duties and obligations as neutrals in the future." I deny that position. If that was the case, why did we make any treaty at all? I ask the majority of the committee to answer—why did we enter into a treaty at all? The law, as settled by England, was that her acts were not in violation of neutrality. She so declares in the very treaty under which the Geneva tribunal was constituted. She commences by a disavowal of her liability. Why did we not accept that and stand upon it, and say, "If you do not consider the fitting out of cruisers in your ports to prey upon the commerce of a nation with whom you are at peace as a violation of the law of neutrality we can stand upon that principle, and we desire no treaty."

When our representatives went to Geneva to present the claims of the American Government, they went there under such circumstances that if they had understood and availed themselves of the advantage of their position they could have made almost any such treaty as they had chosen to write. What did they do? Certain claims had been filed during the war against the British Government—claims alleged on the part of those who filed them to have grown out of the violation of the obligation of neutrality on the part of Great Britain. Those claims were all filed on the part of the insurance companies; and it was never thought or dreamed of that any other parties had any claims against Great Britain in consequence of losses arising from the violation of her neutrality so far as our citizens were concerned, except those direct losses which had occurred from the destruction of ships by rebel cruisers. And such was the international law that no indirect claims could have been allowed. That was international law at the time, as everybody knew who knew anything about what the law was.

These claims having been submitted, our Government, in order to settle them, because that is what the tribunal was to do, presented five different classes of claims, which have been set forth heretofore, but which it is unnecessary for me to recite again in detail. All claims presented, including all claims of a national character, were disallowed by the commission excepting claims for direct losses. Claims for direct losses included claims of those whose ships had been destroyed by the rebel cruisers, and also, it was decided by the tribunal, the claims of the insurance companies which had paid shipowners the full amount of their losses and by assignment to them by the ship-owners had become subrogated to their rights. There is no dispute about this; it is admitted; and if these claims had not been there to be acted on by that arbitration, there would have been no damages allowed against the British Government. It was be-

cause of the diligence of the insurance companies in presenting their claims, in advocating them before the tribunal, in making popular sentiment in favor of them, which led to any award whatever being made.

The award which was made was based entirely upon losses for ships and their cargoes destroyed by the rebel cruisers Alabama, Florida, and Shenandoah. The amounts paid by insurance companies to those who had insured ships which were destroyed were allowed. That fund being in the hands of the Government, and there being to-day the sum of about $10,000,000 undisposed of, a bill is reported to divide that amount between those who lost by reason of their ships being destroyed by what are called the exculpated cruisers and the war-premium men.

It is known to all the members of this House that at the Geneva tribunal but three rebel cruisers were taken into consideration, and for the damages done by which these sums were awarded, namely, the Alabama, the Florida, and the Shenandoah, and it was on the ground they were the only steamers which had escaped from, been manned in, and supplied with munitions of war in British ports.

This sum having been awarded to the insurance companies, they being entitled to it by being subrogated to the rights of those to whom they had paid the insurance, I will not detain the House by entering into that question of law, because it will be conceded, as laid down by Webster, Story, and Kent in the cases decided, that the insurance companies or underwriters are subrogated to the rights of the persons insured where they pay for a total loss, including, as Webster and Kent say in two cases which have been cited, the claims against a foreign government on the part of a citizen of the United States.

Now, we come to the question of what we ought to do. I am not here to advocate the claim of the insurance companies. The bill which is reported on the part of the minority does not propose to pay it to the insurance companies. I have noticed that each of the speakers who have addressed the House in advocacy of the report of the majority attacks the insurance companies. Their argument is that while it is true this fund was awarded to the insurance companies by the tribunal at Geneva, while it is true that each one of the arbitrators of that tribunal stated it was awarded as claimed on the part of the insurance companies, and while it is true the counsel stated the same thing, as well as the agents of the Government present at that trial, yet notwithstanding all that it is contended that it is not to be paid to the insurance companies because, forsooth, during the war the insurance companies on the whole made more money than they paid out; that having been successful in their business the award should not be paid to them.

Concede this, if you please. Admit that it ought not to be paid to the insurance companies, then to whom should it go? If it was recovered by the Government as a national fund; as a claim by the United States against England, with which the claims of individuals have nothing to do; if, as claimed, the amount declared by insurance companies to be due them was merely a mode of ascertaining the amount of damages done by the British Government, and for which because of its neglect it was responsible; if that is the case, and it belongs to the Government, why is it not in the Treasury like every other dollar there, to be disbursed as we may deem wise and proper?

Let me read two or three passages from the majority report on this point:

> The truth is, the questions are not questions of logic or precedent but questions of sound judgment, resting in that high discretion which appertains to the tribunal of the largest jurisdiction known to the Constitution, the Congress of the United States.

These empty seats that I see around me are most eloquent reminders of what this tribunal is expected to do in the consideration of a case of this kind. We are here to vote away nearly $10,000,000, and how long, I ask gentlemen, could any court in this land exist by the consent of this body if it voted away $10,000,000 with as little ceremony as we propose to do it here? How are the absent members to learn about a great question like this, which is to be determined by this body; which alone, according to the judgment of the gentleman from Maine, can deal with it? How can they learn except from the "wings of the wind" or from somebody outside? This question involves something of principle, and I demand if we are to sit here as a court that we ought to understand it. But, says the gentleman from Maine, no court in this land can deal with this question. I do not misconstrue him. I will read his exact words:

> No court established to try the ordinary affairs between man and man is competent to deal with this subject. Courts of this kind—

That is, courts competent to deal with the subject, and the Supreme Court of the United States is not competent to deal with the subject according to this judgment of the gentleman from Maine, but courts of this kind that are competent to deal with it are governed—how?

> By general rules which do justice in the great majority of cases, but injustice in many.

Now, are we a tribunal that never does injustice to anybody—never? We have subjects here that we cannot cope with. If we want to amend the tariff, which is a mere matter of facts and figures, adding up and subtracting from, this House has declared itself incompetent to do it. My friend from Maine thinks so. But when it comes to a matter of dividing a fund now in the Treasury of the United States which, if it shall be divided at all, should be distributed only upon legal principles and precedents, he comes in and presents a report which is to go down to posterity as the legal results that that gentleman has reached—"that no court established to try the ordinary affairs between man and man is competent to deal with this subject." I deny the statement. I say that this is a case that should be referred to the courts. Now, let us see what the gentleman says further:

> We are well aware that the proposition has been gilded by the words justice and equity.

These words, Mr. Speaker, gild any subject. Whenever we can do justice and equity we shall receive our reward, but whenever, sneering at equity and justice, we do injustice and iniquity, we ought to be condemned. And the gentleman goes on:

> But those words in this case are beguiling. When these things are talked of before Congress, justice and equity mean—

What?

> a comprehensive justice and equity.

What does the gentleman mean by comprehensive justice and equity? Why, of course, we should interpret it that comprehensive justice and equity which courts alone can determine. But he adds that courts cannot do it.

No courts, governed by logic, by precedents, by rules, ought to be intrusted with this subject, says the gentleman, and it ought to go before Congress who can administer it alone in the most comprehensive manner, and in a spirit of "justice and equity."

> The language of the report is that it is claimed that the only fair thing is to leave this matter to the courts and let every one have just the legal rights which belong to him. The trouble about that is that nobody has any *legal* rights to this money at all.

Mr. REED. And I emphasize that.

Mr. HUTCHINS. Oh, yes; you have italicized it. You have told the House emphatically that nobody has any legal rights to that fund.

The gentleman does not want these cases to go to the courts. And why? Because those whose claims he advocates have no legal standing there. Because they have no legal right to the fund. Why, then, do you propose to take the money out of the Treasury and give it to those who, according to your own admission, have no legal right to it? Are they paupers? Is there any reason they should receive the fund in preference to others? What have they done to deserve it?

Take the war-premium men, and if this fund is to go to any of these people, I want to ask the attention of the House to the matter, because I think they do not understand it. Do you mean to allow the war-premium men to get any of this fund when they have already been overpaid? Have they not already received their money back? I will show you how they got it. A man insured against a capture, we will say on his goods during the war. What did the man do? He went to the insurance companies and got them insured. He made out a statement of the cost of the goods, of the freight, and added what he paid, and when his goods were destroyed he received the whole amount back again, war premium and all. That is verily true. The gentleman from Maine must admit it. Now, what right has that man to come here and demand payment of his war premium?

Mr. REED. He does not come here; he is not included in this bill.

Mr. HUTCHINS. The war-premium man is included in your bill.

Mr. REED. The war-premium man you describe is not included in the bill. The last part of section 5 excludes him expressly.

Mr. HUTCHINS. He is not excluded by the language of your bill.

Mr. REED. I hope the gentleman will take the trouble to look at the bill and ascertain the fact for himself.

Mr. HUTCHINS. We now come to another matter. You exclude the insurance companies. Why? The argument of the gentleman in his speech yesterday was that no one has any legal right to this fund. It is true he says this money was recovered from the British Government to pay these insurance companies, but they ought not to receive it. And why? Because—

> The history of these insurance companies shows beyond dispute that they charged to those who went to them for war risks (and mind you the war risks were kept distinct and separate from the others) such a sum as would not only enable them to recoup every dollar they paid out but to make from 35 to 40 per cent. dividend besides. And now they ask us to pay the very amount of money in consideration of which they actually obtained 35 per cent. dividend.

I would like to know from the gentleman what company made 40 or 35 per cent. during the war. He cannot name one.

Mr. REED. I name the Atlantic Mutual. And now let me tell the gentleman——

Mr. HUTCHINS. I do not yield for a speech.

Mr. REED. As the gentleman has asked me the question let me tell him he will find in a speech made by my colleague now in the Senate, Mr. FRYE, detailed figures showing exactly that fact and showing it in regard to a large number of companies. That was a statement in a speech made openly here on the floor of the House and which has never been contradicted to this day.

Mr. HUTCHINS. I contradict it now; and if the gentleman had

taken care to get at the facts correctly he would have contradicted it himself.

Mr. RAY. The figures are taken from their own reports.

Mr. CONVERSE. If my friend from New York [Mr. HUTCHINS] desires the figures I will give them to him, as to that company.

Mr. HUTCHINS. Mr. Speaker, I do not want to have my time taken up in this way.

Mr. REED. I do not think the gentleman from New York should be interrupted. When he has got through we can answer him.

Mr. CONVERSE. Shall I give the gentleman the figures?

Mr. HUTCHINS. Your figures are right; but I want to tell you they do not prove the allegation that 35 or 40 per cent. dividends were paid. [Laughter.] Here is a mutual company. Does the gentleman from Maine know what a mutual company is?

Mr. REED. You may safely proceed on the assumption that I do.

Mr. HUTCHINS. It may be a pretty violent presumption to judge from the character of your report.

Mr. REED. I guess not.

Mr. HUTCHINS. One hundred men club together to insure themselves. They want to insure, we will say, $10,000 each. That is a million of dollars for one hundred men. They give their premium notes payable to the order of the company for this amount; and when these notes become due they pay them. They are made payable in one year, and are paid in cash into the treasury of the company. In the mean time each one of these one hundred men insures his ships and the premium is charged against him; so much of the total of such premiums as is received by the company and not expended for the losses of that year is returned to the policy holders *pro rata* in certificates bearing interest and payable at the will of the company. It is these certificates which represent the portion of the $10,000 note not expended for losses which my friend from Maine speaks of as being 30 or 40 per cent. dividends.

Mr. CHACE. I would ask the gentleman a question simply for information, whether the Atlantic Insurance Company does not do two classes of business?

Mr. HUTCHINS. They do not. Now, let us look on the other side. My friend from Maine, for example, has friends in that State, one of whom may be the owner of one hundred ships. This owner of one hundred ships decides that he will be his own insurer. If he does not lose more than 10 per cent. of them in any one year he saves money, because it would cost him more to insure his one hundred ships than the value of those lost. Thus he becomes sole insurer of his own ships on the mutual plan. That is done in many cases, as the gentleman from Rhode Island [Mr. CHACE] knows. The Atlantic Mutual Insurance Company is nothing more than copartnership of parties for the purpose of dividing their marine losses. It has no stockholders and declares no dividends.

Now, tell me why these parties doing business on the mutual principle should be precluded from receiving the portion of this award allowed them by the Geneva tribunal?

As I have demonstrated, they have not made a cent. It was not a stock company at all. They might lose the whole amount of their subscription or premium notes in a year. There have been years when the Atlantic Insurance Company policy holders have been compelled to pay the full amount of their premium notes. They saved nothing. Some years they saved one-third, some years one-quarter, and some years one-half; but it was a saving, not a dividend.

Take the war-premium men; I want to call the attention of the House to them. We have got to this point, now mark you—do not forget it—that no one has a legal right to this fund; that is the report of the committee before us. Then, why should the war-premium men receive any portion of it?

Suppose that the result of all the transactions by a war-premium man was that he had made money and become a millionaire during the war. Why should he have this money which belongs, as is alleged in the majority report, to the Government? He has no legal right to it. Why should it go to him? It was not given to him by the tribunal of arbitration, and why should he receive it? My friend knows that the millionaires of this country are the war-premium men. Why should you give it to them?

It has been said by the gentleman from Michigan [Mr. WILLITS] that no claim was made by the war-premium men until 1871, six years after the losses were incurred. It is a remarkable fact that while the insurance companies were claiming damages against Great Britain for every loss made at the time it took place, the war-premium men should have made no claim until years after the close of the war. Three hundred and forty-one persons make claims for war premiums. There are four persons or firms in the city of Providence claiming $30,630.13; four persons or firms in three different places in Connecticut (one for over half being in fact from New York) claiming $113,469.84; eleven persons or firms, described as of Concord and Portsmouth, New Hampshire, claiming $107,137.43; seventy-seven persons or firms, described as of different places in Maine, claiming $397,168.99, and one hundred and five persons or firms, described as of different places in Massachusetts, chiefly Boston, New Bedford, and Salem, claiming $2,948,675.41. Thus there are two hundred and one persons or firms who claim $3,597,082.10 of this fund now in the Treasury; claiming it as due them for war premiums paid during the war.

One hundred and twenty-eight person or firms of New York claim $2,400,646.18; two persons in Philadelphia, two in Baltimore, and eight in California claim $247,655.11; three hundred and forty-one persons or firms thus claim $6,245,383.39, or an average claim of $18,341. It is in behalf of these war-premium claimants that the claims of the insurance companies are opposed. The revised list of claims shows that David Ogden, J. Nickerson, and Barling & Davis, of New York, and W. W. Crapo and Bradford & Folger, of New England, were the principal agents to get up and forward these claims. The amounts represented by them are shown to be as follows:

D. Ogden	$971,559 74
J. Nickerson	354,496 58
Barling & Davis	271,636 87
W. W. Crapo	726,553 68
Bradford & Folger	1,364,913 06
Total	3,689,159 93

The total amount claimed by these parties, these poor sufferers, who come knocking at the doors of the Treasury, is $3,689,159.93. And it is said they ought to receive this amount because they are so poor and deserving. Now, if there is anybody in the country more deserving than they are, then the money should go to them. These people have no legal right to come here and make this claim.

In 1874 parties working up these claims sent to a firm in New York well-known in this country, Grinnell, Minturn & Co., who had paid some $150,000 for war premiums, making application to collect these war premiums. The firm replied as follows:

DEAR SIRS: We have your letter of 30th ultimo, and would say in reply to its first paragraph that we have no recollection of receiving from the Atlantic Insurance Company a letter or certificate of the amount of war premiums paid by our firm. To the direct questions you ask we reply that we are not now taking any active steps for the maintenance or enforcement of claims for the amount of the war premiums, and that we have not executed any assignment of our claims, but did make a bargain with W. W. Crapo, C. A. Tucker, and George O. Crocker, of New Bedford, for allowing to them and their associates or assigns a percentage upon what might be received from these claims, and at the same time gave them an irrevocable power of attorney, dated December 27, 1871, to prosecute, secure, collect, and receive our claims arising out of the payment of extra insurance premiums during the war of rebellion.

The SPEAKER *pro tempore*, (Mr. PAYSON.) The time of the gentleman has expired.

Mr. HOOKER. I hope the time of the gentleman will be extended.

Mr. REED. I am obliged to object.

Mr. HOOKER. This is a very important matter, and we think on this side that we are instructed by the argument of the gentleman now speaking.

Mr. HUTCHINS. I only ask for ten minutes more; that is only one minute for each million of dollars involved.

Mr. REED. I hope the gentleman will not ask for it.

Mr. CONVERSE. I will take the floor and yield ten minutes of my time.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. HUTCHINS] will proceed for ten minutes longer.

Mr. HUTCHINS. I thank the gentleman from Ohio for his courtesy.

Recollect that these gentlemen, Grinnell, Minturn & Co., had a claim for war premiums paid. See what they say to this application to collect their claim:

After the decision of the Geneva board of arbitration, disallowing the claims for war premiums, we supposed that all chance of our recovering anything for those claims was ended, and the idea of making an allowance to claimants of this character, by means of taking away from the insurance companies the amounts allowed by the Geneva board in satisfaction of their direct claims for losses of ships and cargoes vested in them as assignees, by abandonment or otherwise of the claims of the original parties, is an idea which certainly never would have occurred to us.

Here was a firm that had paid $150,000 for war premiums, and for six years after the close of the war it never occurred to them that they had any valid claim against any one for their repayment; no one had ever suggested it to them; and the idea would not have entered their heads if a lot of claim agents had not come around and said: "Here! you turn this into a pool and we will collect it for you." Then they wrote the letter to which I have referred, and which, it seems to me, should prevent any member of this Congress voting this money into their pockets or into the possession of their agents in the face of their avowal that they did not think after the Geneva court of arbitration had disallowed all claims for war premiums they had any chance of recovering anything.

You are asked to take out of the Treasury between six and seven millions of dollars (for that is the amount of these claims) and pay it to these war-premium men upon the ground that they are equitably entitled to it, for it is admitted that they have no legal right. Why should they have it? I will not name gentlemen, though I might name them by the score, who made money out of the war, notwithstanding they paid the war premiums. Almost everybody, as we know, made money during the war. These men paid the war premiums, but they got their goods in and sold them at high prices. They came out rich; and you propose now to give them this money. Why? Because they are poor men and are in equity entitled to it! Why, gentlemen, if you are to pay any of these men you ought to pay only those who on their business lost money in consequence of

the payment of war premiums; you should not make payments indiscriminately. Remember this is a matter of equity. We are not in a court of justice, but in a court of equity. This Congress is the court.

How much of this money will go to the war-premium men and how much to other parties? Let us ascertain about that. Would you pay hundreds of thousands of dollars to men who have assignments of these claims and are pressing them here?

Mr. Speaker, this subject is too important to be discussed in three-quarters of an hour. By voting away this money blindly we may establish a principle which will be most disastrous to the Government. If you pay this money to those who suffered losses by reason of exculpated cruisers, or as war-premium men, you establish a principle upon which you will be in honor bound to pay every man, whether his name appears in this list of claimants or whether he is an outsider who never before has made claim, if he was subjected to like losses during the war. And when you have thus drawn up your anchors and drifted out to sea, without chart or compass, who can tell where you will land?

To meet the questions presented in this case the minority of the committee have reported a bill which they propose as a substitute for that of the majority. I hope gentlemen will give me their attention for a moment while I show the propriety, justice, and equity of this bill, which it does seem to me this House would pass unanimously if carefully considered. The bill provides—

> That all persons and corporations claiming any portions of the moneys now under the control of the United States, which were received from the Government of Great Britain in payment of the Geneva award, or as interest thereon, be, and they are hereby, authorized to sue for the same in the United States court of claims, at any time within one year from the passage of this act, in the same manner in which other claims are sued in said court; and the said court—

Listen to the language—

> and the said court shall render judgment for each claimant for such amount only as in their opinion he shall be justly entitled to recover under said treaty and award—

Not under the treaty alone, but—

> under said treaty and award, according to the principles of justice, equity, and the law of nations.

What more could be asked? The proposition is to refer this matter to a court where proof may be taken, and where, if the court thinks a man or a corporation entitled in equity to receive a portion of this fund, it will be paid. The court is not restricted or limited in any degree, but if this bill be passed, will occupy the position which we occupy here to-day, with the additional advantage of hearing proof and knowing that when they render judgment they do equity in the case. Besides the bill provides for an appeal to the Supreme Court of the United States as the court of last resort, where every claimant on the fund will be amply protected.

Mr. Speaker, I hope that we shall not sit here and attempt to dispose of this money ourselves arbitrarily and willfully without regard to equity and justice. As a nation we cannot afford to do so. If the court decides that we are not entitled to this money we can send it back. The amount of money is trifling as compared with the honor of the country. If we cannot do equity here, if we do not recognize ourselves as bound by the decision made at Geneva, if we determine that none of the claimants have any legal right to this fund, then let us act justly and return it, thus keeping our own record and the national name and honor untarnished.

In conclusion, I will say that any attempt on the part of Congress to defeat the plain intention of the international tribunal of arbitration, to substitute for the direct claimants a class known as war-premium claimants, is certainly in entire violation of every principle of equity and justice. The intent of the Geneva arbitrators, and the basis of settlement used by them in arriving at the award proves it, that they gave the United States a sum of money to disburse to those only who had suffered direct losses by the confederate cruisers. The agent of the United States in his statement made to the tribunal said:

> The object of the treaty is to indemnify the United States for all the losses suffered by their own citizens.

In his report to his Government, September 21, 1872, the same agent said:

> We, therefore, devoted our energies toward securing such a sum as should be practically an indemnity to the sufferers.

And the same agent, when he presented the claims of American citizens to the tribunal, including those of the insurance companies, duly verified, concludes his address in the following language:

> It thus appears that these computations show the entire extent of all private losses which the results of the adjudication of this tribunal ought to enable the United States to make a computation for.

Inasmuch as the pretensions of the war-premium claimants were unanimously rejected by the high court of arbitration, and no modification of their legal status is contemplated in the act of Congress under which one-half of the award was distributed, and no argument has since been advanced giving the shadow of a plausibility to their fictitious claims, I earnestly protest against a recognition of the same at this time. Justice, consistency, and the rights of those in whose behalf the award was actually made, all demand that we hesitate before consummating this wrong.

Geneva Award.

SPEECH

OF

HON. GEORGE L. CONVERSE,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 11, 1882.

The House having under consideration the bill re-establishing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award—

Mr. CONVERSE said:

Mr. SPEAKER: The gentleman who has just taken his seat [Mr. HUTCHINS] speaks of this body as a court sitting to determine the questions presented in the pending bill, and suggests that there are too many empty seats now in the House for the intelligent and careful disposal of the subject. He forgets for the moment that this question of distribution has been pending before the American Congress and the American people for nearly nine years. He forgets that so many years have elapsed since the fund, $15,500,000 in gold, was paid by Great Britain to the State Department and thence into the Treasury of the United States. He forgets that the subject of the proper distribution of this fund has been discussed *pro* and *con.* in Congress and out of Congress, in the newspapers and periodicals and in private conversations from one end of the country to the other for so many years.

And that reminds me that I do not expect to throw any new light or present any new thoughts on this subject, but hope simply in the few minutes I shall occupy the attention of the House to notice a few points which have been heretofore presented, and answer one or two arguments presented by the opponents of this measure. About half of the fund was distributed under the act of 1874, and the bill before the House provides for the distribution of the remainder, or so much thereof as may be necessary to pay their actual losses, to two classes of claimants. The first class of claims is for destruction of property by what are termed exculpated cruisers, and the second class are claims for the return of the war premiums paid by merchants and owners of vessels in consequence of the presence of the confederate cruisers upon the high seas. The claims known as exculpated-cruiser claims are those where vessels were destroyed by the confederate cruisers before notice is supposed to have been served on England as to the hostile character of the particular cruiser which did the mischief. For example, the confederate cruiser Shenandoah was a British merchant-vessel named the Sea King, and manned by British sailors enlisted in the confederate service; she left the city of London and proceeded to a point near the Madeira Islands, where she was transformed into a confederate cruiser, receiving her armament of British guns and ammunition and her supply of British coal from the Laurel, another English steamer; thence under her new name, Shenandoah, she proceeded to Melbourne, and on the route destroyed a large number of American vessels.

At Melbourne, another British port, she increased her force by a new enlistment of men and the purchase of supplies, and England then received formal notice of the hostile character of the vessel, and yet permitted her even to be repaired on a government dock and depart. From the time the Shenandoah left Melbourne she has been denominated and termed an inculpated cruiser, while up to that time she has been denominated and termed an exculpated cruiser. The claims for vessels destroyed and damages done by her to person and property after she left the Islands of Medeira and before she reached Melbourne are called exculpated-cruiser claims, while claims for like destruction and damage committed by her on the high seas after she sailed from Melbourne are called inculpated-cruiser claims. All of the latter class of claims have already been paid in full for actual losses out of the fund under the act of 1874, amounting in round numbers to nine and a half millions of dollars, including accrued interest.

There are three classes of claims still unpaid: the exculpated-cruiser claims, amounting to about a million and a quarter; secondly, the war-premium claims, which it is supposed, with the exculpated-cruiser claims, would about exhaust the fund if paid. The third class consists of the insurance companies' claims, and they alone are believed to be large enough to exhaust the fund.

The bill before the House provides for a finding before a court of three judges learned in the law, and then for a payment, first, to those who have suffered losses from exculpated cruisers, and second, to the war-premium men. If the fund is not exhausted thereby, what remains shall be subject to the future action of Congress. The insurance companies claim the entire fund, and between these several claimants Congress must decide.

It has been said that the entire question of distribution should be sent to the courts and that the courts should determine the classes of claimants to be paid, as well as the amount to each. The courts can determine nothing in relation to this fund or the several claim-

ants except as authorized by legislative enactment similar to this bill, determining the classes of claimants to whom the fund shall be distributed. I do not care to repeat the able arguments of the chairman of the Judiciary Committee on this point, showing that none of the claimants have a legal right to any portion of the fund. If any one of them have such he can now enforce it in the Court of Claims without additional legislation. It is because of the absence of such legal rights that legislation becomes necessary. This bill refers all the questions to the courts, but it determines the class of claimants who shall go there to have their claims examined, and who, if they are just, may receive compensation for losses.

It has been said, but most probably in a spasm of public virtue, that the remainder of the fund now in the Treasury should in good faith be returned to England. Let us examine that suggestion and see if it is sound.

Where did this fund originate? In September, 1873, fifteen and a half million dollars were placed in the Treasury of the United States as an indemnity for wrongs committed and duties omitted upon and to the United States and her citizens by Great Britain as a neutral power during our late war.

Let us go back for one minute to that hour and call to mind the situation and surrounding circumstances. England was the first naval power on the face of the earth. America, counting her merchant marine, was the second. Rivalry existed between these two great nations. England remembered the fact and the manner in which our fathers with the help of God and France won their independence. She remembered the later struggle of 1812 and its ending at New Orleans. She had seen the enterprising laborers of Europe, her own included, flocking by the million to our shores, developing and enriching the country under free republican government. She had seen our commerce grow from almost nothing until the Stars and Stripes floated on every sea and at every port, and when the dread blast of war swept over this land, when one-half of the States of this Union were arrayed against the other half, England saw her opportunity.

With indecent haste, without even consulting or notifying our minister, she recognized the Confederate States as belligerents. She was not prompted in this act by love to one part of the United States, but was prompted by rivalry and hatred to the whole. The States in rebellion did not own a ship or have a ship-yard in which to build one. Ocean warfare between the Government of the United States and the Confederate States was impossible. Our commerce was as safe on the bosom of the mighty deep as if there had been no rebellion and no war between the States.

In that condition of affairs English ships were by Englishmen converted into cruisers, supplied with English arms, ammunition, fuel, and provisions, manned by English subjects enlisted in English ports for that purpose, and left English ports to prey upon our peaceful commerce upon the ocean, under the false pretense of lawful and honorable warfare on the part of those who engaged in it.

It is a singular fact that no naval battle was fought during that long war except the battle between the Kearsarge and Alabama, in which the Alabama was sunk.

The English rather than confederate cruisers were not engaged in fighting, but in preying upon and destroying during all those years unarmed, peaceful, and helpless ships and their cargoes, belonging to citizens of the United States, with which the Government of England was at peace, and professing friendship and neutrality.

The result was that our commerce was almost paralyzed. It has been stated on the floor here in debate that more than a thousand vessels belonging to citizens of the United States were sold at great sacrifice to citizens of other nations. Those patriotic and plucky owners, who continued to fly the American flag, did so at great risk and expense. England was really responsible for all the mischief.

After the war was over and union and harmony once more prevailed, both the North and the South were ready to demand of England reparation for the wrong, and the payment of the $15,500,000 into the Treasury in 1873 by Great Britain was the result of a diplomatic triumph, a bloodless victory, which added luster to the period in which it was accomplished.

England is still reaping the reward of her treachery to her neutral position. She is monopolizing the carrying business of the world. I am told she has earned over $70,000,000 during the last year in carrying American produce and merchandise. She could have paid us ten times as much damages as she did and still have been the gainer. Before the war American produce was carried by American vessels. Where is the man who is willing, in view of the facts, to advocate before the American people a return of the residue of the fund to England? In the payments out of the fund already made the Congress of the United States has established a basis or policy upon which future payments should be made. The Government has paid thus far only those who sustained actual loss on account of ocean warfare—if it can be called warfare at all—first deducting all advancements or partial payments from whatever source received. None others than actual losers have ever received a dollar up to this time of the fund. This bill now proposes to pay only to those who suffered actual loss by reason of the ocean warfare.

There are two classes of persons opposed to the bill. One party claim that the fund should remain in the Treasury the property of the United States; the other believes it should be paid to the insurance companies. It is a sufficient answer to the first to say that such an appropriation of this fund, acquired in the manner this was, would hardly comport with the honor and dignity of the Republic. Our children would think less of us if we did such a thing as that. The other class of opponents, believing that the insurance companies ought to receive the money, are of opinion and argue that the Government of the United States was a simple trustee representing the interest of individual claimants before the Geneva tribunal, and that having received the money it is bound in honor to pay it to the persons on account of whose claims the award was made. I will not go into the argument upon this proposition. Its lack of foundation in either fact or reason has been sufficiently illustrated already. But I desire to call attention to one or two facts in addition to those presented by the chairman of the Committee on the Judiciary and other gentlemen who have spoken upon the question. In the first place, what claims were submitted to arbitration? They were claims for damages arising from England's guilty negligence, to use a mild term, in letting the cruisers loose. It was in the nature of a claim for unliquidated damages, and a case in which exemplary damages might have been allowed. Gentlemen say it was the insurance companies presenting their claims for losses incurred on policies of insurance that enabled the Government of the United States to recover at Geneva. There is not a word of truth in the statement.

The insurance claims were presented there for the purpose of showing in some sense the value of the vessels and property destroyed by the cruisers. It was not even legal evidence on questions of value. The amount of insurance may have been either above or below the actual value of the property insured. It was only persuasive evidence at best, and was so received and considered. There was no recovery for insurance at Geneva. The recovery was simply for the actual value of the vessels and cargoes destroyed, and not a dollar was allowed beyond that value. No allowance was made as exemplary damages. The only reason, I repeat, why the insurance claims were allowed representation there was because it was supposed that they might in some sense give the arbitrators an approximate idea of the value of the property destroyed, and for no other reason or purpose on earth.

Gentlemen say that no payments should be made out of the fund except to those who presented claims which were considered good and allowed in the award? It is too late now to make that argument. We have passed beyond it already. More than five hundred claims have been allowed and paid by the judgment of the court out of this fund under the act of 1874 that were never submitted to the tribunal at Geneva.

Mr. HOOKER. Will the gentleman permit me to ask him a question? Suppose that the owner of a vessel which had been lost had received the value from the insurance company; would not the insurance company be subrogated to the right of the loser of the property and take his place in the award?

Mr. CONVERSE. That doctrine does not arise in the determination of the pending question.

Mr. HOOKER. Why?

Mr. CONVERSE. Because the fund is to be distributed to those who suffered actual losses on account of allowing the cruisers to leave English ports.

Mr. HUTCHINS. Where does that appear?

Mr. CONVERSE. I will show the gentleman before I get through.

I will proceed now, Mr. Speaker, as I had intended to proceed before interruption. I assert that the argument cannot now be brought forward limiting payments from this fund to claims which were specifically considered and allowed by the Geneva tribunal. What is the proof? Article 1 of the treaty of Washington provides for the submission of all complaints and claims on the part of the United States growing out of depredations committed by the cruisers to an arbitration composed of one representative from England, one from the United States, one from Switzerland, one from Italy, and one from Brazil, to meet at Geneva. Article 7 provides for the award and payment of a sum in gross; and article 11 reads as follows:

> The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration, and of the board of assessors should such board be appointed, as a full, perfect, and final settlement of all the claims hereinbefore referred to, and further agree that every such claim, whether the same may or may not have been presented to the notice of, made, preferred, or laid before the tribunal or board shall, from and after the conclusion of the proceedings of the tribunal or board, be considered and treated as finally settled, barred, and thenceforth inadmissible.

Gentlemen will observe, first, that all claims were to be submitted; second, that the payment was to be of a sum in gross, and third, that all claims were to be considered as settled whether they were brought to the notice of the tribunal or not.

I will now cite gentlemen who argue for a submission of all questions in the premises to the courts without legislation, and who are fond of court decisions, always abiding the result of judicial opinion, to two or three decisions bearing upon this point.

I read from the case of Williams *vs.* The United States before the Alabama claims commission, composed of five eminent judges of the United States. The questions were argued on one side by McMasters for complainant and Mr. Creswell for respondent. The court in that case say, Judge Porter delivering the opinion:

> Let not the proper attitude of the claimant to the fund for distribution be misunderstood. Whatever his loss may have been he had not the power to obtain compensation from Great Britain by his own act. Her army and navy would have

proved uncomfortable obstacles in his way to her treasury. Just here the Government of the United States took up his case and by the exercise of its powers as a sovereign, after years of patient labor, by the highest skill in diplomacy, without the loss of blood or treasure, obtained the whole amount due for the depredations complained of, thus achieving a triumph which may, in the progress of civilization, take a higher rank than the most profound achievements in arms. How the amount of the award obtained at Geneva was made up, what precise species of losses it was intended to cover, or even how the interest was computed is not now known, and a careful study of the opinions of the several arbitrators has shown us that it was not intended to be known outside of the tribunal itself. The Government of the United States accepted the sum awarded in full settlement of all the claims comprehended in the terms of the treaty, &c.

The same court, in the case of Butman, Matthews, *et al. vs.* The United States, say:

It has been more than once remarked in opinions heretofore delivered that the United States declined to receive the money due by Great Britain encumbered with any obligation to pay it to any class of claimants, but reserved the right to dispose of every part of it according to its own sovereign pleasure. When Congress entered upon the legislation necessary for a distribution of the money that body was untrammeled by any agreement express or implied in regard to the kind and mode of distribution. * * * It is true that claims of this nature are not to be found in the schedules presented to the arbitrators at Geneva, but this is of little importance. Congress did not direct us to determine what claims were presented at Geneva. If this had been the object of the act much trouble might have been saved to the claimants and to the court. We have allowed many claims never preferred at Geneva. We have excluded some, and reduced the amount of many more which were there presented.

Mr. HUTCHINS. Is not the gentleman from Ohio aware of the fact that an exhibit was made of the demands of the claimants and the amount of the American claims, and the amount of the British allowance of the claims, upon which the amount of the arbitration was determined?

Mr. CONVERSE. I am showing the fact that claims which were never presented to the tribunal at Geneva have been allowed and paid under the act of 1874.

Mr. HUTCHINS. But I ask the gentleman if he does not know that such an exhibit was made comprehending the claims which he says were not presented?

Mr. CONVERSE. If the gentleman will permit me to proceed in my own way—I prefer not to answer questions which divert me from the line of my argument.

Mr. HUTCHINS. The gentleman has read a decision of the court, however, in which the court have referred to subjects outside of the case, and expressed their opinion *ultra vires*, namely, that they did not see how the amount of the award was made up. Now, I ask the gentleman again if he is not aware of the fact that the award was made upon a special exhibit of names and amounts putting the sum down in dollars and cents belonging to each of these individuals to which the United States was added?

Mr. CONVERSE. That is not the case. The facts do not establish any such view or theory.

Mr. HUTCHINS. But I ask the gentleman if the award was not made up in that way?

Mr. CONVERSE. No, sir; it was not. I have the best authority—that of Mr. Caleb Cushing, who represented our Government as attorney at the Geneva conference—that it was not made up in that way. On the contrary he says (protocol No. 29) that the tribunal in making up their award expressly excluded the idea of definite assessment and allowed a sum in gross incompatible with assessment by taking the American estimate of supposed damages of $14,437,000, and the English estimate of supposed damages of $7,074,000, and splitting the difference so as to arrive at the arbitrary sum of $10,905,000 as the capital, which with interest added makes the $15,500,000 of the award. He further says, (protocol No. 26:)

The United States at Geneva laid before the tribunal all the claims of citizens of the United States which had been presented to the Government without vouching for the validity of any of them, but insisted that the United States were not bound by the printed schedules, but only by the description of the treaty, "all the said claims growing out of acts committed by the aforesaid vessels and generically known as the Alabama claims."

Mr. HUTCHINS. Then I will say the claim was filed and the award was made: one of the arbitrators retired for three months to make it up; and here it is in detail. I will add it to my speech as an appendix.

Mr. CONVERSE. The gentleman may add as an appendix to his speech anything that he pleases.

Mr. HUTCHINS. I will put it in side by side with the speech of the gentleman from Ohio.

Mr. CONVERSE. I object to your putting it in my speech. I do not propose the gentleman shall further divert me from my line of argument by putting any such questions, nor do I agree that he shall intrude into my speech any such matter as he proposes to present.

Mr. HUTCHINS. I will put it into my own speech.

Mr. CONVERSE. To that I do not object.

I now read from the opinion of the court in the case of Rhind's Executor *vs.* The United States:

The Government of the United States was not obliged to claim from Great Britain payment of the loss, but acted in that regard according to its sovereign pleasure. It did not succeed in obtaining payment of the whole of the claims presented, and the most careful investigation of the proceedings at Geneva has failed to show what claims were included in the award and what excluded therefrom. The award was made in favor of the Government and not in favor of the claimants. The Government thus vindicated the national honor, but it did not assume to pay any particular class of claimants or any particular claim. Having obtained the money by its own act and at its own cost, it had the right to prescribe the terms on which the distribution should be made. It certainly had the power to exclude certain and to include others less meritorious. In the act now before us (act of 1874) claimants are excluded who believe themselves justly entitled to a part of the fund, but they have no power to assert their right to it. Under the powers committed to us we have in some instances rejected altogether claims presented at Geneva, and in many more instances we have largely reduced such claims in amount.

In the case of Robeson, Secretary of the Navy, *vs.* The United States, which was referred to in the debate to-day by some gentleman, the court decided against the Government. Mr. Robeson presented the claim of the Government for the destruction of two vessels. The trial was had in the ordinary way before the court, and this is what the court says on this subject:

It is well known that all claims for compensation for loss of public property of the United States were either abandoned voluntarily by the counsel of the United States before the arbitrators at Geneva, or were absolutely rejected by the tribunal itself, and the only damages awarded were for private vessels or property destroyed. The fund out of which our judgments are paid represents the estimated value of the private property alone.

Gentlemen will observe that it was not the value of insurance policies paid by insurance companies, but it was the value, says the court, of the private property destroyed.

And does not include anything based upon the value of public property destroyed. Reclamation upon Great Britain was made by our Government in its capacity of sovereign, and not as a mere representative of private interests, and the indemnity received has been paid to the United States as a government. The fund is now in the Treasury entirely under the control of Congress, invested as directed by Congress, and was so when the act constituting this court was passed. Congress might have refused to pass any act providing for the indemnification of citizens. It might have retained the whole fund, &c.

I have not time to read further, though there are other authorities bearing on the same point. It is clear from the opinions of the court which I have read, and from the statement of the eminent counsel at Geneva—Caleb Cushing—as well as the treaty itself, that the insurance company claims were not allowed at Geneva, and that the Government of the United States was not the mere trustee of the insurance companies for the collection of this money from England; on the contrary, the Republic as a sovereign demanded and received damages for the gross carelessness and negligence of England toward us as a nation, with authority to do with the money as it pleased, but in honor and conscience bound, as every good government is, to deal justly and equitably by persons who have claims upon any fund in its hands, whether there be any rule of strict law requiring their payment or not.

My friend from Michigan [Mr. WILLITS] suggested that the insurance companies ought in justice to have this money; and his reasoning was most remarkable. As I understand one of his positions, he claims the insurance companies to be entitled to the fund by a right of discovery. He puts it upon the ground that the insurance companies presented the first claim for damages as far back as 1861; while the war-premium claimants did not present any claims till seven or eight years later. He thinks the insurance companies would have gotten the fund had it not been for some lawyers who years later induced the war-premium men to claim it. That argument is about as sound as any argument presented in favor of the insurance companies' claims. Of course the insurance companies have never employed any lawyers in this business.

But my friend from New Jersey [Mr. HILL] presents quite another argument in favor of the insurance companies. He seems to think that the insurance companies, although they did pretty well at one time, are now in failing circumstances; and, therefore, on account of their present poverty, on the score of public charity I suppose, Congress ought to give them this fund of ten millions. Title by right of discovery is rather weak, and the Government must be just before she can afford to be generous.

The insurance companies never had any claims allowed by the Geneva tribunal; only claims for destruction of property by the cruisers were allowed. If specific or individual claims were allowed by the Geneva tribunal, as claimed by the gentleman from New York, [Mr. HUTCHINS,] why was not the money paid by England direct to the claimants without going into the Treasury of the United States? In such case there was no necessity for the money to go into the vaults of the Treasury, nor for legislation, nor the establishment of a court to pass upon claims which had already been allowed. On the other hand, the question may be asked why the proceeds of the award were not paid to the owners of the vessels and property destroyed according to value. The answer is at hand, and discloses the general policy of the Republic in such matters. Because damages were paid in gross to the United States as a nation, and because some of the owners of the vessels and cargoes had already received money from the insurance companies in part payment and in some cases in full payment of the value of the property destroyed, and therefore the owners had sustained only partial loss, or no loss, as the case might be, and under the policy of the Government to pay money only to those who had sustained loss they could not get in and thus receive pay twice for the same thing. Why shall we not pay it then to the insurance companies? Because the insurance companies have sustained no loss. They got every dollar of the money that they paid out on those risks from the war-premium men, and made a handsome profit besides. The very money paid out by the insurance companies for losses they had before then received from the war-premium men, and therefore they sustained no actual loss.

The argument stands thus: if no war premiums had been paid, then there would have been no policies of insurance on vessels or cargoes for war risks. If there had been no insurance policies issued, of course no insurance money would have been paid to the owners, and in that event the owners would have gotten the full value of the property destroyed, and the fund would have been exhausted. Therefore the remaining fund in the Treasury mainly represents the money paid as war premiums, and the persons who paid the war premiums are equitably entitled to it.

The value of the vessels and property destroyed was neither increased nor diminished by reason of this multiplicity of claims.

Mr. HOOKER. Will the gentleman answer a question?

Mr. CONVERSE. I will answer it if I can.

Mr. HOOKER. Suppose that the insurance companies had paid all the losses sustained by private individuals for the destruction of their vessels and cargoes. Then, according to the argument of the gentleman, the persons owning the vessels and cargoes could not receive any of this fund, and the insurance companies could receive nothing, and therefore the money ought to go back to England.

Mr. CONVERSE. No, sir; it ought to go to the men who paid the war premiums, because they furnished the money to the insurance companies out of which the insurance policies were paid and the insurance companies lost nothing in the transaction. The insurance companies which were actual losers, that is, paid out on policies more than they received in premiums, have already had the loss made good under the act of 1874.

While on this point I desire to read the figures which I wanted to read to my friend from New York [Mr. HUTCHINS] while he was speaking to-day—in relation to the Atlantic Mutual Insurance Company. In their report, dated December 31, 1864, the assets of the company are given as amounting to $11,810,963.96, the liabilities of every kind (including $4,808,405.20 of scrip dividends deliverable to policyholders) were $8,050,747.14, leaving $3,760,216.82, in which all possible interest of the former mutual dealers had then ceased, and which belonged to the permanent owners of the insurance company. Will the people sustain us in increasing that amount, when to do so we must turn away honest claimants who lost every dollar's worth of property they had in the world by the confederate cruisers?

I desire to call the attention of the House to some of these claims which have been paid and which were not represented at Geneva. If the argument on the opposite side is worth anything, then it amounts to this: the Government having received this fund in trust for the particular persons who demanded it, it is now bound to pay the exact amount which the Government received to those identical persons for whose claims it received it.

According to that argument the Government had no right to receive $100 on account of John Jones and then pay him $200; or to receive $500 on account of John Smith and then pay him only $200 out of the fund. The Government must pay out the exact amount which it received to each one, as a just and honorable discharge of the trust.

But the Government has already established and practiced a different policy. It has paid claims which were never presented at Geneva; it has increased claims that were presented there; and it has refused to pay claims which were presented there, thus repudiating the idea of a trust, and exercising the right of ownership.

The judgments of the court of commissioners of Alabama claims were based exclusively upon proof of unindemnified loss within its jurisdiction. They did not depend at all, as regards either allowance or amount, upon the claims having been presented or allowed at Geneva.

As illustrations, ship Commonwealth sailed from New York for San Francisco with general cargo. She was burned by the Florida. Many claims were presented by her owners and the owners of the cargo to the Department of State, and were included in the list of claims presented as evidence to the tribunal at Geneva. Several claims for loss of cargo were not so presented at all, and appear for the first time in petitions before the court of Alabama claims.

The court rejected several claims which were presented, gave judgments for many that were not presented, reduced the amount of many and increased the amount of some. N. P. Mann & Co.'s claim was before the Department of State and at Geneva for one-fourth of the vessel and freight, $22,250; they received judgment for $25,920.55. Murphy, Grant & Co.'s claim was presented for loss on cargo, $24,847.87; they received judgment for $15,120.29. E. & J. Rosenfield claimed $18,741.96, and received judgment for just the same amount. Coffin, Reddington & Co. claimed $3,342.63, but failed to get judgment for anything. Leopold Morse got just what he claimed, $2,121.07. Samuel S. Innes & Co. made no claim at all to the Department of State, and their claim did not appear at Geneva; but they received judgment for $3,152.65.

Not less than fifteen other owners of cargo on this ship, whose claims did not appear at Geneva at all, received judgments for their losses averaging more than $1,000 each.

The ship Electric Spark, on a voyage from New York to New Orleans, with general cargo belonging to a great number of persons, was also destroyed by the Florida. The owners' claim for vessel and freight was filed with the Department of State and at Geneva for $166,000. The court of Alabama claims gave them judgment for only $52,550. About fifty claims were filed with the Department of State by owners of the cargo, and were in the list of claims at Geneva. About one hundred claims for cargo never appeared anywhere until petitions for them were presented in the court of Alabama claims. All were treated alike by the court. Judgments to the extent of net loss proved were given on all. Any claimant who failed to prove unindemnified net loss failed to get judgment. More than seventy-five claims which did not appear at all at Geneva, amounting to more than $120,000, exclusive of interest, were allowed by the court on this one ship; seven of them for more than $5,000 each, and one for $10,000.

The following judgments, among others, were given for loss of merchandise on Electric Spark, for which no claims had been presented to the Department of State or at Geneva:

R. S. Williams	$5,543 46
Joseph Levoir	5,333 21
Van Nordon & Co	1,227 54
F. Hollander	8,812 93
F. Van Benthuysen	3,159 23
M. Rimbol	1,600 24
Redlich & Co	2,041 03
J. Cassimer & Co	3,043 31
J. L. Tarbox	1,148 46
J. Haan	1,053 03
J. S Martin	2,507 62
J. Ryback	3,862 00
S. Aaron	2,200 00
J. A. Peel	2,805 14
E. A. Tyler	1,300 00
Z. Taylor	1,353 75
Levy & S	3,244 96
W. & C. Blanchard	5,731 97
B. A. Dryer	$2,712 73
E. Lane	2,304 72
P. W. Mohr	1,538 40
Jacob Jackson	1,557 23
C. Spencer	1,836 36
E. Roger	2,118 27
Mary Kaiser	10,000 00
A. S. Heany	4,000 00
A. Marioni	2,043 38
C. Espenan	2,167 11
Henry Devine	5,128 95
Philip Deery	1,842 12
S. Bevans	1,200 00
J. C. Marsden	1,086 00
Gabriel Dupuy	5,144 12
J. Riviere	2,500 00

All with interest to be added from date of loss.

ELECTRIC SPARK.

Name.	Merchandise in list of claims.	Judgment rendered.
Henry Gandchaux	$29,115 01	$13,758 91
A. E. Tilton	1,977 50	1,977 50
W. W. McChesney	2,871 14	2,153 44
J. S. Morrill	1,662 75	(*)
Colver & Phelps	6,039 73	6,141 73
Wheeler & Wilson	2,145 00	2,145 00
E. R. Wagner	175 31	140 25
M. Levy	10,000 00	5,000 00
A. Keonig	4,204 21	5,204 21
P. O. Gwyer	2,671 30	2,221 16
E. S. Bement	1,419 00	1,287 31
Ridlick & Schudze	1,782 93	1,470 03
J. Simon	4,273 25	3,652 33
Leon Gudschaux	10,490 36	10,091 85
John B. Bogart	2,015 66	(*)
Charles Emanuel	1,945 97	1,893 18
Leopold Morse	2,121 07	2,121 07
Samuel Gould	886 37	738 64
J. A. Otto and others	6,802 78	3,401 39
Wallace & Co	15,708 39	15,708 39

*Dismissed.

Ship Commonwealth sailed from New York for San Francisco with general cargo and Government stores. Burned by the Florida.

Judgments were given for the following claims, none of which were in the list of claims or presented at Geneva, for merchandise:

Edward S. Junes & Co	$3,152 65
Henry C. Hyde	2,107 60
L. & A. King	1,672 67
William P. Fuller	229 31
C. P. Huntington & Co	1,880 54
J. S. Adams	2,197 90
G. H. Gray	550 87
N. F. Cabot & Co	1,241 29
T. H. Selby	1,857 15
W. Schomberg	341 50
A. J. Hall	1,981 93
George D. Crary	1,113 15
Waterhouse	300 00
Bidwell	111 20
D. & J. Saddlier	449 82

I have thus given as an example of the manner in which the business has been done only a partial statement of the losses sustained in the destruction of a few ships; but I assert that hundreds of thousands of dollars under the law of 1874, and under the policy of paying only those who have suffered actual losses rather than constructive losses, by reason of the ocean warfare, have been paid to

persons who never made any claim at Geneva, and to persons who presented claims at Geneva but recovered in court more than the amount so presented; while in other cases, to the amount of hundreds of thousands of dollars, the court diminished the amount as originally presented at Geneva, or rejected the claims entirely. How can gentlemen who argue for the payment of the claims of the insurance companies, founded upon constructive not actual losses, account for this or explain away these facts? The court says that it was not intended that anybody should know how the claims were made up; that the Government was to divide the award at its own sovereign pleasure. If it was not intended that anybody should know how the award was made up, let me ask how it could possibly be distributed as made up? The Government has seen fit to give it only to those who suffered losses, and it has given to those who never were represented at Geneva. The facts I have presented settle the question of specific claims allowed at Geneva to individual claimants, as well as the policy of the Government in the distribution of the fund. The question has been asked, where is the equity that entitles those persons who have lost by exculpated cruisers to payments out of this fund? Let us go back again to the hour when their claims arose and ascertain the facts and circumstances surrounding them.

The armed cruisers, as I have already mentioned, the Alabama, the Florida, the Georgia, and the Shenandoah, were built, armed, manned, and provisioned by Englishmen; were let loose from English ports to prey upon our peaceful commerce. The American flag floated from the masthead on every sea and at nearly every harbor in the world; and the owners and officers of American vessels pursued their peaceful avocation, secure in the protection which the graceful emblem of this Republic floating over their heads afforded. They had no notice of the armed monsters which, like beasts of prey, lay in wait for them along the trackless pathway of the deep; and so they fell easy and unresisting victims to the selfish greed of England wherever found. Fifty-eight vessels were reported as destroyed by the Shenandoah before she reached Melbourne and by the other exculpated cruisers, involving a net uninsured loss of about $1,200,000. The Government owed those fifty-eight vessels protection on the high seas in return for their fealty, floating the American flag, and their American registry, which protection the Government could not or did not give.

The claims for damages on account of the destruction of those fifty-eight vessels were by the Washington treaty with England settled at Geneva, and the Government of the United States now holds in the vaults of its Treasury, received in the award of that very treaty settlement of these and all other Alabama claims, a fund more than sufficient to pay for the destruction of those vessels. Will she not pay for them? Justice and equity demand their immediate payment out of the fund. For nine years the owners of the vessels so destroyed have been begging and pleading for their money, and during all that time the Republic has kept and held the money and denied this justice to her citizens. The bare statement of the case carries with it conviction of the justice and equity of this class of claims. The war-premium men admit it and recognize their equity as superior to their own, and are therefore willing to have them paid first. The insurance companies object and want all of the funds themselves.

A citizen of my own State lost nearly everything he had in the world in the destruction of his vessel, the Delphine, by the Shenandoah before she reached Melbourne, and for nine years he has year after year sought payment of his claim from the Congress of the United States. The bill before the House allows interest only to 1877, so that even if he gets his pay under it he must lose seven or more years of interest. It is twenty years since he suffered the loss.

How can gentlemen as against such claimants defend their position in supporting the claims of insurance companies who were able to divide among their stockholders over $3,000,000 of profits. They went into the market and made money because of England's fraud upon us. They would not have made such profits or any profits at all out of war risks if England had not been criminally derelict in her duty. Shall they profit by the loss which others suffered? They have already made profits of 30 or 40 per cent. Shall they now add this fund of $10,000,000 to their enormous gains? Every fact in the case appeals to the better nature of men to give a portion of the fund to those who lost their vessels by the exculpated cruisers. I am sure the heart of every man on this floor must respond favorably to their appeal for payment.

The only other class of claimants provided for in the bill is the war-premium men. How came they to invest their millions in war premiums? According to my understanding the case is not as my friend from New York [Mr. HUTCHINS] states it, namely, that marine and war insurance were combined. These war premiums were paid upon a separate and distinct policy from the ordinary policy for marine insurance. At all events the war insurance and marine insurance were kept separate. The policy was an insurance against loss or damage by war. In other words, it was an insurance against the very cruisers which escaped from British ports by the connivance of England. The war-insurance policies are still in existence, and the amounts of such premiums, where paid, to whom paid, when and by whom paid, can be easily and correctly ascertained. Why did these parties pay war premiums? Why did they not ship their goods in British bottoms—in vessels carrying the English flag? They would not then have been under the necessity of paying one dollar as war premiums, for the cruisers never fired on British vessels. The English flag was as much a protection against the cruisers as the confederate flag itself would have been.

The American merchants and ship-owners (all honor to their names!) had the courage and the patriotism to pay their war premiums and ship their goods and sail their vessels under the American flag, defying all opposition on the ocean. Their patriotism, their love of country, that energy which American merchantmen and American sailors have everywhere displayed, kept our flag upon the ocean in that dark hour. [Applause.] Shall we now say to them, "You shall not have back your war-insurance money; you kept the flag afloat upon the ocean; you shipped your goods in American bottoms; you did a patriotic deed; we thank you for it, but when it comes to paying you money we compelled England to pay to us, we answer, Oh, no! we will give it to the insurance companies that made money out of your misfortunes and the misfortunes of your country."

On three several occasions the American Congress has passed upon this proposition, and every time the decision of the House of Representatives has been in favor of the exculpated-cruiser and war-premium claims. On each occasion the House has rejected the claims of the insurance companies. The insurance companies probably do not expect to get anything from this Congress; but if they can defeat present action and postpone the distribution till some future occasion, when this subject shall have grown old, (corporations never die,) this fund will be a sweet morsel for them. Ten or twenty years from now when these claimants, some of whom have already been waiting in poverty for twenty years, shall have gone to their graves, and the proofs of their respective claims shall have been lost or destroyed, then the insurance companies may come in and demand and receive the fund. While it would be unjust to give the fund to the insurance companies, it would not comport with the dignity and honor of this great Republic to receive into its Treasury a fund like this and then decline to distribute it to those who have actually suffered by reason of the wrongs which England perpetrated upon our commerce, for which wrongs England paid this fund as indemnity. [Applause.]

Mr. HOOKER. I always listen to my friend from Ohio with pleasure, and knowing him to be a good lawyer, I wish to ask him a single question.

Mr. CONVERSE. I will yield for that purpose.

Mr. HOOKER. I ask the gentleman whether the men who paid the war premiums added that war premium to the price of the goods they sold, and got their money back in that way? Is there any justice, therefore, or equity, in paying them rather than the men who paid and suffered the loss?

Mr. CONVERSE. I am obliged to my friend from Mississippi for putting the inquiry to me, as it is a point I ought to have noticed. The merchants who paid the war premiums were obliged to compete with those in the market who shipped their goods in British bottoms, and were thus relieved of the payment of war premiums. War premiums were not added to the price of the merchandise and so paid by consumers. In many instances the ship-owners themselves were obliged to pay the war premium not only on their own vessels but on the goods which they carried, in order to get something to carry, rather than lie and rot at the wharves in the ports of the country.

Mr. CAMP. And then to carry at a less rate.

Mr. CONVERSE. Yes; our merchant vessels were obliged to carry at a less rate than their British competitors, in addition to paying war premiums, because of risk of capture, delays in collecting insurance, undervaluation of goods by insurers, and sometimes litigation, all of which were avoided when goods were shipped in British vessels.

Mr. MORSE. I know that from my own personal experience.

National-Bank Charters.

SPEECH

OF

HON. CHARLES N. BRUMM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 16, 1882.

The House having under consideration the bill to enable national banking associations to extend their corporate existence—

Mr. BRUMM said:

Mr. SPEAKER: Before proceeding with my remarks, I ask permission to modify one of the substitutes which I offered for the pending bill by striking out, in line 13, the words "thirty days" and inserting "twelve months." I do this after consultation with Mr. Knox, Comptroller of the Currency. I think this modification may perhaps meet objections which the opponents of the substitute might be disposed to raise.

The SPEAKER *pro tempore*. The modification as stated by the gentleman will be published in the RECORD.

Mr. BRUMM. Mr. Speaker, we live in a remarkable period, one in which there has been greater advances in arts and sciences, greater social, intellectual, and moral development than in any previous age. We have progressed from the Conestoga wagon to the locomotive, from the primitive sailer to the mighty steamer, from communication by foot to electricity, by which the dying whisper may be wafted from the death-bed to the four quarters of the world in the twinkling of an eye. We are living in an age that has reduced time and space, brought mankind together from the remotest regions of the earth, and utilized and subordinated the elements to the use of man, thus enabling us to increase our productions and ease our burdens a hundred to a thousand fold.

We have advanced and progressed in everything except finance, *i. e.*, we have multiplied our commodities or resources a thousand fold, but have not advanced the system of distributing or interchanging these commodities or resources one jot. We are still adhering to the barbarous system of barter, namely, intrinsic value for value, varied only by a postponement of the delivery of the intrinsic value commodity by a promise to pay or deliver that commodity in future, and this promise made by individuals or corporations the creatures of the Government, instead of reserving to the sovereign the exercise and use of one of its most vital functions, and by controlling the currency or the circulating medium to exert practically a control of the interchange of every commodity that man creates or can utilize. We thus give to individuals the exercise of that sovereign power of government which enables them to control everything that money can buy. To this great question the tariff, transportation, and wages are but incidents, monopolies are subordinate, the social problem contingent, and the moral and intelligent status dependent.

In discussing this question I propose not only to separate bank functions from the Government, as suggested by my friend from Ohio, [Mr. BUTTERWORTH,] but also to separate all Government functions from banks. What does this bill contemplate? I contend that it contemplates the continuation of the issuing function of the banks, the discount function, the deposit function, and the function of exchange and transmission of money.

The only one that we war upon is the issuing function of the national banks. Therefore when gentlemen take up time by the hour in discussing the other functions and the evil that may perchance come if you interfere with the deposit, the discount, and the transmission functions of the banks, they are consuming time for nothing. There is no war at present upon any of these three functions, but simply upon the issuing of money. This is not a banking function; it is a right that belongs exclusively to the sovereign power of a government. I will say that if we are to have banks at all I would rather have the present national banks than any I ever knew of.

I say here frankly that the national banking system is the best banking system of any we have ever had, and while I say this I also say that the worst system we have ever had was the wild-cat State banking system.

Now, sir, the great trouble in the discussion of this question has been that gentlemen who urge the continuance of the issuing function of the national banks measure all their advantages and virtues by their comparison with the old rotten State banks. I say that is unfair. No man on this side of the House, that I know of at least, is in favor of the old State banking system. We only oppose at this time, so far as I know, the national banks in their issuing functions. We are not fighting bankers nor their profession. The occupation of a banker is an honorable one. I say, if I were not a lawyer I would wish to be a banker, and whatever I may say hereafter will not be a reflection on the individual banker, but a reflection on the system.

Now, to consider this question intelligently it becomes necessary for us to ask ourself, first, what is money? I contend, sir, that money is a creature of law, that it can only exist by virtue of the law; and that money has certain purposes, which is to facilitate the interchange of commodities by furnishing a substitute for barter, so that when I wish to sell two cows and buy a horse I need not take my two cows to market and hunt for a man that wants to swap a horse for two cows, but need only sell my cows to the best advantage, (singly or together,) not for a horse but for that which represents the value of the two cows, and for which I can buy a horse, and that which will do this is what I call money. For money is a creature of law created only as a medium to facilitate the interchange of commodities, and therefore should not be a commodity itself, but only a representative of the value of commodities.

But to do this it must have one essential function or attribute, which can only be imparted to it by the highest power known to man, namely, the sovereign power of the nation; and that is the function of legal tender for the payment of all debts.

And this does not conflict with the rights of States to control contracts between individuals, as suggested by my colleague on the committee from Missouri [Mr. BUCKNER] for a legal tender, or the power of a legal tender, is simply this: when John owes money to Jake and John makes him a tender of that which the Government has said is a legal tender and Jake refuses to take it, then Jake cannot go into the courts established by authority of law and say that the State must take hold of John and put its hands into his pocket or levy upon his goods and take from him that which will pay the debt in kind. But if I make a contract to barter, trade, or swap one commodity for another, then the interchange must be made in kind; *e. g.*, if I agree to furnish labor for potatoes, when my labor is performed the legal-tender act will not prohibit the man who is to pay me for my labor from making a tender to me in the potatoes agreed upon. The legal-tender act has nothing to do with it. It is only when I agree to do a certain thing or to sell a certain commodity for money that then I must carry out that contract in good faith, so that when that money which the Government has established in its sovereign capacity is tendered, then I must either accept that money, or that tender will be a good plea in bar. That is the whole sum and substance of legal tender and its effect.

Gentlemen tell us that we must have money which will pass current in England and the rest of the world. I ask any man here to show me or tell me if he has ever seen the money of the world, whether he has ever seen or ever heard of money that will pass current and is a tender anywhere except within the jurisdiction of the sovereign that has issued it, be he prince, potentate, or fifty million freemen. There is no money of the world. Whenever you go within the border of England or any other nation you settle your balances there, not with money, even if it is your legal-tender eagle or dollar, whether gold or silver. They will not count them; they weigh them. They but take the faith of the Government from the stamp on it, as to its fineness, and in that way they will make their calculation and receive it, not as money, but as commodity, merchandise, or bullion.

Gold is not money; neither is money gold. Money is only that that is so created by law, whether made of gold, silver, nickel, copper, brass, iron, or paper. Gentlemen have a great deal to say about fiat money. Now, I ask you in all sincerity, and I want gentlemen to answer the question if they can, did any of you ever see a dollar of money that was not fiat money? I pause for a reply; and I challenge you to show me a dollar of money that is not fiat money. I care not whether it be made of gold or silver or nickel or copper, or whether it be made of paper. Why, sir, you may take your subsidiary coin, and how much of that has intrinsic value, and how much is fiat? Take the Bland dollar, which is worth in the market some twenty cents more than the trade-dollar. One is a legal-tender dollar, while the other has a superabundance of commodity, but no legal tender; and yet it is worth twenty cents less. Take your copper and nickel coin; it does not contain near the commodity value of gold or silver, and yet to the extent that it is legal tender it will buy as much as any other money, and always serves the purpose contemplated within the jurisdiction of the government that utters it. What are your bank bills? Are they money? No. Take the act that has created them, take the bill itself and read it, and you will find that they are promises to pay money, and not money at all. When gentlemen talk about continental paper money, French *assignats*, and confederate scrip as repudiated and worthless money, they talk of that which never existed. There never was continental paper money; there never was confederate paper money. They were mere promises to pay money. The French *assignats* were never money; they were mere promises to pay land.

Gentlemen talk also of the standard of value; and my friend from Ohio who has just taken his seat said he wanted a standard of value, and that the standard of value he wanted shall be gold or silver, or both, because the value is there in the commodity before it is uttered; and also that that value was based or depended upon the amount of labor or the cost of production. I deny the whole proposition. The cost of labor and the cost of production have nothing to do with the value of any commodity. The question of value rests exclusively upon the matter of supply and demand.

I might illustrate this by hard seasons of winter that freeze the ice thick, at which time ice may be housed with comparatively little labor and cost; and there might be a hot summer and the supply of ice housed with little labor meets a great demand created by the hot summer, hence the price of the ice is graded by the demand thus created. But reverse the proposition. The ice may be housed in a winter when it is thin and when it will take five times the labor to house it that is required when it is thick. The summer may be a cold one and little demand for ice. Now, notwithstanding the fact that the ice cost five times as much as it did to house it when it was thick, yet it will not bring within 50 per cent. as much as it brought the preceding summer, when the demand was excessive. Take an acre of ground on Broadway, New York; cost nothing to create; its worth millions. Take an acre on a mountain top; cost the same; worth nothing. Build an ocean steamer on the mountain top; it costs more money and labor than to build it at the ship-yard, yet it is worthless. Build it where there is a demand or use for it, and it is worth millions. All the gold on the ship was not worth as much to Robinson Crusoe as a needle. There was no demand for gold; there was use for a needle. Therefore, what nonsense it is for any gentleman to attempt to establish the proposition that you can fix a standard of value. The value of all things depends exclusively upon their usefulness. Take it upon your own proposition. Even if the value depends upon the price of production there can be no standard, for the price of production will depend upon the demand and supply.

Value is ever-shifting. It has no permanence. Specific gravity, distance, bulk, &c., can be fixed, but values are as shifting as the winds, and have no maximum nor minimum.

When, therefore, gentlemen talk of the standard of value they talk of that which cannot exist and which never existed. You may have a unit by which you may measure values, and that is the closest you can possibly come to it; and when you adopt that unit you may make it a dollar, or you may call it a pound, or you may call it a franc, or whatever you will, but it is still the unit established by the government, and by that unit men may measure the value relatively of one article with another, and that is all the use there is in money so far as the question of value is concerned.

Mr. BAYNE. May I ask the gentleman a question?

Mr. BRUMM. Certainly.

Mr. BAYNE. Do you believe that the law of supply and demand applies to the amount of currency that shall be in circulation?

Mr. BRUMM. No, sir; the law of supply—as to volume?

Mr. BAYNE. Yes, sir.

Mr. BRUMM. That is beyond question.

Mr. BAYNE. Then does not the gentleman think that the distinguishing difference between the national banking system and the issuance of money by the Government itself or between those who would issue Treasury notes, that the national banking system enables the amount of the supply to correspond with the business wants of the community, while the Treasury-note system would vest the arbitrary power in Congress to fix the amount of circulation as it saw fit?

Mr. BRUMM. I understand the gentleman, and would have answered that hereafter; but since he has asked the question now, I will answer it here. The question of supply and demand as to money is a question of judgment. There is no standard for that. There is nothing that you can fix it by. It is a matter of judgment, and I contend that the best scale by which you can ascertain it is the price of money, namely, interest.

Mr. BAYNE. Is the quantity of ice to be consumed a matter of judgment——

Mr. BRUMM. No.

Mr. BAYNE. Or a matter of necessity?

Mr. BRUMM. There it is a question of supply and demand in a commodity. But money is different; and that is what I am trying to get through your heads. Money is a matter you cannot fix; you must take money just in proportion as it may be wanted by a community; and that can only be fixed, I believe, by the price of that money. Money, however, if you allow the Government to issue it, will not hang for the want of supply, because the Government will be able to issue it in unlimited amounts if necessary; and therefore the question of supply and demand does not apply. Human beings cannot control winters; nor can they control summers; but governments can control the supply of money, and I say to a great extent the demand for money. At any rate it may control entirely the supply of money if you only let it exercise that function which it has a right to exercise and not limit it to any specific commodity, such as gold and silver.

But I have said this is only a matter of judgment and there paused. The only difference between my friends and myself on that proposition is, that they want to have judgment of a part and I want to have the judgment of the whole. I want the judgment of fifty millions of freemen. They want the judgment of directly interested and soulless corporations, responsible to no God for their acts, responsible to no penal code, responsible to nothing but to the extent of their assets in a civil sense; while man, responsible to God, to his neighbor, to his family, penally and civilly, would be the better, the more disinterested judge than these corporations, whose existence and prosperity depend, not as my friend says, on their being able to see that there is a stability in the currency, but, as the experience of ages shows, on their being able to see that there is anything else but a stability in the volume of the currency. In that sense, having the avarice of humanity at least, they control it in their own interest, asking no questions as to what the effect of it will be on the rest of mankind. Therefore I again repeat that the question of volume shall be left to the people. They will be better able to take care of themselves than the bankers will be to take care of them. Besides, when the bankers control the volume they keep it hovering between universal bankruptcy and the highest possible interest that can be squeezed out of business, for the lower the volume the higher the interest. Therefore the bankers always keep the volume as close to the brink of bankruptcy as possible, with the margin so small that the slightest flurry brings on a crisis; for, mark you, the banker makes more money with one dollar out at 6 per cent. than he does with two dollars out at 3 per cent.; besides he requires only half the capital, runs less risk, and requires less work. When interest is six cents on one dollar the purchasing power of those six cents is much greater than when the interest is six cents on two dollars.

I know it is often said, "Why, you contend that by the Government putting its fiat under the law upon a piece of paper that will make that paper worth a dollar;" and they tell us, "But you cannot legislate a value out of nothing;" they tell us, "You cannot make that dollar worth a dollar, because it is not issued upon value." Just at this point let me tell you, sir, that you are wrong. Value depends entirely upon utility; everything is valuable only according to its usefulness. Anything that is of no use is of no value; hence if by legislation we can grant a franchise, extend a privilege, create a function, prevent an evil, or establish anything that will do good or be of use, we are by such legislation creating value just to the extent of that usefulness; and here, if you will bear with me, I will illustrate to you the difference between this fiat dollar and that which you call the dollar, the bank note. I here first say that a bank note is never issued. No man can show me a bank note that ever was issued. Banks do not issue money. What do they do? They loan money out. They give their promissory note for the individual's promissory note, always taking care to pay the individual nothing for his promissory note, but demanding of the individual interest for the promissory note of the bank, and the result is there is not a dollar of bank money out to-day, and never was, that is not drawing interest by day and by night, on week days and Sundays, on holidays and work days; and labor has to make up that interest.

How is it with the Government issue? There never was a dollar of Government money put out that was not put out for value received. I want to repeat that, for I wish you to remember it. There never was a dollar of Government paper money put out, or gold or silver money, that was not put out for value received. Governments do not loan money out; governments pay money out, and they pay it for value received.

Will gentlemen tell us that when this Government called its 75,000 boys in blue, and then its 300,000 more, and repeated it from call to call, and paid these soldiers in the greenback dollar, the Government did not get value received? When these men sacrificed their right arms or their legs, shed their blood, laid down their lives, that the nation might live, will gentlemen say that the Government did not get value received? And if it did, those greenbacks still represent that value.

But they say, how are you going to redeem it? Sir, if ever there was a holy redemption the redemption of the greenback by the sacrifice of the soldiers of this country was as holy a redemption as any since the advent of the Son of God. Do you ask me how it was redeemed from the hands of the soldier? Why, when that soldier sent his greenback home to his wife and little ones, and when that wife and those little ones ate the bread they bought with it from the baker, that greenback was redeemed in bread. And when the baker paid for his flour that greenback was redeemed again. So when you start money out right, you start it out for value received, and every time it passes from hand to hand it is redeemed. In that very passage it is its own redeemer, and when it comes back to the Government in the shape of taxes or dues it comes to its fountain source, as the rain which rises from the ocean gets back to the spring and trickles down the mountain and waters the valley and again finds its outlet into its mother ocean. So would we have the Government money, not based upon gold, not based upon silver, not based upon any one or two commodities, but by the Government's power of taxation based upon every commodity that the American people can create; based upon the whole wealth of the nation, based upon the entire credit, the honor, the integrity, the patriotism, and the intelligence of the American people; paid out for value, and not like the bank note, loaned out on interest.

Mr. SMITH, of Illinois. Will it disturb the gentleman for me to interrupt him?

Mr. BRUMM. Not a bit.

Mr. SMITH, of Illinois. I understand the gentleman to say that he wants all the currency of the country to be issued directly by the Government. I would like him to state who is to determine the limits of the amount of currency to be issued?

Mr. BRUMM. That question was asked me before by my friend from Pennsylvania, [Mr. BAYNE,] and I answered him that it was a question of judgment as to the amount of currency. The difference between the banks determining the amount of currency and the Government determining the amount of it was that in one instance the banks were made the judge, and in the other fifty millions of freemen were made the judge. Now, if the gentleman wants something more specific——

Mr. SMITH, of Illinois. I do.

Mr. BRUMM. I will state that I believe with my friend from Ohio [Mr. BUTTERWORTH] that a postal system of deposits is a healthy one. I believe that by such a system of deposits we could absorb the plethora of money, and by that system the amount of circulation could be ganged, because it would gauge the rate of interest. I do not know but that the introduction of one of the functions of the Bank of England might be a good one in connection with the postal system of deposits. That is, that a commission established by the Government shall, upon due notice to the holders of the certificates of deposits, raise or lower the rates of interest just as money may become plethoric or scarce in the business of the country. The amount of circulation could be regulated in that way, for when money would be scarce the rate of interest could be lowered and men would draw their money from deposit, and when there was a plethora of money the rate of interest could be raised and men would put the money on deposit. In that way you would have an automatic system within the control of the Government by the people and for the people, not by the banks and for the banks. That is but one scheme, and there are others, but I cannot now take the time to state them all.

Mr. SMITH, of Illinois. I understand the gentleman to say that Congress should determine the amount of circulation.

Mr. BRUMM. Congress might determine it in that way by creating a postal system of deposits, and then as long as there was a demand for the currency the Treasury might have the unlimited right to issue currency equal to the demand, the amount to be regulated by the price it is fetching in the market and by the amount invested in the postal deposits or the amount withdrawn. That would be an automatic system, and would answer all the purposes of regulating the currency.

Mr. SMITH, of Illinois. I understand the gentleman to say that the Treasury should be authorized to issue promises to pay for all debts of the Government.

Mr. BRUMM. No, sir; oh, no! I would never have the Government or any one issue promises to pay, but would have them pay at once.

Mr. SMITH, of Illinois. Issue currency?

Mr. BRUMM. Yes, currency. Issue fiat dollars to pay the debts of the Government under its sovereign power and exclusive jurisdiction over the subject-matter, and not postpone the payment of its honest debts by issuing promises, especially when those promises are burdened with interest.

Mr. HARDENBERGH. Would they not be promises to pay?

Mr. BRUMM. No; they would be the same as coin. Your gold dollar and your silver dollar is not a promise to pay. You cannot go to the Government and ask it to redeem this half-dollar [holding one in his hand] or a gold eagle. The Government would tell you that they had nothing to do with that; that you might pay it to the Government for a debt and that would be all. Even then if it were worn or short in weight, the Government would not receive it for as much in value as it was worth when it was issued. It would not receive it as money at all, but would receive it according to weight as a commodity or bullion for recoinage only, while it will receive its paper dollar for full value at all times. As my colleague on the Committee on Banking and Currency, the gentleman from Massachusetts, [Mr. CRAPO,] says, the currency of the country should rest upon the prudence as well as upon the power of the Government.

That brings me back again to the original proposition. You must not issue too much money. We understand very well what inflation means, and we do not ask for anything of the kind. But we do ask that you keep the issuing function, even though it be gold, silver, fiat paper money, or Government promises to pay, under the exclusive control of the Government, and let it be regulated by any scheme or plan that will establish a proper bulk or quantity of currency.

Mr. SMITH, of Illinois. What part of the Government is to determine the amount to be issued?

Mr. BRUMM. I said that I would recommend the election of a commission, under control of Congress, or would have it under direct control of Congress. We might by act of Congress give the Treasury unlimited power to issue fiat or full legal-tender paper money (which is the same thing) as long as money fetches more than 3 per cent. interest. Whenever it gets down to that point I would have it stop the issue; if it should go up again, then I would have it issue more. But you never need contract currency that is properly issued.

I agree with my friend from Ohio [Mr. BUTTERWORTH] that of all the evils of currency that of contraction and expansion is the greatest. The laborer is the last to feel the effects of inflation and the first to feel the effects of contraction. Therefore I would put it where there would be no amount issued that would ever need to be contracted, except by natural results, such as loss and destruction. If the Government keeps within the bounds of wisdom, as it can, and in my judgment will, as soon as the issuing function is forever taken from the banks, it never need contract the currency.

Gentlemen may tell us that during the war it would not have done to have issued an unlimited amount of paper currency. I answer no; but as the Government issued the currency it could draw it back by taxation and thus keep the volume at a healthy point at all times. During the war, when we had an immense Army, the Government could do this. In time of peace I grant you the Government cannot do it so easily; but in such a time there is no necessity for a superabundance of issue, and therefore of course there is no occasion for absorbing it by taxation. But in time of war the Government can set a limit upon the issue by the exercise of the power of taxation, drawing back the currency and keeping it at all times in a healthy condition.

Mr. HARDENBERGH. I would like to ask my friend a question. He says that the issuance of money should be by Congress or by a commission.

Mr. BRUMM. I say that its issue should be regulated by Congress, as it is now under the Constitution, but should never be delegated to banks.

Mr. HARDENBERGH. How are you going to get that money out, and how are you going to restrict or regulate the issue? Suppose you have an extravagant Congress or commission that issues more money than is required, so that people throughout the country refuse to take it. You then establish a gold basis, a silver basis, and what you call your Treasury-note basis. Confidence is gone, and the people suffer.

Mr. BRUMM. No, I propose to establish nothing of the kind. We would get this money out just as the people want it by always paying and receiving for value. When there is a Government issue you cannot get more money out than the Government can receive value for. I might have stated this in my answer to my friend from Illinois, [Mr. SMITH.] The amount of money in circulation is thus limited at all times. If after the debt is paid the amount of currency in circulation should not be sufficient, our friends from the South are asking us to educate their people. In the North, too, we have ignoramuses enough that ought to be educated, and I would recommend that the Government issue its fiat money and educate the people, if perchance there should be no other way of getting money in circulation. Internal improvements would be another method. Thus you enable the Government to be master of the situation at all times. Neither would there ever be a lack of confidence, for confidence is only lost when you make a lot of promises in shape of bank notes, &c., that you cannot redeem, whereas if you have cash legal-tender money based on the power and wisdom of the whole nation you have the very essence of confidence itself.

Mr. HARDENBERGH. I would like to ask my friend what volume of currency under his system he would issue? Would he pay every bond and obligation of the United States now out by this fiat money, as he calls it?

Mr. BRUMM. No, sir; not at once, but as fast as they mature and as rapidly as consistent with financial stability. I am unable to state the exact amount which would be proper for the volume of currency; and no other man in the world is able to do it. But I can do so just as well as the banker can. No man can tell beforehand the amount of currency required for a country like ours. Experience as the money is out will settle the question; and nothing else under the sun can.

The gentleman from Massachusetts, [Mr. CRAPO,] my colleague on the committee, remarked in regard to the banks that "the necessities of their creation have not been forgotten." He also speaks of their past "patriotic services." What did the gentleman mean? Did he mean to corroborate my other colleague on the committee, [Mr. HARDENBERGH,] who said that the bank note paid the soldier and carried us through the war? If he did, I deny the proposition. I say that no soldier ever received one dollar of national-bank-note money. Why, sir, your bank charters do not expire until next February—February, 1883; then the banks will have only been in existence twenty years. Hence they could not have been in existence before 1863. Yet men will undertake to make people believe that the war was fought out by this national-bank money. What is the fact as to this? I read from Judge Martin:

> The war commenced early in 1861. There was not one national-bank note issued until 1864.

Why, sir, Vicksburgh had fallen then; Gettysburgh, the turning point of the war, had been won. Our soldiers were marching triumphantly, crushing the shell of the late rebellion. Confidence had been restored; the danger of foreign intervention had passed; and the war was practically over. The battle had been fought and the victory won. Then these national banks came in and said: "Now we want you to let us control the currency."

Mr. HARDENBERGH. They were forced to do it.

Mr. BRUMM. The gentleman says they were forced to do it. Ay, sir, their avarice forced them to do it.

Mr. HARDENBERGH. The Government forced them to do it.

Mr. BRUMM. The Government did not force them to do it. Wall street came here to Congress. In the language of the old commoner, Thad. Stevens, "a wail came up from the caverns of Wall street," and insisted upon an amendment in the Senate to the House bill reported by him as chairman of the Committee on Ways and Means, putting in a clause that repudiated the greenback and became the basis of the national-bank system. It was done at the bidding of Wall street. Yet gentlemen tell us that the banks were forced to take control of the currency. The Government did say to the State banks, "we will tax you 10 per cent. on your circulation;" but did that force anybody to establish national banks?

Mr. HARDENBERGH. Certainly it did.

Mr. BRUMM. No; it simply got rid of the wild-cat State system of bank notes.

Mr. HARDENBERGH. Was not the primal evidence that Mr. Chase "wiped out" the State banks by putting the tax of 10 per cent. on their circulation and forcing the national banks to take bonds whether they wanted to do so or not?

Mr. BRUMM. I do not care what the primal idea of Mr. Chase or any other man was. The fact is the Government issued these Treasury notes. He made the bankers receive these Treasury notes; he made them receive the first $60,000,000 for debts, although it had not been put in the original act, but was rather left to his discretion.

Mr. CRAPO. My colleague on the committee seems to have forgotten that part of the history of the country when the Government had a large amount of 7.30 bonds and when the question of funding the public debt was an intricate and doubtful one, and when the banks did come forward and aid the Government in the funding process, converting the 7.30 bonds into those of a lower rate of interest.

Mr. BRUMM. Yes, they did come and refund the debt; that is, they so refunded it that instead of the Government owing the debt to the bondholders, to the contractors, and to the soldiers whose pay

was far in arrears, they made it over to the bankers at 40 cents on the dollar. They came and helped to refund the debt, which was the cause of the crisis of 1873. They did come and aided the Government to do that which brought on the greatest calamity this nation ever had save alone the last rebellion. They did come and make the Government refund this debt by contracting the currency so rapidly that labor lay prostrate, and men, women, and children were starving throughout the length and breadth of the land.

While on this point, Mr. Speaker, let me say that gentlemen here are fond of throwing into the teeth of the "Greenbackers" the fact that we prophesied the Government never could resume specie payment under your refunding system. I insist that we were right when we said that, for, sir, you have not resumed to-day. Under your original refunding act and resumption policy you changed your policy. You were going to cut down every dollar of greenbacks. You had demonetized silver, and when the greenback prophecy was proved to be only too true you changed your policy and you remonetized silver, stopped the destruction of the greenback and made it a full legal tender except for the payment of the public debt.

What is the result to-day? You boast of resumption. I deny it. You have not resumption, and especially of specie payment on demand for national-bank notes. To resume is to get back to where you started. This you have not done. You have a new idea of redeeming the national-bank note by a redeemer for which we on this side of the House are denounced.

After you call in the entire $350,000,000 bank notes and redeem them in greenbacks, you may resume by taking a fixed sum, not less than $50, pay the expense, and run the risk of getting it to and from New York City, and then put it in a little bit of a hole in that city and have it redeemed. That is what you gentlemen boast of as your resumption policy.

Mr. TOWNSHEND, of Illinois. Who does the gentleman allude to when he says you propose to retire the greenbacks and demonetize silver?

Mr. BRUMM. The gentleman from Ohio is one, and there are a number of others. I believe there are several gentlemen on the other side.

Mr. TOWNSHEND, of Illinois. Who are they?

Mr. BRUMM. One is the gentleman from North Carolina, [Mr. DOWD.] There are a number on both sides of the House.

Mr. TOWNSHEND, of Illinois. I know no Democrat.

Mr. BRUMM. Yes, the gentleman I have already named; the gentleman from North Carolina, [Mr. DOWD,] and many others.

Mr. TOWNSHEND, of Illinois. As I understood the gentleman's statement it was that somebody was to demonetize silver. To whom does he refer? None in the Democratic party.

Mr. BRUMM. I say those opposed to issuing greenbacks, Democrats or Republicans.

Mr. TOWNSHEND, of Illinois. Does the gentleman assert that any Democrat ever voted to demonetize silver?

Mr. BRUMM. Yes, sir.

Mr. TOWNSHEND, of Illinois. Does the gentleman from Pennsylvania mean to assert that any Democrat voted in favor of the demonetization of silver?

Mr. BRUMM. I am unable to answer the gentleman's question, except to say that I do not believe that 50 per cent. on either side of the House who voted on that question knew what they were doing.

Mr. TOWNSHEND, of Illinois. Does not the gentleman know that the silver dollar was demonetized by the Republican party, in a Republican House and a Republican Senate, and signed by a Republican President?

Mr. BRUMM. The bill was passed; a large majority of Democrats and Republicans both voted for it, and as I have said they did not know what they were doing. I believe that it got through the House by a trick and that they voted blindly upon it.

Mr. DINGLEY. If the gentleman from Pennsylvania will permit me——

Mr. BRUMM. Certainly.

Mr. DINGLEY. I desire to ask the gentleman from Illinois if he stated that no Democrat voted for the act of 1873?

Mr. TOWNSHEND, of Illinois. The act demonetizing silver?

Mr. DINGLEY. Yes, sir.

Mr. TOWNSHEND, of Illinois. I say it was passed by a Republican House and a Republican Senate, and signed by a Republican President; and no Democrat of either House favored it.

Mr. DINGLEY. I am sorry to say the gentleman labors under an error.

Mr. CANNON. I will state to the gentleman from Illinois, upon the same authority and on the same evidence that he uses, that not one Republican voted for the act. The record of that vote was not taken by yeas and nays, and there is nothing to show that any Republican voted for it.

Mr. TOWNSHEND, of Illinois. But my friend cannot ignore the fact that both the House and Senate were Republican; that it was a Republican Congress out and out, and that it was signed by a Republican President.

Mr. CANNON. And does not my friend know that no objection was made upon either the Republican or Democratic side of the House at that time?

Mr. TOWNSHEND, of Illinois. Certainly, I will admit that, for it passed both Houses under false colors and by a trick. But it was signed by a Republican President who had his eyes open and knew well what he was doing.

Mr. CANNON. Afterward he said he did not.

Mr. TOWNSHEND, of Illinois. And let me call my friend's attention to the fact that when the Democratic party was restored to power in the House it restored the old silver dollar.

Mr. ROBINSON, of Massachusetts. The Democratic party is evidently safe now, according to the statement of the gentleman from Illinois, and I hope we will proceed with the bank bill.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania is entitled to the floor.

Mr. ROBINSON, of Massachusetts. I am referring to the gentleman on the other side of the House.

Mr. CANNON. I only want to call attention to the fact that the remonetization of silver took place during the time when the Democrats were in the majority, as the gentleman says; and both Republicans and Democrats voted to pass it over the President's veto, while some Republicans and some Democrats voted against it.

Mr. TOWNSHEND, of Illinois. I admit that there are some good, honest men on that side of the House.

Mr. BRUMM. I now ask the Clerk to read in this connection what I have marked in this pamphlet entitled, National Banks and Legal-tender Notes, by Warwick Martin.

The Clerk read as follows:

But we allege that from the beginning to the close of the war not one dollar of national-bank paper was paid to the Army or Navy. Most payments were made in demand notes issued by the Government, or in legal-tender notes, also issued by the same great power.

The war commenced early in 1861. There was not one national-bank note issued until 1864. The soldiers could not, therefore, have been paid in them, if they had preferred them. But demand Treasury notes, to the amount of $60,000,000, were issued early in 1861, and legal-tender notes were issued in 1862, 1863, and 1864, and with these notes the expenses of the war were paid. This is an interesting portion of our history. We give it with the particulars.

At the commencement of the war the President and the Cabinet supposed, and published to the world, that it would be of short duration. From sixty to ninety days were all the time then allotted to its existence. To obtain money for this short war, the Secretary of the Treasury relied upon loans from State banks, then professing to pay coin. Fifty millions of dollars were borrowed from the New York banks to end the war and preserve the Union. They loaned this sum to the Government upon the condition that the sub-treasury act of 1846, which excluded all bank notes from the Treasury and imposed fines and penalties upon all Government officers who deposited any money in banks, should be repealed, so that the banks might be able to furnish the circulation for the United States in their own notes, and also receive and keep the public deposits. Congress complied with this request, passing such a law as the banks demanded. The $50,000,000 were loaned by the banks, and bonds of the United States bearing 6 per cent. interest were received by the banks therefor, at $80 on the one hundred. This loan was made by the banks and paid to the Treasury in the notes of the banks—not in coin. Think of it, laboring-men, the Government of the United States gives its bonds at 6 per cent. interest for the notes of banks at $80 on the one hundred. The notes were par. The bonds were 20 per cent. discount. These are a portion of the bonds now maturing or becoming redeemable.

We cannot do this subject justice without speaking of the exception clause in the legal-tender act of February 25, 1862, which excluded these notes from the custom-house. The House passed this act without this clause, making the notes full legal tender for everything. It was sent to the Senate for concurrence. Congratulations poured in upon the House from all directions—North, East, and West. But an army from the money centers, especially from New York, surrounded the Senate. The bank presidents and cashiers assured Congress that if these notes were made legal tender for everything all banks of issue would be compelled to wind up. This argument was too strong for a majority of the Senate. They placed the exception clause in the law, thus insuring a discount upon the notes from the beginning. The bill as thus amended was sent back to the House. The friends of the original bill fought the amendment manfully. But the Shylocks were around the House also, and they succeeded in effecting enough changes of votes to carry the bill as amended by the Senate. Thus the foundation was laid in the law for all the discount ever suffered by the people upon these notes of the Government. A blacker act is not recorded upon the pages of our history than this one. It was treason against the United States. Had these notes been made full legal tender, $1,000,000,000 could have been kept in circulation at par with gold, and this amount would have been ample for the demands of the war and of the business of the country, and not one bond need to have been issued. But the discount upon the notes was intended to form, and it did form, the pretext for selling bonds, borrowing money, and establishing national banks.

The 25th of February, 1863, (12 Statutes, page 665.) This was the first act authorizing the present national banks. It will be seen that it was passed just one year to a day after the approval of the act authorizing the legal-tender notes. The object of the law as expressed by Mr. SHERMAN, in his speech upon the bill, was to have the notes of these banks supersede the legal-tender notes and the demand notes, the former of which had been used for paying the Army for nearly two years, and the latter for just one year. But no banks went into operation under this act. The State banks made a decided stand against national banks. They held public meetings upon the subject in New York and elsewhere, and protested against the national-bank scheme. Something had to be done to reduce further the value of legal-tender notes, so that Shylocks and stockholders of State banks might see it to their interest to purchase bonds and commence national banking.

On the 3d of March, 1863, just six days after the passage of the first national-bank act, (12 Statutes, page 709,) the act of this date was passed, providing that legal-tender notes should be received for bonds, according to the law of their creation and the notes themselves, until July 1, but not after that time. This was done to force the legal-tender notes out of the hands of the people and into bonds, that national-bank notes might be issued thereon. It alarmed the holders of legal-tender notes. They supposed the Government was about to repudiate them. Under the law, and the statement that the notes were all to be redeemed and the notes of national banks substituted for them, they went in 1864 to $285 of notes for $100 of gold. Notwithstanding this law, Shylocks and bankers were allowed to purchase bonds with legal-tender notes which they had purchased with coin at $40 to $100. For these bonds thus purchased they were were willing to receive $90 in national-bank notes on every $100. But to give further inducements to the purchase of bonds and the starting of national banks therewith, a law was passed in March, 1864, providing that the interest on bonds, which was payable in gold, should be anticipated one year with or without rebate. This was commenced in

1864 and continued for five years. The bankers were now ready for banking, but the law had to be changed.

The law of February 25, 1863, was repealed, and the act of June 13, 1864, (13 Statutes, page 99,) was passed authorizing State banks to be converted into national banks, and making other changes satisfactory to the bankers. Thus far no national-bank notes had been issued.

Mr. BRUMM. Now, my colleague, the chairman of the Committee on Banking and Currency, says that banks are not large moneyed monopolies. For the purpose of showing the power of the national banks, I ask the Clerk to read a small extract from the secretary's report of the proceedings of the National Bankers' Association, held at Saratoga in 1879.

The Clerk read as follows:

Bank managers are the most apathetic business people that I have ever come in contact with; an earthquake will hardly induce them to move out of their easy-chairs. They need not be suppliants. They want justice and not favors. Did they but realize their strength, and, acting together, exert it as do other great interests, they would have to ask but once, and any proper request would be granted. The banks represent the entire commerce of the country, the mining, the iron, the manufacturing, the agricultural, even the whisky and tobacco interests are dependent upon and are tributary to the banks, and the banks in turn to them. Suppose banks and bankers should stop discounting for any one of these interests for thirty or forty days; nay, suppose the banks should cease making discounts to all of these interests at the same time, would not chaos come again? The movable capital of the entire commercial public of the country is in the banks.

There are over 6,000 banks and bankers in the United States, wielding of capital and deposits over $3,000,000,000. They have only to move along the lines and retire from business and let the windy demagogues supply their place with money and credits, if they can. They will soon be told by the farmers that they want something besides words for their wheat, and so also will the manufacturers and other producers for their productions. Nothing is so timid as capital, nothing so easily scared as one million, unless it be two millions.

Mr. BRUMM. Here is an acknowledgment that two of the most dangerous elements to republican institutions are incident to your banks, namely, unlimited power and unmitigated cowardice.

And for the purpose of showing that they are banded together, that they act, work, and operate as though they were one, I shall have printed as appendix A and B with my remarks two private circulars issued from the National Bankers' Association, showing that they work together in harmony with each other and that they move like one man. I had intended reviewing the different points made by my worthy colleague, the chairman of the committee, and also some of the remarks of my colleague on the committee, [Mr. SMITH,] but time will prevent me.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HARDENBERGH. I will yield fifteen minutes of my time to the gentleman from Pennsylvania.

Mr. BRUMM. I am very much obliged to the gentleman, but fifteen minutes will hardly suffice for what I desire to say.

The SPEAKER *pro tempore*. The gentleman from New Jersey cannot be recognized to yield the floor at this time.

Mr. BRUMM. He is a member of the committee and will be entitled to an hour.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. FORD] is entitled to the floor.

Mr. FORD. I yield to the gentleman from Pennsylvania all my time.

Mr. BRUMM. Thanks. Now, Mr. Speaker, I want to ask our national-bank friends what redeeming feature has the national-bank note that the greenback note has not? What advantage to the people of the country, to the business interests of the country, has the national-bank note that the national Treasury legal-tender note does not possess?

Do you say that it is current all over the Union? I say amen; but so is the greenback. Do you say it has the confidence of the people? I say amen, for that confidence is based on the people themselves, that confidence is based on the Government, and on its redeemer and savior, the greenback dollar. Do you say it will surely be redeemed? I again say amen; it will be redeemed, but by the greenback dollar.

And now let me ask another question. Let me ask the gentleman what advantage has the greenback that the national-bank note has not got? We claim that it has a number of advantages that your national-bank note has not got. In the first place, it saves the interest on the bond upon which the bank note is based, whatever that may be, great or small. In the second place, it saves the discount paid the broker or the banker; I have illustrated that heretofore; that is, the national-bank note goes out for interest and interest must be paid; hence the Government pays interest first on the bond, then the man who receives the discount pays interest on the bill, both of which are wiped out the moment you allow the Government to issue this money in the first instance. Then, sir, it does not bridge the chasm between the creditor and the debtor, as has been said by both my colleagues on the committee, the gentleman from Massachusetts [Mr. CRAPO] and the gentleman from Illinois, [Mr. SMITH.] The national-bank note does not bridge the chasm; it widens the chasm; because it makes the holder of the note pay double interest. It leaves the volume to the people and prevents the concentration of power in the hands of the few. I wish I had time to illustrate the damning and blighting effect of this concentration of power by the moneyed men of the country in the hands of perhaps a few dozen men practically in the city of New York. Any system of issuing banks fosters this centralization of power.

Again, there is a centralization of power in this, that whenever you take from the Government at large any of its functions, any of its rights, and give them to a portion of that Government you take it from the aggregate and give it to a few, and they in their selfishness would always use it and utilize it to their own interest. Functions that are sovereign should be held sacred by the Government, and not delegated to the few under any circumstances. You change it from an interest-bearing to a non-interest-bearing debt; and let me ask gentlemen who are so solicitous about the redemption of the greenback, is it not easier to redeem a debt, even if it is to be redeemed in kind, is it not easier to redeem a debt bearing no interest than it is to redeem a debt bearing interest? If you wipe out the interest of the bonds, cut them up into small denominations, make them legal tenders and serve the purposes of money; when the time comes for redemption the Government will be better able to redeem them if you do not charge interest than it will be if you compel it to pay interest for twenty-five or one hundred years.

Again, when you liquidate the Government debt by the issue of greenbacks you take the Government out of the money market. To-day the Government is one of the greatest if not the greatest competitor in the money market for loans. The Government is practically a bidder against any man who wants to borrow money. The Government is a borrower of money under a national-bank system and a competitor in the business market for the money of the country, whereas it ought to stand back and be a helpmeet, rather than to draw that money.

There will be no currency suspension as there was of the national banks in 1873. The national currency will redeem the bonds. Do gentlemen ask me, do I want to repudiate? I say no; I say I want the debt paid, dollar for dollar, according to the contract; coin, since it says so; gold, if the Government makes it so; blood, if the necessity requires it. I want it paid according to the contract. But I say that the national Treasury note will pay this bond without repudiating a dollar or a penny.

Senator SHERMAN said that some six hundred millions of the national debt was redeemed and paid in the national Treasury note; not because the Government said it must be, but because the holder of the bond said: "I do not want your gold and silver; I would rather take the national Treasury note, and let the Government take of its surplus at any time and call in so much of the debt as there is surplus." There will scarcely be one man that will say, "I want gold or silver." If they do say so, the Treasurer can easily tell them to back up their cart and take the silver that is now in the Treasury; and as they take it out, it will come back in the twinkling of an eye, and then it can say, in the language of the barber, "'Next;' back up your cart and we will give you your silver again;" and it can keep this up till the national debt is paid. I would not pay it off so quickly as to bring on any calamity. There must be wisdom as well as honesty, and the Government will act in a truly wise and judicious manner if you only give it a chance.

There will be no currency suspension. The Government need never be troubled about suspending specie payments under that system. The only reason that specie payments are in danger to-day is because under your banking system you allow the banks of the country districts to deposit their money in the city banks. They deposit all their surplus and the banks in the city loan it to stock speculators and gamblers. In the country they would rather put it out on call loans at 3 per cent. than on a permanent loan at 6 or 7, because their deposits are on call. In the city they keep it in a spasmodic condition, loaning it constantly to stock-jobbers and speculators, and hence when in 1873 stocks fell and could not be sold, a demand was made suddenly upon the banks for this money, and then it was that banks suspended not only specie payments, and honoring their own notes, but closed their doors, and refused to honor the drafts and checks of their depositors; then it was that they suspended all payments, and the result was the crisis of 1873.

And then it was that the Government was compelled to bridge over the chasm by loaning these very banks $26,000,000 of legal-tender notes. Therefore, not only during the war did you rely upon your Treasury notes, but in time of profound peace, in times of crises you have always called upon your savior to come to your relief in all emergencies.

But again, the most important element of the system is in the fact that it will prevent the contraction and expansion of the currency. It will keep it on a permanent basis, not subject to the double fluctuations of gold and silver as commodities, and as coin, nor to the whim, caprice, and avarice of biased individuals or interested corporations. It will be on a permanent basis, for the money will never be issued beyond the amount that is wanted, and will be contracted only in a wholesome degree. Now, as to the merits of this bill and of the several amendments, I would ask what do gentlemen really expect to accomplish by the passage of this bill?

Mr. DOWD. I have been informed that the gentleman has said that I advocated the demonetization of silver.

Mr. BRUMM. No, sir; I said you opposed the issue of greenbacks and advocated State-bank notes.

Mr. DOWD. No; I did not even do that.

Mr. BRUMM. I understood you to do so yesterday.

Mr. DOWD. The gentleman is mistaken.

Mr. BRUMM. Then we are still without a substitute for this sys-

tem, and I want gentlemen to come forward and tell us what they do want. You come down now to the proposition that you must either have a perpetual national debt or the days of the national banks are numbered. Either one or the other of these horns of the dilemma you must take. You must either say that you want to mortgage our children and their posterity indefinitely or that national banks must give up their issue. Now, since the days of the issuing function of national banks are numbered, and since you do not propose any substitute for it, let me ask if we had not better begin now to let them down easy, to let them down gradually? You say they have lived for nineteen years and that you want them to have twenty years more of existence. If you give that to them, then at the end of that time you must either give them twenty years more or else let the bottom drop out all of a sudden.

Now, I do not want anything of the kind. I am more generous toward the national banks than that. I want them to start now and prepare for the day of judgment. The time is at hand, and their days are numbered. I only ask them to prepare now, that they may meet their judgment when it comes upon them, and not inflict another crisis upon this country like that which they have heretofore inflicted.

Now, what does this bill contemplate? You say that under the present law the banks may be continued. Yes, they may. But you say that you do not want the issuing functions to be disturbed in the least; you do not want the banks to pay up the amount of the lost or destroyed notes, which have been lost or destroyed during the twenty years of their existence?

Do you say you want that done? Oh, yes, for in the sixth section of your bill you say that whenever the amount shall be reduced to 5 per cent. then the banks must pay the balance in current coins.

Now, if the experience in regard to national-bank notes is anything like the experience in regard to the loss and destruction of fractional currency you never will get to the 5 per cent. limit. In all honor and candor, why cannot you fix a specified time and not resort to the subterfuge of a 5 per cent. limit?

I have fixed the time in my bill at one year. I had it fixed at thirty days; but the Comptroller of the Currency thought that was too short a time, and so I have fixed it at one year. I only ask that at the end of that one year they shall redeem their notes and receive other notes for them if they please; and for those that cannot be redeemed, whether 5 per cent. or 50 per cent., they must pay in current funds.

They have had this privilege now for twenty years, and they knew that the day of settlement would come. As honest men they ought to be willing to pay to the Government that amount of money, and let the Government turn it around and liquidate and redeem that amount of interest-bearing debt.

Mr. CRAPO. Is not the gentleman aware that so far as banks have gone into liquidation already, and their circulation has been called in, the amount of lost and destroyed bank bills is less than 1 per cent.?

Mr. BRUMM. Yes, I will grant that it is so stated.

Mr. CRAPO. That is from the official figures.

Mr. BRUMM. I know it must be so if the gentleman says so. But it is only a presumption. Take those banks which have gone into liquidation; they may have been fortunate, or rather unfortunate for them; and it may be the amount is only 1 per cent. But statistics are very slippery things to stand on. While that may be the case with some, it may not be with others.

But even if that is the case, so much stronger then the argument why they should pay that 1 per cent. honestly. Why place the limit at 5 per cent.? I want some argument for it, some reason. Why do you want the limit at 5 per cent., and say that only when it gets down to that point shall they liquidate their liabilities by paying currency to the Government?

Let there be no limit of per cent. Do you know that banks may agree among themselves that they will not let the notes of their brother bankers get below 5 per cent.? They may say, let us keep that amount; and a five-dollar bill held by each one on this or that bank would make up the amount, and in that way they will thwart the object you have in view.

Therefore I say again, what harm, if you are honest, can there be in fixing a time rather than the amount, and say that they shall have a year, and if they do not redeem every dollar of the money which they have to redeem in that time, then they must pay current funds for it?

Do you tell me that a crisis will be the result when a year's time will be allowed for the payment of only 1 per cent.? If so, then I pray God that the national banks may be wiped out before I die and that my children need not fight so weak and corrupt an institution. If such a measure as this is to produce a crisis, then we should devise some plan by which we can get rid of the incubus that cannot stand even 1 per cent., with a whole year's time in which to raise it.

What are the provisions of my substitute? One of the propositions I have submitted I have no hopes of having passed; there are not Greenbackers enough here for that. But I have submitted a compromise measure which does all that is contemplated by the Crapo bill except that it provides for the contingency of a crisis, in this, that as the national-bank notes are wiped out we shall substitute therefor the Treasury notes—legal-tenders—just as they are to-day. Besides, this substitute fixes twelve months as the time for the final payment or liquidation of those national-bank notes that are lost or destroyed. Those are the only two substantial propositions as to which my substitute differs from the measure proposed by the gentleman from Massachusetts. This proposition of mine must meet the views of any gentleman here who is anxious to have the national banks continue by reason of their discount function, their deposit function, their transmission function. This substitute simply says to the national banks that they must be honest in their issuing function. This is all that my substitute contemplates. I ask for it the careful attention of every member on this floor. I ask any one to point out wherein it differs substantially from the Crapo bill except as above stated.

Gentlemen talk about giving banks the right to issue money because the Government cannot do it. How can bankers do it? To what extent can they do it? To the full extent of the national debt, less 10 per cent. Now, gentlemen, if you are honest in claiming that the Government should not issue money, but that creatures of the Government should issue it, I ask why do you not offer a proposition something like this, that any individual may go to the Secretary of the Treasury with a bond of not less than $100, and not exceeding, I would say, $20,000, and receive not bank notes, but individual notes, if you please? What objection is there to allowing an individual the same privilege which you allow to a corporation? What is the difference?

John Smith, a business man in my county, has $20,000. He wants to go into manufacturing business. He finds that it will take $18,000 to build his factory. He says: "Here is a banking corporation with $25,000 capital that can go to the United States Treasury and by depositing bonds get money for them to the full amount of the bonds, less 10 per cent., and shave the people with it. Why should I not do the same thing? I will go to the Secretary of the Treasury, and say to him: 'Here are $20,000 of Government bonds; give me $18,000 in notes.' I will take these notes home—not for the purpose of shaving my neighbors, not to draw sweat and blood from them by usury. I will use them in erecting my factory, in giving employment to my neighbors, in building up the industries of the country. I will not loan out this money to draw the blood from the man who wants to build a factory. I will build the factory myself. I only ask the Government to do for me what it is doing for the national banks." He says to the Secretary of the Treasury: "Give me money upon the same terms on which you give it to this soulless corporation." The Secretary says: "No, no; you are a creature of God; you are a being of flesh and bone and blood; a responsible creature; I cannot give you this money. Besides, you want this money to use it as a blessing to your neighbors; that is against our policy."

What does John Smith do? He goes home and gets several of his neighbors to join with him. They say we will apply to the Secretary of the Treasury; and it will no longer be the application of John Smith; it will be the First National Bank of Hookstown. They go to the Secretary of the Treasury, and he says: "Oh, I see; you are not here as a responsible creature, a creature of God—a mortal man, with soul immortal; you are an immortal creature without a soul. Deposit your $25,000 of bonds, and I will give you $22,500 in money. You may then go home—not to erect factories, not to give employment to your neighbors, not to build railroads and other improvements, but to shave your fellow-citizens, to draw from them their life-blood."

Mr. CANNON. May I ask the gentleman a question?

Mr. BRUMM. Certainly.

Mr. CANNON. Will the gentleman vote with me for an amendment to allow these banks to carry on the banking business without taking circulation, or to reduce the amount of their bonds deposited to a nominal sum, for the reason that at the present premium upon 4 per cent. bonds and on the basis of 8 per cent. interest upon loans there is absolutely no profit in circulation? I desire to see an amendment of that kind adopted, and I have such a proposition now pending. I personally know that most of the country banks at least would be glad to have it adopted.

Mr. BRUMM. If I understand the question right, it means simply, will I vote for an amendment continuing the national banks as they are, excepting their issuing functions? Is that the question?

Mr. CANNON. Certainly.

Mr. BRUMM. Then I answer yes, with all my heart. Give us your banks of deposit, your banks of discount, your banks for transmission of money, but let the people say what the circulating medium shall be.

Mr. CANNON. Does not the gentleman think it would be a good thing for the banks to have that privilege instead of going out of business, instead of paying 123 for the 4 per cent. bonds as soon as the three-and-a-halfs are called, which will be during the present year?

Mr. BRUMM. Whenever it pays the banker to give 123 per cent. he will do it. When it does not, he will throw his money on the country and not ask any questions as to what is to become of the people.

Mr. CANNON. The gentleman wishes to be fair, I know Now,

in my State of Illinois, and in some of the other States, there is a constitutional provision which prohibits the incorporation of any bank of circulation or discount. The alternative is presented to the national banks to take circulation at a loss or go out of business and bank under the form of copartnership.

Mr. BRUMM. I have already said I will, if that provision be adopted, be willing to provide that whenever they want to go out as a bank of issue we will substitute for every bank note a Treasury legal tender. That would keep the volume of circulation at the present amount, or rather it would increase it to the extent of the circulation of the banks which went out of existence. The banks will all renew, and that question is answered in that proposition. I do not want to interfere with that now. I have my own views about that proposition, but it is not a question at issue. I say I do not wish to interfere with any other function of the national banks at this time except the issuing function. I say I will oppose any State bank of deposit, or any State bank of discount. I believe that no corporation of a State, no creature of a State, has a right to deal in money as money created by the sovereign power of the Government. I believe the function of discount and deposit, and exchange even, belongs or ought to belong to individuals or to corporations created by the National Government alone.

Mr. HAZELTON. The General Government would not have authority to bank.

Mr. BRUMM. The General Government never does bank.

Mr. HAZELTON. As a bank of issue?

Mr. BRUMM. Issuing is no banking function. It never was, and there is where you make your mistake. You constantly confound the idea of a bank note with an actual dollar. You constantly confound a promissory note with a fiat dollar. You constantly confound a promise to pay a dollar with a gold, silver, or other legal dollar made by the sovereign power of the country.

Mr. HAZELTON. Does the gentleman hold——

Mr. CRAPO. Let me ask my colleague on the committee from Pennsylvania whether the greenback is a promise to pay?

Mr. BRUMM. And let me say right here in reply to the gentleman from Massachusetts that the greenback on its face is a promise to pay. It is not the money I want, but it comes nearest to what I want and what I can get under the present circumstances.

I will go further, Mr. Speaker, and will say that on its face it is a promise to pay, but by the act creating it it does not promise to pay. Under the act which created it, it is provided that it shall be receivable in payment of dues, and may be convertible into bonds. The bankers of Wall street are those who put this character upon the greenbacks. Under the act creating the greenback it is not redeemable either in gold or silver. You will not find it anywhere in the act by which the greenback was created that it is redeemable either in gold or silver.

Mr. HAZELTON. Can the Government issue any other form than that which is a promise to pay?

Mr. BRUMM. Is that the whole of your question?

Mr. HAZELTON. Certainly.

Mr. BRUMM. Very well; I will now answer it. The Government has no right to issue a promise to pay.

Mr. HAZELTON. It has not?

Mr. BRUMM. It has not.

Mr. HAZELTON. Once more. Would you obey a decision of the Supreme Court of the United States?

Mr. BRUMM. I will obey all decisions of every court so long as they stand, but I reserve the right to reverse their decision by the proper processes.

Mr. HAZELTON. Has not the Supreme Court decided that you can issue nothing except a promise to pay in gold or silver dollars, and that there is no such idea as a fiat dollar, or a paper dollar, under our Government? If so, how are you to get around it?

Mr. BRUMM. There never can be a dollar that is not a fiat dollar.

Mr. HAZELTON. Have they not so decided?

Mr. BRUMM. The Supreme Court have gone so far as to say that the Government Treasury note is a legal tender, first; and here let me say that the first money that the Government issued or created was a paper dollar—a promise to pay, a Treasury note. It issued Treasury notes before it ever issued coin of any kind, or before it ever coined a silver dollar, or a gold dollar, or a copper coin. The next money coined was copper; the next was silver, and the last was that gold of which my friend from Missouri talks so much. The men who framed the Constitution knew what they intended to do, and they passed an act establishing a Government national bank, with a right to issue legal tenders to the Government, I grant you, not to individuals; and they then issued Treasury notes—the very men who sat in the constitutional convention. Now, the Supreme Court has gone further; Chief-Justice Chase deciding that our greenback note is a legal tender for every debt, public and private, except those reserved in the act.

The Supreme Court, lacking two of being full, when it was filled went further, went beyond and up to that point that my friend, Judge BUCKNER, is so much afraid of, that is that they are legal tender for the payment of antecedent debts. We do not ask you to go that far. We are willing to stand by the first decision of the court. We do not ask you to go as far as Judge Strong went when he rendered the opinion of the court. We only ask you to make your notes legal tender, not to the Government alone, but to the individual as well.

Mr. HAZELTON. But the gentleman has not yet answered my question. If I do not interrupt him I would like to have an answer.

Mr. BRUMM. I do not care about the interruption; but I do not want to lose the time.

Mr. HAZELTON. Suppose you had a piece of paper and the Government said "this is a dollar," would that be good money under your construction?

Mr. BRUMM. Yes, sir.

Mr. HAZELTON. That is all I want to know. The Supreme Court decided that it would not be money.

Mr. BRUMM. I, in the first place, do not know that the Supreme Court has so decided.

Mr. HAZELTON. They so decided in the legal-tender cases.

Mr. BRUMM. I beg the gentleman's pardon; that question was not presented at that time. I say the Government has a right to make this a dollar, and it will be a dollar, if the Government so declares, regardless of its intrinsic value.

Mr. HAZELTON. Well, now, again on that same point, if the Government says this seat is a dollar, according to that construction it will be a dollar, won't it?

Mr. BRUMM. No, sir; it will not.

Mr. HAZELTON. Why not, then?

Mr. BRUMM. It would be a dollar, so far as it goes, but it could not be utilized.

Mr. HAZELTON. In other words, you cannot pass it around.

Mr. BRUMM. No. But the Government is presumed, as my friend [Mr. CRAPO] says, to have wisdom; and it would not be the part of wisdom, nor would it be within the bounds of common sense, to say that a seat would be a legal-tender dollar.

Mr. HAZELTON. But the Supreme Court decided that you cannot make the seat a dollar, or a piece of paper a dollar, or anything but a promise to pay in coin.

Mr. BRUMM. I have never seen that decision, and would thank the gentleman to give it to me. But in contradiction of the statement that that is the decision of the court and in opposition to the fact, the Constitution mentions nothing, as the gentleman from Wisconsin knows, except gold and silver in that connection.

Mr. HAZELTON. That is it exactly. It does not mention seats, does it?

Mr. BRUMM. Now, I hope the gentleman will allow me to proceed.

Mr. HAZELTON. But that is the point I want the gentleman to come to.

Mr. BRUMM. The Constitution only mentions gold and silver.

Mr. HAZELTON. It does not mention seats or old boots.

Mr. BRUMM I am aware of that; nor shad. [Laughter.]

Mr. HAZELTON. You are correct.

Mr. BRUMM. And I will touch on that subject of the Constitution. Now, the Constitution says that nothing but gold or silver; it does not mention coin, but it says the States shall make nothing but gold and silver a legal tender. Now, mark you upon this proposition. The State or the colony had always power to coin money before the Constitution was framed. They did coin money. The colonies before they became States coined money; but when the Constitution was framed they gave up that right. Who got it? The banks? No. Individuals? No. The Government got it. There was no reservation on the part of the States of this power when the Constitution was framed, even by implication.

The Constitution says in so many words that Congress shall coin money and regulate the value thereof, and foreign exchange, and that the State shall issue no letters of credit nor make anything but gold and silver a legal tender. In answer, now, to the gentleman's proposition, when the Government coins gold and silver and issues what it calls a gold dollar it does not issue a pure gold coin, or when it issues a silver dollar it does not issue a pure silver coin. They are all alloyed, and if you stick to your construction of the Constitution and say that it means gold and silver, and nothing else, how will you justify the alloying of the gold and silver? How will you justify the coinage of the copper, of a small penny like this, and say that it shall be the one-hundredth part of a dollar?

The Constitution contemplates the idea that the Government through Congress shall coin money and regulate the value thereof, and they shall say just how much and out of what material they shall coin it. And that is Judge Strong's decision.

The gentleman from Ohio [Mr. BUTTERWORTH] said he wants a dollar that is an honest dollar, that has a hundred cents to the dollar. Will the gentleman, or will anybody else, a friend of his, show me a dollar that has not a hundred cents? Did you ever see any? Did you ever know a dollar that has not a hundred cents and is not worth a dollar? When I ask you what is a dollar, what do you tell me? If you ask me, I tell you it is a hundred cents, or a unit fixed by the Government by which you may measure value. That is all you can say. You may make this dollar of gold, or part gold, and can put a certain kind and quantity of gold in it. And so you may of silver, of nickel, of copper, or of paper. That is all there is in that. The constitutional right of the Government is to coin money and regu-

late the value thereof, and to save itself, and to do all that is necessary and incident to the exercise of any sovereign power.

Now, then, as to seats and old boots, and shad. I have heard that thing spoken of before. They say, suppose you take a block of wood, and the Government puts its stamp on it and says, "This is a shad," and you throw it into the Potomac and a fisherman down the river fishes it up, and when he looks, he reads, "by the authority of the United States this is a shad;" then says "but I do not believe anything of the kind; I would not want to eat it, and, of course, it is not a shad."

Let me illustrate. These questions are asked by the money-changers, just as the tempter asked Jesus Christ when he said, "To whom shall we pay tribute?" Christ said, "Show me your token, your tribute-money." The tempter showed him a token, a penny-token, I believe. Christ said, "Whose superscription is that?" The tempter said, "Cæsar's superscription." Christ said, "Render unto Cæsar that which is Cæsar's and unto God that which is God's." And so I say to my friend, when you talk of the coining of money, it is a function of Cæsar, of the Government; therefore render unto that Government, that Cæsar, that which is Cæsar's. When you talk of making shad, that is a function of the Deity, and therefore render unto God that which is God's. When you talk of seats, boots, &c., they are functions of individuals; therefore render to the carpenter and shoemaker their functions. Do not attempt to rob God Almighty and the poor carpenter and shoemaker of their functions, simply for the purpose of justifying your attempt at robbing the Government of one of its most sacred functions.

Now, for the benefit of those Americans who are determined to follow England, I want to read from the last October number of Blackwood's Magazine an extract from an article which is entitled "The threatened abolition of bank notes." The writer says:

> One thing made manifest in this correspondence is, that Mr. Gladstone has reached a new stage in his views upon this great question, and that he is now resolved to proceed to work in his long-cherished idea of abolishing bank notes—in other words, abolishing banks of issue altogether, and establishing a state-issued paper money for the entire kingdom; and that he is resolved to put every possible pressure upon the existing banks in order to tempt or force them into compliance with his will and purpose.

Further on he says:

> For themselves the banks have nothing to fear from the proposals of the government. The dearer money is made and the higher the rate of interest the better for banks; but the hardship would fall upon the people.

This is pertinent to another of my propositions, and tends to establish its verity.

So the article goes on in support of the determination of the premier of England, showing that the British Government has at length opened its eyes and is determined to get rid of the banks of issue, returning to the doctrine of Thomas Jefferson, who said that "banks of issue must be suppressed and the issue of currency restored to the Government, where it properly belongs."

Here I wish to put a question to my worthy friend from Massachusetts, [Mr. CRAPO,] the chairman of our committee. How does this bill prevent the contraction of bank currency, if the banks wish to surrender their notes? This bill provides no substitute for the currency thus withdrawn from circulation; it provides for no contingency. Gentlemen may talk about rechartering the banks and extending their right to issue money; but if the bonds are paid upon which they rest, these banks may say, like Shylock of old—

> You take my house when you do take the prop
> That doth sustain my house: you take my life
> When you do take the means whereby I live.

If the Secretary of the Treasury calls in the bonds upon which the circulation of these banks is based, (and that he must call in a certain number of them there is no question,) the banks fall; the currency is contracted to that extent. What remedy is there in this bill, not for a contingency, but for this absolute certainty?

Gentlemen are horrified at the idea of a possible temporary contraction of the currency, pending the change from the old charters to the new. But while they are horrified at this temporary contraction of the currency, they exhibit no concern at all in regard to the permanent contraction of the currency that must come, no matter what they may do, if this bill passes in the shape in which it is now before the House.

Mr. CRAPO. Would not that contraction be still greater if nothing be done whatever? Suppose this bill fails and Congress takes no action at all, would not the evil the gentleman speaks of be intensified?

Mr. BRUMM. I say it would. The gentleman is certainly correct on that point. You would have the double evil—the contingency in the first place, and the certainty in the second place. To meet that difficulty I have offered my substitute, which does not interfere at all with the three functions of the banks of which I have spoken, but only requires them to settle up to the extent of 1 per cent. in twelve months. This provides a remedy for the certainty of the contraction of the currency; and I say again I cannot understand why gentlemen on this side of the House will not at once either accept this substitute or bring in something better if they can, instead of insisting on the bill before the House. That bill is inadequate to meet the needs of the case; it will not cover the ground. It simply provides for a contingency, and leaves open the door for a certainty that must happen, to the injury not only of the banks but the people at large.

The only reason that I can imagine why bankers oppose such a proposition as mine is that they are determined to have either national-bank notes or force us back into the old wild-cat State-bank notes, and for that reason will not allow us to issue any more legal-tender Treasury notes. Yet I submit that unless some substitute be provided we cannot escape a contraction of the currency, which must necessarily bring about another crisis very soon; hence the only question is, shall that substitute be the pure legal-tender greenback or shall it be the thirty-eight species of State-bank vermin to poison our issue, or shall it be the Democratic mongrel Treasury note, not a legal tender, as contemplated by the Bland-Buckner substitutes? And here let me say that I would rather vote for the Crapo bill a thousand times than vote for this Democratic wolf in sheep's clothing. Though the Crapo bill makes us bear the ills we have, the Buckner-Bland frauds drive us to others we know not of. By the Crapo bill we are at a stand-still; by the others we drift back to the State wild-cat system, and rivet it with multiplied horrors more firmly than ever upon our body-politic. Sir, you issue Treasury notes now not a legal tender; you deny by implication the right of the Government to issue a full legal tender in time of peace; and thus you force the final withdrawal of the greenback, and substitute for it your half-breed apology. Then you throw yourself, soul and body, into the clutches of bankers, money-changers, and monopolists, and allow them to repudiate your issue by refusing to receive them in payment of commercial paper or any other debt, and by declaring that they are not current funds force them below par. And thus you make them repugnant to the people, and create a clamor against any national issue of money; and when the people are in that temper we will again fall an easy prey to the demands of the money-sharks for the restoration of State banks. Thus you cheat the people by making them believe that you are Simon Pure Greenbackers, and by diverting their attention from the true doctrine you become our most dangerous enemies.

In fighting a righteous cause it is an easy thing to subdue an open enemy, for then we can give blow for blow, but it is hard to fight guerrilla skulkers and dodgers who steal into our camp under the guise of friendship and attempt to cut the legal-tender heart out of us; and then because we will not tamely submit to their butchery, and allow them to sail under false colors, they denounce us and say they are better Greenbackers than we are, and by thus robbing the livery of Greenbackism to serve the Democracy they put us on the defensive, and compel us to combat all the ridiculous heresies preached by these hypocrites.

Gold, silver, bank notes, and Democratic mongrels may do for financial dress parade, but in the heat and brunt of battle and in every crisis, you must resort to the nation's credit. The bankers always urge the necessity of their assistance in time of peace and prosperity, but leave the nation to its fate in time of war. "A friend in need is a friend indeed." The money that could bear the terrible strain of the rebellion, spurned, mutilated, and crushed as it was by Wall street, will always be strong enough to resist every shock or crisis in peace. Even now they are the support of the national-bank note. Wall street and my friend BUTTERWORTH agree that during the war legal tenders were constitutional, that is, the legal-tender clause is only a war measure. But why? Because then Wall street & Co. shrank and, coward-like, refused their aid. When this nation was struck by the leprosy of rebellion, we were too loathsome to be treated by these doctors of finance. When England and our other very friendly neighbors across the pond left us to our fate, and joined the enemy, these professors of materia monetary medica were the first to desert from our camp with their physic. When the martyred Lincoln called for seventy-five thousand men and then for three hundred thousand more, the youth and bloom of our country promptly responded with the best blood of our land. But when he called for the money to pay them to keep their wives and little ones from starving at home these currency scientists could make no sacrifice for such a holy cause. When defeat followed disaster, foreign intervention was threatened, our armies driven back, our soldiers slaughtered by the thousands, and the darkest cloud of rebellion hung over us, there was no succor from Wall street. When the loyal heart was bursting with anguish, its gaunt arm extended, begging for help, the mighty North with all its powers and resources lying prostrate at the feet of Wall street, naked, hungry, sick, and sore, these frozen blood physicians refused all nourishment, not even encouragement or honest medical advice. They had nothing to offer but second-hand porous-plasters in shape of wild-cat bank bills. No sooner did the patient convalesce under the nourishment of the greenback, when this ungrateful and unblushing quack again intrudes himself upon our forgetful and forgiving nation, and acknowledges that while we are sick, weak, and in great distress, the best thing to strengthen and cure us is that greenback which produced a good and healthy circulation, and that during the war we were right in using the national legal-tender panacea, for then it seemed to agree with our Constitution, and really saved our life and made us the greatest nation of the earth. But now that we are so strong and vigorous they don't think that our Constitution will bear any more of this national legal-tender nourishment, that is, it

is not good to be too healthy; our Constitution requires that in time of peace we should have some financial poison to stagnate our circulation. Then you know we will be so fashionable, and like our royal English neighbors we can get an occasional financial fit or spasm, and sometimes faint away and get downright sick. Then these financial mountebanks will take the best care of us, for they are so well posted in the anatomy of finance, and the physiology of political economy, that they alone are fit to take charge of our system, especially our circulation, as they still believe in the old practice of phlebotomy, and therefore will draw our blood until our commercial heart almost ceases to beat, when they must again resort to the greenback nourishment, even in time of peace, as they did in the financial plague of 1873.

APPENDIX A.

President: ALEXANDER MITCHELL, president Wisconsin Marine and Fire Insurance Company Bank, Milwaukee, Wisconsin.
Chairman Executive Council: GEORGE S. COE, president American Exchange National Bank, New York.
Treasurer: GEORGE F. BAKER, president First National Bank, New York.
Secretary: EDMUND D. RANDOLPH, president Continental National Bank, New York.
Corresponding Secretary: GEORGE MARSLAND, editor, 247 Broadway, New York.

THE AMERICAN BANKERS' ASSOCIATION,
(No. 247 Broadway, Room No. 4,)
New York, December 14, 1880.
(Private.)

DEAR SIR: Many favorable circumstances suggest that we must redouble our efforts during the present session at Washington. Please to write immediately to your friends in Congress. Urge them to vote and work for the bill relieving the banking business from the ruinous taxation imposed upon it to the great injury of commerce and trade throughout the country. You will be pleased to see that Secretary Sherman, in his report, has just given his sanction to our claims so far as to recommend the repeal of the taxation on bank capital and bank deposits. The recommendation of the Secretary to Congress to grant this relief is now given for the first time, and cannot fail to have great influence. The Comptroller of the Currency and the Commissioner of Internal Revenue have also supported the claim of the banks for relief by convincing facts and statistics. In the present condition of the United States Treasury, the repeal of the mischievous taxes on the banks can and should be granted without delay. Bills for this purpose have been introduced and referred, and are now in the hands of the sub-committee of the Committee of Ways and Means, consisting of Messrs. Carlisle, Morrison, Felton, Dunnell and Conger, whose friends we hope will urge them to make a favorable and early report.

Below we send you a list of the names of all the members of the Committee of Ways and Means of the House of Representatives, and of the Finance Committee of the Senate. Please to write to these gentlemen, or ask your Congressmen to see them personally, and to urge on their favorable consideration the bill repealing the war taxes on the business of banking. Do not fail to do this at once, and let us know at your early convenience what has been done, and what course your Congressmen and friends are disposed to adopt.

Yours, truly,
FOR THE TAX COMMITTEE OF THE EXECUTIVE COUNCIL,
GEORGE MARSLAND,
Corresponding Secretary.

APPENDIX B.

Members of the Finance Committee of the United States Senate.

THOMAS F. BAYARD, of Delaware, chairman.

FRANCIS KERNAN, of New York.	JUSTIN S. MORRILL, of Vermont.
WILLIAM A. WALLACE, of Pennsylvania.	THOMAS W. FERRY, of Michigan.
D. W. VOORHEES, of Indiana.	JOHN P. JONES, of Nevada.
JAMES B. BECK, of Kentucky.	WILLIAM B. ALLISON, of Iowa.

Members of the Committee of Ways and Means of the House of Representatives.

FERNANDO WOOD, of New York, chairman.

J. RANDOLPH TUCKER, of Virginia.	W. H. FELTON, of Georgia.
RANDALL L. GIBSON, of Louisiana.	WILLIAM D. KELLEY, of Pennsylvania.
JAMES PHELPS, of Connecticut.	OMAR D. CONGER, of Michigan.
WM. R. MORRISON, of Illinois.	WM. P. FRYE, of Maine.
ROGER Q. MILLS, of Texas.	MARK H. DUNNELL, of Minnesota.
JOHN G. CARLISLE, of Kentucky.	

AMERICAN BANKERS' ASSOCIATION.

Resolution of executive council, passed at their first meeting for the year 1880–'81, at Saratoga, New York, August 12, 1880.

Resolved, That in order to defray the expenses of the coming year for carrying on the work of the association, in accordance with the constitution, article 5, section 1, the treasurer be, and he is hereby, directed to request all banks and bankers in the United States to remit the sum of their annual dues, and to invite all to unite with us in a renewed effort not only to avert additional taxes or other burdens from being imposed, but to relieve the banking business from some part at least of those now placed upon it. We also deem this a proper occasion to urge the banking interest throughout the country to consider that one of the purposes for which this association was organized was to obtain such relief. It has steadily directed its efforts to this end, and will continue the same work in the future as in the past; and we hope that all banks and bankers will esteem it a privilege as well as a duty to become members of the association and aid it by their personal efforts so far as possible. The annual dues for membership asked for from each bank are very small, while the object aimed at is large, whether it be to avert new burdens or to get relief in part from those now existing.

No. H. Duplicate 2.] AMERICAN BANKERS' ASSOCIATION,
New York, August 16, 1880.

In accordance with the above resolution of the executive council, please remit in the inclosed envelope draft to the order of this association for the sum of five dollars, (or return this voucher.)

Respectfully yours,
GEO. F. BAKER, *Treasurer.*

To —— ——.

A Department of Agriculture.

SPEECH
OF
HON. J. T. UPDEGRAFF,
OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 9, 1882.

The House having under consideration the bill (H. R. No. 4429) to enlarge the powers and duties of the Department of Agriculture—

Mr. UPDEGRAFF, of Ohio, said:

Mr. SPEAKER: The bill now before the House is the unanimous report of the sub-committee of which I am a member, and comes here now as the unanimous report of the Committee on Agriculture. It is a modification of the bill for the elevation of the Department of Agriculture offered by me in the House at the opening of this session. This bill is designed to meet a long-felt need of the country and is a moderate and just demand of its greatest and most indispensable industry. I do not believe any measure has been before this Congress half so important to the interests of the people and the development of our resources.

It is a worthy official recognition of agriculture as the fundamental, underlying source of our wealth and prosperity. For years its delay or denial has been a wrong to that interest, and consequently a damage to all the great associated interests. The time has fully come when American agriculture should receive this long-deferred recognition. Having discussed the question of the establishment of a full department of agriculture in the early part of the Forty-sixth Congress, I will quote the following passage from the remarks I made at that time as equally applicable now:

> The great fact of modern history is the creation of value by the development of natural resources. The great problem of wise government is the just recognition and fostering care of these productive forces, for material development is itself an important element of civilization. Millions of dollars of our national wealth have been created by what meager aid our Government has given to the enlargement of our agricultural productions. Millions have been lost by the utter inadequacy of the appropriations which have been doled out to this immense industry. And yet the Department of Agriculture, weaker in working force than most of the bureaus in other Departments, stinted in its endowments, and hampered by hostility and disparagement, has been of incalculable value not only to the agricultural interests but to our marvelous material development. Every year these facts are becoming more generally appreciated not only by farmers but by progressive men in all ranks of activities.
>
> This bill simply proposes an act of long-deferred justice. It elevates this department to the full rank of other Executive Departments, with all their rights and dignities. Why shall it not be? It is the direct representative of more than one-half of the people of the whole country. They constitute largely the productive element of our population. No class can justly claim any superiority over them as intelligent, patriotic, useful citizens. Their industrious habits and conservative virtues are no small factors in the strength and security of our institutions. However trade may enrich and art may adorn our progress, the nation dwells largely in the cottages and farm-houses of the country.

More and more every year is this true. The farm has become a progressive American institution, and agriculture is rapidly coming to the dignity of a science, and yet this branch of our productive forces has been ignored or recognized in a grudging, half-hearted way. Indeed it would seem as if the Government was half ashamed of that industry which is the bed-rock of its wealth and power. Indeed in this House its claims and needs receive less neglect or ridicule only as its political strength becomes more obvious and formidable.

This bill would give it full rank and power. The substitute of the gentleman from West Virginia [Mr. KENNA] seeks to make it a "division" of a department. This is to reduce its present inadequate rank and powers. What is this great industry which it is proposed to crowd into a division of a department? It is the productive force which sums up a grand annual total of nine thousand million dollars' worth of products, which in 1880 furnished 83 per cent. of our exports of eight hundred and twenty-four million dollars' worth. It is that industry which restores plenty and heals the waste of war and panic. Within the last few years, when commerce was stagnant, when our manufactures were prostrate and pulseless, when our great financial fabrics went down, burying fortunes and enterprise in their ruins, then this great and enduring productive force displayed its full measure of beneficent power, and came with the measureless affluence of its varied resources to bring back prosperity and to fortify the nation's credit with the bounty of the nation's surest wealth.

Our immense production in this line is the marvel of the age. To develop and guide this broadest and most varied of all our industries our Agricultural Department with its present scope and powers is a mockery of the vast interests involved.

Since the foundation of our Government the wisest men who have guided it—from Washington to Garfield—have aimed at some better organization and wider powers for the development and elevation of our agricultural interests. In his first message, and in his last,

Washington urged it upon the attention of Congress and the country. He said:

In proportion as nations advance in population and other circumstances of maturity, this truth (the primary importance of agriculture) becomes more apparent and renders the cultivation of the soil more and more an object of public patronage.

When Lincoln came into power amid the tumult of civil strife he did not fail to notice and point out the meager and inadequate provision for agriculture. He said:

Agriculture, confessedly the largest interest in the nation, has not a department, nor a bureau, but a clerkship only, assigned to it by the Government.

It still has but little more than the clerkship to which the President then alluded.

Something has been done, but nothing in proportion either to its needs or the benefits which would result from ample appropriation and full power.

In this we are behind every leading nation. No country on earth has an agricultural interest or product to compare with ours, yet in all the leading nations of Europe it receives such consideration as has been denied it here in the American Congress. In France, in Russia, in Spain, in Italy, in Austro-Hungary, it has an executive department, and its head is a minister of state. One of the first acts of Gambetta, the brilliant prime minister of France, was to secure a decree separating the department of agriculture from that of commerce. At this time not one of the great powers of Continental Europe forms its cabinet without a minister of agriculture.

France has nine executive departments, and with only two-thirds of our population, that country appropriated last year to her agricultural department $7,250,000—more than one-third the amount which our Agricultural Department has obtained since its establishment in 1862.

Little Italy, with less than one-half the population of this country, appropriates to this interest through her minister of agriculture vastly more than our Government.

Austria has seven executive departments, and one of these is the ministry of agriculture. Its duties there include stock-raising, irrigation, fruit culture, statistics, forestry, and agricultural education. Last year its appropriation to this department was $5,000,000.

Prussia has about half the population of this country, with eight executive secretaries, one of which is a secretary of agriculture. Last year its appropriation to this department was $4,052,800, though its agriculture is insignificant compared with that of the United States. But the prosperity and progress of that country is attributed by its wisest statesman in large degree to its special care and encouragement of its agriculture under this department, which has been in existence in Prussia for the last thirty-four years.

The Government of Brazil has established as a part of its ministry a secretaryship of agriculture. That industry is rapidly advancing within the bounds of that great empire, and a wise development of our own sugar-producing resources may yet save to our country the immense tribute we now pay it yearly for what our own soil can easily produce.

In connection with this statement let me call the attention of the House to the surprising fact that during the fiscal year ending June 30, 1881, the United States imported of various agricultural products to the amount of no less than $285,681,008! Of this vast sum $10,000,000 was paid for wool, $21,000,000 for tea, $56,784,391 for coffee, and $12,365,529 for fruits and nuts. Nearly every dollar's worth of this vast importation should have been produced on American soil. Only the uncertainty of just protection makes the use of a pound of foreign wool possible in the United States. Our varied climate, soil, and pasturage afford us facilities for the production of every grade of wool known in the commerce of the world. The meager experiments already made by our Agricultural Department have gone far toward demonstrating the fact that with proper care we shall soon be able to grow on American soil our supply both of tea and coffee.

During the same year the United States paid for sugar and molasses imported $93,393,322. To supply ourselves with this we have only to utilize our own resources. That whole supply we could easily produce either from the sugar-beet, the cane, and sorghum, or from a small part of the wasted corn-stalks, which yield our vast crop of 1,754,861,535 bushels of Indian corn.

More than a hundred years ago the great German chemist, Marggraf, discovered sugar in beets, and in his report to the Berlin Academy of Sciences predicted its influence on European industry. But it was only by the aid of the French Government under the first Napoleon that it developed into a great basis of national supply and wealth. The 36,000,000 population of France are now supplied with sugar from that source, and in that country and the rest of continental Europe one-third of the world's sugar supply is produced from beets. The great Napoleon in his later years wisely placed his successful efforts to encourage and establish the beet-sugar industry in his country above all the other achievements of his great career. One yielded only fading laurels; the other shall for ages bring employment and home comforts to honest, toiling millions.

Now, what is this industry which now asks this moderate recognition from the Government? It is that business which to-day engages the attention and makes the employment of nearly 28,000,000 of our people. It is pre-eminently our national industry. It is the basis of our growth and prosperity. But agriculture is not only our foundation industry but it is the safety of our social organism and the strength of our civil system.

What does it ask? Merely that in our political system it shall be recognized as an important part of our productive forces. What are its assets? It has 5,000,000 farms. It furnished last year $729,650,016 worth of our exports out of the $883,925,947 which the United States exported. By the census of 1880 there are in the United States 10,357,981 horses, 1,812,932 mules and asses, 993,970 working oxen, 12,443,593 milch-cows, 22,448,590 other cattle, 35,191,656 sheep, 47,683,951 swine, making the entire value of the live stock $1,500,503,807.

We often point with pride to the wealth of precious metals taken from our mines. During the decade from 1850 to 1860 California yielded $1,100,000,000 in gold and silver, but that vast total is hundreds of millions less than the value of the live stock now in the country, and insignificant compared with the annual agricultural products of the country. The last census shows that while Californiia is still yielding vast sums from her mines, still her wheat product is much greater, as shown by the following table compiled from the census report:

Product and value of wheat in California, 1871 to 1880, against the value of her gold and silver mines for same time.

Years.	Bushels.	Value.	Value of gold and silver produced in California.
1871	16,757,000	$23,627,370	$20,000,000
1872	25,600,000	28,416,000	19,049,098
1873	21,504,000	28,385,280	20,300,000
1874	28,380,000	28,096,200	17,753,151
1875	23,800,000	28,084,000	17,300,000
1876	30,000,000	34,200,000	16,000,000
1877	22,000,000	28,600,000	17,634,000
1878	41,990,000	43,249,700	20,000,000
1879	35,000,000	43,050,000	18,600,000
1880	33,877,600	32,522,496	19,870,000
Total		318,231,046	186,506,249

For a large part of the two last decades the United States has been sending out of the country a yearly average of more than $57,000,000 to pay for balances on our imports. But for the years 1878, 1879, and 1880 our agricultural exports were $2,239,137,595, giving us a balance of trade in our favor for those three years of $650,159,810. Last year our agricultural exports brought into the country in payment $91,160,000 in gold after paying for our imports of $642,664,628.

The rapid growth and importance of the agricultural products of the country are strikingly shown by the following table, which gives the amount of some of the principal agricultural products at each census from 1850. It shows that with wise development and care our national resources contain possibilities of expansion and wealth almost beyond the dreams of avarice:

Comparative statement of aggregates for the United States, from the Census of Agriculture.

	1880.	1870.	1860.	1850.
Land in farms.....acres..	539,351,713	407,735,041	407,212,538	293,560,614
Improved land.....acres..	287,220,321	188,921,099	163,110,720	113,032,614
Value of farms....dollars..	10,197,161,905	9,262,803,861	6,645,045,007	3,271,575,426
farm implements..dolls..	406,522,414	336,878,429	246,118,141	151,587,638
farm animals.....dolls..	1,500,503,807	1,525,276,457	1,089,329,915	544,180,516
farm products.....dolls..		2,447,538,658		
Horses.....numbers..	10,357,981	7,145,370	6,249,174	4,336,719
Mules and asses..numbers..	1,812,932	1,125,415	1,151,148	559,331
Working oxen..numbers..	993,970	1,319,271	2,254,911	1,700,744
Milch-cows.....numbers..	12,443,593	8,935,332	8,585,735	6,385,094
Other cattle.....numbers..	22,488,590	13,566,005	14,779,373	9,693,069
Sheep.....numbers..	35,191,656	28,477,951	22,471,275	21,723,220
Swine.....numbers..	47,683,951	25,134,569	33,512,867	30,354,213
Corn.....bushels..	1,754,861,535	760,944,549	838,792,742	592,071,104
Wheat.....bushels..	459,479,505	287,745,626	173,104,924	100,485,944
Oats.....bushels..	407,858,999	282,107,157	172,643,185	146,584,179
Rye.....bushels..	19,831,595	16,918,795	21,101,380	14,188,813
Barley.....bushels..	44,113,495	29,761,305	15,825,898	5,167,015
Buckwheat.....bushels..	11,817,327	9,821,721	17,571,818	8,956,912
Cotton.....bales..	5,746,414	3,011,996	5,387,052	2,469,093
Hay.....tons..		27,316,048	19,083,896	13,838,642
Wool.....pounds..	155,685,750	100,102,387	60,264,913	52,516,959
Butter.....pounds..	777,204,471	514,092,683	459,681,372	313,345,306

The value of products of agriculture has not yet been computed, nor the value of the hay crop of 1879. The wool does not include that on public lands and ranches, nor in hands of butchers, &c., 100,000,000 pounds.

J. R. DODGE,
Special Agent, Tenth Census, for Collection Statistics of Agriculture.

MAY 6, 1882.

But it is objected that this would be an innovation on our present system. I answer that the present system of our Executive Depart-

ments has gradually grown up as circumstances demanded. And on this very question we have precedent and authority as old as the convention which framed our Constitution, but to which, so far as I know, reference had never been made until I called attention to it in discussing this subject in the Forty-sixth Congress. In that convention various outlines of plans for the basis of the Constitution were proposed. On the 20th of August, 1787, a plan was offered by Mr. Morris, of Pennsylvania, and seconded by General Pinckney, of South Carolina, providing for "a council of state composed of the following officers: 1. Chief-Justice of the Supreme Court. 2. The secretary of domestic affairs, whose duty shall be to attend to matters of general police, *the state of agriculture and manufactures*, the opening of roads and navigation, and the facilitating communication through the United States. 3. Secretary of commerce and finance. 4. Secretary of foreign affairs. 5. Secretary of war. 6. Secretary of the marine."

This plan, with the others, was "referred to the committee of detail," and no Cabinet officers were provided for in the Constitution. But it is a significant fact that in this detailed plan of a constitution, brought forward by two of the ablest men in that august body, the first Cabinet officer named was one whose duties would be such as to make him substantially a secretary of "agriculture and manufactures." And such first place for that first industry of our country was in exact conformity with the consideration in which it was held by these founders of our Government.

In further proof of this it may be mentioned that Washington in his first message to Congress brings this subject to its attention very forcibly in saying, "The advancement of agriculture, manufactures, and commerce, by all proper means, will not, I trust, need recommendation."

THE GRADUAL GROWTH OF THE CABINET.

In September, 1789, six months after the inauguration of Washington, three Executive Departments were created by statute, and to them special duties were assigned. These were the Departments of State, of the Treasury, and War. The several heads of these alone composed the Cabinet, which sat in council with Washington. In 1798 a Navy Department was organized by law, and its first Secretary, Benjamin Stoddard, took his seat in the Cabinet of John Adams with Pickering, Wolcott, and McHenry. The Constitution authorizes Congress "to establish post-offices and post-roads," but that Department was never by statute elevated into a full Executive Department. That was done by the edict of Jackson, who, in March, 1829, appointed John McLean, of Ohio, Postmaster-General, and called him to a seat in his Cabinet with Van Buren, Ingham, Eaton, and Branch. In 1849 the Department of the Interior was created, and its first Secretary, Thomas Ewing, became a member of the Cabinet. The Attorney-General, of course, was a member of the Cabinet also, though he had no Executive Department until 1870, when Congress by law established the Department of Justice. Thus the Cabinet has been enlarged from time to time as the new demands and needs of our rapidly progressive development indicated the wisdom of such change. We have an Army of only 25,000 soldiers, but a Secretary of War in full cabinet rank. We have no navy worthy of the name, but the Secretary of that Department sits at the council of the President. The Secretary who supervises mail contracts, and the Secretary who has charge of the Indians and of the wild lands of the Government, each, by virtue of his office, belongs to the President's council.

Twenty-eight millions of our population are directly interested in agriculture, and all the rest indirectly. The capital invested in it is estimated at more than $14,000,000,000, equal to full one-third of all our property. It is furnishing direct from the farms more than four-fifths of our immense exports. When commerce was stagnant; when our manufactures, overwhelmed by the late panic, were prostrate and pulseless; when our great financial fabrics went down, burying fortunes and enterprise in their ruins, when this great and enduring productive force displayed its full measure of beneficent power and came, with the measureless affluence of its varied resources, to bring back prosperity and to fortify the nation's credit with the bounty of the nation's surest wealth. Why shall it still be condemned to secondary rank? This injustice involves not only the wrong and indignity to this greatest and most necessary of all human industries but by limiting its benefits and neglecting its grand possibilities the loss falls on all other industries of which it is either the primal source or the indispensable reliance.

It is asked, what can be done more for the interest of agriculture, if it was a full executive department, than now is. I am sure much more, first, by the justice of the recognition, but if it were to be merely a title, it is worthless. But the importance of the vast interests demand that they should be under the special and watchful guardianship of a Cabinet minister, who shall sit at the council board of the President, and fully represent every interest of more than half the whole population of the country. For years the stock-raising interest of the country has lost millions by the lack of any fully equipped and independent authority to deal with contagious diseases among our stock, and still more to treat with foreign nations, which have unjustly, and to our great loss, excluded our hogs and cattle from their ports.

One of the pressing needs of our country is a division of forestry under the control of an executive department of agriculture. To rescue and preserve what is yet left our great forests need the full powers and authority of executive supervision. This has become a question of national importance. The sweeping destruction of our forests and the criminal waste of these resources have become matters of general concern. It has now been brought forcibly to the attention of the country by the forestry bulletins of Professor Sargent, issued by the Census Office. New England and New York have squandered their pine, and now we are wasting the final reserve. Professor Sargent estimates that only eighty-two billion feet of merchantable pine remains standing, and that the amount cut during the last census year, ending May 31, 1880, was seven billion feet. If no conservative policy is adopted by the States and the General Government the ax and the forest fires will soon finish our forests, which with wise protection would, for an indefinite time, yield a rich annual harvest. It should be kept in mind that the money loss is the smallest evil attending this destruction. It is now fully proven that health, soil, and climate alike pay the penalty whenever the relative amount of forest is reduced below certain limits. The droughts and floods of our country both attest that we have passed the danger line.

European governments make this question a matter of special care. France has 3,000,000 acres in "state forests," which yield an annual revenue of more than $5,000,000. These are carefully preserved, while the export of lumber is $6,000,000, and the import amounts to $44,000,000.

Germany has 35,000,000 acres in forests, of which 20,000,000 acres are in Prussia, where $500,000 are annually spent on replanting. Nearly one-third of the whole forests of Germany belongs to the state, and is made subject to special care by law, and instead of being wasted is kept on the increase. The import of timber exceeds the export annually by 20,000,000 tons.

In this country our vast forest resources should be preserved not only as a measure of financial wisdom but as a matter of great national importance to health and agricultural production. Under the control of the Agricultural Department it would naturally receive the care which its magnitude justifies.

This department since it first received in 1839 an appropriation of $1,000 has rapidly grown not only in public favor but in benefits to the country. The introduction and dissemination of a single variety of seed or plant has again and again repaid to the country all which this department has received since its foundation. The introduction of sorghum alone has been worth millions of dollars to the country. Within a few years the introduction and propagation of the Bahia orange from Brazil, sent out from this department now bids fair to revolutionize the orange trade of California and the South and be of great value to the country.

Since 1870 the increase of the value of wheat and oats on the same acreage is no less than $62,760,246 in the United States, and no small part of this increase is fairly attributable to improved seeds disseminated by this department. This is but a hint of what can be done in this vast domain of productive forces by research, experiment, improved methods, patient labor, and intelligent progress. Less than one-eighth of our great domain has yet been subjected to cultivation, so that with our immense production our country is still only at the beginning of its wonderful capacity as the food-field of the world.

But it is said that the real agriculturists of the country are not in favor of this measure to elevate this division into an executive department. It was so declared on this floor by a dainty city lawyer in the discussion of the question during the last Congress—a city lawyer who for political reasons had been made chairman of the Committee on Agriculture. It was so said the other day by a city editor, a cynical dyspeptic who runs a feeble daily near the world's "Hub," who says this measure is "bucolic buncombe." The source of such assertions is reckless ignorance. Within a few years Congress has received petitions in its favor with the names of scores of thousands of the foremost agriculturists of the country. In this Congress and in the Forty-sixth I have presented petitions for this object bearing the names of thousands of farmers as intelligent and as practical as any class of men in the country, and far less prone to "buncombe" than either a city lawyer or a Boston editor. Farmers' institutes, local, State, and national granges have given their voices to the same effect, and modestly, but emphatically, claimed for agriculture this just recognition and this practical benefit. The agricultural journals with great unanimity have indorsed the measure.

Three years ago I advocated it in an address delivered before the National Dairy Fair Association in session in New York City, and the association heartily indorsed the proposition, and it then received the approval of many of the leading agricultural journals of the country. A year ago the New England Agricultural Society strongly indorsed the measure, believing, as it said, that it would enable that department "to attain a broader usefulness and more securely reach the standard contemplated in its original construction." Now, of course, a Boston editor, if he had not been densely unconscious of the facts, whatever else he might ignore, could not repudiate the official voice of the New England Agricultural Society on agriculture. Among the farmers of the country there is an almost uniform approval of the measure. Agriculture is daily advancing in the scope of its powers and the magnitude of its results, and those engaged in it believe that it will obtain practical advantage from enlargement of the scope and powers of that department.

The present position of that department and the wide confidence of the agriculturists of the country in the ability, fitness, and rare qualifications of the present Commissioner for all the high duties of his office, tend to increase the desire of that class to see so fit a representative of the grandest interest of the country at the nation's council board the peer of the foremost, an agriculturist always, but scholar, political economist and practical statesman none the less. Thus the time, the circumstances, and the state of public sentiment, are all auspicious for this measure of wise improvement. Development is the spirit of our system. Obeying this impulse and yet preserving the symmetry of its design our country has grown from a little colony to a mighty nation. If it goes on safely in its present career it must gather its wealth from its own wonderful resources and find its strength in the harmony and development of its material and moral interests.

Among these the broadest and grandest is agriculture. Let it then be no longer cramped in a bureau or set aside, as Lincoln said, "with a clerkship," but give it, as this bill provides, the scope, the dignity, the authority commensurate with its mighty possibilities. Amply will it return the bounty of the Government, aid in solving impending questions of labor, revenue, debt, and social economy, and go on evolving wealth by the creation of real values and laying the foundations of our country's growth and prosperity deep and strong on the safest basis of intelligent labor, American homes, and independent and self-supplying progress. [Applause.]

Mississippi River—Protection of its Valley.

SPEECH

OF

HON. EDWARD W. ROBERTSON,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 18, 1882,

On the President's message to Congress concerning the improvement of the Mississippi River and the protection of its valley.

Mr. ROBERTSON said:

Mr. SPEAKER: No great material question has been so misunderstood by the press and public and even in the Halls of Congress as the improvement of the Mississippi River and the protection of its valley. In 1879, after years and years of conflict between rival plans and theories, we provided for the appointment of a board of skilled engineers to review the whole subject and bring order out of chaos. This board was called "the Mississippi River commission," and the organic act creating it specified several duties, the chief of which were to consider and mature a plan to "improve and give safety and ease to the navigation thereof," and to "prevent destructive floods." These were the two fundamental ideas of the act. They were inserted, after mature deliberation and for the purpose of subsequently sustaining them, in the annual appropriations. In solving the problem the commission were instructed to report upon "the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary." One branch of the subject, the improvement of navigation, has been fully discussed and almost unanimously decided in the affirmative by our votes and the voice of the country. It is, as we say in court, *res adjudicata*, except the amount of the annual appropriations needed in the completion of the works of improvement. I will therefore upon this occasion confine my remarks to the other branch of the subject, the protection of the valley from destructive floods.

RECLAMATION DISCLAIMED—PROTECTION SOUGHT.

Both the title and text of the act were clothed in clear and distinct language, nevertheless, for a year or more after its passage, the commission was, by the public press, particularly that of the North, very generally termed the levee commission. This misnomer was even used in debate upon this floor, inadvertently of course, by a distinguished member from New England. But the wrong use of terms had an effect upon the public mind—left it muddled and prejudiced. It conveyed a false idea, and kept alive the old bugbear of reclamation of alluvial lands. Now, I wish it distinctly understood by this House, the press, and public, and particularly by those opponents of the spirit of the organic act, who would restrict it by provisos, that we of the Lower Mississippi Valley do not ask for the reclamation of our lands at the expense of the Federal Treasury. We are both able and willing to do our own farming, and do not advocate so absurd and paternal a theory of government. It is true that several bills have been introduced here by members from the lower valley in which the word "reclamation" was inadvertently and carelessly used, but the idea they meant to convey was simply "protection," and that term should have been used. In the act creating the commission, however, correct language was employed, and nowhere can the misleading, objectionable, and unpopular term "reclamation" be found. I made this disclaimer upon the floor of this House as early as January, 1879, in a speech advocating the passage of the commission bill, and used the following language upon that occasion:

> It contemplates the improvement of the chief avenue of transportation of a great commercial nation. It also seeks to protect from floods and pestilence over twenty-six million acres of the most fertile and productive lands upon the face of the earth. It does not, as is so often alleged, aim at the reclamation of those lands, or seek to perform work which properly belongs to the individual citizen. The word "reclamation" is not used in the bill. It is well that we understand the distinction at the outset of this discussion, for the wrong use and confusion of terms have given the opponents of river improvement an opportunity to misinterpret, and therefore misrepresent, the object we seek to accomplish. The word reclamation has furnished them with the key-note of unjust criticism. We simply ask protection from the frequent ravages of this great river, over which no power but the General Government has legal control, in order that we who possess lands along its course may have an opportunity to reclaim and cultivate them at our own expense. The protection we ask is similar in principle to that furnished by the General Government, through its Army and at national expense, against a warlike and dangerous enemy who would drive its citizens away from their legitimate and peaceful avocations. We ask protection from an enemy which we, as individuals and States, are powerless to oppose. We invoke the aid of that power whose fundamental principle is the protection of its citizens.

I wish to repeat and emphasize this disclaimer, and ask that we of the lower valley, who have already been cruelly subjected to the ravages of the floods, be justly dealt with, and not slandered and libeled by the careless use of false terms. So much for the word "reclamation." We disavow it. Protection is what we ask.

PROTECTION OF WHAT AND WHOM.

Protection of what and whom? Here again we are misjudged by the press and public and in the Halls of Congress; here again the public mind is misinformed. It attributes to us simply one idea—the protection of alluvial lands. I challenge any one to find the words "alluvial lands" in the act creating the commission. We ask for protection from destructive floods not only of alluvial lands, for that is but one item out of many, but our lives, our health, our buildings, farm improvements, live stock, our great commercial towns and cities; not only our agricultural but our manufacturing industries and commerce; not only protection for the capitalist owning the plantation but for the laborer; not only parts of one State but parts of several; not only Democratic States but parts of the great Republican State of Illinois; not only the property of our own citizens but railway property and telegraph lines owned largely in the North; not only railways in the delta itself but the transcontinental lines of travel and commerce which have to cross the valley in going from the Southern cities and States to the west and southwest, the Pacific slope, and Mexico. These lines of intercommunication between the east and west of nearly half the nation are periodically broken by the floods. The delta has a length north and south of about eight hundred miles, and an average width east and west of about sixty miles. The railways that cross it from east to west must do so upon high embankments, or trestle-works. These works, being at right angles with the current of the river and its floods, form a dam which creates a back rise. The rise calls for a higher embankment, and the higher embankment produces a still greater rise, and so on indefinitely, until the force of the waters breaks the road-bed and sweeps it down stream. A marked illustration of this danger occurred recently in the construction of the New Orleans and Pacific Railroad across the Choctaw basin. The engineers, to make assurance double sure, constructed the embankments higher than the highest high-water mark to be found upon the neighboring trees. This embankment acted as a dam, and the result was a higher rise than ever known before and the collapse of the road-bed constructed at enormous cost. This illustration may be applied with equal force to all other roads crossing the delta. These interruptions, and the consequent enormous inconvenience and damage, falls not only upon the railway corporations and the people of the region inundated but upon all dwelling below the latitude of Cairo, from the Atlantic to the Pacific coast, who are interested in transcontinental travel and commerce. We have at a cost of about one hundred and fifty million acres of public lands, and a guarantee of bonds to the value of $64,000,000, helped build transcontinental railways across the Rocky Mountains. Is it not just as national and constitutional to help protect transcontinental roads across the Mississippi Delta, particularly when it can be done at comparatively trifling cost?

We ask protection not only for private property but the postal routes of the Government itself. The postal service is one of the objects covered by the commission act. It was made their duty to report upon a plan which would facilitate and promote this service. They have so reported, and in the following terms:

> A levee system aids and facilitates the postal service by protecting from injury and destruction by freshets and floods the various common roads and railways upon which that service is conducted to and from the river bank.

That clause of the act has been termed a mere incident. Is it a mere incident? What are the facts? There are in round numbers ten thousand miles of postal routes—railways, steamer routes, and star routes—within the alluvial or overflowed district. The railway postal service has been interrupted and delayed in many places. The service upon the river and lower tributaries has been subjected to similar delays and interruptions, and to much greater danger. The star-route service has not only been interrupted but annihilated

for weeks and months. In Northern Louisiana a novel spectacle was presented. A star route was so deeply submerged for miles and miles that a steamer was put upon the road, and was piloted along its course by observing the opening through the tops of the trees, which were above water. Now, let me ask the advocates of provisos, those who would change the spirit and letter of the commission act, how they would like a similar drowning out of their own postal routes? Would they then be so eager to construe the Constitution as an authority against protection at Government expense? Suppose for instance the Connecticut River intersected or bordered all six of the New England States, and that its periodical floods submerged all their postal routes for months at a time, would any New England member rise upon this floor and object to protection at Government expense, because forsooth it would benefit some landowner, merchant, or manufacturer? Would he not rather invoke the aid and power and purse of the Federal Government in behalf of his section? And would not the New England delegation, regardless of party, act as a unit in urging such legislation? Of course they would, and we of the Lower Mississippi Valley, whose overflowed postal routes are spread over an area nearly the size of all New England, would, regardless of party, unite with them in voting appropriations for their protection from an enemy which they, as individual States, were powerless to oppose. Would our early education as strict constructionists of the Constitution, and our habitual observance of that theory of government prevent us from such friendly co-operation? I speak not only for myself but for the great majority of my people when I reply that our construction of the Constitution would not be a bar in this respect. It says in clear and unmistakable terms that Congress has power "to establish post-offices and post-roads." We have done so in both the East and West at the cost of many million dollars. May we not then protect them? Will any member deny this constitutional right? The proposition is too plain for discussion.

We ask for protection; not for one race only, but for two. According to the census of 1880 the total population of the overflowed district in the three States, Arkansas, Louisiana, and Mississippi, alone is approximately as follows:

Colored	814,000
Whites	670,000
Total	1,484,000

or about 54 per cent. colored. It is then the "wards of the nation," as the people of the North are accustomed to call the colored race, who are the chief sufferers from the periodical floods. It would be well for those friends of the colored race who are opposed to the protection of the valley to bear this point in mind.

We ask for the protection of the cotton industry. Is that unreasonable? On the contrary, we think it just as much the duty of the Federal Government to protect it from the destructive overflows of a national highway as it is to protect the grain of the North and Northwest from the monopoly of railway corporations by improving the river channel, and thereby supplying cheap transportation to the seaboard.

In brief, we ask the protection not simply of alluvial lands but agriculture in a broad and national sense; not only agriculture but manufactures, commerce, the postal service, and the people themselves of the lower valley, an alluvial area embracing 41,000 square miles, or nearly as large as all New England—three times the area of the celebrated valley of the Nile, formerly the granary of the oriental world—and eighteen times the size of Holland. A magnificent empire in its extent and resources.

PROTECTION FROM WHAT.

From what do we ask protection? From the overflows of a great national sewer, filled with the drainage of twenty-eight States and Territories; from the overflow of a great national highway of commerce, the trunk-line of forty-two navigable tributaries which supply water transportation to twenty-two States and Territories; from the overflow of a Government postal-route, a river subject to the admiralty and maritime jurisdiction of the United States; from an enemy in whose clutches a single State is as powerless as a little child in the deadly grasp of the octopus; from a river which in itself and in its relations to the nation is exceptional. This principle has been recognized time and time again in the councils of state. John C. Calhoun, as early as 1845, termed it an "inland sea." In a speech delivered in Memphis he said:

> The invention of Fulton has in reality, for all practical purposes, converted the Mississippi with all its tributaries into an inland sea. Regarding it as such, I am prepared to place it on the same footing with the Gulf and Atlantic coasts, the Chesapeake and Delaware Bays, and the lakes in reference to the superintendence of the General Government over its navigation. It is manifest that it is far beyond the power of individuals or of separate States to supervise it.

President Garfield, in his letter of acceptance, expressed the same opinion, namely:

> The Mississippi River with its great tributaries is of such vital importance to so many millions of people that the safety of its navigation requires exceptional consideration.

President Arthur in his first message to Congress said:

> The necessity of improving the navigation of the Mississippi River justifies a special allusion to that subject.

The resolutions adopted at the great river convention at Saint Louis in October last called for separate appropriations for the Mississippi. The passage of the act creating the commission, by an almost unanimous vote, was itself an emphatic recognition of this same principle, that the river is exceptional and entitled to exceptional consideration. Its alluvial delta is also exceptional in extent, fertility, and production. For these reasons and many others which might be enumerated the treatment of the Mississippi should not, as is so often done upon this floor, be contrasted with that of little rivers wholly within a single State. It is because the Mississippi is national in extent and importance that exceptional consideration is claimed and recognized. This mighty river and its tributaries are, as General Garfield forcibly said upon the floor of this House, "the most gigantic single natural feature of our continent." To subject the "Father of Waters" to the rules that govern some of the little trout streams whose improvement is sought at Government expense is like comparing the Atlantic Ocean to a mill-pond.

PROTECTION BY WHOM.

By whom shall protection from this great and exceptional river be afforded? Common sense as well as law and public policy require that it be done by the nation. The Mississippi is one thing or the other—a State or Federal highway. It is not local in its terrors and national in benefits, or the reverse of the same. It is all one thing or the other. I insist that it is national in all respects; that the duty of restraining it from overflow belongs to the General Government as much as the admitted duty of improving its navigation. The advocates of the restrictive proviso say let the front proprietor, the local authority, or the State protect themselves. I reply they are, both in law and in fact, powerless to do so. Let me illustrate. Take for instance Vidalia, in Louisiana on the west bank of the Mississippi. Its citizens can, of course, build a levee in front of the town, but will this protect them? Far from it. To accomplish this end they would have to continue building levees not only throughout the whole State of Louisiana but into the adjoining State of Arkansas, for the floods from Arkansas sweep down through Louisiana in the rear of any local earthwork which the town might build on its river-front. Does any one upon this floor claim that Vidalia has jurisdiction in another State? Does any one deny the force and fairness of this argument; its truth in fact or soundness in law?

Again, what are the facts about the front proprietors so often mentioned by our opponents as the persons who should construct the levees? They are but a drop in the bucket compared with the hundreds of land-owners, merchants, manufacturers, and others in the rear who would share the protection. You reply, then let the back proprietors join with those dwelling upon the river front in the expense of the improvement. But suppose the front proprietor is indifferent and will not co-operate. You have, then, to resort to State power. Suppose next the State power is insufficient, what then? Let me present another illustration. On the west bank of the Mississippi there was built a continuous line of levee extending from Louisiana into Arkansas. For about fifteen years past the levee has been broken for several miles above and below the boundary line dividing the two States. Arkansas, for some reason, is indifferent to repairs at this particular place. The result is that the floods which sweep through the gap in Arkansas continue down through Louisiana in the rear of her system of levees, thereby nullifying all the efforts of the latter State to secure protection. Does any one contend that Louisiana has jurisdiction over Arkansas? The two States cannot even make a binding agreement on the subject of protection, for the Constitution expressly denies their right to enter into treaties between themselves. It is, then, worse than idle to tell us of the lower valley to protect ourselves. You know we cannot do it, and you simply add insult to our calamities when you tell us to do it. You claim the right to improve the channel even if the improvement makes a back rise and causes an overflow. Let me illustrate. In contracting the river at certain places for the purpose of deepening the channel and improving the navigation a temporary back rise and overflow will be the inevitable result.

This principle is admitted by the commission. Their plan of improvement contemplates the contraction of the channel at various reaches of the river in order to concentrate the power of the current and scour out the bars, namely: New Madrid, 40 miles; Plum Point, 38 miles; Memphis, 16 miles; Helena, 30 miles; Choctaw Bend, 35 miles; and Lake Providence, 35 miles. These are the initial works. The contractions will create a back rise which will continue until the shoals are cut away. How long this back rise will continue neither the commission nor any one else can say, for the time required for scouring out the channel at these points depends upon the tenacity of the bed of the river. Humphreys and Abbot, in their report on the hydraulics of the Mississippi, say that the bed is composed of a tenacious blue clay, much like marble.

If their opinion is correct the cutting out of the channel will be a comparatively slow process, and the back rise will continue until the channel is deepened within the whole line of contractions along the designated reaches. To further illustrate the danger from temporary back rise I quote from a letter to me in 1878 by a distinguished engineer, now a member of the river commission:

> I presume that a complete, comprehensive, and permanent plan of improvement extending from Commerce to the Gulf is contemplated. Therefore the increase of velocity must be general. For since the existing velocity is not sufficient to main-

tain a navigable channel throughout, a merely local increase would be effected at the expense of other points and under the risk of developing new obstructions. The cause of flow in water is an inequality in the elevation of its surface. The propelling power is the weight of a column of water equal in height to this difference of level. The retarding forces are the irregularities of its bed, the adhesion with its bed, and the cohesion between its particles. The velocity can only be accelerated by an increase of this difference of level or slope, or by removing the obstructions. But it is conceded that the obstructions are to be removed by increasing the velocity. Now, the increase of velocity or the cause must precede the removal of obstructions or the effect, and the increase of slope, as the cause, must precede the increase of velocity.

Ellet says:

It is to be observed that the scouring force of the river cannot be increased until after the surface has been raised, and, therefore, after the damage has been done.

Now, you claim the constitutional right to make these contractions and improvements, but at the same time deny the constitutional right to close the gaps in the levees to protect us from the terrible consequences of your own act. I say your position is absurd and unjust. Strange to say, the majority of those opposed to protection from the floods by the General Government have heretofore been the most strenuous opponents of State rights. Judging their theories of government from their acts, they would deny to the people of the South local and State rights, but admit and advocate local and State overflows, responsibilities, suffering, and ruin.

The advocates of restrictive provisos also raise the technical objection that the General Government cannot go into States to build levees on the banks of the river. I deny this proposition. It was settled in 1875 by the Supreme Court in the case of Kohl *et al. vs.* The United States, that the General Government has the right of eminent domain, the right to condemn private property through the instrumentality of its own courts regardless of permission from any State. The law is clear and distinct upon this point.

The Government has already made free use of the banks and even the levees of the river in the establishment of beacon-lights as a measure of security to commerce and navigation.

Now, is there fear that in exercising this right of eminent domain the Federal Treasury will be drained to compensate the front proprietor for the use of his land? On the contrary the front proprietor will be most happy to give all the land the Government needs for any such protective works. He has never claimed compensation from the State for its use of the banks; nor will the States deny this right of eminent domain, for their interests are emphatically the other way. My own State in its present constitution adopted a clause of welcome in this respect to the Federal Government, and I have no doubt all other States of the lower valley will hasten to do the same if there are any technical objections to be met.

PROTECTION IN WHAT WAY.

In what way shall protection be afforded? It seems to be thought by our opponents that we of the South advocate levees as a sort of religion, as something desirable in themselves. Far from it. Our people are divided on this subject, some favoring outlets. The great majority, however, urge levees as the best means of protection, not as something good in themselves, but as good in their effect. We urge this particular plan of protection because an impartial board of engineers—the Mississippi River commission—say it is the best and only plan for protection from destructive floods. In their first report, in February, 1880, they say:

It is obvious that levees are, upon a large portion of the river, essential to prevent destruction to life and property by overflow.

In their second report, submitted November, 1881, they are still more emphatic, and say:

The utility of levees as a means to prevent destructive floods, which is one of the ends enumerated in the act creating the commission, is too obvious to require comment.

This is why we urge levees. They are the fences which protect our farms and cattle, our property and lives, from destruction by a national highway, just as do the fences along railways in the North, which the laws require to be built and maintained to prevent destruction to property and life by passing trains. It is a universal custom in well-settled and civilized states and countries to require railways to be fenced in. A failure to do so would subject the owners of the road to liability for all damages caused by the neglect. As I said in my report to this House in 1878—

The laws of the various States, particularly those which are the oldest and best settled, are very much alike in their requirements of railway corporations on the subject of damages and fences to protect adjoining property-holders from damage. To illustrate the spirit of the statute laws in this respect, we quote as follows from the laws of Connecticut:

"Every railroad company which has been incorporated since the first Wednesday of May, 1850, or which shall be hereafter incorporated, shall erect and maintain good and sufficient fences on both sides of its railroad throughout its whole extent, except at such places as, in the opinion of the railroad commissioners, the erection and maintenance of the same shall be inexpedient or unnecessary."

The statutes of this State further provide for the construction by the railway companies of "suitable cattle-guards in the form of culverts or pits, at all places where its railroad shall cross public highways or passways." * * * It is true that nature, instead of the United States, constructed the river highways. But is that a sufficient reason why the General Government, which controls this navigable water-way should not protect the adjoining property-holders from damage?

PROTECTION TO WHAT EXTENT.

No part of the river problem is more misunderstood by the press and public than the cost of protection by levees from destructive floods. They will doubtless be surprised when I assert that all the aid we seek for protection alone is but about $3,000,000, or only one-tenth of the thirty millions estimated as needed for the improvement of navigation. Yet such is the fact, as I will presently demonstrate. Let me first explain why it is this popular misunderstanding exists. Several years ago Congress provided for a report on the subject of alluvial lands by the Army engineers; I refer to the report of Humphreys and Abbot. They recommended, not repairs to the levees then existing, but an entirely new line of levees, at an estimated cost of $26,000,000.

Again, in 1874, a board was appointed under act of Congress to investigate and report upon a plan of "reclaiming" the alluvial delta, ignoring the subject of improvement of navigation. They estimated the cost at $46,000,000. The public seem to think this is the kind of improvement we now seek. Not at all. Now, what are the facts, and what is the actual and present protection sought by the people of the lower valley? It is simply the closing of gaps and strengthening of the existing levees in connection with the plan of channel improvement recommended by the river commission. There are already in existence about 2,000 miles of levees along the banks of the lower river, which were constructed by the front proprietors, the parishes, and the States, at a total cost of about $40,000,000. Only about one hundred miles of this levee fence is down in gaps, and the closing of these breaks and some trifling additions or repairs in other places is all that is needed to make a continuous and unbroken protective earth-work all the way from Illinois to the Gulf.

PROTECTION WHEN.

We ask this protection now, for now is the time of danger. I mean by this that the danger of overflow will be greater during the coming few years until the commission plan of improvement is consummated than it will be thereafter. It is claimed by the commission that the plan adopted will ultimately scour out and deepen the channel possibly to such a degree that no levees will be needed. It is probably safe to assert that under our system of small annual appropriations for public works the permanent improvement of the river will not be completed within less than ten years. It is, then, to protect our lives and property from present danger that we invoke the aid of the Government. The plan of distributing the cost of certain public works, like new buildings, channel improvements, &c., does not work well in protecting from immediate and present danger. Here the total appropriation should be in one lump and the works speedily constructed. It is just as absurd to fight a hostile river by annual appropriations and piecemeal as it would be for Congress in case of war with a foreign and invading enemy to provide a small appropriation for fighting simply one regiment at a time. While closing one gap the floods will pour through the other breaks and carry terror and destruction in their course.

GENERAL POLICY OF THE GOVERNMENT ON THE SUBJECT OF PROTECTION.

The question now arises, what is and what has been the general policy in this country on the subject of protection? Unquestionably it has been in favor of this doctrine. Look at our tariff laws. They have been so shaped as to afford protection to our industries. By whom have they been the most strenuously supported? By the very people who deny us in the States subject to overflow protection for our property, health, and lives. If the principle is good in the one case, is it not in the other? Is it not as national and constitutional to protect the cotton-growers of the Mississippi Delta as the cotton manufactures of New England? Is it not as legitimate to protect the sugar industry of the South from overflow as the sugar refiners of New York City? Is it not as humane to protect life from the floods of the Mississippi as to maintain a life-saving service on the shores of the Atlantic Ocean? Is not it as sound in law and public policy to protect the health of the people dwelling in the alluvial district of the valley from the miasmas and epidemics created by overflows and consequent rank vegetation festering in the marshes as it is to establish quarantine stations and hospitals to protect from imported epidemics?

Now, what has been the past policy of the General Government on the protection of the valley? The record of our legislation for the past thirty-three years shows that it is by many precedents committed in favor of protection from destructive floods. Some of these precedents make use of the unfortunate word "reclamation," but protection is what was meant. They are as follows:

The act of March 2, 1849, provides "that to aid the State of Louisiana in constructing the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands which may be or are found unfit for cultivation shall be, and the same are hereby, granted to that State."

The act of September 20, 1850, provides "that to enable the State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands made unfit thereby for cultivation, which shall remain unsold at the passage of this act, shall be, and the same are hereby, granted to said State."

Another section of this act extends its provisions and the grant of swamp lands to the other States of the valley and the Union.

The act of September 30, 1850, provides "for the topographical and hydrographical survey of the delta of the Mississippi, with such investigations as may lead to determine the most practicable plan for securing it from inundation, and the best mode of so deepening the passes at the mouth of the river as to allow ships of twenty feet draught to enter the same, $50,000."

The act of August 31, 1852, provides "for continuing the topographical and hydrographical survey of the delta of the Mississippi, with such investigations as

may lead to determine the most practicable plan for securing it from inundation, $50,000."

The act of March 12, 1860, provides "that the provisions of the act of Congress entitled 'An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits,' approved September 28, 1850, be, and the same are hereby, extended to the States of Minnesota and Oregon."

The act of June 22, 1874, provides "that the President be, and he is hereby, authorized and directed to assign three officers of the Corps of Army Engineers, United States Army, and to appoint two civil engineers, eminent in their profession, and who are acquainted with the alluvial basin of the Mississippi River," &c. * * * "It shall be the duty of said commission to make a full report to the President of the best system for the permanent reclamation and redemption of said alluvial basin from inundation."

The total number of acres selected under the provisions of these various acts was, in round numbers, 67,000,000, of which the States intersected by the Mississippi and its forty-two navigable tributaries received 43,000,000 acres, and of which latter area the larger portion was received by the alluvial States. In addition to these recognitions by the General Government of the claims of the delta, we created, in 1871, a select committee on the subject of levees, the sole object of which was protection. In 1875 it was changed to a standing committee. In 1877 its name and jurisdiction were increased to Levees and Improvement of the Mississippi; in other words, to cover a double purpose, the protection of the valley and the improvement of navigation. The committee, as thus constituted, matured, perfected, and reported the Mississippi River commission bill, which was also expressly committed to two fundamental objects—protection and navigation.

Now, it is coolly proposed at the very time of the greatest and most disastrous overflow to abandon the original object of our legislation, the protection of the property, health, and lives of the people of the lower valley. I for one will never consent to suicidal provisos of this kind. It is a proposition which should not be entertained for one moment. It is more appropriate for the dark ages than for the humane civilization of to-day.

What, Mr. Speaker, is the object of government? I always supposed it was chiefly intended to protect its own citizens. Two objects of our present Government, as expressed in the preamble to the Constitution, are to "provide for the common defense" and "promote the general welfare." Section 8 of article 1 says "Congress shall have power to provide for the common defense and general welfare," "to regulate commerce with foreign nations and among the several States," "to establish post-offices and post-roads," and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Now, what is meant by "common defense?" It means defense from an enemy too great and powerful for a state. I can see no constitutional distinction in public enemies. Defense from one is as imperative as from another, whether it be a foreign enemy or a national river which is making war upon our citizens. Can States combine to accomplish this protection, "to provide for the common defense and general welfare?" Not at all, for they are expressly prohibited by section 10 of the same article, which says:

No State shall enter into any treaty, alliance, or confederation.

How, then, can the States of the lower valley agree upon a uniform plan of protection from their common enemy, the great and national Mississippi in flood-time? They cannot. They are powerless. They are helpless and subject to the mercy of the floods.

They invoke, then, the aid of that Federal power whose fundamental object is the protection of its own citizens and its own States. The government that protects its own people becomes strong in their affections, and will in turn be supported and protected by them. It is both unwise and impolitic to allow one section of a common country to feel that its most important and vital interest is of no concern to the nation. The people of the Lower Mississippi Valley have, during years and years of suffering from the floods, felt the sting of this neglect. In 1879, however, when the commission bill passed this House by an almost unanimous vote, a ray of sunshine broke in upon the darkness of their sufferings. I will never forget the closing event of the debate on that important question.

As chairman of the Committee on the Mississippi I had charge of the bill and the time allowed for debate. General Garfield, then a member of the House, sent a page across the Hall to my desk with the request that I yield him ten minutes' time in support of the bill, which I was most happy to do, because of his great influence with the Republican side of the House and his liberal and broad-gauge statesmanship on all great material questions. He closed the debate with one of his masterly speeches, which carried conviction with every sentence. He said:

I rejoice in any occasion which enables representatives from the North and from the South to unite in an unpartisan effort to promote a great national interest. Such an occasion is good for us both. And when we can do it without the sacrifice of our convictions, and can benefit millions of our fellow-citizens and can thereby strengthen the bonds of the Union, we ought to do it with rejoicing, for in doing so we inspire our people with larger and more generous views and help to confirm for them, and for our children to the latest generation, the indissoluble union and the permanent grandeur of this Republic.

These liberal sentiments, so eloquently expressed, were loudly applauded by both sides of the House, and resounded from one end to the other of the valley of the Mississippi. They endeared him to all dwelling in the many States intersected by its waters. When, a year later, in his letter accepting the nomination for the Presidency, he said, "The wisdom of Congress should be invoked to devise some plan by which that great river shall cease to be a terror to those who dwell upon its banks, and by which its shipping may safely carry the industrial products of twenty-five millions of people," he strengthened the hopes of my people and raised their expectations of deliverance from years of floods and pestilence.

When recently President Arthur made the protection of the valley the subject of a special message to Congress, the rejoicing was unbounded, and the name Federal Government received in the minds and affections of my people a new significance. It became the synonym of protection. I shall reprint this message as an appendix to my remarks and hope all dwelling in the great valley will have it framed and hung by their firesides as a model of liberal and progressive statesmanship—as the mark of a new era of good feeling between the two sections of a common country.

APPENDIX.

PRESIDENT ARTHUR'S MESSAGE ON THE PROTECTION OF THE VALLEY.

To the Senate and House of Representatives:

I transmit herewith a letter dated the 29th ultimo, from the Secretary of War, inclosing copy of a communication from the Mississippi River commission, in which the commission recommends that an appropriation may be made of $1,010,000 for "closing existing gaps in levees," in addition to the like sum for which an estimate has already been submitted.

The subject is one of such importance that I deem it proper to recommend early and favorable consideration of the recommendation of the commission. Having possession of and jurisdiction over the river, Congress, with a view of improving its navigation and protecting the people of the valley from floods, has for years caused surveys of the river to be made for the purpose of acquiring knowledge of the laws that control it, and of its phenomena. By act approved June 28, 1879, the Mississippi River commission was created, composed of able engineers. Section 4 of the act provides that "it shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct permanently, locate, and deepen the channel and protect the banks of the Mississippi River, improve and give safety and ease to the navigation thereof, prevent destructive floods, promote and facilitate commerce, trade, and the postal service."

The constitutionality of a law making appropriations in aid of these objects cannot be questioned. While the report of the commission submitted and the plans proposed for the river's improvement seem justified as well on scientific principles as by experience and the approval of the people most interested, I desire to leave it to the judgment of Congress to decide upon the best plan for the permanent and complete improvement of the navigation of the river and for the protection of the valley.

The immense losses and the widespread suffering of the people dwelling near the river induce me to urge upon Congress the propriety of not only making an appropriation to close the gaps in the levees occasioned by the recent floods, as recommended by the commission, but that Congress should inaugurate measures for the permanent improvement of the navigation of the river and security of the valley. It may be that such a system of improvement would as it progressed require the appropriation of twenty or thirty millions of dollars. Even such an expenditure, extending as it must over several years, cannot be regarded as extravagant in view of the immense interests involved. The safe and convenient navigation of the Mississippi is a matter of concern to all sections of the country, but to the Northwest, with its immense harvests needing cheap transportation to the sea, and to the inhabitants of the river valley whose lives and property depend upon the proper construction of the safeguards which protect them from the floods, it is of vital importance that a well-matured and comprehensive plan for improvement should be put into operation with as little delay as possible. The cotton product of the region subject to the devastating floods is a source of wealth to the nation and of great importance in keeping the balances of trade in our favor.

It may not be inopportune to mention that this Government has imposed and collected some seventy millions of dollars by a tax on cotton, in the production of which the population of the Lower Mississippi is largely engaged, and it does not seem inequitable to return a portion of this tax to those who contributed it, particularly as such an action will also result in an important gain to the country at large, and especially so to the great and rich States of the Northwest and the Mississippi Valley.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April* 17, 1882.

Protecting Innocent Purchasers and Users of Patented Articles from Actions for Damages.

SPEECH

OF

HON. WALPOLE G. COLERICK,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, May 15, 1882,

On the bill (H. R. No. 6018) to amend section 4919 of the Revised Statutes, relating to the recovery of damages for the infringement of patents.

Mr. COLERICK said:

Mr. SPEAKER: The bill now under consideration provides "that no action for damages or proceeding in equity shall be sustained, nor shall the party be held liable under sections 4919 or 4921 of the Revised Statutes of the United States, for the use of any patented article or device when it shall appear on the trial that the defendant in such action or proceeding purchased said article for a valuable consideration in open market." The committee who reported this bill deserve and will receive the gratitude of the people. I regard it as one of the most important and meritorious measures presented to this Congress for our consideration. It is a bill in the interest and

for the protection of the people, especially the farmers of the country, who have been for many years grievously wronged and sorely oppressed by unjust prosecutions instituted and threatened against them in the Federal courts, which have exclusive jurisdiction therein, by persons to whom patents have been issued for innumerable articles and devices invented by them, and which are actually required by those engaged in agricultural pursuits in the improvement, cultivation, and enjoyment of their farms. These actions are commenced and threatened for the purpose of exacting and extorting money from farmers as pretended damages for alleged violations of the patent laws in using on their farms patented articles and devices purchased by them innocently and in good faith, in open market, and for full value.

Under such circumstances the farmer who purchases the article or device and uses it is rendered liable, under the harsh and unjust provisions of the existing laws relating to patents, regardless of the fact that at the time of its purchase and use he was entirely ignorant of the existence of a patent thereon. The presumption which usually applies and exists with reference to property, that possession implies ownership, is ignored, and the farmer, although deprived of all available means of ascertaining whether the person who offers the article for sale has authority to sell the same, and under the unreasonable provisions of the law as it now exists, he makes the purchase at his peril, and this renders it extremely dangerous for him to purchase, even in open market, articles needed on his farm, and creates in his mind constant apprehension that he may, by reason of the purchase and use of a patented article afterward render himself liable to pay damages to some unknown patentee who has stood by and permitted the article to be sold. This is an annoyance, peril, and hardship to which he ought not to be subjected.

By the statute, as it now exists, it is an infringement of the rights secured to the patentee by his patent for any other person to manufacture, vend, or use without the license or permission of the patentee an article or device covered by the patent, and he may by reason of such acts, at his option, sue either the manufacturer, vendor, or user, or all of them, at his pleasure, for damages; and, strange as it may appear, he in suing almost invariably ignores the manufacturer, who made the article, and the vendor, who sold it, and selects as his victim to bear the burdens of the wrongs of others the farmer who innocently purchased and used the article so manufactured and sold. It is to correct this great and flagrant wrong and protect the innocent purchaser that this bill has been reported.

Often persons to whom patents have been issued permit the manufacture of articles and devices covered by their patents; and after they are sold to innocent purchasers by persons who for that purpose traverse the country in the capacity of agents, openly and publicly offering the articles for sale, without any effort to conceal their vocation or mission, and payment has been made, another swarm of agents in the interest of the patentees are sent forth in the character of spies and detectives to discover the articles so sold and the names of the purchasers; and, upon this discovery being made, demands on the innocent purchasers swiftly follow to pay a certain sum as damages for using the article so purchased by them, and that unless the sum so arbitrarily fixed and demanded is paid within a specified time that actions for damages will be instituted against them in the Federal courts, which are usually held at places far distant from their homes, where, in order to defend these actions, they must attend in person and employ counsel and secure the attendance of witnesses, thereby incurring an expense far greater than the sum demanded from them by the agents of the patentees; and in order to avoid the vexation and expense of such actions they are compelled to and do accept the offer of compromise and pay the amount of damages so unjustly fixed and determined.

Although they keenly feel and fully realize the unjustness of the demand, yet deeming "discretion the better part of valor" they submit to the wrongs which are perpetrated upon them, and these shameful outrages are sanctioned by the law, which is often spoken of as the perfection of human wisdom and the embodiment of justice. Sir, this system of oppression has become so merciless and odious, and is pursued so extensively and relentlessly as to excite not only the wrath of the victims, but the compassion of the people for those thus oppressed. Not a day has passed since the commencement of this Congress that petitions, signed by thousands of farmers, asking for speedy and effective relief from such oppressions and injustice, have not been presented to us. We cannot close our ears or deaden our hearts to these appeals, which come from every section of the country. We are here as the Representatives of the people, and we must listen to their voice, and by our action execute their will. Shall we hesitate in performing our duty, which is clear and plain? We must reach forth our strong and protecting arms to those who are thus unjustly oppressed, and save them from the infliction of such wrongs, by declaring in language which cannot be misunderstood that actions of this nature shall not be maintained against them.

The objection which has been urged against this bill by those who oppose its passage, that it will do injustice to inventors who have devoted their lives and fortunes to the discovery and perfection of labor-saving and useful articles and devices, is untenable and without merit. While it is true that much is due to those who have, by the fruits of their inventive genius, contributed so largely to the wealth and prosperity of the country, yet we must remember that their interests, after the passage of this bill, will remain carefully guarded and protected; so if their rights are assailed or their privileges invaded they will have an ample and complete remedy against those who make or sell, without their license, articles covered by their patents.

The farmers of Indiana have been sorely afflicted by the oppressions to which I have referred, and their voice has resounded loudly in the form of petitions and otherwise in favor of the relief granted by this bill. One of the first bills presented by me as a member of this House was one to protect innocent purchasers and users of patented articles from actions for damages, and I have been ever since then active and assiduous in my efforts to secure legislation on the subject. It affords me extreme pleasure and gratification to know that the bill now under consideration substantially embraces the provisions of the bill introduced by me, and one sufficiently broad to afford to the innocent purchaser ample protection and complete immunity against such actions, and I hope that it will be promptly passed.

National Banks and Monopoly.

SPEECH

OF

HON. WILLIAM S. HOLMAN,

OF INDIANA.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 16, 1882.

The House having under consideration the bill to enable national banking associations to extend their corporate existence—

Mr. HOLMAN said:

Mr. SPEAKER: The encomiums pronounced upon the national-bank system have exhausted the eloquence of honorable gentlemen. They contemplate the system with fervent enthusiasm, and assure us that it is the most perfect agency for regulating the monetary affairs of a great people that human wisdom can devise. I concede that so far as the element of safety in the currency issued by the national banks is concerned no system could possibly be safer. The issues of the national banks are necessarily absolutely secure in the absence of fraud while the credit of the Government remains unimpaired. This currency is as secure as the Government. Why should it not be perfectly safe when guaranteed by the wealth and labor and energy of fifty millions of prosperous people? Beyond this element of safety for its issues I have never been able to understand how it can be claimed that the national banking system is the best as yet devised. In all else these banking associations stand on the same footing with multitudes of corporations, State and national, that have been formed in this country and subject, as I shall attempt to show, to the same frailties. The only element of absolute safety they possess lies in the integrity, the solidity, and the wealth of the country.

Mr. BURROWS, of Missouri. I would like to ask the gentleman a question.

Mr. HOLMAN. I yield for a question.

Mr. BURROWS, of Missouri. Does the national-bank note contain one redeemable feature that is not possessed by the legal tender?

Mr. HOLMAN. Certainly not.

Mr. BURROWS, of Missouri. Does the greenback not possess some that the bank note does not?

Mr. HOLMAN. Certainly; it possesses a very important element of value beyond the national-bank paper. But it seems to me remarkable that so candid and sincere gentlemen as my friend from Massachusetts, [Mr. CRAPO,] who honors me with his attention, and as the gentleman from New York, [Mr. HEWITT,] who addressed the House to-day, dwell with emphasis upon the peculiar excellence of this system on account of the absolute safety of its issues.

Why of course currency issued by the United States and guaranteed by the Government of the United States, while the Government remains as it is inexhaustible in its resources and the integrity and energy of its people, must be perfectly safe and absolutely secure. I am not aware of any feature of this national banking system independent of that feature which it borrows from the Government which entitles it to any peculiar encomium. As to the depositor, except in the case of the Government where the deposits are required by law to be secured by Government bonds, I am not aware of any special superiority of this system over those of the unfortunate days which have happily gone by when the people were periodically plundered by local banks.

The loss by depositors in national banks is no new fact. Eighty-four of them have failed with the loss of millions to the people. Two of them have failed since the 1st day of last November—one in Boston, the other in Newark, New Jersey, the latter with a capital of

$500,000, an alleged surplus fund of $400,000, and $2,500,000 of deposits. The failure of the bank of course does not in the least degree affect the value of the currency of the bank. That value does not depend on the solvency of the bank, but on the solvency of the Treasury of the United States. Not so with the depositor, for he must look to the bank for the payment of his deposit with the limited liability of the stockholder, but when the crash comes experience demonstrates that generally the solid men have disappeared, leaving the unfortunate depositor to look to an insolvent bank and to insolvent stockholders for the fruits of his labor. These failures have occurred, and that, too, at a period of general prosperity, notwithstanding the alleged severe examinations to which these banks are subjected by experts with ample salaries, and notwithstanding the important fact that as the Government guarantees the payment of the bank notes the banks are exempt from runs upon them, in the hour of panic, by the holders of their notes, which was the peril of the old system of banking.

I have not seen, therefore, in this national-bank system any feature pertaining to itself that elevates it above other banking systems that have been known to this country. It has furnished us a perfectly good currency. But it has done it simply as the distributing agent of the Federal Government. Even the old system of banking which robbed and plundered the people of this country for more than half a century would scarcely furnish a more striking example of frailty and dishonesty in banking than the Mechanics' National Bank of Newark, New Jersey, to which I have referred, with its capital of $500,000, its surplus of $400,000, (showing its extraordinary gains,) and its deposits of over $2,500,000. I quote the exact words of the Comptroller of the Currency:

> The Mechanics' National Bank of Newark was placed in the hands of a receiver on November 2 last. It had a capital of $500,000, a surplus of $400,000, and deposits of over $2,500,000. The capital and surplus are lost through the criminal conduct of the cashier.

The Comptroller proceeds in his statement as follows:

> This bank was many times examined by skilled accountants of great experience, but it cannot be denied that some of them were misled by the criminal cashier, who, through his apparently high character and standing, so long deceived not only the directors but every one with whom he had business relations.

When the vaults of the bank are finally opened they are found empty. The Government is safe, for it holds the bonds to secure the circulation. The holders of the notes are safe, for the notes are paid at your Treasury. But what of this $2,500,000 deposited in this bank by a great multitude of depositors? Who can say how many of them were laboring men and women who had deposited in this bank the earnings they had scrimped themselves and families of, even the bare necessities of life to save, in the confidence inspired by the daily laudations of this perfect system of banking? Oh, they must look to the stockholders. Yes; and unless aided by the accident of good fortune they will look until deferred hope will make the heart sick. So this most perfect system, watched over by "skilled accountants of great experience," with ample salaries, depends for its solvency on the integrity of its cashiers, whose virtues are everlastingly tempted by the selfish rapacity which inspires the system.

The greenback is absolutely assured to the holder. So is the national-bank note upon exactly the same ground—the national guarantee. Nor, sir, am I able to agree with my friend from Massachusetts [Mr. CRAPO] touching the patriotic origin of the national-bank system. It did not spring up at the first tocsin of alarm, at the first cry of national peril. There was no suggestion of the national bank until long after the financial peril to which the rebellion exposed this Government had measurably passed by. Indeed, sir, the idea that this system of banking was devised as a mode of securing the sale of the national bonds and aiding the national credit is a very modern suggestion. The bonds were not put into circulation through the national banks. When the first national bank was organized in Boston not only the currency of the country, though greatly depreciated by the scarcity of coin, was reasonably well assured, but the solvency and the permanency of it was a fixed fact in the minds of the men here who were guiding the course of events, and more important still, of the great body of the people of the loyal States of the Union. The national bank was not the agent through whom the bonds reached the country, although they did ultimately become the holders of the great body of the 5.20 6 per cent. gold interest bonds into which the 7.30 bonds and other public securities were funded.

The 7.30 bonds were issued as part of the general system; they were legal tenders at their face value, and were paid out as money, paid out to your Army through your paymasters in the years of the war when the Government was most pressed for means. When upon this floor I offered a resolution calling on the Secretary of the Treasury to inform the House why payment to the Army was so long delayed, the answer was the sending of paymasters to the front with 7.30 bonds, as well as greenbacks, to pay to the Army. It was through the instrumentality of your people, the men who furnished supplies and munitions of war, and your Army that your bonds obtained their circulation; and they were cheerfully, promptly, and readily accepted by your Army and your people. I do not think we have got so far away from the current history of that period as to justify or excuse a misrepresentation of the facts. It was only as the interest began to accumulate on those bonds that they arrested the attention of capitalists and drifted to your commercial centers.

Mr. CRAPO. Does the gentleman recollect the length of time those 7.30 bonds ran?

Mr. HOLMAN. Yes, sir; three years.

Mr. CRAPO. And when the three years came around——

Mr. HOLMAN. They were fundable in the five-twenties.

Mr. CRAPO. Yes; and in the original banking act a provision was made that no bank would be organized unless it had at least one-third of its capital in Government bonds, whether it had circulation or no circulation.

Mr. HOLMAN. That is true; but it was not a necessary or an important feature, as they could be withdrawn with a reduction of the currency.

Mr. CRAPO. What was the purpose of that feature?

Mr. HOLMAN. Mr. Hooper, then a member of the House from Massachusetts, whom I regard as the most prominent member of the House in getting up this system, could not have had any reference to the sale of the bonds by that provision, for no other purpose was contemplated in the organization of this system but the issue of notes and banking on Government deposits. Every provision of the original act of February 25, 1863, and especially of the amended act of June 3, 1864, which is the real bank law, concerning bonds, is also a provision concerning bank notes for circulation, for the bonds could be withdrawn as the currency issued by the bank was decreased.

You have been discussing this subject as though there was a want of faith in our securities during the years 1863 and 1864. I know of no part of the loyal States where, during those years or afterward, any doubt existed as to the absolute security of every form of indebtedness issued by the Government. The soldiers in the Army, the dealers in all forms of certificates of indebtedness, the contractors for supplying the munitions of war, merchants, and people, in 1863, and ever after, gladly received the greenback, though greatly depreciated, and still more gladly all forms of interest-bearing securities.

The first national banks were organized long after the 25th of February, 1863, and had deposited with the Treasury, to secure circulation, only $3,925,275 on the 1st day of October, 1863, two years and a half after the commencement of the war. Why organize banks to sell Government bonds? The 7.30 bonds were fundable at par in five-twenties, and they were never under par and the Government was never in default an hour in the payment of the interest, and the bonds on the basis on which they were issued were the most valuable that capitalists ever held. The national banks came upon the stage when the rebellion was "toppling to its fall," but in time to make an unexampled profit from the financial errors and mistakes inevitable in a great war and a disordered currency. No, sir; the Government did not owe its financial safety to the capitalists of that period nor to the financiers of the country. It owed its triumph in finances as well as in the field to the absolute confidence reposed by the people of the loyal States, from one ocean to the other, in the ultimate triumph of the Union and the good faith of their Government. Either one of the financial systems proposed at the beginning of the war would have achieved success, upheld as it would have been by the confidence of the people. It was the great uprising of the masses, the rising up of the whole people of the loyal States which not only put down the rebellion and saved the Union but gave strength to your financial system and credit to your securities. The plain people, as expressed by President Lincoln, gave credit to your financial system and success to your armies.

Mr. HARDENBERGH. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. HARDENBERGH. It is all very well after the horse has been stolen to lock the stable-door. But I would inquire of the gentleman in what year was this immense confidence felt? Was it when greenbacks went down to fifty or sixty cents on the dollar; or was it after the surrender at Appomattox, when the rebellion was known to be at an end?

Mr. HOLMAN. It was felt from the beginning. That man who shall write the history of the war, and who shall speak of the uprising of the loyal people of this country everywhere, in city, towns, villages, and country, to maintain the integrity of the Union, with a spirit that faltered at no defeat, and does not at the same time speak of the triumph of your financial system as the outgrowth of the same spirit which upheld your flag upon the field of battle, will falsify history and ignore the real power which saved the Republic.

There never has been a great contest in the history of mankind where the people were so completely entitled to the credit not only of maintaining by arms the integrity and honor of a nation but of maintaining a financial system necessary to its complete triumph.

Therefore, the claim that the wealth of the country—the wealth which organized and took hold of your national-bank system and with infinite skill crystallized the mass of your public securities into imperial private fortunes to an extent and with a promptness unexampled in history—are entitled to the credit of having organized that system through patriotic considerations and for the purpose of promoting the interests of the country and rescue its finances from utter ruin cannot go as a truth into history, whatever gentlemen interested in the perpetuation of a great monetary power may now claim for its advantage.

Patriotism! It is not easy to perceive any high degree of patriot-

ism in the ingenious methods by which paper money and paper securities, depreciated 50 or 60 per cent., were converted into bonds drawing 6 per cent. interest in gold, payable half-yearly, and still more difficult to perceive it in the method by which those bonds were made payable both principal and interest in gold. There was no great sacrifice or self-denial in that, and that could have been done even without national banks. Nor is it easy to see a purely patriotic motive in depositing these bonds with the Secretary of the Treasury, untaxed and still drawing gold interest upon them at 6 per cent. half-yearly, and in addition receiving national-bank paper printed and prepared at the expense of the Government to the amount of 90 per cent. of the bonds deposited, at an interest of 1 per cent. per annum. One is the more bewildered in the search for patriotic motive in all this when it is borne in mind that the exceedingly satisfactory and profitable form into which the paper money and paper securities depreciated 50 or 60 per cent. were converted, when it is borne in mind that the enormous loss resulting from these financial methods is borne by the whole people, and especially by the gallant Army whose valor upheld the Union and gave solidity to the financial system, and that the enormous profits accrued to the banks.

I am not willing to undervalue the services of any men or class of men in the Army or out of the Army who aided the Government in its hour of peril, but this claim of patriotism for a system which so directed your disordered finances and public debt as to amass imperial fortunes, and forever overthrow the general equality in the material wealth of our people, which had been the glory of the Republic for so many years, is too preposterous for debate.

Mr. Speaker, I have consumed a great deal more time than I had intended in these preliminary remarks; gentlemen have led me from my purpose. While I concede that the notes of the national banks are assured to the note-holders against danger of loss and are unquestionably a good currency, it is also equally true of the greenback money, and for exactly the same reason; both have the same guarantee of solvency. I am not able, never have been, to understand why a body of gentlemen, no matter how respectable, organized into national banks are a safer instrument through which to issue paper money than the Government. I have heard the argument used (and it had some plausibility at any rate) that there was danger of fraud in overissue and the like being perpetrated in your Treasury Department in the performance of so important and delicate a task as that of preparing for issue and actually issuing a large body of paper money; but as a matter of fact the Treasury Department has often in former years issued Treasury notes, and twenty-one years has been issuing the greenback money, and for eighteen years has printed and prepared for issue and delivered to the banks ready to be issued the national-bank notes, and all of these notes are finally canceled at the Treasury, and yet up to this time, so far as I am informed, no suspicion of fraud or misconduct touching the issue of currency or the preparation of currency for issue has been suggested, while grave charges have been made against the Treasury about almost everything else under its control.

But even the pending bill contemplates the printing and preparation of the bank notes by the Treasury, and at the expense of the Treasury, and in the same Bureau of Printing where the greenbacks are printed; so up to this time it can hardly be said that the objection named has much force.

Many of us thought thirty years ago, in view of the wide-spread ruin the banks of former days were inflicting upon the country, that coined money—only gold or silver—should be recognized as money; but now all men, of all shades of financial opinion, agree that paper money, readily convertible into coin, is indispensable, and all men agree that the paper money shall be issued on the faith of the United States, so that whether banks are honest or dishonest the holders of the notes shall suffer no loss; so that, in fact, there are but two points of difference between the bank and anti-bank men. Who shall determine the amount of paper money that shall be issued—the banks or the Government? Who shall have the profits of issuing this paper money—the banks or the whole people?

The banks claim the right to determine the amount that shall be issued and the profits of issuing it. I do not agree with them.

Why should not the Government have the profit on the paper money issued upon its credit and at its expense? Gentlemen, in answer to this inquiry, say that this system is not specially profitable. The report of the Comptroller shows that the earnings of the banks as a system on both capital and surplus fund was 9.20 per cent. during the past year, and that the banks besides making annual dividends have laid by a surplus fund (undivided profits) of $128,140,680. And this, too, after taxes, salaries, and incidentals are all paid. What other business pays such a profit? But the question I have asked admits of but one answer. Common justice would give the profits of issuing paper money to the whole people.

Then the question comes up, who can most safely determine what shall be the volume of paper money to be issued from time to time in connection with your gold and silver coin—the national banks or the whole people as represented in Congress?

It is very clear, sir, that the volume of paper money required by a commercial people must be considered in connection with and determined by the volume of coin. It must be readily convertible into coin. Gold and silver coin, the common representatives of value throughout the world, must determine the volume of paper. These metals are seldom of exactly the same value; sometimes one and sometimes the other is the most valuable. A few years ago it was silver, now it is gold; but the general equality in value of these metals through all the past ages has been such that notwithstanding the occasional fluctuations in their relative value they can, by the common judgment of mankind, be safely relied upon as measures of value. Neither gold, silver, nor paper can be made an exact standard of value, except as regulated by law, in the world of commerce and affairs. It is all-sufficient if the one is readily exchangeable into the other, paper into gold or silver coin. It has been demonstrated during recent years, since, by abundant crops in our own country and failure of the crops in Europe, the balance of trade is with us and our revived industries have been restored to their normal condition, that with $346,000,000 in legal-tender notes, $323,000,000 to $360,000,000 in national-bank notes, and the gradual increase in the silver certificates from $413,360 on the 1st day of January, 1879, to $58,838,770 on the 1st day of November, 1881, all readily convertible into coin, our monetary system is perfectly sound and up to the commercial demands of the country. If this system is maintained there will be a moderate increase of the silver certificates annually. Now, with this state of facts, will any fair-minded man say that it is safer to trust the banks, which only a little more than a year ago surrendered $18,764,438 of the currency in the attempt to create a panic to defeat the bill which required them to deposit 3 per cent. bonds to secure their currency, and actually secured a veto of the bill—I say is it safer to trust these banks to regulate your currency than your Government?

Those patriotic institutions which gentlemen are so anxious to invest with the absolute control of your currency—the life-blood of your business and prosperity—were perfectly willing to overturn your admirable monetary system, disorder your industries, and throw multitudes of men out of employment to defeat an ordinary and proper act of legislation affecting them about 1 per cent. on their bonds when you were furnishing them $343,000,000 of paper at your expense with Government indorsement at 1 per cent. per annum.

These banks are making a steady and persistent war on your greenback money, silver certificates, and the silver dollar, and are already supported by high officers of the Government. Does any gentleman on this floor doubt that if the system is permanently established by the passage of this bill, that at no remote day, at the demand of these banks, your greenback money and silver certificates will be retired and national-bank notes substituted in their place? Their system is well defined and simple gold coin the only standard of value, national-bank notes the only paper money, and no taxation by the Government, even the 1 per cent. they pay you for their circulation to be removed. The Comptroller of the Currency, the representative of the system, in his last report, page 52, says:

> The Comptroller again respectfully repeats his recommendation for the repeal of the law imposing a tax upon bank capital and deposits and the 2 per cent. stamp upon bank checks.

And on page 58 of the report urges that Congress shall limit the States in taxing the shares of stock, and yet during the last year there was paid out of your Treasury as the expense of the Comptroller's Office alone for the benefit of the banks $214,118.50.

Have great capital interests been so mindful of the welfare of the people that you can safely trust your currency to their keeping? If so, when has it been displayed? I remember very well when a distinguished capitalist of Massachusetts rose on this floor to ask for the passage of the bill to reorganize the Mint, (an event so often mentioned here.) I remember very well the incident, the questions and the answers that accompanied the passage of that innocently-titled bill through the House which struck from your coinage the silver dollar, and did it, too, on the very eve of the period when the coinage of the silver dollar was to be vital to the public welfare.

I would rather indulge the belief that the distinguished gentleman was not fully conscious of the measure under his control, and of which I believe he was not the author, but I am confident that no man can carefully consider the events of that period, and the men who were then at this Capitol, and recall events transpiring in Europe, and the state of our public debt, and the fact that the debts of the nations then exceeded in volume any example in history, without being impressed with the belief that that measure was not a mere incident of ordinary legislation, but a part of a conspiracy of great capitalists against the labor of mankind.

No, sir; the banks will use their power as they have done in this country from the beginning to advance their own fortunes, and not for the public weal. In a disordered state of finance, in contractions and expansions, they will find as they have always found their chief profits. You say you will not permit them to retire their currency. Can you prevent them from alarming the country by locking their currency in their own vaults? No, sir; I sincerely trust the people of this country will not become charmed with a system in which a few wealthy gentlemen, who meet annually at Saratoga, have it in their power to strike down for the time every hope of labor and coin new fortunes out of the public grief. Is it wise to trust such a power in the hands of any body of men? Does not experience demonstrate that periods are constantly occurring when the interests of large aggregations of wealth are not in harmony with the interests of labor and of productive industries?

For the reasons I have mentioned, and for others still more impor-

tant, if possible, than those I have named and to which I will refer briefly hereafter, I do not believe that it is safe, necessary, or expedient that the issuing of our currency should be placed under the control of banks.

A great statesman, in discussing the currency question recently, said that the qualities that should be considered in the currency of a country were "its safety, convenience, and cheapness, and that the profits of issuing it accrued to the nation." You have now three forms of money, greenbacks, national-bank notes, and silver certificates. The latter form of paper money is steadily but moderately increasing, while the two former are stationary in volume except that from time to time national banks issue new currency or retire their currency and take up their bonds. You will observe, gentlemen, that the action of the banks in increasing the currency or in diminishing the currency, running through a range of many millions, has no reference whatever to the public convenience or the public necessity, but to the convenience and profit of the banks alone. Now, sir, can any gentleman point out a valid reason why the Government could not, with perfect safety, as the bank notes come, as they do daily, into the Treasury to be canceled and renewed, issue Treasury notes in their stead and apply them from time to time in payment of the public debt, and permit the banks to take up their bonds? Is there danger of inflation? Why, would not the volume of currency remain unchanged, except more steady in amount? The question has been asked a thousand times, and that, too, by sincere men seeking for the truth, and the only answer I have ever heard is after the order of the views expressed by the gentleman from New York [Mr. HEWITT] in discussing this bill, in which he said:

My answer to that is that we have had during the refunding operations and since the war an experience of the dangers of confiding power over the currency to public officers, however capable and however honest. The fact is that to put the control of the currency into individual hands is to put the whole property of the country at the mercy of the men who control the currency. The power is too great not only for human knowledge but for human character.

Yes, it is true that the banks overreached the public officers or conspired with them in the funding operations and defrauded the people out of many millions of dollars. The profits of one bank alone were five times its capital stock, and the logic, I suppose, is that you must distrust your public officers, but that it is perfectly safe to trust the banks. You cannot of course safely put the currency under the control of individuals, but as bankers are immaculate it is perfectly safe to intrust this tremendous power to them. The power is too great for human knowledge or human character, but as banks are not human it is perfectly safe to trust them with the control of your currency and to repeat the funding operations! This is a modest bank view of the subject, but it does not answer my question.

In issuing any form of paper money, inasmuch as it is all prepared in the Treasury, the danger is of fraud in its overissue, and that is to continue under this bill. The Treasury will prepare for issue and ready for issue every dollar of paper money, whether issued for the benefit of the Government or the benefit of the banks, and this state of things will continue; for it is absolutely certain that with the widespread intelligence of our people on questions of finance and currency this country will never again be afflicted with a paper money issued by local banks. Your Government will issue and prepare for issue the paper money, and your Government or the banks will get the profits.

We have had now an experience of twenty-one years in the issue of the greenback currency, and of eighteen years of the national-bank paper; and I believe my friend from Massachusetts [Mr. CRAPO] has not had occasion to point out that the issue of one form of money or the other through the Treasury, with its valuable and complicated system of checks, has developed an instance of fraud in that respect within the Treasury or without it. Indeed, it is one of the most interesting facts of our financial history that while all these millions in the form of greenback money and national-bank paper have been issued through the direct instrumentality of the Government, there has not been up to this time, so far as I am aware, even a public scandal raised in connection with a solitary transaction. If any such fraud has been committed it has not reached the public eye.

If this be true does not the argument that it is unsafe for the Government to become a great banker disappear? The Government is no more a banker in the issue of greenback money or certificates in any form to circulate as money than in passing over to the national banks the paper that is circulated by them. In both cases the Government exercises the same power, operates through the same agents, employs the same precautions.

But, sir, it is urged that in case of a financial panic the Government would be greatly embarrassed, but is not the Government the guarantor of every dollar of paper money issued, whether issued for the benefit of the people or the benefit of the banks? The old idea of banking, both State and Federal, was that if the bank broke, which of course it did sooner or later, the people lost the money. The new and more rational theory is that if Government authorizes the issue of paper money, when the bank breaks the Government shall redeem its notes. The bankers claim that they alone can be trusted to regulate the volume of paper money. I would not trust them with any such power. I think the whole people of this country, through their representatives, are a much safer depository of that power. Whoever controls that power controls the nation. But I think I see in the silver certificates a perfectly safe regulator of the volume of paper money. When coin is required the silver certificates which constitute a part of the paper money will be retired and the coin increased; when the convenience of increased paper money is demanded coin is retired and silver certificates increase the currency. The application of the same rule to gold coin as heretofore would increase the facility. Coin never has and never will remain in the vaults of a bank, judging from our past experience, if withdrawing it would be profitable to the bank.

Our silver certificate is not a new idea. I think I have read that the Dutch suggested the idea. The frugal burgomasters of Amsterdam perceived the convenience of paper money a long time ago and organized a bank. The only law of that bank was that when a paper dollar was issued a silver dollar should be put in the vaults to pay it when it came back.

I have entire faith in this system of silver certificates, and believe that they will play an important and most valuable part in your currency system. But the audacious and persistent war made upon the legal-tender notes, the silver dollar, and the silver certificate by the great bankers ought to inform our people that in the early future there will be no divided control of your currency. The Government will issue all forms of currency for the common benefit of the people, or the national banks will issue it all on the credit and at the expense of the Government for the benefit of the banks.

The present state of the money and currency of the country is well presented in the report of the Comptroller of the Currency in the following table:

Currency.	January 1, 1879.	November 1, 1879.	November 1, 1880.	November 1, 1881.
Gold coin	$278,310,126	$355,681,532	$453,882,692	$562,568,971
Silver coin	106,573,803	126,009,537	158,320,911	186,037,365
Legal-tender notes	346,681,016	346,681,016	346,681,016	346,681,016
National-bank notes	323,791,674	337,181,418	243,834,107	360,344,250
Totals	1,055,356,619	1,165,553,503	1,302,718,726	1,455,631,602

The gold and silver coin as presented in the table includes the gold and silver coin in the Treasury for the redemption of the gold and silver certificates. Most of the gold certificates have been retired, but the Comptroller makes the following statement as to the steady increase of the silver certificates:

The silver certificates in the hands of the people and the banks, at dates corresponding with those given in the preceding tables, were as follows:

January 1, 1879	$413,360
November 1, 1879	1,604,370
November 1, 1880	19,780,240
November 1, 1881	58,838,770

It will be seen that the amount of these certificates in circulation has increased $39,058,530 during the past year. Of the $58,838,770 circulating on November 1, 1881, a large portion are constantly in the hands of the people, being paid out by the banks in preference to gold coin or legal-tender notes.

The total amount of silver dollars coined up to November 1, 1881, was $100,672,705, of which, as stated in one of the foregoing tables, $66,576,378 was then in the Treasury, although an amount equal to $58,838,769 was represented by certificates in the hands of the people and the banks, leaving only $7,737,609 actually belonging to the Treasury.

Thus it will be seen that in spite of the clamor of the banks against the silver dollar all of that coinage is in circulation either in coin or certificates except $7,737,609 held by the Treasury. The silver certificate is not a legal tender, but the dollar behind it is.

Mr. Speaker, I plead for a perfectly sound monetary system, in which the paper money shall be readily exchangeable into gold and silver coin. While the interchangeable quality is maintained there is no danger of a redundant circulation. I prefer trusting to the conservative judgment and intelligence of the whole people as represented in Congress notwithstanding the blind and unreasoning spirit of party which sometimes afflicts the country, to determine the amount of currency and on the regulating power of your coin certificates rather than rely on the cool, calculating methods of your masters of finance who contemplate with composure, and in many instances have organized, the financial panics which take from "the mouth of labor the bread it has earned" and make the general loss a source of speculation and profit.

But your national-bank system rests upon the public debt. The final extinguishment of this debt is of the highest moment to this country. The presence of $145,031,850.20 "available cash" in your Treasury renders economy in your Government out of the question. With an overflowing Treasury and the holders of the public securities seeking to postpone payment, schemes for personal aggrandizement, organized and fraudulent raids upon the Treasury, and public enterprises of questionable expediency, spring up like mushrooms in a too fertile soil, while the corridors of your Capitol are filled with a feverish, jostling, and clamorous multitude intent on public plunder. The lobby becomes an audacious and recognized power, scandalizing and, more than that, corrupting the public service. Such are the natural fruits of an overflowing Treasury. The magnitude of your revenues, even if promptly applied to the public debt, militate against frugal and honest government. In the presence of your enormous revenues the member of House or Senate who counsels moderation in expenditure or resists the countless brilliant schemes of national em-

bellishment is accounted too plebeian of spirit to represent so great a country. Yes, sir, an overflowing Treasury is a constant peril; its presence is fatal to frugal, honest, and republican government, and yet your revenues will be great and your Treasury at least at times overflowing until your public debt is extinguished, and then and not till then this nation can, and I trust in God will, return to the old path of safety. The bonded debt of the Government on the first day of this month was as follows:

Bonds at 3½ per cent	$490,697,050
Bonds at 4½ per cent	250,000,000
Bonds at 4 per cent	738,854,800
	1,479,551,850
To which should be added the bonds issued for the benefit of the Union Pacific Railroads	64,623,512
	1,544,175,362

Of these bonds the $490,697,050 at 3½ per cent. are now payable at the pleasure of the Government. The banks have on deposit to secure their circulation $369,608,500 in bonds, and $241,376,150 of these bonds are 3½ percents, which the Government has a right to pay at any time; and with $145,031,850.20 available cash in the Treasury, at the present rate of taxation every dollar of this $241,376,150 of 3½ per cent. bonds now held by the Treasury to secure circulation can be paid, and ought to be paid, within one year from this date, thus extinguishing nearly two-thirds of the bonds on which the bank circulation rests. The money to pay largely more than half of them is lying idle in the Treasury, and yet we are paying the banks 3½ per cent. on their bonds. Now, sir, what is to be the result of all this? The banks say they cannot afford to buy the 4 and 4½ and 6 per cent. bonds on account of the high premium, which now averages more than 20 per cent.

It has been already proposed on this floor that the national banks shall only be required to secure a certain per cent. of their issues by bonds. If this is done, the old robbery of the people by irredeemable and dishonored paper money will begin. And will the people tolerate the spectacle of vast sums of money drawn from their labor by taxation lying idle in the Treasury under the sinking-fund law that the banks may have the benefit of bonds which could be paid; or the other spectacle of the Government paying the banks 3½ per cent. interest on bonds with money lying idle which ought to be applied to their payment and at the same time at the expense of the people, and on faith of the Government, furnishing the banks money to loan to the people at profitable rates of interest? We will see the result; but I am very confident that if you pass this bill and make this national-bank system perpetual, and this bill means that and nothing less, and perhaps nothing more, the issue will not be to the disadvantage of the banks or to the profit of the people.

But, sir, there is an objection to making this national-bank system perpetual much more serious than its control of your currency. I allude to the incidental and yet inevitable power it will exert over your free institutions.

There is no country where corporations exercise as tremendous a power as in our own. It is true that incorporated companies exist in Great Britain and to a limited extent in the nations of continental Europe. There are ninety banks in France, with thirty-seven millions of people; but in all those nations corporations are hedged in and restricted by wholesome laws and are made subordinate to the public good, except where they have been organized for the express purpose of giving strength to monarchical power, and then they have been made subordinate to government even if organized to oppress the people.

But in the United States, both in State and National Governments, gigantic corporations with gigantic powers, in numbers and with resources unexampled in the history of the world, have been organized. Every enterprise involving any considerable amount of capital seeks the shelter of an incorporation. But the great corporations which have in recent years been created by States and the Federal Government, or enlarged by the consolidation of corporate powers granted by several States, like the great interstate railroad systems, have been created with such utter disregard of wholesome limitations, and with such enormous and irresponsible powers, that even now, almost in their infancy, they put your governments, State and Federal, at defiance. You have invested them with powers which belong to the whole people in organized government, the right of eminent domain, on the theory that they were public agents organized for public purposes and for the public good, and to be subject to public control; but armed with perpetual existence and intrenched behind the Dartmouth College case they aspire to an absolute independence of government, both in the courts of justice and in the halls of legislation, seeking to control the very agencies which should restrict their power. The four corporations organized by Congress within the last twenty years to construct railroads between the Mississippi River and the Pacific Ocean are absolutely imperial not only in their franchises but in the vast public domain you have placed under their exclusive control.

Many States which will take their places in our Union of States at an early period are being formed and molded by those corporations, and how are they molding those embryo States? When you hear of farms of fifty thousand acres, and even of one hundred thousand acres, and see a few men become, under these imperial grants, the owners of millions of acres of fertile land and remember that these grants almost exhaust the agricultural lands of your once magnificent public domain, you begin to see the accursed fruits of monopoly which ripen into princely estates and a land filled with tenants and wretchedness. And yet only twenty years ago it was the pride and glory of our country that its wealth was generally diffused and every citizen was an independent freeholder or a freehold in the soil of his country was within his reach. All this rapidly recedes, and a large portion of the once princely inheritance of the American people, transformed by the deadly glance of monopoly, is threatened with the system which filled for centuries all Europe with a hopeless people, a system which a century of revolutions has only modified and under which the son of the Green Isle, in spite of his high courage and ever-springing hope, still suffers the agony of despair. And these corporations are to mold the systems of policy of the coming States of the American Union! Land monopoly reduced labor in all Europe into servitude for centuries. Is land monopoly and the railroad monopoly, and above all the monopoly of the power to control the currency, likely to be more merciful in America?

It is true that corporate franchises and combined resources were apparently necessary to develop the railroad system, and that development was inevitable, no matter what changes it might produce in the existing relations of men and their industries. Here I admit the apparent argument of necessity; but there is no such argument in behalf of corporations to control your currency. But where government authorizes the organization of a great power it is bound by every obligation that can rest upon a government to regulate that power by proper and wholesome safeguards and limitations and protect the people and their industries from the oppressive and extortionate demands of that power, but I hold that no motive of national progress or pretense of opening up the country could have justified or excused the vast grants of lands made to the Pacific Railroad corporations rendering imperial estates in lands inevitable. In my judgment those imperial grants were an irreparable wrong to the landless people of this and of the coming ages—a crime against humanity itself. And I hold that it was a national crime to permit the extraordinary consolidation of the rail systems and leave the productive industries at their mercy.

The tendency of monopoly is to the ceaseless concentration and consolidation of power. Your vast body of railroads between the Atlantic and the Mississippi and onward, with the four great lines I have named, to the Pacific, are already so combined and consolidated that a number of men so small that you count them on your fingers absolutely control the entire system, and hold at their mercy the fortunes of every industry in the United States. Will this handful of gentlemen who control this vast system be unmindful of the value of judges and legislators? Why talk about the rotten-bourough system, once the disgrace of England? Can any man indulge even the hope the power that organizes States, that holds the industries of the country in its grasp, will have no voice in House or Senate? Has power ever been so forbearing as this?

Let us see how monopolies sustain each other. A citizen already the owner of an overgrown estate, the fruits of monopoly, by a simple resolution of his board of directors increases the capital stock of a great railroad and levies increased taxes on the labor of the people to support the increased volume of stock and keep it up to par, and with the proceeds of new stock purchases at par $40,000,000 of your 4 per cent. bonds. The value of controlling your currency is so great that as the volume of your bonds decrease the premium of your four percents advances to 20 per cent., as it is now, and adds almost at once $8,000,000 to his wealth. But suppose the New York millionaire, finding your national-bank monopoly made perpetual, prefers to invest his forty millions in your banking system; he deposits them, and the Government becomes responsible until they become payable in 1907 for their safe keeping, and then the Secretary at your expense will pay him over the sum of $36,000,000; you pay him on his forty millions 4 per cent., he pays you on your $36,000,000 the pittance of 1 per cent., and that only on that part of the $36,000,000 he keeps in circulation, and if he should co-operate with other banks to reduce the price of the farmer's produce or the value of stocks, for the purpose of speculation, and calls in his $36,000,000, he does not even pay that pittance of 1 per cent. while the money lays in his vaults. And so under the auspices of the two great monopolies the "skillful financier," to whom in the eyes of the champions of this bank system it is so much safer to intrust your currency than to the representatives of the people, by the watering of stock, increased exactions for transportation, and through your national-bank system gathers in from the earnings of the people $76,000,000. And can any mortal tell how many homes were scrimped even in the bare necessities of life, how many men lost hope and sunk into despair while the iron forces of the accursed principle of monopoly were drawing together through countless channels this imperial estate? Is there any other country where the laws open up such opportunities to the skillful and the unscrupulous or give such advantages to wealth?

I have said that even now in their comparative infancy these corporations measure strength with your Government. It was only after a contest of years and after repeated failures the measure was finally carried through Congress to require the combination known as the Union Pacific Railroad Company to provide even a small sink-

ing fund to meet the $64,623,512 of 6 per cent. bonds you issued for their benefit on which the Government has paid $37,909,124.94, not a dollar of which has been refunded, and even that funding act is being steadily evaded. The people of all sections of the Union have by countless petitions called upon Congress to pass a law regulating the interstate railroad business, preventing unjust discriminations, and prohibiting extortionate charges; but the railroad lobby has appeared in force and the measure fails. But more than all, the skillful gentlemen who obtained from Congress the imperial grants of land now hold over seventy millions of acres clearly forfeited to the United States by the lapse of the time within which the laws making the grants required their roads to be constructed, and with only an act declaring the forfeiture necessary to restore these fertile lands to the public domain for free homes for the people; but the act cannot be passed, and monopoly still holds those lands in its deadly grasp. The national banks have transformed a vast bonded debt payable in paper money into a debt payable in coin, and then into a debt payable in gold coin, and now asks that a twenty-year charter shall be made perpetual, and Congress hastens to do the work. But why enumerate? When has great power animated by the spirit of insatiable avarice been moderate in its demands?

Thus, sir, we enter upon our second century with this vast body of concentrated wealth, armed with perpetual corporate franchises, to contest supremacy with the people. It was Bacon who said:

In the infancy of states men mold institutions; in their maturity institutions mold men.

Can any patriot indulge the hope that these powerful institutions which the Government now cherishes and refuses even to put under wholesome restraints will not, imperceptibly it may be, but steadily aspire to political power, change the character of our institutions, and mold them into harmony with their own interests? Will not the natural timidity of wealth, especially wealth consolidated, seek new guarantees as well as new powers? With vast facilities for absorbing the fruits of the labor of our people, will not these institutions reproduce on this new theater of human aspirations the deadly evil of the old, splendid estates, an impoverished people?

Scarcely a generation has gone by since, as mentioned to-day by the gentleman from New York, [Mr. HEWITT,] John Quincy Adams, before entering this Capitol as a Representative of the people, entered in his diary these memorable words:

I have sold my stock in the Bank of the United States, lest it might be supposed that my action in the House might be influenced by the ownership of bank property.

Is this illustrious example of the old-time conception of public virtue and honor likely to be imitated in a Government where the citizen is lost sight of and a favored class invested with special privileges and perpetual franchises control the avenues to wealth and sway the councils of the state?

The Roman maxim, "Never despair of the republic," is an inspiring sentiment now as of old, but no friend of our free institutions can fail to apprehend that unless the American people, reanimated by the spirit of their fathers, shall compel a return to the old path of safety, where the common and equal rights of the citizen rose superior to the demands of wealth, in spite of the universality of intelligence, the just, plain, and frugal government which excites the admiration of the world will steadily, as power shall move from the many to the few, fall into decay, and a splendid government supported by "powerful monopolies and aristocratical establishments," will take its place. A splendid government, princely estates, an impoverished people!

Contested Election—Lowe vs. Wheeler.

SPEECH

OF

HON. WILLIAM M. LOWE,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 2, 1882,

On the contested-election case from the State of Alabama of Lowe *vs.* Wheeler.

Mr. LOWE (contestant) said:

Mr. SPEAKER: I am glad that the time has come at last when I may speak for myself, and not only for myself, but for the disfranchised people of my district. I am glad, sir, that I have an opportunity to be heard before a body which is the sole judge of the elections, returns, and qualifications of its members, and which is bound by public interest and private conscience to do justice in the cause.

It is true, sir, that I entered upon this contest with reluctance. More than eighteen months ago I was elected by the people. More than eighteen months ago I was counted out by the inspectors. More than eighteen months ago, upon a minority of votes, the contestee achieved the certificate; and since then, while I have endured "the law's delay and the insolence of office," he has enjoyed the rights and privileges that are honestly and legally mine. I was reluctant to make the contest, because I fully appreciated from the first its gravity and significance. My life-long Democratic record must vouch for the sincerity of this sentiment. Born and reared in the South, identified with its people in war and peace, I naturally shrank from the invidious attitude of exposing to the House and to the country the faults and follies of any of the public men and methods of that section.

I hated, moreover, to antagonize that dominant minority in our politics which finds its definition in Bourbonism and makes its last intrenchment in the solid South. I hated to arouse that fell spirit which guards its despotism. I hated to invoke upon myself and friends that bitter and proscriptive feeling of personal and political hostility which characterizes its savage warfare. And aside, sir, from these considerations, I was still more disinclined to make this exposure, however necessary and unavoidable, because I feared that in other sections the unwise or the uncharitable might misunderstand or misuse it to prejudice the business interests and material prosperity of the South. I feared that foreign capital and skilled labor, beholding merely these evils from a distance, and not appreciating the meritorious character of the struggle against them, might turn away for a time the tide of immigration and adventure to other and less favored localities.

But I remembered, sir, that there can be no genuine prosperity in the South without order and peace, no stability in society without law and justice, and nothing worth having in government without honest and pure elections. I remembered that I owed a duty in that behalf to my friends and to myself to speak the truth and the whole truth. I remembered that I was under great obligations to the generous and good people of my district and of my State. Indeed, I felt that in spite of the clouds and darkness that for twenty years have obscured to a great degree the relations between the South and other sections, that nevertheless we are all citizens of the United States, living for better or for worse in a common country, and making a common struggle for free government under a common constitution. I felt, sir, that I was engaged in a fight for a free vote and a fair count, and that whenever an issue of this fundamental nature is involved it was not a local fight and could not and should not be determined by local or personal considerations.

I feel, therefore, that it is my duty, however disagreeable and difficult, I hold it my privilege, however exacting and ungracious, to expose, and by exposure to defeat, if possible, the men and methods which have overthrown or which threaten to overthrow throughout the South the most sacred franchises and muniments of the Constitution. I am sure, sir, that this is not my cause alone. It is the cause of the people of my district, the cause of the State of Alabama, the cause of the South, the cause, indeed, of the whole country. I shall therefore lay before the House frankly and fully my real sentiments and feelings in this contest, and if, in the course of my remarks, it becomes necessary for me to reflect upon the motives as well as the conduct of the Bourbon party in my district; if I, having nothing to conceal, shall feel called upon to expose their frauds and outrages to the whole world, I trust that whatever temporary injury or discredit may thereby result to the political or material interest of my section will not be set down to myself and friends, but will be righteously visited upon the men whose lawless conduct led to this contest and made this exposure necessary.

In my notice of contest, Mr. Speaker, I made certain definite and distinct charges of fraud and irregularities in the election, and I stand here to-day backed by the whole testimony to vindicate these charges. Indeed, the report of the committee verifies, in law and in fact, every substantial and necessary part of them. In speaking, therefore, to the resolution before the House, I shall not go behind the report into the details of the evidence. I shall direct myself mainly to certain general observations upon the whole matter, both before and since the contest. I shall frankly present it to the House as it presents itself to my judgment and conscience. And, in order that I may not be misunderstood, I repeat the original charges in my notice of contest, that the contestee and his partisans were engaged during the canvass in an overt conspiracy against a free vote and a fair count, and that they now appear here solely in that behalf, and in proof thereof I beg the House to follow me in the application of the following tests:

By the constitution and laws of Alabama.

By the statutes of the United States.

By political considerations.

By reason and common sense.

The constitution of Alabama, I take pride in saying, is the freest, the most democratic on the subject of suffrage of any State in the Union. It provides that all popular elections shall be by ballot; that no educational or property test for suffrage or office shall ever be imposed; and that the Legislature shall protect the ballot by adequate penalties, &c. What is a ballot in the meaning of the Constitution? It has the same meaning in law as in the common acceptation of the people. It is a piece of paper or other suitable material with the name of the person or persons voted for written or printed thereon together with the office for which each person so named is intended to be chosen. (Cooley's Constitutional Limitations, 760.)

The evidence shows that in the election last November when the polls closed 13,456 ballots had been duly cast for me for Congress, against 12,609 ballots for the contestee for the same office. The evidence further shows that after these ballots had been duly deposited for me by qualified voters, in the ballot-boxes provided by law, a large number of them—over 500—were rejected and thrown out by the inspectors "after the polls were closed and the election over." The evidence further shows that this rejection of my ballots was deliberately done in compliance with instructions from a secret circular—"Exhibit B"—addressed to partisans of the contestee at various points in the district, with the words, "To be shown only to very discreet friends," written with pen and ink on the back thereof, and signed by the chairman and secretary of the Democratic district committee, of which the following is a copy:

DEAR SIR: As soon as the polls are closed, inform the inspectors of the election that the Lowe tickets with Hancock electors on them are illegal. They contain the figures 1st, 2d, &c., designating the district. These are marks or figures which are prohibited by the election laws; see acts 1878–9, page 72; and all such tickets should be rejected when the votes are counted, after the polls are closed.

To be shown only to very discreet friends.

The evidence further shows that these rejected ballots, as part of the election, were never returned by the inspectors to their respective county seats, nor computed by the county officers in their returns to the secretary of state, nor regarded by the secretary of state in his certificate to the contestee in this case. It is these rejected ballots, sir, with the remarkable circumstances attending their rejection, that I am now asking the House to consider and pass upon.

[Form of rejected ballot.]

FOR ELECTORS FOR PRESIDENT AND VICE-PRESIDENT:

STATE AT LARGE.

JAMES M. PICKENS.

OLIVER S. BEERS.

DISTRICT ELECTORS.

1st District—C. C. McCALL.

2d District—J. B. TOWNSEND.

3d District—A. B. GRIFFIN.

4th District—HILLIARD M. JUDGE.

5th District—THEODORE NUNN.

6th District—J. B. SHIELDS.

7th District—H. R. McCOY.

8th District—JAMES H. COWAN.

FOR CONGRESS—EIGHTH DISTRICT.

WILLIAM M. LOWE.

In my notice of contest I held that the construction put upon the statute by the contestee was an affront to law and common sense. The rejected ballots contain no "marks, figures, rulings, characters, or embellishments," which render them obnoxious in any just and proper sense to the laws of Alabama. They represent no distinguishing feature or device by which the secrecy of the ballot, the avowed object of the statute, was or could have been violated. If the law is really such as is set forth by the contestee in the "yellow circular," it could not be executed. It would be impracticable. It would defeat itself. It would prevent rather than facilitate elections by ballot. The contestee's own ballots, 126, voted at the Huntsville box, in words and figures, to wit: "For Representative in Forty-seventh Congress of the United States, eighth Congressional district, Joseph Wheeler," would be technically illegal and have to be rejected. It would be hard indeed, sir, to frame a strictly legal ballot, a ballot against which no flimsy or fraudulent objection could be raised. If "figures" mean numerals, if "characters" mean letters, if "marks" mean punctuation marks, if "rulings" mean printers' rules, if "embellishments" mean the art of penmanship or the graces of job-work, it would be difficult if not impossible, to write or print a ballot which would not technically offend against the letter of the statute. But, sir, this is not the proper construction of the law. It is the construction of school-boys and school-books, not of lawyers and courts. Never could it be said with more truth and emphasis than of such a construction that "the letter killeth but the spirit maketh alive."

Provisions of constitutions are often so plain and simple as to execute themselves. They may be said to be self-executing when they supply a sufficient rule by which the right given may be reasonably understood and enjoyed. What is the right given? To vote by ballot. Does it need any act of the Legislature to enable an elector to vote by ballot? No. The people of Alabama voted by ballot for sixty years without any such act. Would not an act of the Legislature providing a different manner of voting be unconstitutional and void? Is there any need of legislation to define the meaning of ballot? Is it not a word of common use and meaning? Can the Legislature change its character or its popular significance? No, sir; the right to vote and the right to vote by ballot and the right to have both rights protected by law are provisions in the Alabama constitution so plain and simple as to be self-executing by their own unaided and intrinsic force.

But, sir, the law does not prohibit ballots from being so printed that illiterate persons shall be able, from figures, signs, or characters on the face of the ballot to distinguish the tickets of one party from another. The constitution of Alabama prohibits an educational test for suffrage, and the statute cannot do by indirection what is directly prohibited by the constitution. The statute nowhere uses the terms "distinguishing features or devices," showing that it was not directed against those things inside of the ballot which enable the ignorant or unlearned to know what persons or which party they are voting for, but only against such things on the outside of the ballot as might enable persons to ascertain the character and contents of the ballot after it is folded. Any other construction would establish in the statute an educational test for suffrage in the teeth of the constitution.

If, however, under certain circumstances, special legislation may be desirable to provide convenient remedies for the protection and enjoyment of the right of suffrage; if statutory enactments are needed in some cases to secure or regulate its exercise so that its exact nature may be understood, all such legislation must be essentially protective in character and subordinate to the constitution. It must be in furtherance of constitutional provisions, and must not seek in any way, directly or indirectly, to narrow or embarrass them. There can be no honest rule to fit "the flexible adaptability" of election laws to the exigencies of a party. In election cases, sir, to be in doubt as to receiving a ballot is to be resolved in its favor. While laws in derogation of common right must be strictly construed, laws in favor of common right must be liberally construed, especially when common right is the right of the whole people in a popular election. The Alabama constitution will override and nullify any legislation which limits, restricts, impairs, or denies the right of suffrage.

The supreme court of Alabama (2 Stewart, 239) declares that no department of the government, nor all of them combined, have the power to divest an individual of his constitutional right of suffrage. Regulations in regard to the ballot must not have for their object, directly or indirectly, to abridge the constitutional right to vote, or unnecessarily to impede or restrain its exercise. If they do they must be held void. Now, sir, I submit that the acts of 1878–'79, in regard to the style of the ballot, construed as they are by the contestee to be mandatory and not directory merely, are unconstitutional and void, because they tend to limit, restrict, and embarrass the right of suffrage by ballot. They say, first, that you shall not vote by ballot unless the ballot is written or printed on a certain kind of paper; second, it must have a certain shape and size; third, it must have no marks, characters, figures, &c., thereon.

These are things over which the voter generally has no control. But under the constitution if I print or write my own ballot, I can print or write it on any kind of paper of any reasonable size or shape. I can write or print it on white or colored paper, on letter paper or printer's paper, on ruled or unruled paper. I can place the name of the party I intend to vote with at the head of my ticket. These are my constitutional privileges, and as far as they are denied by the statute the statute is void. My ballot, under the constitution, could not be rejected because it is too short or too long, too narrow or too wide; but under the statute, as construed by partisan inspectors, I must go to the polls with a rule and a glass to take the dimensions and scrutinize the character of my ballot or run the risk of its rejection. All these statutory provisions limit and restrict the right of suffrage; they depart from the definition of the constitution and seek to override the franchise conferred by it. The question recurs which shall control, the constitution or the statute.

THE LAWS OF ALABAMA.

I have said, Mr. Speaker, that the constitution of Alabama in regard to suffrage is perhaps the freest in the Union, and I may add that the laws of Alabama, as construed by the contestee, are perhaps the most proscriptive. The laws to which I refer as not in accord with the constitution are the recent amendments to the old election laws of the State. In 1875, at the time of the adoption of the present constitution, the election laws of Alabama were the same laws that had been of force in the State for sixty years. They were the simple and easy provisions under which our fathers held honest and fair elections. The Democratic party of Alabama, having defeated the Republicans, were then in almost undisputed power throughout the whole State; and these were the very laws under which they had regained power. What was the necessity of amending them? What was the use of changing laws that had existed in the State from 1819; that had been tested by experience; that the people had grown

accustomed and attached to? Why were these particular amendments intruded upon us at this particular time? Was it to enforce the solidity of the South? The South was already solid. Was it the Army at the polls? There was not a soldier in the State.

The President had withdrawn the troops from the whole South and sent them two thousand miles away to our distant Indian frontier. Sir, he had done more. He had come among us in person and publicly disavowed the right to use troops at the polls, except under the constitutional call of the States themselves. Representing the North in his personal relations and the whole country in his official character, he had broken our bread and eaten our salt. The issues between the sections and the races were settled in peace. We sat down together as friends in the gateways of the South—"as the days wherein we rested from our enemies." There was no fear, sir, of the Army at the polls. Was it fear of the so-called carpet-baggers? They had left the State never to return; or they had gone into business, building railways or factories or furnaces, or they had sought sanctuary in the Democratic party. As an organization they were politically as dead as the years before the flood. Every Southern community was in the full enjoyment of the absolute right of local self-government under recent constitutions framed by the white people themselves.

What, then, was the matter with Alabama? Was it outside interference? Was it government control? No, Mr. Speaker, nothing of the sort. It was an era of good feeling. The whole administration in Alabama in every department was Democratic and had been so for more than four years. Sir, what hidden motive, then, prompted this legislation? What secret purpose instigated these amendments? Did the people ask for them? No. The people were satisfied with the laws as they existed. Did the press ask for them? No. The press was either silent or hostile to these changes. Indeed, sir, while I will not say that the matter was kept hidden from the people, I do say that no member of the Legislature that made these amendments was elected upon such issue, and certainly no member could have been elected in North Alabama had he avowed such a purpose in advance. I think I know the secret design that instigated these amendments. In 1878–'79, while the Republicans had no organization and no ticket in Alabama, there was a general and growing feeling among Democrats of dissatisfaction with the administration of the State government.

This was especially true in the white regions of North Alabama. The men of the mountains showed signs of independence. They chafed under the party harness, and in many cases broke away from the petty restraint of party discipline. They voted for one independent candidate for Congress from North Alabama and sympathized with others in South Alabama. They had been denounced as usual, in the press and on the stump, but without effect. They could not be intimidated or silenced or driven back into the traces. Something must be done or the Bourbon faction might lose office and perhaps be brought to justice. Every old fossil, every broken down political hack in the State, mounted the hustings to shout himself hoarse with the last resort of Bourbonism. The hysterical cries of radical and scalawag rang over the State. They filled the air with denunciations of "renegades and deserters;" but, sir, these heretofore omnipotent methods no longer produced the customary and desired effect. The masses in North Alabama were evidently in sympathy with the Independents. The old guard Democracy fraternized with the anti-Bourbon Greenbackers.

The people were with the movement. They could not be out-voted, they must therefore be out-counted. The next election must be held under conditions that insured success. For this purpose the old election laws of our honest fathers must be abolished and a new system (a cross between the Mississippi and South Carolina plans) must be substituted. The elections must be held after the polls are closed and the result determined, not by the voters, but by the inspectors. Independent opposition must be punished by suppression under the election laws. There must be no new party organized in the State under any name or for any purpose. There must be but one party in Alabama and all contests must be decided inside of its organization. There must be no mutiny against the party and no appeal to the people; and whoever refused to submit to this despotism must be denounced as a renegade in the canvass and counted out as a public enemy at the election.

The Juggernaut of the party must be supreme. The result must be attained, not by force, but by fraud; not by ballots, but by trickery, and through election laws framed in that behalf. Sir, the chief element in this conspiracy against the constitution of the State and the right of the people was the election law itself. The popular will was in this way to be legally and peacefully suppressed by the minority in power.

It is said, sir, that these laws were made with special reference to the black belt by the enterprising politicians of that section, as a labor-saving machine in politics, to guarantee results regardless of the proverbial uncertainty of elections. However this may be, sir, I doubt if their provisions have ever been enforced in South Alabama with that excellence and refinement of fraud which characterizes their enforcement with us. The Bourbons of North Alabama are not reputed to be sticklers for laws, but when a statute is framed for fraud they are sufficiently law-abiding to wish it executed in that spirit.

What, sir, are these laws, and what do they provide? They provide that the ballot, as I have said, shall be printed on plain white paper of a certain length and breadth, without marks, figures, &c. This provision, if mandatory, as claimed by the contestee, makes all the ballots identical in color, size, design, &c., throughout the State. It establishes in the teeth of the constitution an educational test for suffrage. If it does not disfranchise the illiterate it hinders or prevents him from knowing his party ballot at the polls, and of course from swearing to it in the courts. If he cannot read it he is denied all other means of identification. It operates against the weaker and dependent classes; it works of necessity against those conditions in politics which the so-called "secret circular" (Exhibit D) was directed against. It not only fails to protect the right of suffrage but it facilitates the crime of ballot-box stuffing by swift and easy methods without danger of detection. And where all the inspectors are of the same party, which is often the case, requiring neither skill nor experience, how is the constitutional right of suffrage protected by this provision?

They declare, for the first time in the history of the State, that ballots shall not be numbered. This provision alone would leave the right of suffrage open to almost every fraud without protection. No means are provided to separate the legal from the illegal ballots; no means by which any specific vote can be traced to any specific voter; no means to purge the ballot-box, and therefore no means under any State process by which an election, however fraudulent, can be contested or revised in the courts. How is the constitutional right of suffrage protected by this provision?

They provide that if two or more ballots are found rolled up or folded together so as to induce the belief that the same was done with a fraudulent intent, they must be rejected, otherwise they must be counted. The intent of the voter is here made the sole question, and the inspectors are clothed with judicial power to pass upon it. The intent of course, whether fraudulent or otherwise, is a question purely of fact. But the inspectors, sir, have no means of investigating the fact. They are not allowed to know the voter casting the ballot or to delay the election to receive evidence of his intent. How is the constitutional right of suffrage protected by this provision? The inspectors must blindly count in or blindly "count out" (for this is the mixture of bad grammar and bad faith in the statute) all such ballots thus found rolled up or folded together; (the provision looking to the "count out" of votes refers of course to the opposition.) What an opportunity for party service from partisan inspectors or other ready and willing agents, and how shamefully it has been utilized in our recent elections!

If a majority of the inspectors are of the same party they may reject the votes of the other party while they count their own; and if the inspectors are all of one party no witness from the other party under this law need ever know it, no eye see it, no tongue disclose it. The criminal act is done in the secrecy of the room where the ballots are canvassed; the press maintains a judicious silence, and the party in the courts and in Congress is relieved from the embarrassment of disclosure and the necessity of defense. This provision may help the minority in a strait, but how does it tend to protect the constitutional right of suffrage?

These enactments, to be appreciated, must be looked at, not abstractly or separately, but in the concrete, and in the light of the election itself. The Alabama code provides that the inspectors shall be taken, "if practicable," from "opposing political parties." In many instances this provision was held impracticable by the Bourbon appointing power. In State elections it is often openly violated and in Federal elections it is evaded or ignored. At the last November election, at eight or nine precincts in Madison County, the largest and wealthiest county in North Alabama, all the inspectors were Bourbons of a pronounced type, no Republicans or Greenbackers or Independent of any sort being allowed to serve in that capacity. I do not feel the necessity—I have neither the time nor inclination—to enter into the details of the lawlessness and bad faith of these transactions.

But I refer the House to one notorious instance in the evidence as indicative of the whole. In the cultivated and conservative city of Huntsville, where I reside, where indeed I was born and reared, I was refused all representation at the election. All the inspectors, all the clerks, every State officer at the ballot-box was an out-and-out Bourbon, although a large majority of the good citizens of that community are politically opposed to that faction. It is true, sir, that an illiterate negro (a favorite device of the Bourbons) was originally appointed, in mockery of the Republican party, but he, feeling incompetent to discharge the duties of inspector, being unable to read or write, declined to serve. And the other inspectors, having orders to that effect, immediately filled the vacancy with a so-called "good Democrat." This was systematically done in pursuance of the following Democratic circular:

IMPORTANT.

You are specially designated as a person whose influence and ability can accomplish much in the election.

* * * * * * *

Second. You are earnestly requested to be at the polls before the voting commences, and if any inspectors or managers of election are absent see that a good Democrat takes his place. This is very important.

* * * * * * *

By order of the Congressional committee.

A. J. SYKES, *Chairman.*
E. H. FOSTER, *Secretary.*

These orders, being imperative as well as "important," were observed in many cases with slavish fidelity. I went, sir, in this instance in person to the inspectors. I demanded representation for myself and for my party. I quoted the familiar statute and insisted upon a compliance with its well-known terms. I appealed to law and justice. The appeal was, of course, in vain. The chairman of the Republican committee in like manner and under like circumstances made a similar demand for his party, and he also was denied. The indignity was consummated; another Bourbon was appointed to fill the vacancy and make the outrage unanimous. At this precinct, sir, the inspectors, although sworn to do me equal justice, distinguished themselves by counting out 68 alleged illegal votes for me while counting in 125 similar tickets for the contestee. The difference was, that one set of tickets had "numerals" on the side, and the other on the tail of the tickets. The inspectors are gentlemen of high standing in the party; but they evidently entertained two opinions about these ballots. They held them to be both legal and illegal—legal for Bourbons but illegal for Greenbackers. "Figures" were absolutely fair in the one case, but foul, most foul, in the other. I would fear, sir, to mention the fact were it not confessed, lest I might

Stifle in my own report
And smell of calumny.

The evidence shows that at Lanier's box all the State officers were well-known Bourbons, and that the ballot-box in the absence of opposition inspectors was duly stuffed in the interest of the contestee. The evidence shows the fact to a moral if not to a legal certainty. The testimony of Hertzler, McDonnell, R. H. Lowe, McDaniel, Toney, Lanier, and others ought, *a priori*, to satisfy any honest doubt on the subject; but, *a fortiori*, while the inspectors return only 57 votes for me, 128 of the voters themselves voluntarily swear that they cast their ballots with my name upon them. The same thing is disclosed at Meridianville. All the officers were Bourbons; I had no friends among them; and the ballot-box was stuffed, of course, by the partisans of the contestee.

The evidence shows how these things were done, and systematically done, by the partisans of the contestee. They called on the United States marshal for deputies at the election, and then denounced him as a usurper for granting their request, and issued a formal proclamation "warning" the people against his authority. They refused in many instances to appoint Republican or Greenback inspectors, but they petitioned the Federal judge far in advance of either party for United States supervisors for themselves, while both before and after their appointment they railed out in the name of State rights against all Federal election officers as the enemies and oppressors of the people. They falsified incessantly in every way from the beginning to the end of the canvass, while they held themselves out to the people as the only friends of decency and truth. They mutilated or stole away the registration lists, and then charged a failure to register upon the opposition. They avowed their devotion to an honest election and a fair count while forging every kind of false and deceptive ballot.

One of their inspectors, a carpenter by trade, brought his tape-line to the polls to measure my ballots while counting them; and another, being a merchant, utilized his yard-stick for the minimum discovery, after the election, of a score or more of my ballots, which he triumphantly declared were from one-sixteenth to one-sixty-fourth of an inch too long or too short. We have all heard of war to the knife, and knife to the hilt, but we now learn of war to the yard-stick and tape-line, and in every instance it is Bourbon war under Bourbon legislation against ballots of the opposite party. Indeed, sir, they were industrious to invent and employ every cunning artifice and secret trick in the election, while busying themselves to conceal their methods, not from us only but from the more scrupulous men in their own ranks. And finally, when some of them are brought to the bar to answer for their offenses, they find many new ways of defeating justice. Whether as witness, party, or juror, they know how to avoid perjury by what we may designate as a "detour of intention," a compromise with conscience, a mental reservation against the constitutionality of the law or the jurisdiction of the court.

These offenses, sir, are more notorious and worse in fact in Madison County than in any part of North Alabama. They began with the election frauds last August and continued through the November elections. They filled the public mind with a cloud of suspicion and distrust. In many instances, I repeat, the inspectors being all of one party, it is a close and secret corporation. Long after the elections are over, no man knows who has been elected or counted in except the inspectors and their coconspirators. The mass of the people, white and black, go to the polls, cast their votes, and return to their homes moody and discontented with the result, without confidence in the officers of the law or respect for the law itself.

That, sir, is the lamentable state of public sentiment in my district to-day. It grows partly out of the notorious fact shown in the record of this case, that the law is violated in the appointment of inspectors; which fact produces a general, almost universal, apprehension of more or less fraud and trickery in our elections. You have seen that at some of the boxes they "counted out" ballots for me that had figures on them, and "counted in" ballots for the contestee that were subject to the same objection. The same men did the counting in and counting out. There was no conceivable pretext for their conduct, then or now, except a party pretext. In almost every instance the men who did it were Bourbons of the highest character and standing in church and state. Sir, it is useless to palliate or disguise these crimes. It is too late to deny them. Suffrage-stealing is office-stealing, and office-stealing, in its very nature, is revolutionary and treasonable.

But it is said, Mr. Speaker, that these laws were intended to secure the secrecy of the ballot; to prevent the exposure of the will and consequent danger to the freedom of the voter. How is this? The ballots have never before been technically or specifically defined in Alabama. They have always been numbered for over sixty years, since we were in a territorial condition. During all that time they have been subject without objection to all the chances of exposure. But now it suddenly occurs to a Bourbon caucus in Montgomery that the ballot is threatened with danger and needs to be made secret—secret in law, secret in fact, secret when folded by the voter, secret when handed to the inspectors, secret when counted, secret when canvassed. Secret, sir, first and last, from the secret vote at the polls to the secret count-out at the court-house. The bold Ku-klux has given place to the stealthy ticket-thief, and the disguise is taken from the horse and rider and put upon the ballot.

It is true, sir, that the secrecy of the ballot, if that alone was the object of the law, could have been and was secured as well under the old laws, when the ballots were numbered, as under the new laws, when the numbering was prohibited. Nobody in Alabama, sir, desired the ballot to be otherwise than secret. It needed especially to be secret from the outside inspection and inside manipulation of Bourbon officials. But there was no need for these amendments to secure that result. If under the old law an election officer revealed a vote at an election he was guilty of a misdemeanor and subject to fine and imprisonment. He was sworn not to compare the ballots with the poll list. Every man could fold his ballot with impunity, and no man without his consent could be made to disclose its contents even in a judicial proceeding. What, then, becomes of this pretext? Is it not a mockery of the truth; a thin disguise to cover up an open outrage? Sir, it was not to secure the secrecy of the ballot but the secrecy of the fraud; the secrecy of the means by which the ballot was to be rejected.

The amendment to section 276 of the code, acts 1878–'79, provides that "one of the inspectors must receive the ballot folded from the voter and the same must be passed to each of the inspectors, and then, without being opened or examined, must be deposited in the proper ballot-box." This provision is subject perhaps to two constructions: it either gives opportunity to each inspector to change the ballot and substitute another in its place, or it means that each inspector shall have an opportunity to pass upon the legality of the ballot before it is put into the box. If it means an opportunity for fraud, no honest court will execute it. But every court must presume the fair intention of the Legislature and give the act a reasonable interpretation. With such fair presumption and such reasonable interpretation, Congress must come to but one conclusion, that the Legislature merely intended to have each inspector to pass upon the ballot before it is put into the box; and after it is thus passed upon and put into the box, it cannot be recalled, it cannot be rejected, it must be counted as cast. This view is in accordance with the constitution; it tends to protect the ballot and to preserve the rights of the people.

If we now take the next amendment on the count-out it makes our position perfectly plain—"*An act to amend section 286 of the code.* In counting out, the returning officer or any one of the inspectors must take the ballots one by one from the box in which they have been deposited, at the same time reading aloud the names of the persons written or printed thereon and the office for which such persons were voted for. They must separately keep a calculation of the number of votes each person receives," &c. What is the authority conferred by this statute? Is it to count the ballots, keep a list of the votes each person receives, and reject the ballots which are found rolled up or folded together so as to induce the belief of fraud? The statute is plain that all the ballots must be taken from the box and counted, except such as are rolled up or folded together. Where do the inspectors get authority from this law to count or reject ballots after the polls are closed? They have only the power conferred by the statute. They must follow its language and obey its mandates. The language is, "the inspectors must take the ballots one by one from the box, at the same time reading aloud the names of the persons written or printed thereon. They must separately keep a calculation of the votes each person receives."

Now, sir, when a ballot is taken from the box, what right have the inspectors to fail or refuse to read aloud the names of the persons written or printed thereon? Are they to obey the law or the so-called yellow circular? What right have the inspectors to reject or count out a ballot from the calculation which the law requires them to keep? Are they sworn to observe the law, or are they bound to follow the dictation of the chairman and secretary of a partisan executive committee? Sir, nowhere in any law, nowhere in any decision of the courts, nowhere except in the "yellow circular" itself, can authority be found for the inspectors to "count out" votes "after the polls are closed and the election over." Construing the statute on style and the statute on the count, according to the liberal construction given in such cases by the courts, we are forced to the conclusion that illegal ballots, unless made illegal by being rolled up or

folded together, must be refused before they are placed in the box, and not, except in the case above stated, rejected afterward. The figures, marks, rulings, characters, &c., on the ballot must be such as would enable the inspector to distinguish and reject the ballot before it goes into the box.

To show, sir, that the so-called "yellow circular" issued by the chairman and secretary of the Bourbon executive committee did not rightly construe the statute when it instructed the inspectors to reject the "Lowe ballots with Hancock electors" as illegal "when the votes are counted and the polls are closed," I beg leave to submit the following amendment, passed by the Alabama Legislature since the rejection of my ballots, as above stated, in the last November election. The following is a copy:

[H. B. 208.]

An Act to amend an act to amend section 274 of code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1 of an act to amend section 274 of the code of Alabama, approved February 12, 1879, be, and the same is hereby, amended, so as to read as follows:

SEC. 265. The ballot must be a plain piece of white paper, without any figures, marks, rulings, characters, or embellishments thereon, not less than two and one half inches nor more than three inches in width, and not less than five nor more than ten inches in length, on which must be written or printed, or partly written and partly printed, only the names of the persons for whom the elector intends to vote, and must designate the office for which each person so named is intended by him to be chosen; and any ballot otherwise than described is illegal, and must be rejected. *Provided*, That no ballot shall be rejected as illegal by reason of the abbreviation of the names of the persons voted for, nor by the use of numerals as abbreviations, nor by reasons of the erasure of one or more names, and the insertion of other names, if what is meant by ballot appear from its face, nor shall any ballot be rejected as illegal by reason of its non-conformity to the prescribed dimensions if it reasonably appear that the elector had no intent to violate the statute.

Approved March 1, 1881.

This amendment, passed immediately after the election in which these notorious abuses had occurred, and with a view doubtless to their correction, may be taken as in the nature of a legislative construction of the statute. It was no doubt so intended by the Legislature. It declares in so many words that "no ballot shall be rejected as illegal by reason of the abbreviation of the names of the persons voted for, nor by the use of numerals as abbreviations," &c. The qualifying phrases that "if what is meant by the ballot appear from its face," and "if it reasonably appear that the elector had no intent to violate the statute," are most timely and significant. They tend to show that the Alabama Legislature has not altogether abandoned the old idea that the ballot was made for the voter and not the voter for the ballot; that however irregular in form and technically illegal in fact any specific ballot may be, yet if it is honestly cast by a duly-qualified voter and is reasonably clear and intelligible it ought not to be rejected; that the victory or defeat of a person or of a party by such means is not to be compared to the calamity involved in the denial to any considerable part of the community of the free and fair enjoyment of the right of suffrage.

UNITED STATES STATUTES.

And this brings me, sir, to the consideration of the broad and liberal statutes of the United States. They provide (section 2012, 2d edition, 1878) that at every election of Representative in Congress the United States circuit judge living in the judicial circuit embracing the Congressional district shall appoint for each voting place in the district two supervisors of elections, "who shall be of different political parties and able to read and write the English language." These supervisors are authorized to attend at all times and places fixed for registering voters and holding elections, to challenge any vote when they see fit and to be present wherever the ballot-boxes are kept from the opening of the polls until every vote has been cast, and to personally inspect and scrutinize the manner in which the voting is done and the method in which the poll books, check books, registry, and tallies are kept under Federal and State laws.

At the November election in my district the circuit judge, (Hon. William B. Woods,) by virtue of the authority conferred in this section, appointed these supervisors, and in every instance a well-known Democrat of the highest standing was named as one of the supervisors; and where from any cause a vacancy occurred it was filled by the appointment of another member of the same party to which it had been originally assigned. The evil example of the contestee and his partisans as to State inspectors was not retaliated upon them as to supervisors; on the contrary, when a Democratic vacancy was reported it was never filled by appointing a Republican or a National in his place, but always filled with a Democrat. Everything in the election done in the name or by authority of the United States was fairly and impartially done, according to the true intent and meaning of the statute.

Sir, I dwell on this fact because there has been an attempt in certain quarters to create distrust and prejudice against these officials, and because the greatest abuses and corruptions in our local elections have arisen out of the fraudulent appointment of local election officers, and because there was not wanting a spirit of resentment among my own friends to suggest some retaliation in kind upon the guilty Bourbons of my district. It was a natural and humane spirit, but I am glad to say it did not control in any respect whatever; on the contrary, it was promptly and emphatically repressed. Under the provisions, sir, requiring the supervisors to be of "different political parties," it would have been a technical compliance with the statute if a Republican and National, being of "different political parties," had been appointed in every instance, and if, therefore, in every instance a Democrat had been purposely omitted. But inasmuch as the Republicans had no candidate for Congress in that election and were acting with the Nationals, it would not have been a compliance with the intent of the statute. It would have sacrificed the spirit to the letter of the law. It would have been to follow in this respect the bad example of Bourbonism; to keep the statute to the ear perhaps and break it to the hope; to degrade the high character of the Federal judiciary to the low standard of partisan courts and inspectors, set up by the contestee and his friends. In a word it would have been to turn an agency of the law, wisely intended for fairness and impartiality in elections, into an instrument of injustice and wrong. But I am glad to repeat, sir, that neither the evil example set by the Bourbons nor the spirit of retaliation evinced by some of my friends could move any of the Federal officials from their duty. In every instance the supervisors were fairly appointed not only from "different parties" under the Federal law but from "opposing political parties" under the State statute; and in every instance, so far as the evidence shows, they exercised their great powers in an impartial and judicious manner and always in favor of a fair election and an honest count.

The supervisors in the exercise of their powers have duly made their returns according to the statute, and copies of these returns are in the evidence before us. They set forth in full and without doubt the whole number and character of the rejected ballots and the reasons alleged at the time for their rejection. In every instance when they were allowed to do so they have preserved the identical ballots, and in some instances made them exhibits in their returns, and the evidence shows that in some instances the House is indebted to these supervisors not only for preserving these ballots but for preserving the proof that any ballots whatever were rejected. We have these ballots, sir, now in evidence before the House. What were they brought here for? Why was all this machinery of elections, this parade of supervisors, chief supervisors, marshals, and deputy marshals put in the statutes and employed by the Government? Why was this contest authorized in regard to these ballots? Why was this evidence allowed, indeed required, to be taken, if not to prevent their suppression, to keep them as evidence that they might form a part at least of the basis of your judgment?

I will not pause, Mr. Speaker, to discuss the constitutionality of these provisions. In that matter I can safely trust the lawyers of the House, if not indeed every member of it. The Constitution, article 1, section 4, declares that the Congress may "make or alter" State regulations in regard to the times, places, and manner of holding Congressional elections. The Revised Statutes, sections 25 and 27, provide for the time and manner of holding these elections in every State. The time shall be the Tuesday after the first Monday in November biennially. The manner shall be by written or printed ballots. And Congress as well as the Supreme Court have always held that these provisions are fully within the grant of power. The statute provides that I am entitled to every ballot cast for me "whatever may be the indorsement thereon." Every power given to Congress is supreme; State legislation to the contrary is void. Any construction of the State law that produces a conflict should if possible be avoided, but when conflict exists, the State law to that extent is invalid. Congress requires only a written or printed ballot.

If the Alabama Legislature has required more, such requirement is altered by Congress, for Congress declares that every "written or printed ballot must be received, canvassed, and counted." The statutes on this subject are construed, of course, *in pari materia*. In section 2018 we read that the supervisors shall "personally count and canvass each ballot;" and section 27, defining the kinds of ballots to be counted and canvassed, says merely that they must be "written or printed ballots." If the Alabama statute means to say that a Congressional ballot is illegal because it contains figures or numerals on its face, it conflicts with the letter or spirit of the Federal statute, which provides that each candidate "shall have the benefit of every vote for him cast, * * * whatever may be the indorsement thereon." If the local statute is to prevail over the laws of the United States the constitutional provision is reversed; it is Congress that provides regulations for the election of its members, and it is the State Legislature that can alter them.

What, then, sir, if we must vote by ballot—what are these rejected tickets? They are plain, intelligible votes; they reveal the will; they express on their face the purpose of the elector. They are ballots in the meaning of the public jurists and the common people. Sir, are they not ballots in the meaning of the statutes of the United States? There is one plain and universal rule of judicial construction, that when a statute uses a word which has a fixed and definite meaning among the people, it will be held that the Legislature uses the word in its popular significance. Chief-Justice Marshall, rendering the opinion of the court in the celebrated case of Gibbons *vs.* Ogden, declares that the Constitution being one of enumeration and not of definition, it is necessary to settle the meaning of words used in order to ascertain the extent of powers conferred. In law as in common sense, a ballot is a piece of paper with the name of the person and office to be voted for written or printed thereon. If, there-

fore, it is my duty to vote by ballot, it is surely my correlative right to have that ballot received and counted.

The provisions of the national election law which I have quoted were examined by the Supreme Court of the United States, in *Ex parte* Siebold, 10 Otto, 100 United States, 371. The counsel for Siebold did not deny that Congress could assume the entire regulation of the election of Representatives; but they contended that it had no constitutional power to make partial regulations intended to be carried out in conjunction with the regulations made by the States. In holding that these laws were constitutional, the court said, at page 383, "It seems to us that the natural sense of these words is the contrary of that assumed by the counsel for the petitioners." After first authorizing the States to prescribe the regulations it is added, "the Congress may at any time by law make or alter such regulations." Make or alter. What is the plain meaning of such words? There is no declaration that the regulations shall be made either wholly by the State Legislatures or wholly by Congress. If Congress does not interfere of course they may be made wholly by the States; but if Congress chooses to interfere there is nothing in the words to prevent its doing so, either wholly or partially. On the contrary, the necessary implication is that they may do either. It may either make the regulations or it may alter them. If it only alters, leaving, as manifest convenience requires, the general organization of the polls to the State, there results a necessary co-operation of the two governments in regulating the subject. But no repugnance in the system of regulations can arise thence, for the power of Congress, over the subject is paramount. It may be exercised as and when Congress sees fit to exercise it. When exercised, the action of Congress, so far as it extends and conflicts with the regulations of the State, necessarily supersedes them. This is implied in the power to "make or alter."

The objection so often repeated, that such an application of Congressional regulations to those previously made by a State would produce a clashing of jurisdiction and the conflict of rules, loses sight of the fact that the regulations made by Congress are paramount to those made by the State Legislature; and if they conflict therewith the latter, so far as the conflict extends, cease to be operative. Congress in the exercise of this power has legislated upon the subject. The statute referred to (section 27) declares that all votes for Representative in Congress must be by written or printed ballot. If under the Constitution Congress has jurisdiction of the subject, if Congress has exercised that jurisdiction by acts of legislation, where is the power in any State that can override that legislation or add to or take from it? (Houston *vs.* Moore, 5 Wheaton, 543, 544; Sturgiss *vs.* Crowningshield, 5 Wheaton, 122.)

How can a State define the word ballot for Congress? The right of Congress, or any other legislative body, to legislate on a given subject carries with it, necessarily, the right to define and interpret the meaning of its own legislation. And while this is and must be so in the nature of things, we find the power expressly recognized in the right of Congress, ultimately and exclusively, to judge of the election, return, and qualifications of its own members. The grant of a power to Congress is a denial of that power to the States. Congress under the Constitution is the exclusive judge not only of the "qualifications" but of the "returns" of members. The purpose of the statute referred to is, to my mind, clear and unmistakable:

> To the end that each candidate for Congress may obtain the benefit of every vote for him cast the supervisors must personally scrutinize, count, and canvass each ballot, whatever may be the indorsement on the ballot, and wherever or in whatever box it may be found.

I ask the House, especially the lawyers of the House, to construe this language in connection with the Constitution and laws on the subject. I wish to know the meaning and purpose of the provision "whatever may be the indorsement on the ballot." I wish to know what force these words may have when construed in connection not only with section 27 of the Revised Statutes but with the general powers of Congress on the subject. The Constitution of the United States (fourteenth amendment) declares that when the right to vote is denied to any male inhabitant of a State or in any way abridged except for crime, such denial or abridgment shall be visited upon the State by reducing *pro tanto* its basis of representation. The constitution of Alabama answers this requirement with universal manhood suffrage. And the Alabama bill of rights, going further than any organic law in ancient or modern times, declares that no educational or property qualification for suffrage or for office shall ever exist in that State. These broad and liberal provisions in behalf of suffrage, and may I not say in behalf of freedom? are met here by the base conditions of a campaign document and denied by the subterfuges and trickeries of the so-called yellow circular.

Upon such pleadings we now join issue and put ourselves, as they say in law, upon the country. I have done so with the utmost confidence. Standing firm upon the law and the testimony, I invite the decision. I appeal to the judgment, I invoke the conscience of the House. Sir, I have never faltered in this behalf. In the very hour when the "count-out" was consummated, at the moment when this outrage was temporarily triumphant, I denounced its legality, and in your name I defied its power. Before ten thousand of the indignant freemen of my district, assembled for that purpose, I then summoned the contestee and his coconspirators to judgment here. I promised, Mr. Speaker, in the name of the ægis under which you sit, that every legal vote should be counted and every honest citizen should be righted.

I said then, as I say now, that "I know not whether, under Bourbon rule, I am a free or a disfranchised citizen of my native State, but I am proud and secure in the fact that I am a citizen of the United States. The flag of our fathers floats over this great popular assemblage and blesses us all with its beneficence and power. We were Democrats, Republicans, Independents, or Greenbackers yesterday, but to-night be of good cheer, thank God we are American citizens. The Constitution and laws of the United States are the supreme law of the land, the follies of the canvass and the frauds of the count-out to the contrary notwithstanding."

POLITICAL CONSIDERATIONS.

And now, Mr. Speaker, having shown by the constitution and laws of Alabama and by the statutes of the United States my right, as I understand it, to a seat in this body, I beg leave to submit in that behalf some further considerations of a purely political character. I am well aware, sir, that considerations of this sort have little to do with the proper business of this contest. I understand how foreign they are to the high, impartial judgment you are called upon to pronounce. I appreciate the bad taste and worse logic involved in their introduction here. But the contestee, first in his answer and last in his brief, has seen fit to intrude them upon the House and the country. I find them already spread out before you in the record of the case.

The contestee brought them here and made himself responsible to public sentiment not only for the illogical and impertinent character of the issue but for whatever abuse of parliamentary privilege may be provoked by the discussion. Sir, in whatever reply it may be necessary for me to make I shall try to keep myself within the rules. Whatever departure I am forced to make in search of the contestee, I beg the House not to visit it upon my defense but upon his attack. The contestee is solely responsible for introducing these matters into this debate. They are the burden of his answer to my notice of contest and are repeated and amplified in his several motions before the committee. He seems to argue that if his conduct and opinions are more in accord with the majority of the House than mine, it goes to my discomfiture in this contest.

If that be true, sir, I have yet to learn or unlearn much as to the character of our institutions. I have yet to discover that the title to a seat in this body depends not upon the choice of the people at the polls but upon the relative strength of party majorities in the House. What, sir, is this a question of party? Is this a mere matter of numbers, or is it a grave issue of law and fact, appealing to the judgment and conscience of members? Did the people elect one of us, or is the election yet to be had in this House, to be decided by partisan appeals and political considerations? Sir, the question is not who shall receive the most favor in this House but who has received the majority of votes from the people.

Nevertheless, sir, I do not shrink from this assault, however improper and unwarranted. I meet it with confidence, I repel it with scorn. I challenge comparison between my character, conduct, and opinions, and those of the contestee throughout this whole business. Political considerations, indeed! I am a better Democrat than he, because I stand by the principles rather than the machine of the party. I am a better Southern man than he, because I hold that a man can be a good Southerner without being a bad American; because I find no foes, I invite no jealousies, for my people. I involve them in no false and foolish warfare upon other sections of the Union or the general interests of the country.

Sir, I affect no special sentiment on this subject. I look upon the Union with a practical sense of self-interest. But, sir, while I profess no special sentiment on the subject I do declare that in my opinion the Southern man, the ex-confederate, serves the South best, most honorably, and most truly who makes her opinions and interest not the shuttlecock and battledoor of sectional politics but seeks to place them in high and harmonious accord with the sentiments and interests of the whole country.

But to return, Mr. Speaker. What are the political considerations which are said to be involved in this contest? In the contestee's canvass they are one thing, in his contest they are another. In the first he charges the Greenbackers with being Radicals and scalawags, and in the last with being communists and repudiators. What decency, what force, what moral power, lies behind these accusations, I am unable to ascertain. He organized his race in the outset upon a basis of calumny and detraction, of imputation of motives, and assault upon character. He made the canvass upon one batch of slanderous epithets, and he makes the contest upon another. In the campaign document signed "Joseph Wheeler" which I hold in my hand, and which can be found on page 58 of the record, I am denounced in the most dramatic manner because I chanced to sit in this House on the left of the Speaker. In the best phraseology of Bourbonism, he charges this sinister fact upon me; and like Mr. Sapsea, the auctioneer, he is as "tragic in the sale of a ribbon as of a Raphael." He says, "You chose a seat in Congress on the Radical side of the House where your forty nearest associates were thirty-eight Radicals, and mostly, if not all, hard-money, high-tariff Radicals, and," what is still

more terrible to relate, "two Southern scalawags," (meaning FORD of Missouri and Russell of North Carolina,) "men despised," he undertakes to say, "by the Southern people who live in their district." (Record 71.) And

——bad begins, and worse remains behind.

"In every case," he says, I "worked and voted with the solid Radical against the solid Democratic party;" that I "worked and voted with Radicals to keep the soldiers at the polls to control elections," (record, 72;) that I "worked and voted with the solid Radical party against the solid Democratic party, in the Hull-Bisbee contest, in a foul conspiracy to put the Radicals in power in Congress," (record, page 71;) that I am "shown by the records of Congress to have exceeded any Radical in advocating Radical measures and measures for the oppression of the Southern people;" that "Garfield, CONGER, HISCOCK, FRYE, and all other Radical haters of the Southern people seemed for a time to have a satiation of their hate and a willingness to cease for a moment their oppression, but Colonel Lowe had no such scruples," (record, 68;) and, to cap the climax of weakness and folly, that when I "in any way questioned the correctness and accuracy of these terrible charges, he himself has placed the book before me and compelled me to admit them."

I do not of course, Mr. Speaker, intend to take up the time of the House in reply to such drivel, such reckless and absurd misrepresentations. Sir, it is the largest collection of small fallacies ever offered to the American public. Everybody knows, every member of the last House and every intelligent reader of the current literature of the country knows, that I voted with the Democrats when they were right and voted against them when they were wrong. And if during the famous extra session they were so seldom the one way and so often the other; if, with the best intentions in the world, I had little or no opportunity to make a record in their behalf, I am rather to be sympathized with than censured. I was elected, sir, and re-elected as an anti-Bourbon, the best and truest of Democrats, by the best and truest of Democratic constituencies, and it is a calumny upon me and upon my district to intimate the contrary.

But, sir, not only are these charges devoid of every essential element of truth but it is apparent that the contestee himself, if he ever believed, no longer believes them. He has ceased to urge them upon the consideration of the House. They cut no figure in his answer or in his brief; although everything in the election, they are nothing in the contest. Why is this? What change has come over the spirit of his dreams? Why does he no longer warn the House as he warned the people against the man who "exceeded any Radical in advocating Radical measures and measures for the oppression of the Southern people?" Where is the army at the polls to control elections?

What has become of the Hull-Bisbee conspiracy to radicalize the House? Where are the United States marshals, arresting and outraging the people? Where, sir, where are these mighty issues? They have passed away like the baseless fabric of a vision, to leave not a rack behind. The contestee has been here in my seat for nearly six months and has done nothing to save us from these wrongs; nothing toward abolishing the Army at the polls; nothing toward deradicalizing the House; nothing toward restraining United States marshals from arresting and oppressing Southern people. He has done nothing even toward repealing "the tax on the farmer's leaf tobacco and on brandy made from apples and peaches."

But I would have you observe, Mr. Speaker, that while the contestee abandons his charges he does not forego his purpose. He still seeks my office. He still contends that I must not be allowed a seat in this House, or any of the rights conferred on me by the people; not, indeed, because I might sit on the left of the Speaker among "Radical sinners" and "Greenback scalawags;" not because I might vote and work with the solid Radical and against the solid Democratic party, but upon other and far different considerations. In the canvass I was a hard-money Radical of the deepest dye, but now I am a communistic Greenbacker of the worst description. I was then a friend, I am now the enemy, of banks and corporations. What has the accidental majority in this House to do with this sudden change of front? Is it a confession? Did the contestee appeal to Bourbon passions in Alabama? And does he appeal to Republican prejudices here? But, sir, I forbear. I know that the line of remark indulged in by the contestee against his political opponents has a bitter flavor and a rather depressing effect upon the spirits. I refrain from enlarging upon the subject. But, sir, when we turn to what the contestee has to say of himself, we feel, I am sure, a corresponding exaltation. We come from the shadow into the sunshine; from bitterness and abuse into flattery and adulation. The following campaign circular, written, I believe, by the contestee himself, is the document in question. It shows that the contestee is as good at buncombe as at billingsgate; as happy in praising himself as in calumniating others.

I take it, sir, that this document was written by the contestee himself; first, because it sounds like him; second, because it bears internal evidence of other work known to be his; third, because he said the same things in very much the same way in other documents under his own signature during the canvass; and further and finally, because he is the only man in the district, or in the world, perhaps, that ever entertained the very exalted opinion of "General Joseph Wheeler" expressed in this document. It is a work of art, a triumph of the æsthetic. It is commonly called the "Masonic circular." It is looked upon by us in Alabama as a political comedy, the farce of our canvass. The following is an original copy:

GEN. JOS. WHEELER.

WHAT THE PEOPLE AND PRESS SAY OF HIM.

He is Active, Vigilant, and Enterprising.

He is a good Mason, a Knight of Honor.
He is the friend of the people.
He was a brave soldier. He was loved by his soldiers.
He slept on the same blanket with his soldiers. He ate the same food.
He endured the same hardships. He wore the same clothing.
He always led them in the very front of battle.
He dared to lead where any dared to follow.
He was loved and admired by such men as Generals Lee, Johnston, Bragg, Hood, and Beauregard.
Such men as Sherman, Buell, Rosecrans, and Grant admired his skill and gallantry.
He has a great national reputation.
Hancock loves him and has thanked him for his work in securing his nomination.
Hancock will help General Wheeler to get us good laws which will make the South prosper.
With Hancock's aid and the aid of a Democratic Congress General Wheeler will procure the passage of laws to give us financial relief.
General Wheeler will repeal all laws which oppress our people.
He will have laws repealed which tax a farmer on his leaf tobacco or on brandy made from apples and peaches.
He will restore the South to prosperity.
Let every man who wants the South to prosper vote and work for General Wheeler.
His character cannot be assailed.
His honor, and reputation, and record is spotless and perfect.

And this, forsooth, is what is said of contestee by the "people and the press." The press, indeed! It is true, sir, that God in his mysterious providence has appointed with few exceptions a lot of asses to edit the Bourbon newspapers in my district. But I must say in justice even to them, that this curiosity of literature excels anything in that line they have ever been able to invent. Did anybody ever hear the like of it? "He is a good Mason," but he drags the sacred name of this ancient and noble charity and the very mystery of their obligations into the mud and mire of partisan politics. "He is a Knight of Honor," (an insurance company, and a very worthy one,) but, not satisfied with his knightly dividends, he seeks further investments in political futures.

Thrifty little man! Well might Edmund Burke exclaim, "Alas! the age of chivalry is gone." That of economists and calculators has succeeded, and the glory not only of Europe but of the eighth district of Alabama is extinguished forever. "He always led them in the very front of battle." "He dared to lead where any dared to follow." Mr. Speaker, in these piping times of peace it becomes a citizen to be circumspect in order to be safe in talking about such a leading and warlike character. But I may be allowed to suggest that in the last canvass in my district "he dared to lead" where a large majority of the voters dared not or cared not to follow; his campaign seemed to look rather to Detroit than to Washington, and to indicate the penitentiary rather than Congress, as its objective point.

But "Hancock loves him, and has thanked him for his work in securing his nomination." Who can doubt it? (Hancock at the head and the contestee at the tail.) But, lest any man may doubt it, he repeats the same thing over and over again in other and different circulars. Indeed, sir, in an open letter to me from Jackson County, (record, 80–81,) published by thousands during the campaign, he reiterates these statements, and in language so similar to the "Masonic circular" that it confirms us not only as to the fact itself but as to the common authorship of both of these rare productions. He says "I worked so hard for the nomination of General Hancock that I have received letters from General Hancock and also from his friends thanking me for my great services in securing his nomination," &c. He does not tell us where these great services were rendered, nor what has become of these apochryphal letters.

Not only Greenbackers but Democrats have doubted if the hero of Gettysburgh ever heard of the little gentleman from Alabama, the political manikin who sought thus to hang on his skirts in the last canvass. It was charitably hoped, indeed, even by the opposition, that Hancock never did. It would only have added the sting of satire to the fact of defeat and annoyed the hero without helping the manikin. But "with Hancock's aid and the aid of a Democratic Congress General Wheeler will give us financial relief. He will repeal all laws which oppress our people. He will have all laws repealed that tax the farmer on leaf tobacco or on brandy made from apples and peaches," &c. In the letter referred to above, known as the "Jackson County letter," he renews these pledges. He assures us "I will have the tax removed from leaf-tobacco and from brandy made from peaches and apples, and I will do all that can be done to bring us prosperity. I will prevent the marshals and their deputies from arresting and oppressing our people. I will have the Muscle Shoals Canal promptly completed," &c. (Record, 81.) These promises are generous, the language identical, and the climax conclusive—

A fine sample, on the whole,
Of rhetoric which the learned call rigmarole.

General Wheeler will do all these things and more if the "count-out" succeeds and the inspectors aided by his "very discreet

friends" shall send him to Congress. He is a good Mason, and with the mystic sheep-skin on his back and the secret circular in his pocket he will ride the greasy goat from the ante-chamber at Wheeler's Station to the inner temple at Washington. He is a "Knight of Honor," but his knighthood does not hinder him from seizing by fraud and holding by false pretense, not the dignities and honors, forsooth, but the fees and perquisites of another man's office.

Indeed, sir, the Bourbons are a law unto themselves; and it is a peculiar law of their own making and construing. By Bourbon, Mr. Speaker, permit me to explain, that I do not wish to be understood as referring to the great body of the Democratic party. I distinctly disclaim it. The Democratic masses in my section are the salt of the earth, and it will be a dark day for the South when that salt shall have wholly lost its savor. Indeed, sir, I mean to exclude the common people, who are always comparatively honest, from inculpation with their Bourbon leaders. Misled they may be as they have been, but never deliberately dishonest.

The term Bourbon, moreover, as commonly used in the South, has no historical reference to that faithful party in France which clung to the Lilies, except perhaps in their common hostility to popular government and democratic institutions. The Bourbons of France were said "never to forget and never to learn anything;" but the Bourbons of the South, the average Alabama Bourbon, is eager to learn anything that will put him in power and prompt to forget anything that will put him out. If there are "ways that are dark and tricks that are vain" that the average Bourbon has not learned the devil never taught it to the children of men. The Southern Bourbon is an organized appetite. His idea of politics is patronage; his sole conception of party is an organization which acquires and distributes the offices. The Bourbons, as Horace Greeley said of the carpet-baggers, whether many or few, "are a mournful fact." They are in one sense the Jesuits of the South, and I mean no disrespect to that venerable order. I speak of them as described in the Provincial Letters. The Jesuits, we are told, propagate doctrines that sap the foundations of religion; the Bourbons indulge in practices that corrupt the fountains of politics. The former, as churchmen, said Boileau, "lengthen the Creed and shorten the Decalogue." The latter, as partisans, magnify the organization and ignore the principles. They both teach that opponents in politics and heretics in religion have no rights that Christians and patriots are bound to respect; they both inculcate the doctrine that the end sanctifies the means, and that any agency, fair or foul, legal or illegal, that makes for the good of their order or their party is just and right.

Indeed, sir, in my personal intercourse with them I have not infrequently heard such sentiments openly avowed by men of character and standing in their party; that whatever is needed to keep virtue and intelligence in office, (meaning themselves,) or to keep ignorance and vice out of office, (meaning the opposition,) is right in fact and good in ethics.

In support of this system of casuistry they favor, if need be, the organization of all the forces of society, the church, and the State, with a syndicate of liars in the press, and a symposium of thieves at the ballot-box!

Sir, I repeat that the Bourbons are a law unto themselves. The contestee is a notable case in point. In order to keep without scruple what he has acquired without law he invents from his own true inwardness a new assortment of pretexts and a new order of epithets. The old fish-wife phrases of "radical and scalawag" must give way to the fresher flings of "communist and repudiator." He must suit his calumnies to the circumstances of his case. It was well enough in the election to charge us with trying to divide the Democracy in order to serve the Republicans, but in the contest it is necessary to place me in a different light; it is necessary to represent me not as dividing one party or faction to please another, not as seeking divisions in politics at all, but as a communist, seeking a division of property—a violent and unlawful division.

Indeed, sir, the contestee in his answer distinctly and solemnly avers that (record, page 20) I "taught the doctrine of the Commune [whatever that is] in flagrant form," &c., and that to such an extent were communistic doctrines advocated by me that many of my followers now insist, since the election, upon a general division of property. I am aware, sir, of the necessity of parties in our Government, of party organization, and party spirit. They are well enough in their place, but they should not teach us to disregard all truth and propriety. They should not ignore every principle of right and justice. These misrepresentations are "gross as a mountain, open, palpable."

It is the first time in the history of the State that, under the foul influence of party spirit, such strange and injurious charges have been cast upon any portion of the citizens of Alabama as that my "followers insist upon a general division of property." If such charges or anything like them were made against me in the canvass, even in the wildest hour of frenzy and falsehood, I have yet to hear of it. If these offensive epithets were printed in any of the innumerable campaign documents, or uttered in any speech on any stump in my district, they wholly escaped the attention of my friends and myself. In fact, sir, at this very moment I feel well assured that they are but the recent and reckless inventions of the contestee himself, for use in this contest. They are new and strange to my section and people. In my deposition upon this point I properly characterized these statements as far as they were personal to myself, and I have nothing to add to or take from that deposition.

But, Mr. Speaker, while I scout the idea that my personal opinions or political conduct, whether good or bad, have anything to do with the merits of the contest, I am unwilling to appear by evasion or silence to shrink from the attempt to hold me responsible on that account. I never uttered or entertained an agrarian or communistic sentiment in my life. I never flaunted the communistic red flag or wore the Bourbon red shirt; nor did I ever belong, like the contestee, to a secret political club in Alabama or elsewhere, that proposed to do either. (Record, page 50.) But I will not abate here and now one jot or tittle of the financial or economic views expressed by me before the people of my district. Elected, sir, to represent those opinions, held by the honest yeomanry of my district, I have no moral right to my seat, nor would I hold it for a moment, except upon that commission.

I never uttered or entertained a sentiment of hostility to the rights of property, (and no honest man that knows me pretends that I ever did,) yet I believe also in the full and equal rights of labor—the basis of all property and the hope and guarantee of popular government. Sir, we cannot ignore or disguise the fact that there is a new power that has grown up to dangerous proportions in this country, that threatens every defensive barrier established by our Constitution for the protection of the people. It is the corporate power. Our ancestors had no such enemy to oppose, no such tyrant to withstand. Against everything that was seen, against everything that could be anticipated they did provide, but it did not enter into the minds of those who established the checks and barriers of our system that they would ever have to stand against the unknown and gigantic power of corporations.

I sympathize with the progress and development of the material interests of the country. I rejoice at the triumphs of science in the comforts and convenience of the human race. But I fear, sir, that the forces of government have lost, or are fast losing, control of the forces of society. I fear that the wondrously inventive spirit of the age, aided by modern science, has outrun the philosophy of government and threatens the rights and interests of the people. I am not an enemy to corporations, but I contend that these mighty agencies of civilization should be looked upon in law and fact as the servants and not as the masters of the public. To paraphrase the celebrated Dunning resolution on the prerogative, I hold that "the influence of corporations has increased, is increasing, and ought to be diminished."

But, sir, it would be obviously improper for me to press this matter or to seek to anticipate or forestall the opinions of this body upon questions lugged in here by the contestee which do not properly relate to this contest. My object is not to show my motives but the malice that assails me. I stand only for right and justice. I hold the views of Jefferson and Franklin as to the national debt; the views of Calhoun and Stevens as to the currency, the views of Jackson and Benton on the banking system, and the recent views of Windom and Reagan on the rights of corporations. But, sir, far higher than these, above all questions of expediency or policy, above all issues of parties or factions, I hold the universal views of every honest and patriotic man, in every era of the Republic, in favor of free and fair elections.

Without fear or favor, I declared these views to the passionate and prejudiced Bourbons of Alabama, and I now repeat them to the House and to the country. They are the essence of my faith, the tests of my politics. They were the basis of the open alliance between all the anti-Bourbon elements in my district and the common ground of independent thought and action. These, sir, and not merely economic questions, were the issues in my election, and these are the issues now. They mark the eternal dividing line between the contestee and myself; between the Bourbon and the pessimist on one side, and the independent and liberal on the other. They are the present recognized distinctions between the opposing elements throughout the South. It is this difference, sir, that fills the Bourbon heart with malice and barbs the Bourbon tongue with venom against the honest, fearless, and independent free-suffrage party of Alabama.

But who are the people and what is the community which the contestee charges with communism and repudiation, and thus seeks to render odious and despised? They are the oldest and most conservative settlement in Alabama. In every crisis of our local politics they have withstood repudiation and led the party and the people for the credit and honor of the State. They live in the beautiful valley of the Tennessee, fringed around with mountain ranges, in a contiguous district, composed of four counties north and four counties south of the river, and stretching east and west from Georgia to Mississippi. They are a native, homogeneous population of small farmers and tenants, householders, and freeholders, the whites largely outnumbering the negroes, and the census showing less than one-half of one per cent. of foreign-born in a total population of nearly one hundred and seventy thousand. They are a sober, industrious, and frugal population, honest and sincere in their business relations, and noted in public affairs for their national, patriotic, and conservative sentiments. They mainly saved the State's credit under Governor Chapman's administration in the memorable epoch of 1837, and tried in vain to save the Union in 1860. In the latter crisis every county in the district voted against secession, and only at the last moment

allowed themselves to be precipitated by misguided leaders into revolution.

But, sir, like every hardy and resolute people, forced into battle against their judgment, they fought the fact of war without accepting its theories. They sent more men to the army than they had voters at the polls, and for four long years they bore the brunt of the conflict. It came over the borders into their homes and families. It reddened the waters of the river with fire and blood, and made the whole valley, alternately occupied by Northern and Southern troops, like the debatable ground in English and Scottish history, one common widespread scene of ruin, disaster, and death. The people of North Alabama made a famous record as fighting men, and while they never learned to love secession, or conscription, or the tithe tax, or the twenty-slave law, or any of the petty tyranny and injustice of that period, they nevertheless stood by their colors from first to last. They remained true to the confederacy from the frenzy of Fort Sumter to the despair of Appomattox. In the mean time, sir, under every adverse circumstance, they upheld the character of Alabama not only for courage but for honesty and public faith.

During all those dark and bitter years, when the credit and indeed the very life of the State was at issue, they never defaulted or went to protest at home or abroad. Sir, in the commercial capitals of the Old World, where the interest on our foreign debt was promptly paid in gold actually run through the blockade, foreign financiers and business men were filled with admiration for the brave and faithful character of our people. And these, sir, are the people whom the contestee would stigmatize with dishonesty, communism, and repudiation. This is the community against which he throws the gutter-mud of Bourbon politics.

But what more? After the war was over, the wearied and worn-out people of North Alabama were more than willing to accept its results and return in peace to their normal relations in the Union. Although impoverished and desolate, they fully recognized their obligations to our foreign and domestic creditors, and under the administration of Governor Patton, of North Alabama, they made prompt and satisfactory arrangements with them all.

And what more? Sir, when the results of the reconstruction overthrew the State government, convulsed the labor and business of the community, and more than doubled the public debt, it was North Alabama that came to the rescue; it was Governor Lindsay, Governor Lewis, and last but not least, Governor Houston, all of North Alabama, and all of my district, that brought order out of chaos, restored confidence to the community, and ultimately settled the finances upon terms satisfactory alike to the creditors and to the people. In these events I myself bore an humble but honorable part in the Legislature. The gentleman from the third district [Mr. OATES] and the gentleman from the sixth district [Mr. HEWITT] could witness, I dare say, for me in that matter. We then acted together, however much we may differ now, and we acted unreservedly for the honor and credit of the State.

And yet the contestee, in revenge for his defeat, or in purblind ignorance of the truth, would cast the slur of vicious and dishonest purposes upon such a people. What estimate, Mr. Speaker, will you put upon the character of a member who makes such offensive and injurious charges against a people or a party without the most substantial and conclusive proof to sustain him? What estimate will you put upon the conduct of the contestee when you learn that, after formally making these charges in his answer, and elaborating them in his contest, he utterly fails and refuses to offer you a single witness or a single particle of evidence to sustain them. You must, you will infer the bad character of his cause from the foul methods used to advance it.

Sir, in vindicating myself as an accredited Representative, twice chosen by the people, I vindicate the people themselves. They would not have selected a man with the sentiments imputed to me, and it is a calumny upon its face to ascribe such sentiments to them, or to any considerable part of them. Their only offense is opposition to the Bourbon faction. They feel the impulses of modern thought and action; they candidly invite an influx of capital and labor. They want our forests of valuable timber turned into money; our water-power utilized by machinery; our treasures of coal and iron developed by steam, and the waste places of our former system filled with the riches and strength of modern civilization. They feel that in order to secure these great results Bourbonism and all that the name implies must be overthrown; that the bitterness and intolerance of the past must be forgotten and forgiven; that new men and new ideas must be encouraged to join us; that honest, equal laws, free thought, free schools, free suffrage, and free government, together with the friendly and patriotic disposition of our people, are all essential to this great result. They realize that in public as well as in private affairs, honesty is the best policy. They feel that all the known forces of civilization, as well as all the unknown powers for good in the universe, are and must be opposed to the bitterness, hypocrisy, and intolerance of Southern Bourbonism. These, sir, are the people and the opinions I represent. There is not an honester, braver, better people in the United States. There is no district, no community in the world with less communistic or agrarian sentiment, or where private property is more respected and secure.

But, sir, what will the House think when it learns the fact that upon financial and economic questions there was no avowed difference in the canvass between the contestee and myself and no issue between the Greenbackers and the Bourbons?

Yet such is the literal truth. If being a Greenbacker made me a communist, then the contestee was equally guilty with myself. He everywhere confessed it; he openly avowed himself the best of the Greenbackers; he declared on the stump and in the papers that the Democratic party was the true and only national Greenback party, and that there was no need of a new organization to enforce its views on that subject. In proof of the fact, he wrote a public letter to the leading Greenback paper of my district, expressing in unmistakable language his personal and political views in that behalf. The following is a literal copy of that letter:

WHEELER, ALABAMA, *June* 17, 1880.

DEAR SIR: In your paper of the 16th I observe an editorial which in substance contains the following, namely: that I owe it to myself and to those people in North Alabama to whom I have often asserted that the Democracy was a good enough Greenback party, and that a new Greenback party was not necessary, to state if it is true or false that the committee on resolutions, at any time during the session of the State convention, presented resolutions on the subject of finance which might be called Greenback resolutions. If so, were they passed upon by the convention? If so, how? And why does not the action of the convention appear in the proceedings as published? In reply to the above I will state that such a resolution was introduced and read from the speakers' stand by my eloquent young friend, Colonel Sam Blackwell, to a full representative convention, consisting of five hundred and seventy-five members, nearly every member being in his seat. The resolution was received with great enthusiasm, and was unanimously adopted, not a single objection being made thereto. I think, colonel, that this most abundantly proves my assertion that "a new Greenback party is not necessary"; and I hope and trust you will agree with me, and in future exert your energy and ability in our most glorious cause.

Five hundred and seventy-five representative delegates, including members from every county except Winston, voting in one voice for the resolutions, proves beyond question that the resolution expressed the sentiments of the entire Democratic party of Alabama. I hope this will so impress you that on my return from Cincinnati I will find our entire ticket, State and national, at the head of your columns. * * * Join our columns, colonel; seize one of our banners, and march with us to victory.

With respect, your obedient servant,

JOS. WHEELER.

Colonel A. H. BRITTIN, *Editor Advocate.*

The letter, Mr. Speaker, speaks volumes. It confounds the contestee. It puts to flight the whole of his absurd statements about communism and repudiation. It shows out of his own mouth that whatever may have been my views on the subject or the views of the Advocate, which he styles my organ, he openly and fully shared them. What must the contestee think of his party? What must they think of him to go before the people on Greenback principles and when defeated to come here and, either for spite or for favor, to denounce those very principles as communism and repudiation? What he thinks of his associates, what he admits as to himself is evident to the world. His shame is open and apparent; but what the Bourbons think of him is one of those mysteries which time and circumstances can alone disclose.

But what more? The contestee was not alone among the Bourbons of Alabama in the proclamation of such views. Indeed, as far as I am informed, they all profess to be Greenbackers, Democratic Greenbackers, if you will, but as sound on paper money as Peter Cooper himself. The Hon. W. W. Garth, a gentleman of character and ability, the contestee's predecessor in defeat, his able ally on the stump, and his willing witness in this contest, (willing even to accept the certificate of election and the emoluments of office under such circumstances,) is one of the most magnanimous Greenbackers in the world. He loves fiat money almost as much as the contestee loves fiat votes, and would inflate the one as much as the contestee has inflated the other. You would scarcely believe it, Mr. Speaker, from his course in this House, especially upon the debt, upon the banks, upon railroads, and upon subsidies, &c., but we are sometimes forced to judge the politics of a Bourbon, not by his acts, but by his declarations. Mr. Garth, when last a candidate for Congress, issued the following circular to the people:

In my speech accepting the nomination at the Decatur convention I distinctly put myself upon the financial platform of the Democracy of Ohio and Tennessee, a platform indorsed by the whole Democracy of the whole West and South. I favor:

1. A repeal of all laws which provide that the currency bonds shall be paid in coin.
2. The payment in currency of so much of said bonds as may be found due after deducting the difference between the value of the gold paid and the currency due thereon, according to the contract.
3. A repeal of the resumption act.
4. A repeal of the national-bank charters and substitution of greenbacks for national-bank notes.
5. The receipt of greenbacks for all Government dues.
6. All Government loans to be raised by the issue of greenbacks.
7. Unlimited coinage of silver.
8. An adoption of some measure to increase the circulation of greenback currency to meet the fullest wants of the people.

Respectfully,

WM. W. GARTH.

ATHENS, ALABAMA, *September* 20, 1878.

This rare document hardly needs explanation or comment. It shows for itself. The distinguished ex-Congressman would not only "pay the bonds in greenbacks," but he would "deduct the difference" between the value of the "gold already paid" to the bondholder and the "value of the greenbacks due on the contract." He would not only secure the future, but by a back-handed lick he would indemnify the past. He would repeal the resumption act, abolish all bank charters, and give us unlimited coinage of silver

and unrestricted printage of greenbacks. General Wheeler, inspired by the love of Hancock, may "repeal the tax on the farmer's leaf tobacco and on brandy made from apples and peaches," but Mr. Garth, animated by a nobler and broader inspiration, will abolish all taxes or make their collection a technicality and a trifle. He will repeal the resumption act; he will raise all Government loans by the issue of paper money, and increase the circulation to the fullest wants of the people.

Great heavens! what more could General Wheeler or Brick Pomeroy require? If the contestee really believes that my advocacy of rather conservative Greenback principles—conservative in the sense of not being Utopian—makes me a communist and repudiator, what must he think of his enthusiastic friend and fellow-sufferer, Mr. Garth? If he honestly thinks that my Greenback opinions make me an enemy to the rights of property, what must he think of the frantic utterances of his forerunner in fact and in fate, crying aloud in the wilderness and warning the wicked bankers and bloated bondholders to flee from the Greenback wrath to come?

In addition to this, Mr. Speaker, if, indeed, it were necessary to pile Pelion upon Ossa, Hon. L. P. Walker, the confederate ex-secretary of war, and the acknowledged leader of his party in North Alabama, made a carefully prepared speech, which was afterward printed in pamphlet form, used in his canvass for the senate, and circulated as a campaign document throughout the whole State. It is an able and eloquent exposition of the views of the Democratic Greenbackers of my district. General Walker is a Greenbacker among Greenbackers. He invented General Wheeler as a Greenback candidate for Congress, and did everything in his power to make his invention a success. But General Walker will doubtless be surprised to learn from his ungrateful *protégé* that he also is a communist and repudiator. When he made this speech he evidently was not aware of it. In the most innocent and unsuspecting way in the world he says: "The trouble with us is that we have slavishly adopted the theories and followed the practices of other governments." He insists, however, that "there is no more reason why we should not have an American system of finance than an American system of government." This idea, although caught from Peter Cooper, is enforced by General Walker with great emphasis and ability. "Can it be possible," he asks, "that the European system of finance is adapted to our situation and circumstances? We are yet in our infancy, with unlimited capacity for expansion and growth. We have in the United States nearly two thousand millions of acres of public lands yet to be opened and occupied, vast empires of forests in their primeval royalty, larger than all Europe, excluding Russia."

And the able ex-secretary goes on to show that in such a country there can be no such thing as inflation of paper money, not to mention communism or repudiation. He says:

> The framers of the Constitution certainly never contemplated that there should be only so much currency for so much coin. When that instrument was adopted not one dollar of gold or silver was produced in this country. We were wholly dependent for it upon importations. What the Constitution meant then it means now. Not that there should be no other limitations upon the volume of currency than that imposed by the great law of supply and demand, but only that the currency should eventually be redeemable in coin.

What more could any Greenbacker require? The repeal of the resumption act and an expansion of paper money only limited by the demands of the people! Waiving the ultimate promise of coin payment some time this side of the millennium, or, as Brick Pomeroy has it, "the day after the day of judgment," we are assured that the great law of supply and demand is to be the only limit to the Greenback volume. How generous! How magnificent! The demand of the people the limit, the only limit, to the supply of the Government; the exigencies of the confederacy the test of the financial power of the United States. The ex-secretary of war, who, unfortunately, was not in the treasury, declares that "there is no other financial rule that will answer the exceptional necessities of our condition and the vast possibilities of our progress."

It must be kept in mind, Mr. Speaker, in considering these quotations, that the contestee indorsed every word of this at the time, and as far as practicable repeated the same in the canvass. But, says our Greenback orator, "In our condition contraction means what it works, ruin; ruin to agriculture, to the mechanic arts, to all popular industries; ruin to the laborer, the manufacturer, the farmer, the mechanic, the merchant, to all classes excepting the bondholder, who is the great Government usurer;" and then, leaving generals for specials, he demands, "who were these bondholders? Less than two hundred thousand of them are citizens of the United States. A large majority of them are foreigners, exempt from taxation and inimical to our institutions. Most of these bonds were purchased in 1863-'64 and paid for in greenbacks when $1,000 in greenbacks was equivalent to only $400 in gold."

"These are the men," he says, rising from statistics to invective, "these are the men who urged contraction, who denounced an income tax as infamous, the remonetization of silver as national dishonor, and the repeal of the resumption act, passed in secrecy and fraud, as repudiation and revolution." And remember, Mr. Speaker, that the contestee avowed all this and more, too, before the people. Whatever General Walker then said, the contestee was quite willing to swear to. General Walker is the Gamaliel of the party in Alabama, makes its platforms and shapes its canvass; at his feet the contestee humbly sat, with all the acolytes, to be taught "according to the perfect manner of the law of the fathers."

But, sir, the ex-secretary continues, in a bolder tone, "It was under the pressure of this class, with so large a foreign element in it and which dominated Congress, that the Government contracted the currency between January 14, 1875, the date of the resumption act, and December 1, 1877, the vast sum of $135,462,107, thus retiring in less than two years one-fifth of the entire paper currency issued by the Government. Under such a system," the ex-secretary pathetically observes, "the wonder is not that there should be hard times, general embarassment, stagnant commerce, idle factories, houseless and starving laborers, suicides, murders, insanities, and general demoralization, but that there is not universal bankruptcy and chaotic ruin of all the industries that have heretofore so prospered and blessed our people."

I wish, sir, I had space for the whole of this remarkable address, but time forces me to pause. But in order to show the House that these declarations from leading representative men are not too much colored by local or temporary or personal feelings, I beg leave to call attention to the Democratic platform itself, unanimously adopted by the party two years ago, and indorsed by the entire Bourbon press throughout my district. Neither the contestee in his letters, nor Mr. Garth in his campaign circular, nor General Walker in his elaborate address, has gone any further, if so far, in the line of Greenback doctrine as the platform in question. I ask the Clerk to read it. Let the House and the country compare them with each other and mark the contrast between the contestee then and the contestee now:

PLATFORM.

Resolutions adopted by the Democratic party of Madison County, in convention, August, 1878.

The committee on resolutions reported as follows, and their report was adopted without dissent:

Whereas throughout our entire country the value of real estate is greatly depreciated, industry paralyzed, trade depressed, enterprise destroyed, unparalleled distress inflicted upon the middle and poorer classes, millions of honest laborers thrown out of employment, reduced to want, and compelled to beg, steal, or starve; the country filled with fraud, bankruptcy, and crime; and

Whereas this state of things has been brought about by legislation in the interest of capitalists, corporations, bankers, and bondholders, who have purchased members of Congress and dictated the legislation of the country, whereby the honest tax-paying people have been defrauded of untold millions, and now desire to perpetuate their fraud and power by reducing the great masses of the people to a state of poverty, ignorance, and slavery; and

Whereas no relief can be given to the suffering millions until this class legislation is repealed and the financial policy of the Government is changed; and

Whereas we believe that the Government was established for the benefit of the people and not exclusively for the capitalists, corporations, bankers, and bondholders; and

Whereas we believe the true principle of Democracy is to adopt measures which bring the greatest good to the greatest number: Therefore,

Be it resolved by the Democratic and Conservative party of Madison County:

1. We reaffirm the time-honored principles of the Democratic party.

2. We demand the immediate and unconditional repeal of the resumption act, the unlimited coinage of silver, and that as a legal tender it be put upon an equal footing with gold.

3. That all national banks be abolished, and a paper currency be issued directly by the Government, which shall be a legal tender for all debts, public and private.

4. There shall be no privileged class of creditors, but official salaries, pensions, bonds, Government dues, and all other obligations, public and private, shall be discharged in the legal money of the United States, strictly according to the stipulations of the laws under which they were incurred.

5. To counteract and remedy the existing evil we demand that the Government shall issue a full legal-tender paper money adequate in volume to the requirements of commerce, the revival of business, employment of labor, and the just distribution of its products.

* * * * * * *

7. That we do not believe a public debt to be a public blessing, but a great public evil, and we are therefore in favor of the extinction of the public debt as rapidly as may be consistent with the interests of the great masses of the people; and to this end that the Government shall be required to pay the bonds due with greenback currency, wherever the bonds were originally payable in greenbacks, and we regard the substitution of gold bonds for bonds originally payable in greenbacks a violation of the original contract, and a gross fraud, injustice, and oppression perpetrated upon the tax-paying people.

It is evident, sir, from this platform, without comment or proof, that if the Greenbackers of my district are to go to Coventry as communists and repudiators, they go in good Democratic company; unless, perhaps, in Bourbon ethics, it is the practice and not the preaching of Greenback doctrine that constitutes the offense. And here, permit me to remark, sir, that whatever a Bourbon may profess in politics there is always a reasonable doubt in the public mind as to the direction of his intention. He is subject to occasional mental and moral detours according to circumstances. He may conscientiously intend one thing before and another thing after the election and he may entertain both ideas simultaneously. He may choose to be elected as a Greenbacker, or Greenback Democrat, and choose at the same time to serve as a Bourbon and a bullionist. He may propose to run as an anti-monopolist, and at the same time he may cherish a mental reservatiou in favor of banks, railroads, telegraph companies, and other corporations. The Bourbons, like the Jesuits described by Paschall, are sincerely ambiguous. They have an honest duplicity of character which, however obvious to the philosopher and student, baffles the unlearned and leaves the masses frequently in doubt as to the result. The corporations are generally secure of their men, but the common people must take the chances.

GREENBACK INTIMIDATION AND THE SECRET CIRCULAR.

The contestee in his answer gives conspicuous place to the charge of negro intimidation by the Greenbackers of my district. He undertakes to show that on this account he lost and I gained an indefinite number of votes. He says (record, 19) "the contestee alleges that there are many hundreds of colored people in the district who would vote for people who are identified with them in interest, and who could and would aid in the material growth and prosperity of the country, but they are prevented from so doing by the leaders, (Greenback roughs,) who, as aforesaid compelled them to vote for such candidates as the leaders dictated, by threats of bodily harm and ostracization, and often the destruction of their homes and property by fire." And again, (record, 27,) "contestee alleges that such system of ostracization and terrorism and alarm is not kept to make colored people vote the Republican ticket. Contestee alleges that with the exception of the Presidential electors there have been but a very few, if any, Republican candidates for office in this district for many years.

"Contestee alleges that such system of ostracization and alarm and terrorism is kept up to compel colored people to vote for Greenback candidates whose principles are utterly opposed to Republican principles, and whose principles approach very nearly and sometimes reach an open advocacy of repudiation and communism," &c., &c. And again, (record, 19,) "contestee further alleges that at said boxes, or voting precincts, mentioned by contestant in Madison and Jackson Counties, a large number of colored people, to wit, 580, were deterred and prevented from voting as they desired by a thoroughly organized system of terrorism, inaugurated and kept up by leaders of the factions opposed to the Democratic party of said counties, said factions being known as Greenbackers; said leaders and roughs who lead and head a system of terrorism so alarm and threaten the colored people that they are afraid to openly vote for persons of their choice, and through terror and fear they are compelled to vote for such persons as these leaders require them to vote for."

These remarkable statements are repeated over and over again in the contestee's answer, as if the "damnable iteration" could give them some color of truth and plausibility. Nothing, however, could be falser and more absurd. Not a single man is sworn to prove that he was intimidated or deterred in any way from voting for the contestee. The evidence upon which the contestee relies is rumor and hearsay; and this is contradicted by the special facts in the case as well as by the whole political history of the country. Everybody knows that there is little or no disturbing or explosive element in the negro race. They never strike for wages, nor are they at all aggressive as to their rights or wrongs. They are amiable and easily led, and sometimes misled, but, unlike the white race, they never seek to dominate in business, society, or government.

Everybody knows, sir, that the negro, left to himself, votes the Republican ticket. It is a matter of course, and with him a matter of conscience. It grows naturally and logically out of his past relations to that party in the freedom and enfranchisement of his race. The negro, left to himself, rarely votes the Democratic ticket. He regards that party as the natural traditional enemy of his race. Indeed, the fault now found with the colored voters of my district only emphasizes the fact that they are too faithful and indiscriminate in their party fealty. But it may well be asked, Why, in the absence of their party ticket, should the negroes want to vote for the contestee? What circumstances in his canvass, what quality in his character, what reasons growing out of the election itself, would tend to change the usual conduct of the negro voter in this respect and give the contestee a preference over me?

Apart from the general impression among all classes, white and black, that the contestee was incompetent for the place, why should the negroes, weak, timid, and in a great minority, choosing between two Southern men of Democratic and Confederate antecedents, prefer a bitter, narrow-minded, and proscriptive Bourbon, to a liberal, friendly, and conservative Greenbacker? Why should the negroes vote for a man who evidently has not forgiven them for being set free; who still wages a guerrilla warfare against the amendments, and against a man who was known to accept in law and honor the legitimate and irrevocable results of the war?

Sir, the testimony of Nich. Davis, esq., (record, 50, 51,) a Democratic inspector at Huntsville and a leader in the party, is a conclusive answer upon this point. It exposes the peculiar methods of the contestee; it lays bare his disingenuous course in the canvass, and sheds a flood of light upon the fact of intimidation in the election. I refer of course to the evidence in regard to "the secret circular," (Exhibit D,) a Bourbon campaign document, denied and disavowed at first, but now admitted to have been adopted, as Mr. Davis informs us, by the Bourbon club at Huntsville, and made the secret basis of their organization throughout the district.

What was the idea of this circular? Upon what theory did it proceed? Its object is plain from its language. Its purpose to employ neighbor against neighbor, wealth against poverty, race against race, is so clearly and insolently stated that comment can scarcely make it clearer. It was intended at first to be secret, secret from all but the contestee and his partisans. It had no paternity, no date, no address, no acknowledged authorship. But a single copy having escaped, it was published in the anti-Bourbon papers, and this publication, destroying its value as a secret and stealthy assault, made its acknowledgment and even its defense a political necessity. I know not, as yet, what Jesuist wrote it, but, whoever he was, Loyola never had a more devoted disciple. The whole document is in evidence and will fully repay perusal. I invite attention at present to the following extracts:

THE WHITE VOTE.

1. Make a list of white voters in each precinct not on the roll of its club.

2. Appoint a committee of one member to wait on each of these and respectfully and cordially invite him to join us. The committee to report at the next meeting of the club.

3. If any one fails to respond to this invitation, send a committee of two other members most likely to influence him, who will urge him by every consideration that can be presented not by lethargy or inaction to desert his kindred and country in this effort of deliverance, and in some cases to tell him that his decision will in the opinion of many of his friends and neighbors determine whether we regard him as friend or foe to our party.

With some persons such extreme expressions would not be advisable, as many gentlemen who do not care to have their names enrolled in clubs are our earnest friends.

THE BLACK VOTE.

1. Make at once a complete list of the qualified negro voters in your precinct, in which shall be set down:

First. The name and address of each voter.

Second. With whom he works, and whether as a hired hand or tenant.

Third. What merchant or other person advances for him.

2. It is deemed preferable that this census be made by regularly appointed census takers or committees, *and that the negro voter should know that he is thus enrolled by the club.*

* * * * * * *

5. There are a number of negroes who will not vote with us, but who will promise to stay away from the polls.

To look after these and see that they adhere to their promise, enroll young white men of the precinct under the voting age, before the day of the election, and assign each one to his negro.

* * * * * * *

1. The Hancock clubs for the election of all Democratic nominees will meet not less than twice a month; oftener when expedient, and in executive session with closed doors.

2. It is desirable that our attention be concentrated upon selected negro voters to secure the majority desired, and that the others be let alone.

Those selected for our efforts should be, not party leaders, office seekers, or others who expect to make something out of the Radical party, but,

First. Those who have acquired property and pay taxes.

Second. Those whose relations to and standing with the whites is best.

Third. Those who are poorest and most dependent upon the whites.

Fourth. The weaker classes generally.

It is evident from the face of this circular that the partisans of the contestee, in their desperate effort to elect him, resorted to extraordinary means heretofore unknown to the politics of Alabama. Never before in my district did any political party organize clubs which were to send a committee of one, then of two, and finally of three, to invite others to join them, with instructions to notify each person thus invited that if he declined he would be regarded as a "foe to his party" and a "deserter from his kindred and country." Never before in my district was there an organized plan to get legal voters to promise not to vote and then to assign "youths under the voting age each one to his negro" to keep them from the polls. Never before in my district was there a systematic organization intended to secure especially the votes of "those who are poorest and most dependent upon the whites," and to control the suffrage of "the weaker classes generally." Never before in my district was there a systematic effort to find out the "merchant or other person" who advances supplies for the tenants and hired hands of the district in order to use them as political factors in the election. Indeed, sir, this was the first fraud of this sort in my district, and with the help of the House and the moral effects of this exposure we may hope it will prove to be the last. The address of the Greenback committee, (record, page 62,) issued at the time, indignantly criticised these passages. They said:

The Bourbons do not expect to defeat us except by fraud or force, and, therefore, they have resorted to both as part of their plan. * * * This circular contains and recommends every appliance for the clubs that can be devised to defeat the popular will at the ballot-box except absolute counting out, and this is already provided for in the election laws of the State.

These words, Mr. Speaker, were used two months in advance of the frauds, whose inchoate agencies we were then withstanding, but the words were prophetic. Force and fraud both failed and "counting out under the election laws" had to be relied on in the last resort. The Greenback committee not only answered the circular but they boldly denounced it. What more? They issued a counter address, consisting of an exact reprint from the code of Alabama and from the statutes of the United States, of all the provisions on the subject of fraud, bribery, and intimidation in elections. They warned the Greenbackers and Independents not to violate the election laws themselves, nor permit it to be done by others, but honestly and faithfully to observe the laws of the State and the nation.

Indeed, sir, throughout the whole canvass we continued to uphold the constitutional rights of the citizens, white and black, as a shield and bulwark against the lawless and covert assaults of the contestee and his friends. Never was any contrast sharper and better defined; never were the issues more marked and significant than between the partisans of an intolerant and aggressive faction on the one side and the friends of a free vote and fair count on the other.

Sir, there is much, no doubt, in the "secret circular" that might be construed to refer only to the customary work and legitimate duties of a political campaign, but what seems fair and good on the outside is so mixed with what is essentially vicious and degrading that it is

impossible to separate them from each other. They constitute one single monster—a bastard and a nondescript, suggesting that shape of Sin in Milton which guards the gates of Hell, and which

> Seemed human to the waist and fair,
> But ended foul, in many a scaly fold,
> Voluminous and vast.

The idea of this circular, as a whole, was that the negro was the natural enemy of Bourbonism, and that as such each individual voter must be approached, not by reason and argument as other men, but by interested and corrupt considerations. He must be moved by dishonoring motives; he must be voted by rewards, or the hope thereof, or kept from voting by fear, force, or famine. The Bourbons, sir, seem to look alone to the negro's weakness and vices to take him into their party; his love of ease, his dread of power, his hate of hunger and poverty. They count upon his slips and falls in the wear and tear of life to force him into their power; and I admit, sir, that they are not always mistaken. The negroes as a class that join the Bourbons are what might be expected from the character of the invitation and the nature of the inducement.

I cannot recall the name of a negro who has "acquired property and pays taxes" that belongs to the Bourbon faction. Those that join them are "the weaker classes generally." One comes on a mortgaged mule, or with a lien on his crop, or assailed by the grasshopper and boll-worm, and threatened with foreclosure or ejectment by "the merchant or other person who advances for him." Some join the Bourbons in order to have bonds made to get out of jail; some for appointment to petty offices; some for employment on the railroad or canal; some from a natural indisposition to work; some from a transmitted tendency, a slavish love of laziness and liquor. "The cankers of a calm world and long peace" that followed Falstaff through Coventry were recruits of the same kidney and operated upon by the same inducements.

The Bourbons have not indeed "unloaded all the gibbets and pressed the dead bodies," but they have set up the prisons and poorhouses as factors in politics, and seek in this way to utilize the weakness, poverty, and vices of the community. The "secret circular" discloses the fact. It leaves room for no excuse or palliation. Yet the contestee prates about "intimidation, insult, and outrage," and raves of "threats of bodily harm and destruction of homes and property by fire." Sir, for every Bourbon negro insulted or injured on account of his Bourbonism I can show you two white men insulted or injured on account of their Independent or Republican or Greenback views; men dismissed from employment, ejected as tenants from their homes, reported to court on frivolous charges, pestered with law suits, and plagued with slanders and persecutions.

It will be observed, sir, that the canvass, taking tone, or want of tone, from the "secret circular," was of a singularly unscrupulous character. The arts of war were brought into the affairs of peace. Secret agencies and secret circulars, like spies and scouts, were employed for the first time in our politics; and all the tricks and stratagems of the partisan ranger were pressed into Bourbon service. In this sense the "secret circular" was directed against the "tenants and renters." When or where did the tenants and renters ever issue such a circular against the landholders, pointing them out as objects of political espionage? Under such circumstances is it strange or unnatural that an honest negro or a self-respecting poor white man should refuse to join this miserable faction, this most undemocratic, this most unrepublican organization, this conspiracy against popular government itself? The question makes its own answer.

The colored people of my district are admitted to be generally more advanced, intelligent, and progressive than in other parts of the State, but I repeat, sir, that those that join the Bourbons are generally those who care nothing for politics, nothing for citizenship or suffrage. They are indeed, sir, the weaker and dependent classes. But with the Greenbackers it is wholly different. We accept in perfect good faith, without mental reservation, the legal and political rights of all men. Whoever the State of Alabama clothes with the right of suffrage is sacred to us. The humblest colored citizen can join us with as much security to his political rights and with more protection to his person and property than with any other party. We frankly invite his confidence and appeal to his reason and judgment, that as we are to live together in the South we should live together in peace. We talk to him as man to man, face to face, without fear or favor, as citizens of a common country, with common rights and interests.

I admit, sir, that there has been and still is too much feeling, too much bitterness in our politics among both races and in all parties. But I insist that the Bourbon leaders are solely responsible for its continuance. Sir, if any Greenbacker or Republican or Independent attempted to intimidate any negro into voting for me against his consent, I am sorry for it. I know nothing of it. I have never heard of it, and, sir, I do not believe a word of it. But if the contestee can show it, though he fails to make out a single case in the evidence, I hope he will yet show it. The courts, State and Federal, are open to him. Let the wicked Greenbacker intimidating voters be tried, convicted, and sent in company with all the hosts of Bourbon bulldozers and ballot-box thieves to Albany or Detroit.

Ah, sir, God save the Greenbackers of Alabama from the crime of oppressing or the shame of being oppressed! Will the contestee say as much for the Bourbons? Will he mean it? No, he dare not. He strains at this Greenback gnat, but he does not hesitate to swallow the Bourbon camel. He is but lately come from defending, and even now he palliates, the frauds at Meridianville and Poplar Ridge, the ballot-box stuffing of Lanier's, and the bulldozing of Courtland and Florence. And yet he talks about fraud and intimidation. Why, sir, when the Independents and Greenbackers in my district shall hear of the contestee, or any other Bourbon, as being concerned about the rights of the negro or the poorer white class, they wlil be filled with amazement. When they read the contestee's ravings here about intimidation and bulldozing, and when they learn that the same man who employed "the secret circular" and "the yellow circular" in Alabama is figuring here as the champion of free suffrage, they will marvel at his effrontery; and, to use the quaint and expressive language of another, they will "thrust the tongue of derision into the cheek of incredulity, and wink the wink of the scorner."

Ten years ago, sir, the right of private judgment in politics among whites or blacks in the South was not so much respected as it is now. That was the era of race and sectional issues. The so-called carpet-baggers had the negroes organized in the loyal leagues, and the Bourbons had the white men in the Kuklux Klan; the one the chill of death, the other the fever of hell that followed it. But now, sir, we have passed the chill and fever stage in our politics—that day of bigotry, proscription, and intolerance. There is less ethnic prejudice than formerly, and as far as race issues are concerned we have come upon better times. There is more freedom of thought and action in both races. A man in my district can now vote pretty much as he pleases; and where the "yellow circular" fails to reach the inspectors, and in Jackson County, where even the Bourbons are tolerably honest, he can generally manage to get his vote counted as it is cast.

The situation in Alabama, and I hope in the South generally, although not what it should be, has improved and is improving. When I recur, sir, to the bitter politics of ten or twelve years ago; when I recall the savage and lawless days of reconstruction, I am forced to believe that we have advanced greatly in our methods, our tempers, and our ideas. The South moves to the front. Let us thank God and take courage! By the South, I do not mean the Bourbons merely. I do not mean a part only of the community; I mean the whole body of the people, white and black, of all parties. The races have divided and are dividing. Even the contestee himself, in spite of Radical or Greenback intimidation, had negro delegates in his convention, negro orators on his platform, and negro editors advocating his cause. But I submit, sir, to the House and to the country that the "secret circular" under discussion is a step backward and not forward. It is Bourbonism, not progression.

The inquisition of the visiting committee, the census-rolls, and the canvass-books are not the machinery of democratic thought in a free country. The debts, mortgages, liens, and rents of the poor and dependent, the pecuniary troubles of the weaker and debtor classes generally, are not the instruments by which the sanctity of American citizenship is to be secured and transmitted. On the contrary they are the badges and perhaps the relics of a slavery which lowers the tone of our politics, assails the manhood of the voter, corrupts the institutions of the country, and tends ultimately to overthrow the liberties of the people.

REASON AND COMMON SENSE.

In conclusion, Mr. Speaker, I beg the House to test my right to a seat here by reason and common sense. It is admitted, and, if not admitted, it is proved, that I received a large majority of the votes cast at the election. It is also proved that several hundred of these votes were not counted by the inspectors because of alleged noncompliance with the State election law. It is not anywhere claimed that these rejected ballots were cast by illegal voters. On the contrary it is admitted, and if not admitted it is a legal presumption, that they were cast by legal voters, by duly qualified citizens of the State and county.

It is not claimed that these ballots were so indefinite and meaningless that the election officers were unable to see from their face the sense of the ballot and the purpose of the elector. They were plain, ordinary ballots, such as the evidence shows were generally used in elections in Alabama. They expressed in clear, intelligible terms the will of the voter. The sole objection then and now raised to their reception was that they did not technically comply with the precise terms of the statute. They had "figures" upon them. I will not consume time, sir, with the absurdity involved in this objection. The words in the statute must of course be construed *in pari materia*. If "figures" mean numerals then "characters" mean letters and "marks" mean characters, and in this way we may destroy by quibbling every vote on both sides in the election and leave a white waste of blank paper as the only ballot under the law. But this *reductio ad absurdum* shows the fraudulent technicality on which this construction of the statute is based and restores us at once to reason and common sense. Neither the jury of this House nor the larger tribunal of the country, watching the progress of this contest, will be deceived by such paltry considerations.

In elections, sir, the right reading of the law is that which confirms the intention of the voter. The contestee cannot erect an inquisition upon a technicality, nor overthrow the popular will by a sophism. This play upon words, this trick of synonyms, is certainly

the smallest pretense upon which any man ever claimed a certificate for a seat in this body. The political issues between the contestee and myself may divide the opinions of this House as they have divided the people of my district; but surely, sir, upon a matter of fraud, upon an issue of lawlessness and trickery, there can be but one opinion. I appeal to the personal character of the House. I am well aware that not a dozen gentlemen here are in full sympathy with my political views, but there are sentiments of justice between man and man to which even party prejudice cannot wholly blind us.

I ask each gentleman here, upon his honor as a man, whether he really believes that the conduct of the election officers in rejecting my tickets was honest and impartial; whether, under the circumstances, it was the fair result of their unbiased judgment and conscience; whether, if I had been in the contestee's place and the contestee had been in mine, we should have ever heard of such a construction of the law, or been insulted by the mockery of such a contest? No, sir; not even by the worst of men in the worst of times. It will not do to say as an offset to these rejected ballots that unregistered persons voted for me. If registration is a prerequisite for voting in Alabama, which I deny, there is no legal evidence of the fact of non-registration, and even if the fact were necessary and were proved, it would be no answer to the returns of the State and Federal officers, no defense against the frauds by which the majority of votes were cast for one man and counted for another.

Sir, the contestee employed one kind of technicality to get his certificate and another kind to keep it. He got his *prima facie* right to a seat here through the inspectors, by "counting out" one sort of my ballots—those with figures on them; but he now claims his final right through the registrars, by rejecting another and totally different class of voters—those whose ballots were received and counted but whose names do not appear upon his so-called registration lists. In a word, he got in by disfranchising one body of citizens, and he hopes to stay in by disfranchising another. Sir, there was no evidence as to unregistered votes before the inspectors when they rejected the ballots; no such evidence before the county officers when they made their returns; no such evidence before the secretary of state when he issued his certificate; and there is no such evidence now. No evidence, no law, no fact. It is all an after-thought and a make-shift. If the non-registered vote is the strength of the contestee's case, as it has been made the basis of his argument, we should reverse positions.

He and I should change places; he should be the contestant and I should be the contestee. I should hold the office *prima facie* on the basis of a majority of the votes actually cast, while he should be forced to his plea of avoidance, to his proof of alleged unregistered and illegal votes to offset my acknowledged majority. But as the matter stands he holds the certificate by a minority, which he seeks to increase to a majority by allegation and argument. The burden is upon him, but he fails after all said and done to legally show a single unregistered vote cast for me. The law and the fact are both against him. This parade of charges, therefore, against whole precincts, against companies and regiments of voters, especially in an agricultural district, where there is little or no floating vote, carries no legal or moral presumption with it. He is bound to make a clean and decent showing. Allegations without proof are both idle and vicious. Examination will show and has shown that the pretended lists of unregistered voters to which he refers, like the tissue ballots in the minority report, are systematically deceptive.

I beg gentlemen to believe that voting is not simply a matter of printing and paper, not merely an affair of stationery. It is an act of will, preference, conscience. It is the self-assertion of the citizen in the sacred right of private judgment, in the free exercise of the elective franchise. Let us recur, sir, to first principles. What is the elective franchise? It is a right, a privilege, a duty. It is in the first place a right, whether natural or conventional, still a sacred and valuable right. The national Democratic platform declares that "the right to a free ballot is the right preservative of all rights," and that "it must and shall be maintained in every part of the United States." It grows out of the nature of our Government. It is the basis of our civil society and the only recognized vital force in our Constitution. In the second place, it is a duty.

A failure to vote is an offense by the individual against society just as the restraint upon the ballot, except for crime, is an offense by society against the individual. "All governments," in the language of the Declaration of Independence, "derive their just powers from the consent of the governed." In order to invoke the full voice of the people, in order to avoid disorder and violence, it is the duty of the citizen to express himself in his ballot, and in this way to contribute to the mental and moral forces of government. It is, lastly, a privilege, but not in this country a special privilege. It is contrary to the genius of our institutions to restrict it except, I repeat, for crime. Neither the technicalities of local law nor the tricks of force and fraud can create a governing class, can make a privileged or proscribed class, can establish in the few the right to rule the many.

I fully appreciate, sir, the evils of ignorant suffrage, black or white, but it is impracticable to remedy these evils by lawlessness and fraud. It is a monstrous confession of political and moral impotence. Intelligence and virtue! Sir, intelligent and virtuous men should resort only to intelligent and virtuous methods. Errors in the administration cannot be cured by crimes against the government. The attempt to do so is evidence only of pessimism, infidelity, and despair. It is as illogical as it is immoral. It is behind, it is against the spirit of the age. Stuffed ballot-boxes furnish no substitutes for school-houses, no remedy for illiteracy. The idea is Bourbonism, not progress or civilization. The Homeric image of Sarpedon, borne away by sleep and death, is a striking prototype of the old-time Bourbonism of the South. They, too, are given over to sleep and death, and not Zeus himself, the greatest of all the old gods, could inspire them, like Sarpedon, with new life and thought. They have lived, and they will die within the narrow limits and bitter prejudices of a past day and generation.

Sir, if we of the South, the young men of to-day, have accepted, nay, if we have sworn to the recent constitutional amendments, we must surely keep our oaths and stand by the "golden metewand of the law." Sir, if the South lost all save honor in the war, she cannot afford to lose that now. She must not risk her character for truth, candor, and courage by tricks and frauds in elections. The President in his inaugural, the lamented and gifted Garfield, refers to this idea in the following strong and cogent language:

> Bad local government is certainly a great evil which ought to be prevented, but to violate the freedom and sanctities of the suffrage is more than an evil. It is a crime which, if persisted in, will destroy the Government itself. Suicide is not a remedy. If in other lands it be high treason to compass the death of the king, it shall be counted no less a crime here to strangle our sovereign power and stifle its voice. It has been said that unsettled questions have no pity for the repose of nations. It should be said with the utmost emphasis that this question of suffrage will never give repose or safety to the States or to the nation until each within its own jurisdiction makes and keeps the ballot free and pure by the strong sanctions of the law.

General Hancock, in his letter of acceptance, makes the following unqualified statements to the same effect:

> It is only by a full vote, a free ballot, a fair count that the people can rule in fact as required by the theory of our Government. Take this foundation away and the whole structure falls.

President Arthur, in his letter accepting the nomination for Vice-President, grasps the whole subject with great clearness and power. He says:

> The right and duty to secure honesty and order to popular elections is a matter so vital that it must stand at the front. The authority of the National Government to preserve from fraud and force elections at which its own officers are chosen is a chief point on which the two parties are plainly and intensely opposed. * * * The Republican party has strongly approved the stern refusal of its representatives to suffer the overthrow of statutes believed to be salutary and just. It has always insisted and now insists that the Government of the United States is empowered and in duty bound to effectually protect the elections denoted by the Constitution as national.
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> More than this, the Republican party holds as a cardinal point in its creed that the Government should by every means known to the Constitution protect all American citizens everywhere in the full enjoyment of their civil and political rights.
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> Republicans cherish none of the resentment which may have animated them during the actual conflict of arms. They long for a full and real reconciliation between the sections which were needlessly and lamentably at strife. They sincerely offer the hand of good-will; but they ask in return a pledge of good faith. They deeply feel that the party whose career is so illustrious in great and patriotic achievements will not fulfill its destiny until peace and prosperity are established in all the land; nor until liberty of thought, conscience, and action and equality of opportunity shall be not merely cold formalities of statute, but living birthrights, which the humble may confidently claim and the powerful dare not deny.

In the beginning, sir, I spoke of the disfranchised citizens of my district. Disfranchised in what? Disfranchised how? They were disfranchised in being denied the right of suffrage, the right to vote, and the ancillary or related right to have their vote counted as cast. The Greenbackers, I repeat, appreciate as much as any class of the community the evils of ignorant suffrage, white or black, and are doing their duty to remove these evils. But ignorant suffrage, sir, has nothing to do with this case. It cuts no figure in the contest; it offers no pretext for the count-out. The proof shows that the rejected ballots were voted generally by as independent and substantial men as any in the district. These wrongs, sir, were inflicted not alone upon negroes but upon white men; not alone upon so-called "Radicals and scalawags" but upon Greenbackers and Democrats; not alone upon "aliens and carpet-baggers" but upon natives to the soil. I myself am one of the victims, in company with hundreds of the most respected and intelligent gentlemen of the district.

And I feel, therefore, a sense of personal injury as well as a conviction of public wrong, a wrong done not to myself alone but to my party and to my people. It is illogical, it is shameful, Mr. Speaker, to rob even the weakest and poorest men of their rights. It is so shameful that it cannot and will not be endured. Sir, I stand guard upon this line of defense; but I do not stand alone. The people of my district, the people of my State are with me. They turn their anxious, waiting eyes toward this House. Sir, there are multitudes as of old, "multitudes in this valley of decision." What will you say to them? We have decided; we shall never make terms with these men or fail to resist their methods. We have sworn to Heaven never to cease our warfare upon this faction until it ceases its warfare upon honest elections. We invoke the whole people without regard to antecedents; we raise the hue and cry against them; we will never consider any other question with any party or make any other issue than a free vote and a fair count. We will never have a friend or find an enemy in politics except upon the final and rightful settlement of this vital and paramount question.

This right, sir, is the basis of all free government. It is the foun-

dation of popular institutions. It is the true source of all power in the people. It is a right, a privilege, a duty inestimable to freemen and formidable to tyrants, and tyrants only. Its free exercise, its full and fair enjoyment by each and every citizen in every section of the country is the test and guarantee of republican government. Sir, we must and will have honest elections. There is no other way that can or ought to satisfy the people. There is no divine right of king or caucus. Shall we resort, sir, to violence; shall we appeal to arms; shall we force the National Government to interfere; shall we have an oligarchy of partisan inspectors, or shall we wager money on the result and let the longest purse rule by bribery and corruption? No, Mr. Speaker, these things have all been tried in other countries and in other times and they have always failed. If we are to have free government at all we must leave it to the honesty and intelligence of the community, to a majority of the qualified voters. The free ballots of a free people are the fairest, surest, safest test of the majority. The common sense of all is better than the special sense of any. It is the last and only solution. There is nothing else under man's law or God's law but disorder and violence. "The meteor explodes, the comet rushes back to the depth of space, but the loadstar shines constant in summer and winter, at seed-time and at harvest, at the equinox and at the solstice." There is no right rule but the rule of the people. Every other expedient is found to be a temporary and delusive make-shift and involving force or fraud, or both, and ending only in anarchy and despotism.

The order and well-being of a community depend primarily upon its moral sense. The special pleadings, the *suppressio veri* and *suggestio falsi* by which election frauds are either denied or defended, is conclusive proof of a vitiated and demoralized public sentiment. Sir, let us rise above this dry-rot of Bourbonism and look at the Government of our fathers as our fathers made it. There is nothing in this age of progress and civilization which presents a nobler idea of the triumph of the human race than to witness a great, free people in the orderly and peaceful exercise of the right and duty of self-government. Nothing is better fitted to fill our minds and hearts with pride and patriotism.

Behold, sir, the great body of the people in the free exercise, in the undisputed enjoyment of their own sovereignty under laws enacted by themselves, thronging to the polls on the day of election and bringing their ballots as offerings to their country. Who, sir, would technically sacrifice these offerings upon the altar of fraud? Who would dare deny their authority by the use of force? The man or set of men that conspire against the right of suffrage conspire against the character of our institutions and against the liberties of our people. The man or set of men who aim a blow at the ballot-box, who seek to corrupt it by fraud, to overthrow it by force, are the enemies not only of the Government of the United States but of all free government. As the ancient statue of Pallas, with its pike and distaff and spindle, was the palladium of beleaguered Troy, so the ballot-box, guarded by honest and brave men, is the palladium of our civil and political rights.

If prosperity comes to the South, peace and justice must be first established at the ballot-box. Peace and justice; for, sir, the Independents of the South will not long submit in peace to injustice. We will not, we ought not to yield to fraud and wrong. We insist upon our rights; we demand the blessings of free government inherited from our fathers. These blessings, sir, we well know cannot be imported from the outside; they cannot be supplied by government interference; they cannot be brought from afar. They must grow up among our people out of the inherent virtue of our society; they must form a part in the internal forces of our politics and government. And, Mr. Speaker, we feel and know that if we are true to ourselves and to our convictions we cannot be permanently deprived of them. For are we not Americans, and are these things not our birth-right and our inheritance?

Ah, sir! the Liberals, Independents, and Greenbackers of the South have a noble mission intrusted to them. We are to withstand the encroachments of Bourbonism upon the rights of the people. We are to restore free government. We are to relieve that crude and bitter spirit in the South which ignores history and experience; which profits nothing by the past and promises nothing for the future. As Charles James Fox said of the English Whigs in a like crisis, "Instead of narrowing the basis of freedom, we must enlarge it; instead of suppressing, we must infuse and circulate the spirit of liberty." The rights of the majority, the safety of the minority, the consent of the governed, secured by law and enforced by public sentiment, the confidence of the people in their servants and in themselves—these, these, sir, are the very definitions and tests of free government; but these, sir, have ceased to characterize the rule of Bourbonism in Alabama.

The evidence shows that the same faction that made the Alabama election law executed it; the same faction that hid fraud in the statute brought it forth in the canvass; the same faction that organized the opportunity in the law seized upon it in the election, and the same faction is here to-day audaciously appealing to this House through their defeated candidate, invoking your judgment on his fraudulent certificate, and asking not only your pardon for his methods but your participation in them, and even your further aid in their enforcement. He appeals especially to the Democratic side of the House. These offenses being committed in Alabama, in the name and under the organization of that party, he naturally expects their support for success, or, if he fails, their sympathy in defeat.

Communism, indeed! And the rights of property! What is this? The despairing outcry of defeated fraud. The rights of property on his lips and a false certificate in his pocket! He expected then, he expects now, that the Democratic party of this House will sustain him. I know, sir, that these are bold words; but it is time that the truth should be spoken about these things, and this is the occasion, and I, unfortunately perhaps, am the man to speak it. I know that in a certain sense I am on trial here, but if that could influence me I should despise the suggestion. The Democrats of this House are also on trial. Wherever the majority of the votes is one way and the certificate another the party of the contestee is on trial.

In this case the contestee is here asking you in effect to indorse the Alabama election law, with all its provisions for easy cheating and difficult detection, and the secret circular, the yellow circular, the discreditable conduct of the canvass and the contest, and all the frauds and ballot-box stuffing of the election. You are now asked to make yourselves responsible after the fact. Will you do it? These things were done in the name of the Democratic organization of my district. Will you give them the sanction and indorsement of the Democrats of this House, or will you have the moral courage or, what is rarer, the political courage to refuse to do it? I speak *de bene esse* for the honest Democrats of my district. I do not believe they sustain this count out. Will you undertake to ratify and indorse it? Far above all temporary or personal considerations, I hope, for the credit of the Democratic party and for the good of the country, that you will spurn the proposition.

Sir, I do not wave the so-called "bloody shirt." There is no violence in this case. It never reached that dignity. Its records are foul, not with force but with fraud. The yellow circular, not the bloody shirt, was the contestee's oriflamme of battle—significant fact, as yellow as a hospital flag, and as ominous of corruption and disease. I repeat, sir, that as far as my right to sit here is concerned I am on trial before this House, but the House itself is, in a higher sense, on trial before the whole country; and as far as I am concerned I invoke, I challenge both judgments. What, sir, is the matter with the politics of Alabama? Is it the old plea of Government control? Is it outside interference? No. We are as free and unmolested as any State or section in the Union, in the absolute enjoyment of local self-government.

The trouble with us, sir, is that while our institutions are popular in form they are not popular in fact. There is a one-party despotism that dominates everything. Public opinion is suppressed and irresponsive. There is an oligarchy of inspectors, an inquisition of officials, between the ballot-box and the people. We have the form without the spirit of popular government. Sir, I urge and repeat these views both within and without these walls, because I feel that when a community is sunk or is sinking under apathy and misrule they can only be aroused and saved by a bold and honest recurrence to first principles. I do not altogether agree with the learned and eloquent Mr. Curry, of Richmond, formerly a Representative from Alabama, that he who breaks into a ballot-box will break into a bank, or that the man who steals an office would not hesitate to steal a horse. This may be, and doubtless will be, the ultimate tendency; but at this time the anomalous and alarming fact is otherwise. The officials who commit these election frauds in the South do not belong to the criminal class of the community. They are often gentlemen of personal character and social standing, who would scorn in private affairs to do a dishonest or doubtful act.

This is the wonder, the shame, and the danger of these methods. All observation and experience teach us that public or party crimes are more corrupting than private vices. Even when exposed and punished they lower the general tone of public sentiment, because they lessen the public dignity and self-respect. The crime of ballot stealing, or ballot-box stuffing, is more injurious to the morals of the community than any form of private larceny, however felonious, not only because the public sentiment that tolerates the one will be taught to overlook the other, but because it makes a mockery of law, puts public justice to shame, and brings the sources of government and the very sanctions of society into doubt and disrepute. Sir, I am myself a pained and reluctant witness of the condition of some of the sections in which these offenses are prevalent.

Bourbonism, like a foul disease, infects the atmosphere. It preys like spotted leprosy upon the minds and characters of men. It tends to corrupt the local courts of justice and to degrade the administration of the law. It has already brought some of these fraudulent officials and much of their proceedings into public criticism and contempt. It taints every man that touches it. It degrades not only the officials who profit by it but every trickster that steals a vote or stuffs a ballot-box, that uses fraud or force, or that consents to their use, or that conceals these methods for the sake of his party. Every such man has made terms with Bourbonism; every such man has trifled more or less with his better sense of right and truth, and compromised with his conscience and self-respect.

These things are done, sir, in the name of the Democratic party. They are the fruits of a faction of Bourbons, who are in no sense Democrats, but who influence and in many instances control the Democratic organization. They rejoice in the solemn device, the pious fraud, the sacred artifice by which the grand old Democratic

party can be saved or served, by which wicked combinations between Radicals, Independents, and Greenbackers can be defeated and the virtue and intelligence of the State (meaning always themselves) can be continued in office and power. And these things, I repeat, sir, are shown by the evidence to be done in the name of the Democracy, in the name of Jefferson and Jackson, in the name of a great social movement, that, beginning in the early part of this century and looking to the golden age, made the Sermon on the Mount its inspiration and the Declaration of Independence its platform.

As long, Mr. Speaker, as we have organized fraud in elections, systematized in the election laws themselves, this issue of the ballot-box is, and must be, the top and bottom question not only in Southern politics but in national politics. All other issues are necessarily subordinate to this, because this is the issue of free government itself. The ambitions of men, the purposes of parties, the policies of administrations, either Federal or State, may change their aspect in relation to this issue, but the issue itself remains. I had rather rob the sea of its salt, the air of its oxygen, the sunshine of its vital forces, than hope for good government with free suffrage eliminated. The sweetness, the health, the life of society would be gone. As long, I repeat, as there are systematic frauds in our elections, as long as these frauds are organized in the election laws themselves, as long as the Bourbon leaders connive at and cover them up, the ballot-box must and will be the paramount issue with us.

If necessary, old party organizations will melt away or be developed anew to meet the demand of the free-suffrage sentiment of the country. The Greenbackers may lead, the Republicans may lead, the Independent Democrats may lead in this anti-Bourbon reaction; but under some sort of bold and honest leadership our redemption, sooner or later, must and will come. Sir, it is inevitable. There can be no order in government, no peace in society, without free and fair elections. Men who are born free and remain citizens of a free country will not long submit without resistance to injury and injustice. The Constitution recognizes the right and guards the means of resistance. The love of liberty is the bulwark of our institutions, and nature and law both teach us that resistance to tyranny is obedience to God. I said this in the canvass, and I repeat it now. If this be treason, make the most of it. If this be communism, the framers of the Constitution were communists.

The prevalent idea of a strong government in other countries is the weakest of all governments with us. What is the power of standing armies and the menace of great navies to the desperate purpose of an outraged people? Sir, our ancestors were right. That government is the strongest which rests upon the consent of the governed, which enlists the respect and affection of the largest proportion of its people. The iron despotism of the Czar or the military empire of the Kaiser is the weakest government in the world, because it lacks this vital principle upon which strong and free governments are founded. It lacks this principle, which all experience teaches us cannot be destroyed by force or denied by fraud without assailing the social compact itself. It stands pre-eminent in government and society like the chiefest of all the virtues; "whether there be prophecies they shall fail; whether there be tongues they shall cease; whether there be knowledge it shall vanish away," but the right preservative of all rights will remain. I shall not despair, Mr. Speaker, of free suffrage until I despair of free government itself. It is the sanction by which the House now sits in judgment upon me and the basis of the confidence with which I now address you. It is the glory and safety of our system, as we believe our system is, by the blessing of God, the hope and refuge of the world.

National-Bank Charters.

SPEECH

OF

HON. OSCAR TURNER,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 17, 1882.

The House having under consideration the bill to enable national banking associations to extend their corporate existence—

Mr. TURNER said:

Mr. SPEAKER: The gentleman from New Jersey [Mr. HARDENBERGH] has taken me by surprise in yielding me a few minutes of his hour, as I had not expected to say anything to-day upon this question. I thank him, however, for his courtesy, and will briefly give some of the reasons why I shall oppose the bill now under consideration virtually rechartering the national banks.

Mr. Speaker, I have always been opposed to the national banking system, as I have said before on other occasions on this floor. General Jackson vetoed the old United States Bank, upon the ground that it was dangerous to the liberty and welfare of the people, in addition to constitutional objections. That veto was indorsed and approved by a large majority of the American people. Its principles have been adhered to by the Democratic party, and reiterated in our platforms time and again. All the reasons and philosophy of that veto apply with equal if not more force to the present national banking system. The old United States Bank only had a capital of thirty-five millions. The present national banking system consists at this time of about twenty-two hundred national banks, instead of one, with a capital of three hundred and eighty millions, instead of thirty-five. They are armed with the same destructive and dangerous power, the right to issue currency, and to expand and to contract that currency at their own option.

Thus they have the power to inflate the prices of everything and then to contract the currency and bring on panics and ruin to every industry in the land for their own interest and benefit. Sir, it is a dangerous power, a power that ought not to be intrusted to any corporation or number of corporations. The power to make money is an attribute of sovereignty, and the right to regulate its quantity and volume is a sovereign right; it belongs to the Government of the whole people and ought never to be parted with; it is a power that ought to be exercised alone by the representatives of the people in Congress. That power has been intrusted to these corporations, they have been the pets of the Government, and now, sir, when they are about to pass out of existence, it is proposed by this bill to continue their dangerous power by authorizing the rechartering of them.

Mr. Speaker, we have been told by the advocates of this banking system on this floor that there is no danger of these banking corporations exercising their power against the interest of the people. Sir, this is not true. Banks consult their own interest, and not the interest of the toiling masses of the people. When the funding bill passed Congress at the last session reducing the rate of interest on the United States bonds, upon which these banks are based, to 3 per cent., what then did these banks do? Why, sir, they contracted the currency of this country nineteen millions of dollars, or about that in round numbers, in the short space of thirteen days. Why did they do it? To produce a panic to influence the action of Congress and the President. They did not succeed with Congress; it was Democratic then; but they did succeed in getting a veto from a Republican President, Mr. Hayes. They would have brought disaster and ruin upon the country had it not been for the action of the United States Treasury, which supplied the deficiency in the currency as fast as they made it, and prevented the calamity that these banking corporations would have brought on the country for their own selfish ends. I do not impugn the motives of all bank officers, for some of them I know to be good, patriotic men; but, sir, the great mass of them will disregard the interest of the people, looking alone to their own interests and profits. History proves this to be true, and it is useless for gentlemen on this floor to deny it who are here in the interest of these banks. These corporations can combine at any time their whole power and contract the currency, and thereby depress the price of everything, load themselves and friends with property, and then expand the currency and inflate and enhance the price of everything, thereby adding to their wealth and impoverishing the honest people of the country.

These banks and the bondholders have been the pets of Congress for years; they have controlled its financial legislation in many instances. If these banks were ever necessary as financial agents for the Government and to afford a market for the United States bonds, which I do not admit, that time, thank God, is past. If they have ever rendered service to the Government, they have been amply paid. They have cost the people of this country over fifteen hundred millions of dollars, as has been correctly estimated by Mr. WARNER, of Tennessee, who has given his calculation in detail to this House in his able speech, and which stands uncontradicted by the friends of the national banks on this floor. All of this immense sum could have been saved to the people, and yet they could have had as good and safe a currency as national-bank notes—I mean greenbacks—Treasury notes that would have drawn no interest, as the bonds do upon which the national-bank notes are based.

Mr. Speaker, there never was such favoritism shown in any country as has been shown to these banks, and instead of being the best system, as is contended, it has been the most costly to the tax-payers of the country. These bondholders, who in many instances only paid from forty to sixty cents on the dollar for United States bonds, had nothing to do except deposit their bonds in the quantity required by law with the Comptroller of the Currency, and he issued to them 90 per cent. of the value of the bonds in national-bank notes. Upon this money they run their banks, using these notes profitably, and as they please—getting all the deposits they could, using them also, and getting high interest upon both, and then every six months drawing the interest in gold on the bonds upon which the banks were founded, this interest coming out of the toiling masses of the country—the tax-payers.

Sir, it is time this favoritism for corporations and capital shall stop. What is to become of these national banks when the bonds are paid off? We are paying off the national debt at the rate of one hundred and fifty millions of dollars per annum, and if we use proper economy in the administration of the Government the national debt will soon be extinguished. What, then, is to become of these pet banks that are based on interest-bearing bonds? Why, sir, they

must then go; but the Republican members are trying in every way to perpetuate this debt by extravagance in every department of the Government; by getting up all sorts of schemes that will take money out of the Treasury and prevent the payment of the bonds. Why? So that they can keep up a protective tariff to enrich the manufacturers at the expense of the farmers and consumers, and to perpetuate the bonded debt as a basis for these banks.

Mr. Speaker, sound policy and the interests of the people dictate that the national debt should be paid off as rapidly as possible. A national debt is a curse to any free country. And, sir, I would vote and did vote for an income tax on all incomes over $5,000, to be added to the revenue to pay off this debt and to make the burden of taxation equal upon the bondholders and capitalist. Why should they be exempt and their millions go untaxed while everything the poor man has is taxed? What meritorious services have these bondholders rendered this Government that their incomes should bear no burden? But, sir, you cannot get the Committee on Ways and Means to bring in a bill to tax incomes. At the last Congress the attempt was made to suspend the rules by Mr. DIBRELL, of Tennessee, and tax the incomes of these bondholders. I voted for it, and a large majority, including the Democratic side of this House, voted for it, but it failed for want of two-thirds.

This ought to have been an instruction to that committee, but, sir, they disregarded it. And no bill, under the rules, can be gotten before this House for action to tax the bondholders and capitalists. There is no time for it in the judgment of the Committee on Ways and Means. They have no time to revise the tariff to lighten the burdens on the farmers and laborers of the country. But, sir, there is ample time for legislation in favor of banks and corporations whenever they want legislation in their interest. Corporations and monopolies are to-day exercising a dangerous influence on the legislation of the country. Look at the bank directors and bank presidents who are members on this floor—one of whom has just preceded me—all advocating a rechartering of these national banks.

Mr. Speaker, I shall vote for every amendment restricting the power of these banks, and shall then vote against the bill.

I want to see the national debt paid off as rapidly as possible. I want to see an end put to the interest-bearing debt. I want to see silver certificates and Treasury notes, or greenbacks, take the place of the national-bank notes. The Treasury notes, or greenbacks, are as good as the national-bank notes. The credit of the Government stands behind both and gives them their value.

I am satisfied, sir, that a large majority of the Democratic side of this House, if they are true to the doctrines taught by Jefferson and Jackson, will vote against this bill. We ought never to trust the power, as I have said, of expansion and contraction of the currency to any corporations.

Mr. Speaker, I shall not go into details in regard to these banks, as I am not a member of the Committee on Banking and Currency, to whom has been allotted nearly all the time for general debate, but content myself with the general reasons I have assigned for my opposition to this bill, and hope it will be defeated.

River and Harbor Bill—Mississippi River.

REMARKS

OF

HON. RANDALL L. GIBSON

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, June 3, 1882,

On the bill (H. R. 6184) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. GIBSON said:

Mr. SPEAKER: The Committee on Commerce, under orders of the House, have taken into consideration the report, specifications, and estimates of the engineers for the improvement of the rivers and harbors of the country, submitted by the Secretary of War, and after several months of careful and laborious consideration, day after day, hearing not only honorable Senators and Representatives in behalf of the public works in their respective States, but delegations of prominent citizens from cities and commercial bodies, and also the engineer officers of the Government, in order that they might, as far as possible, make themselves acquainted with their plans and methods, and the relative merits of the works, have presented the annual appropriation bill for the same. It will be observed that the estimates of the engineers amounted to nearly $41,000,000, and that the committee have deemed it necessary, in the interest of a wise and judicious expenditure, to reduce this sum to about seventeen millions.

I must confess, Mr. Speaker, I took service upon this committee with reluctance, for I had been accustomed year after year to hear it reproached as the log-rolling committee of the House, and I had come to feel that there must be some unworthy spirit of jugglery and jobbery pervading its deliberations. I have been agreeably surprised. I can say conscientiously I have never during my public life been associated with a body of gentlemen who were animated by a broader or higher patriotism or by a firmer purpose to do right, without regard to persons, parties, or sections, or exhibited greater industry. We have had compromises and adjustments, and if gentlemen please log-rolling, but only such as was approved by that ardent patriot, Hon. Robert C. Winthrop, who once adorned the Speakership of this House, and who in discussing this question, many years ago, said:

Mr. Chairman, nothing of real value to this Republic ever has been or ever will be effected without some degree of that sort of combination which is thus stigmatized as log-rolling. Mutual concessions, reciprocal benefits, compensation and compromise, have been the very laws of our existence and progress. Wherever common dangers have been averted, common wrongs redressed, common interests promoted, or common principles vindicated, it has been by a system of log-rolling. It was log-rolling which achieved our independence. It was log-rolling which established our Constitution. And the Union itself is nothing but systematic log-rolling under a more stately name. Doubtless such combinations may sometimes proceed from corrupt or unworthy considerations, but when the objects at which they aim are of such clear and unquestionable importance and of such public and general utility as those which are now before us, these unmannerly imputations upon motives may, I think, well be spared.

The constitutional power of the Government over commerce, its derivation, its extent, and the limitations upon it have been so firmly settled that any discussion of it would be superfluous. In the great struggles illustrated in the careers of John Hampden and George Washington the principles upon which taxation should be levied and trade and commerce regulated were determined. The vital force that sustained both had the same unfailing source in the determination of the people—to set metes and bounds to the manner in which their labor and property should be taxed, their revenues raised, and their commerce promoted, for they knew that the value of labor depends upon the facilities with which its fruits may be exchanged, and that if a man's earnings could be taken from him or his intercourse with his fellow-men regulated in an arbitrary manner there was and end of all liberty and of all happiness.

But after the battle for the independence of the colonies was won each State preserved its own system of taxation and the whole confederation fell into imbecility and confusion from the want of the means to collect revenues to maintain the public credit, to pay the patriot army, or to support an efficient administration. There were as many different systems of revenue as there were States. It was at this juncture that Virginia, on January 21, 1786, appointed commissioners on her own behalf and invited her sister States also to appoint commissioners "to take into consideration the trade of the United tates." The se commissioners met at Annapolis, Maryland, September 13, 1786, but seeing that none of the States north of New York were represented, and "not desiring to proceed on their mission under the circumstances of so partial and defective a representation," they completed their labors by suggesting that all the States should appoint commissioners to meet at Philadelphia. This suggestion was adopted, and the convention that assembled in accordance with it, on May 25, 1787, in Philadelphia, framed the Constitution of the United States.

Hence it may be truly said that the necessities of commerce led to the formation of the Federal Government, and that the proper regulation of it is one of its essential and inherent functions. And upon examination of the following provisions of the Constitution it will be perceived that the power over the whole subject-matter is not only full and absolute but exclusive:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises. * * * But all duties, imposts, and excises shall be uniform throughout the United States. To regulate commerce with foreign nations and among the several States and with the Indian tribes. No State shall enter into any treaty, alliance, or confederation. * * * No State shall, without the consent of Congress, lay any imposts or duties on imports or exports. * * * No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or foreign power. Congress has the power to establish a uniform rule of naturalization. The migration or importation of certain class of persons should not be prohibited until the year 1808, though they might be taxed. No tax or duty shall be levied on articles exported from any State, and no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

After the separation of the colonies from the mother country the importations from England were enormous, and goods of American manufacture could not be sold in competition with British, and all importations into the staple States and exportations from them were carried on in British bottoms. Pennsylvania had already protected herself by a tariff for that purpose, and Massachusetts had established a navigation act to protect her large commercial interests; so that no goods could be imported in British ships. The planting States were interested in having free trade with the mother country—the utmost freedom of exchange and free bottoms—but the political benefits and security they derived in other respects from the Union induced them to yield in these respects.

On the 22d March, 1785—

Says George Bancroft in his History of the Constitution, page 187, volume 1—

a bill to protect the manufactures of Pennsylvania by specific or ad valorem duties on more than seventy articles, among them on manufactures of iron and steel, was read in its assembly. On the 20th September, after the bill of the Pennsylvania Legislature had been nearly six months under consideration by the people and after it had been amended by an increase of duties, especially on manufactures of iron and by a discriminating tonnage duty on ships of nations having no treaty of commerce with Congress, it became a law with general acclamation.

Mr. Bancroft says, page 188, volume 1:

On the 10th of May the town of Boston elected its representatives to the General Council, among them Hancock, whose health had not permitted him to be a candidate for the place of governor. Two years before, Boston, in its mandate to the men of its choice, had, in extreme language, vindicated the absolute sovereignty of the State; the town, no longer wedded to the pride of independence, instructed its representatives in this wise: peace has not brought back prosperity; foreigners monopolize our commerce; the American carrying-trade and the American finances are threatened with annihilation; the Government should encourage agriculture, protect manufactures, and establish a public revenue; the confederacy is inadequate to its purposes; Congress should be invested with power competent to the wants of the country; the Legislature of Massachusetts should request the Executive to open a correspondence with the governors of all the States; from national unanimity and national exertion we have derived our freedom; the joint action of the several parts of the Union can alone restore happiness and security.

To his friend Bowdoin, John Adams wrote:

Massachusetts has often been wise and able, but she never took a deeper measure than her late navigation act. I hope she will persist in it even though she should be alone. (Page 191.)

But every measure of this character was resisted in the Congress by Richard Henry Lee, of Virginia, in behalf of the Southern States, which were the staple States, declaring that—

Power in Congress to legislate over the trade of the Union would expose the five staple States, from their want of ships and seamen, to a most pernicous and destructive monopoly; that even the purchase, as well as the carrying of their produce, might be at the mercy of the East and the North.

But when the Constitution was finally adopted, as we have seen these powers were granted to the Federal Government.

And hardly was the Government organized and put into operation before a bill was introduced, which became a law July 4, 1789, raising a revenue from commerce, the preamble of which was as follows:

Whereas it is necessary for the support of the Government, for the discharge of the debt of the United States, and the encouragement and protection of manufactures, that duties be laid.

And straighway a navigation act was adopted discriminating in favor of American vessels and securing to them a monopoly of the entire trade and commerce of our ocean-bound empire, and subsequently an act has been adopted prohibiting American citizens absolutely from buying ships abroad for the American trade, or to run under the American flag only vessels built within the United States and belonging wholly to citizens thereof, and vessels captured in war by citizens can be registered and be entitled to the benefit and privileges of registered vessels.

And as early as August 7, 1789, Congress passed an act which was approved by George Washington, entitled "An act for the establishment and support of light-houses, beacons, buoys, and public piers." It is expressly stated in the act that the appropriation is made "for rendering the navigation easy and safe."

This was the first of a series of acts down to the present river and harbor bill, of which in the aggregate more than $100,000,000 have been appropriated, to give "ease and safety" to navigation and commerce. And this is the precise language employed in the appropriation for the Mississippi River, and it was employed also in the act creating the Mississippi River commission.

The exercise of these powers has not been unchallenged. It was insisted by certain leading statesmen that while Congress might establish commercial regulations there was no power whatever to deal with the commodities of commerce or the vehicles in which they were transported or the channels and highways. Others insisted that all appropriations should be confined to rivers and harbors below ports of entry and to rivers running through two or more States, or which were tidal streams.

But the Supreme Court finally settled the controversy as to certain points in 12 Wheaton, 447, laying down the doctrine that Congress may suspend and prohibit commerce, and may not only authorize importations but may authorize the importer to sell, and that commerce is not merely traffic, but is intercourse and includes navigation. In The Propeller Genessee Chief et al. *vs.* Fitzhugh et al., Chief Justice Taney says:

The admiralty and maritime jurisdiction granted to the Federal Government by the Constitution of the United States is not limited to tide-waters, but extends to all public navigable lakes or rivers where commerce is carried on between different States and with a foreign nation.

It will be seen from this brief review what were the actual necessities that induced the fathers to incorporate these powers relating to commerce into the Federal Constitution, how they have been exercised by the national Legislature, and how the national Legislature has been sustained by the courts.

Under this legislation we have erected breakwaters and sheltering harbors and buoys and piers, and improved the harbors on our ocean and lake fronts, at an expense of millions of dollars. We constructed the canal around the Des Moines Rapids, and Saint Mary's Canal, uniting Lake Superior with Lake Huron, at an expense of more than $5,000,000 each.

The lakes and their outlet are the Mississippi of the North, stretching from the heart of the great West to the Atlantic seaboard, around whose shores is growing up in the very center of our country a mighty empire. The great interior basin of the Southwest is called the Mississippi River, but it is really a lake or series of lakes. Where is there such a valley in the known world? Where such a people? The gateway to this valley was first settled and the States of Louisiana, Mississippi, and Arkansas were admitted into the Union. The agricultural interests upon its borders were the supreme interests.

The upper valley was not settled, and the surface remained unbroken. Transportation was chiefly in flats and barges and small steamboats, and the basin was not filled and shallowed by *detritus* contributed by the spade and plow, subduing an empire. Hence the question of transportation was a subordinate one. The settlers only thought to protect themselves against the annual rises, and a system of levees and dikes was adopted, first by individuals, then by counties or parishes, and finally by single States.

But it soon became apparent that the magnitude and variety of the interest and the character of the protective works would require the supervision and uniform administration of the Federal power, unless the States bordering upon the river could unite in a common league for the exercise of a joint jurisdiction. It was evident that no State, without the concurrence of the adjoining State or States, could protect itself against the floods becoming more disastrous as the upper country was settled. It was seen that when every mile of the front of Louisiana was made secure by levees or dikes that had cost many millions, Louisiana would be overwhelmed by the flood coming through the Arkansas front by reason of the failure on the part of the State of Arkansas, whose river interests were insignificant in comparison with those of the lower State and did not justify the expense of putting up defensive works. Reasons like these and others induced the Federal Government to order surveys of the river, with the view of ascertaining the best plan to protect the people from the floods and to reclaim the immense area subject to annual inundation.

The most celebrated of these surveys was completed after ten years of labor by Humphreys and Abbot, and their report is a monument of industry and learning. Special committees were constituted by Congress, and a bill for constructing levees passed one House of Congress but failed in the other. In 1865 Secretary Stanton ordered the levees to be rebuilt, for they had been destroyed by the war, and he regarded it as an act of humanity to restore these public works essential to the good order of society, and now needed more than ever by a people struggling with poverty amid social and political conditions involving a disruption of traditions and customs and established relations, but it was not done.

Prince Gortchakoff felt called upon during the recent war between Russia and Turkey to give a guarantee to the great powers that Russia would rebuild similar works on the Danube if they should be destroyed.

President Grant appreciated the necessity for action, and a commission was again appointed in 1874, and its recommendations for levees, though urged by him, failed again to become a law.

In the Forty-fourth Congress a permanent committee of this House on levees was for the first time organized in the history of Congress; a bill was framed by this committee after a full hearing and thorough investigation of the subject in favor of rebuilding the levees—a direct appropriation to protect the alluvial region, and all that was in it, from the baleful effects of the floods; and though the effort was made with energy and eloquence, the friends of the measure failed to get one-third of the votes of the House.

Let those who have censured the representatives of the valley, and who still clamor for direct appropriations for levees, review this interesting epoch in the history of legislation on this subject. Fortunately for the cause of good government, just at this time a new and hitherto unfelt element was to appear as a powerful aid and factor in solving the problem of the destiny of the people in the lower valley. An empire had been called into existence in the upper valley, and the whole people of the mighty valley, north and south, were about to unite their voices in demanding justice from their Government.

What the cotton-gin was to the South the railway and reaper were to the Northwest. In less than the life-time of a single generation that unbroken wilderness had been subdued, and the vast region from the Ohio to the Yellowstone and the Red River of the North had been converted into waving grain-fields, filled with busy workshops, and the homes of our industrious, educated, virtuous, and liberty-loving people, possessing the granary not only of America but of the world. They were to feed as the South was to clothe the people of the earth.

But the question puzzling them was transportation. The railways that had contributed so much to build up the country were monopolies and laid a heavy tribute upon their productions. A reduction of two cents a bushel in the cost of transportation to Liverpool, where the price of the food crop is determined, would save the producers in the valley the enormous sum of $50,000,000 a year in clear profit; and at the present rate of increase, within five years, instead of fifty millions the savings would equal one hundred millions a year. They then turned toward their great river for relief. They found its mouth closed by sandbars. They found navigation impeded throughout its whole length for nearly half the year by shallow water and made perilous by the floods at other seasons of the year. The genius of Eads answered the demand by building jetties at the mouth, that gave deep water so that vessels of the greatest burden may come and go. But it was then asked, why not apply a remedy to remove the obstacles and perils along the entire river if one can be devised, in order that this channel of commerce may be useful at all stages and at all seasons?

The author of the jetties insisted that the laws that controlled the river were well known, that the conditions and phenomena that were found to exist near its mouth prevailed throughout its entire length. He held that by applying the jetty system to the river, confining its waters in their highest stages and contracting the channel where unduly wide and protecting the banks against caving, works wholly practicable and inexpensive, a uniform channel might be obtained affording deep water all the year round for the largest vessels to Saint Louis, and at the same time and by the same means the slope or flood surface would be so lowered as to prevent destructive floods; floods destructive not only to commerce and trade and the vehicles of transportation, to life and property on the river, but destructive of all government, of all industry, of the property, the earnings, the schools, the churches, the very existence of organized society throughout the wide alluvial region.

In order to secure legislation to carry out the views of the great engineer, in whose plan were happily blended the interests of both the upper and lower valley, on April 26, 1876, in the Forty-fourth Congress, a measure was offered for a commission to improve the Mississippi River, to be appointed by the President, and referred to the Committee on Commerce; and Captain Eads, having been invited to appear before the committee in advocacy of the plan, concluded his remarks with these observations:

There can be no doubt of the entire feasibility of so correcting the Mississippi River from Cairo to the Gulf that a channel depth of twenty feet during the low-water seasons can be permanently secured throughout its entire course, and that the alluvial lands on each side of its waters can be made absolutely safe from overflow without levees by such correction. This can be accomplished for a sum entirely within the ability of the Government and one really insignificant when compared with the benefits which would flow from such improvement.

Until such work is accomplished an annual expenditure for the maintenance of the levees is imperative.

That was the fundamental idea which first originated and finally led to the formation of the Mississippi River commission.

For, soon after the meeting of the next (Forty-fifth) Congress the Committee on Levees was changed by resolution to be the Committee on Levees and Improvements of the Mississippi River, in order that it might take jurisdiction of this legislation, and the Speaker of the House, Mr. RANDALL, who had always been the staunch friend of levees and of the improvement of the river, was induced to organize this committee by appointing friends of the river upon it, and a new member [Mr. ROBERTSON] of the Louisiana delegation to be chairman of the committee, as the committee had been originally constituted and its jurisdiction extended on resolutions offered by a member from that State, [Mr. GIBSON.]

Following up the measure offered in the Forty-fourth Congress, many others were now introduced and referred to the Committee on Levees and Improvement of the Mississippi River, in the Forty-fifth Congress, which framed one as a substitute for them all, and it was reported through the chairman of the committee, together with a report in favor of it taken from a map and manuscript of the well-known writer on the Mississippi River, Mr. A. D. Anderson.

Amendments to the commission bill from the committee in the Forty-fifth Congress for a direct appropriation for levees were offered, as the RECORD shows, by three members from Louisiana, Messrs. ROBERTSON, GIBSON, and ELLIS, for they felt that levees should be built in advance of channel treatment or concurrently with it as had been suggested by Captain Eads in the Forty-fourth Congress; that no opportunity should be lost to secure the protection levees would afford to the people they represented. But it was made apparent that such amendments could not be carried, and that insistence upon them might put in peril the commission bill.

Mr. ROBINSON, of Massachusetts, one of the most ardent supporters of the commission bill, declared he regarded them as adverse to and inconsistent with the bill and would vote against the bill if any one of them were adopted. These amendments were withdrawn. The title of the bill read as follows:

A bill to provide for the organization of the Mississippi River improvement commission, and for the correction, permanent location, and deepening of the channel and improvement of the navigation of said river and the protection of its alluvial lands.

In support of this bill Mr. ROBINSON, of Massachusetts, said:

The committee have found these two subjects to be interdependent. They have not seen in the investigation they have given that the one necessarily stands apart from the other. All the writers and all the engineers from whom they have heard declare that in some measure, greater or less, the protection of the lands has also an influence upon the navigable character of the river.

He further said:

This bill is intended to provide a commission to devise a plan for the improvement of the Mississippi River and the protection of the alluvial lands combined. *If as a part of the whole plan for the improvement of the river for the purposes of navigation, and incidental thereto, the lands of the valley may be protected, I am in favor of it.*

Hon. N. P. Banks said:

I have already stated that the improvemen of the alluvial lands is incidental to this work. It cannot be separated from it. No declaration or act of Congress can prevent it. *If we make the river what it ought to be we will make forty million acres of the best cotton and sugar lands on the face of the earth in consequence of the necessary improvement of the river—forty million where now only one million exists.* It is inseparable from it and incidental to the improvement of the river.

In supporting this commission bill I ventured to declare that—

A jetty is a levee, in the popular sense of the word, within the bed or channel of the river, while a levee is a jetty on the bank of the stream. This plan rests upon the theory that in sedimentary rivers, in the Mississippi particularly, as the water is confined its velocity and depth is increased and the surface lowered, and that thus two great objects may be accomplished by one and the same method, namely, "ease and safety" to navigation and protection to the industrious people on the banks from the dreaded floods.

This commission bill failed, falling between the two Houses, for the last session of the Forty-fifth Congress terminated the 4th March, 1879. But an extra session of the Forty-sixth Congress was convened and legislation for the river was pressed vigorously. Several bills were offered for a Mississippi River commission, modeled on the bill from the committee in the Forty-fifth Congress, substantially like it, limiting the commission to Saint Louis, Alton, and Warsaw, on the same day and in the same call, by Messrs. ROBERTSON, Chalmers, and SINGLETON, as will be seen by comparing these bills with one another and the commission bill of the Forty-fifth Congress.

A few days after, another bill was introduced and referred to the committee, different from all these in its title and in the extent of jurisdiction conferred, and in adhering more closely to the commercial idea, and to other bills previously introduced on the same subject by the same person, in the Forty-fifth Congress, as follows:

A bill to provide for the appointment of the Mississippi River commission for the improvement of the said river from the head of the passes, near its mouth, to its headwaters.

After this bill had been under discussion in the Committee on Levees and Improvement of the Mississippi River and certain amendments as to details made and accepted, at the suggestion especially of General Joseph E. Johnston and others, the author, when the hour of adjournment arrived, remained in the committee-room to perfect it so as to introduce it again without delay, and invited Mr. ROBERTSON and Mr. DUNN to remain with him for a few moments, and to assist him in incorporating the amendments and suggestions adopted by the committee and to arrange the order of the phraseology of the fourth section. Valuable aid was freely given by both gentlemen. Mr. DUNN'S suggestions as to the arrangement of the phraseology of the fourth section were mainly adopted by the author, and, as thus perfected, the bill was reported the same morning to the House, referred again to the committee, and was adopted without change by the committee at the next meeting, as would naturally follow, from the fact that all changes agreed on in the committee had been embraced in the revision.

This bill constituting the commission became the law, and was approved June 28, 1879, and the members of the commission were appointed and began the work committed to their charge. They have submitted two reports to Congress, with their recommendations, plans, surveys, and estimates.

The last Congress voted one million of dollars to enable them to undertake the execution of their plans. This appropriation was placed in the regular river and harbor bill by the Committee on Commerce at the urgent solicitation of the member who had introduced the bill and carried it through the Committee on Levees and Improvement of the Mississippi River. If the Committee on Commerce had declined to incorporate the appropriation in this annual bill, all our efforts would have failed in the last Congress.

At the opening of the Forty-seventh Congress an energetic effort was made to secure for the Committee on Levees and the Improvement of the Mississippi River—which, under the new rules, had the authority to consider subjects relating to levees only—jurisdiction over questions relating to the improvement of the river, with the power to make appropriations and to report at any time, and we failed. It only remained then for the friends of the river to go, under the orders of the House, before the Committee on Commerce, where it was embraced in the bound volume of estimates, submitted by the Secretary of War with his approval, for the improvement of all the rivers and harbors of the country.

This committee not only considered the report but called before it the members of the Mississippi commission, and after thorough discussion they voted to allow $4,123,000 to be expended by the Secretary of War in order, as the old acts recite, to afford "ease and safety" to the navigation and commerce of the river, in accordance with the plans and estimates and recommendations of the Mississippi River commission, from the passes to Cairo.

I have entered upon this sketch of the legislation to show the care and circumspection with which it has been conducted. In the Forty-sixth Congress, after the commission had submitted their plans, in order that they might be more fully understood and appreciated by Congress, a resolution was offered and adopted directing a sub-committee to go down the river and to verify for themselves, as far as might be possible, by personal inspection and investigation the plans of the commission, to acquaint themselves with the phenomena of the river. Members from the North who went there incredulous and apprehensive came back enthusiastic advocates. The report of this committee should be read by every member of Congress. It constitutes a valuable addition to our knowledge of the river, and the character of the members who signed it entitles it to great weight and influence.

The plans of the commission are set forth in their last report, and more fully in their testimony before the Committee on Commerce. I desire to call your attention to the testimony.

General Q. A. Gilmore, president of the Mississippi commission,

appeared before the Commerce Committee on March 21 last, and said:

The law justifies levees as adjuncts to channel improvements alone, because levees exert a direct action in enlarging and deepening the channel during periods of bank overflow, by causing all water to rise for a time to a higher level within the river bed than it would attain if not thus restrained. In other words, the volume of flow, and therefore the velocity and the scouring power in the bed of the stream, are all increased by levees during periods of overflow. Moreover, levees are upon a very large portion of the Mississippi River absolutely necessary to prevent widespread destruction to life and property by overflow; and any one who has witnessed the sublime spectacle of such a flood as now prevails throughout the entire valley of the Mississippi, submerging the banks to a depth of many feet and spreading out over the entire alluvial section to widths varying from forty to sixty miles, cannot avoid the conclusion that an adequate system of carefully maintained levees is required to make navigation safe and easy, and to render the carrying on of trade, commerce, and the postal service possible, in the sense of ordinary economic feasibility.

General Gilmore quotes and indorses the following as being correct and containing the true doctrine. General Barnard, writing of the Mississippi River in 1859, says:

Any check in the velocity of the stream, however small, will produce deposition. This is not mere theory; all experience of every observer of the river will confirm it, while it is in itself conformable to reason and common sense that such a check in the velocity of the stream below the outlet is the inevitable result of that outlet.

Mr. TOWNSEND, (in the chair.) I understand that this improvemement in the levees is only incidental to the improvement of the navigation of the river.

General GILMORE. The appropriation bill, if you recollect, rather restricted the use of the money.

Mr. HORR. Yes; some of our people are afraid that if you make a levee you will benefit somebody.

Mr. TOWNSEND. I understand the view of the commissioner to be that the improvement of the levees as proposed is the most feasible, scientific, and in some cases the only way of deepening and improving the channel by changing the current.

General GILMORE. It is a good way, certainly.

Mr. TOWNSEND. And while it exerts a very beneficial influence on the back country, it is not done exactly for that purpose, but fortunately in doing that work for the improvement of the navigation you incidentally benefit the back country.

General GILMORE. Yes, sir; and at the same time we provide for the carrying of the mails and for the commerce of the river.

Mr. GIBSON. Does your plan rest wholly or even for the most part upon experimental grounds; or is your plan for the improvement of the Lower Mississippi based upon principles well established in engineering science as applied to streams and water-courses?

General GILMORE. The principles are very well established; there is nothing experimental in our plan except certain methods in which we aim at cheapness.

Mr. GIBSON. These are matters of detail?

General GILMORE. Matters of detail.

Mr. GIBSON. Do you think your plan is so far matured that Congress might safely appropriate $4,000,000 or $5,000,000 for the execution of it?

General GILMORE. I do; because there are a variety of methods of doing the same work, and we have the plant for doing it by my method.

Mr. GIBSON. Are the parts of your plan, namely, the improvement of the reaches and the re-establishment of the banks by levees, so closely connected as to be interdependent, the one operating in low water, the other operating in high water, and both contributing to channel improvement?

General GILMORE. Certainly.

Mr. GIBSON. Both essential, therefore, to the general scheme which you have explained to the committee?

General GILMORE. Exactly; but in my judgment levees built specially for channel improvement might be better located than they generally are. *But even as they are located the levees are an essential part of the system of improvement that we have projected.*

Mr. MCLANE. Please explain to the committee in what respect the language of the appropriation bill of last year embarrassed or restrained the commission in the improvement of the levees.

General GILMORE. It did not embarrass me, but it embarrassed enough members of the commission to render it nugatory.

Mr. GIBSON. The language of the law is, "No portion of the appropriation hereby made shall be expended for building levees, unless it be for channel improvement."

General GILMORE. The members of the commission were not in entire accord in the interpretation that they put upon that phraseology.

Captain J. B. Eads said:

The works proposed by the Mississippi River commission are intended to correct the river, and the most rapid and certain effect that can be produced by these works will be by confining the flood waters of the river, so as to get the benefit of the entire scouring force of the stream, because there is an immense amount of sediment to be removed and it is more easily removed by the flood water. The current is so much more rapid in flood that it more easily removes the sediment, and for that reason the gaps in the levees ought to be restored, so as to retain the flood within the river.

Mr. HORR. Is it possible, in your judgment, or practicable to build the levees high enough to retain the river in its bed?

Mr. EADS. I do not think it is necessary to build the levees any higher than they are to-day. Where these gaps occur the present flood does not go as high as it would if the levees were intact—if they were intact the river would have a steeper slope and more rapid current, thus facilitating the discharge of the water.

Mr. HORR. Do you think that a judicious system of levees would remedy the whole difficulty?

Mr. EADS. I do not think it necessary to establish any new system of levees. As I said before, I would not recommend the building of two thousand miles of levees as a work of river improvement, but I know as well as I know anything in my profession, that the levees have a beneficial effect on the navigation of the river, and as so large an amount of the levees is still intact, I think it is the sheerest folly and waste to let those outlets exist when they could be so easily closed, and in my judgment the money required to close them could not be more effectively spent than for the restoration of the navigation of the river. There is an equity about it, too, which it seems to me ought to be considered. These levees were built by private enterprise, and when they were intact they undoubtedly benefited the navigation of the river, and therefore the whole country.

Now there is 5 per cent. or perhaps 10 per cent. of them only destroyed. The public has got the benefit of them in the past so far as they have affected the navigation, and it does seem to me only equitable that the public should restore the gaps that have been made in them now.

I think that while the commission is going on improving certain parts of the river that need rectification, if these gaps are permitted to occur and to remain we will have other work to do that we would not have to do if the levees at these points were restored. These views are not new on my part. Six years ago I had the honor of addressing the Committee on Commerce, a bill of Mr. GIBSON for a Mississippi River commission being before it, on this subject.

Mr. HORR. I cannot see how you can carry out your plan for the improvement of the Mississippi and perform the work that you propose to do without restoring these levees.

Mr. EADS. That is just what I have been trying to convince the public for the last seven or eight years, and every day makes me more and more satisfied of the importance of doing it, and I say most emphatically that you have got to abandon that whole alluvial floods will become worse and worse every year. You have got to abandon that whole district, containing 36,000 square miles, or else you have got to make these improvements and control the river.

Mr. GIBSON. Do you mean that the floods will not only destroy the adjacent lands but will fill the river with sand-bars so as to impair navigation?

Mr. EADS. Yes, so as to destroy navigation and greatly increase the cost of any system of improvement which may be adopted ultimately.

Mr. GIBSON. Then I understand you to reassert what you said here six years ago, that it is imperatively necessary to close the gaps in the levees so as to get the benefit of the volume and of the velocity of the water to scour out the sand-bars and to aid in the rectification of the river.

Mr. EADS. I have reiterated that over and over again, and I have just said that every year makes me more and more confirmed in that view.

Major Harrod, member of the commission, said:

Captain Eads has described quite fully the principles upon which our plans are founded and the methods that we propose to adopt. Speaking for himself and Major Suter, also a member of the commission, he said: We are of the opinion that the bed is raised and the effective section impaired throughout that part of the river under discussion as the result of outlets and the local abandonment of levees. We beg, therefore, to submit the following conclusions:

1. That bayous and overflows afford no permanent or uniform relief, but produce changes of regimen detrimental to navigation and cause destructive floods

2. That the direct influence of a levee system is to improve navigation and prevent destructive floods by the establishment of a regimen and the elimination of varying and abnormal local conditions.

3. That the conservation of floodwaters by artificial embankments is becoming of greater importance every year, both in preserving navigation and in preventing destructive floods, from the recession of the banks to lower levels, and has already, in many parts of the river, become essential.

4. That the act under which we serve contemplates the preparation by this commission of a complete plan for the regulation of the river and its banks. Any such plan must include the control and uniform maintenance of such conditions of the river bank as are consistent with the principles controlling the works already recommended by us. The present provision for such maintenance by the States and riparian owners is inadequate and hazardous.

Lieutenant-Colonel Comstock said:

You have, then, two things to do: to narrow your river where these shoal places occur in order to get deep water, and to keep your river where you have put it by holding these caving banks. The plan which the commission propose to follow is in principle the plan that has been adopted in Europe. The French are using it on a large scale between Lyons and Arles, and the Germans have used it on the Vistula, the Elbe, and Oder.

General Humphreys, though not a member of the Mississippi River commission, but having devoted ten years to the investigation of the phenomena of the Mississippi River and occupied the position of Chief of Engineers, was invited before the committee. It had been reported that he was opposed to the plans of the commission, but it was ascertained by his remarks before the committee that there was a substantial concurrence between them.

The CHAIRMAN. Mr. MCLANE, please ask General Humphreys first whether a system of levees are absolutely necessary for the improvement of the navigation without regard to the prevention of overflows.

Mr. MCLANE. Very well; I will ask him to state whether in his opinion a system of levees with or without outlets is not indispensable for the improvement of the river from the mouth of the Ohio?

General HUMPHREYS. Yes, sir; certainly.

Mr. REAGAN. In determining, as you did, the necessity of extending the levees from the mouth of the Ohio to the mouth of the Mississippi, did you consider whether it was practicable or possible to retain the floods of the Mississippi River within those levees?

General HUMPHREYS. Yes; that was the question. The object of constructing levees and raising them to certain heights was to confine the river within them, otherwise it would be a useless expenditure of money. The great object of making these measurements was to determine the question how high the river would rise if all the water was kept within its channel, and the observations were made because no one had any means of answering that question before.

Mr. HOAR. And did you conclude that it could be done?

General HUMPHREYS. Yes, sir.

What do the commission say in their report? In the report dated February 17, 1880, we find the following observations:

There is no doubt that the levees exert a direct action in deepening the channel and enlarging the bed of the river during those periods of rise or flood when by preventing the dispersion of the flood waters over the adjacent lowlands, either over the river banks or through bayous and other openings, they actually cause the water to rise to a higher level within the river bed than it would attain if not thus restrained. * * * It would seem, therefore, that a closure of the crevasses might be expected to accelerate the removal of those shoals which have been produced by them, and if their closure be accompanied by the requisite contraction of the channel to a more nearly uniform high-water width, a lowering of the flood-level may be expected to such an extent as will ultimately render the maintenance of the levees as an aid to navigation practically needless above Red River and greatly lessen the necessity of their permanent maintenance for that purpose below Red River even at a reduced height. While it is not claimed that levees in themselves are necessary as a means of securing ultimately a deep channel for navigation, it is believed that the repair and maintenance of the extensive lines already existing will hasten the work of channel improvement through the increased scour and depth of the river bed which they would produce during the high-water stages. * * * In a restricted sense as auxiliary to a plan of channel improvement only, the construction and maintenance of a levee system is not demanded. But in a larger sense as embracing not only beneficial effects upon the channel, but as a protection against destructive floods, a levee system is essential, and such system also promotes and facilitates commerce, trade, and the postal service.

In their last report, dated November 25, 1881, they say:

It is considered by all that levees, by confining the flood waters of the river within a comparatively restricted space, do tend in some degree to increase the scouring and deepening power of the current.

The Appendix F is a paper on outlets and levees, signed by Majors Harrod and Suter, members of the commission, and contains an un-

answerable argument deduced from facts in favor of maintaining the levees as aids to channel treatment. Captain J. B. Eads says in his report dated April 12, 1882:

> My views regarding the important agency of the levees in improving the low-water channel of the Mississippi were not expressed in that report with the degree of emphasis which I then desired, and I am unwilling to commit myself now to any expression in the present report which in the slightest degree tends to throw a doubt upon the necessity of or to justify any further delay in closing these outlets. On the contrary, I deem it proper to urge with redoubled force the absolute necessity of their immediate closure.

I venture to say that no member of this House who will take the time to read this masterly report will fail to be convinced of the utility of levees and of the whole system of river treatment as demonstrated with the clearness of a theorem in Euclid by Captain Eads.

Fearing that our commission bill might fail, as early as November 14, 1878, I induced General Humphreys, Chief of Engineers, to take the opinion of the Board of Engineers on the connection between levees and navigation, and they "held that the levee system, if undertaken, should be matured and developed in connection with the navigation improvement." This report was signed by the most eminent engineers, including the present Chief of Engineers, General H. G. Wright, and General J. G. Barnard, who spent many years of his professional life in the investigation of the phenomena of the river. In a disquisition upon the subject he concurred with all the engineers in declaring outlets as "utterly impracticable." He further says:

> The idea that levees have a tendency to cause a rising of the bed is so simply absurd, so destitute of a single reason to justify it, that it hardly seems necessary to allude to it; it is the want of levees and that alone which can cause such a rising.

The same views are expressed by General Beauregard, whose long service on the river and genius as an engineer entitle his opinions to great weight. I append a letter from him.

If any subject upon which Congress has been called upon to act has ever been elaborated, fully investigated, and considered, it is the Lower Mississippi River.

Since we purchased the Louisiana territory it has been under survey and exploration, and by the very terms of acquisition, as well as by the enabling acts for the admission of the riparian States, absolute jurisdiction over it was reserved to the Federal Government and especially denied to the States. And now, after nearly eighty years of absolute neglect, and the engineers finally submit a plan for its improvement under the national jurisdiction—a plan that has been, as I before observed, more carefully prepared, more fully discussed, than the plan for any other public work in the country—a hue and cry is raised and the alarm is sounded that the national Treasury is about to be emptied into the remorseless waves that have swallowed up the fortunes and earnings and homes and hopes of so many thousands of our despairing countrymen.

Others, while expressing sympathy with the great public purpose, invent riders and provisos that embarrass the engineers and either modify or defeat their plans.

It appears to me that the legitimate function of Congress is to determine the objects worthy of appropriations from the Federal Treasury under the limitations of the Constitution. If it be admitted that it is competent for Congress to legislate for the benefit of the trade and commerce on the Mississippi River and to make appropriations under the power to regulate commerce for its improvement, questions concerning the plans best adapted to the purpose should be left to the independent determination of the engineers. This is the uniform rule departed from only when members of Congress insist upon dictating a policy to the engineers or instructing them as to the methods they may or may not adopt, in treating the Mississippi River under the power to regulate commerce.

I ascribe this difficulty not to local or sectional prejudice, but to the inveterate misapprehensions that prevail as to the phenomena of the Lower Mississippi. Our friends from other parts of the country think of it only as a river, and reason about it as they do about their own rivers, whereas the Mississippi from Cairo down is not a river in the ordinary sense of the word. It is a series of lakes, winding for eleven hundred miles through the alluvial region formed by it from Cairo to Port Eads, while the straight line from point to point is only five hundred miles, and presenting a coast-line of twenty-two hundred miles, equal to the whole Atlantic seaboard from Quoddy Head, Maine, to Cape Sable, Florida.

Into this vast basin the valley stretching from the Alleghany to the Rocky Mountains empties its rainfall by forty-three mighty rivers, fifty thousand miles of boatable streams, and on its bosom is borne a commerce twice as great as the whole foreign commerce of the country—safe without a navy to defend it, in the heart of the country facilitated by no canals, protected by no fortresses, no harbors, no buoys, no harbors of refuge, no piers, no breakwaters, none of the costly appliances adapted to the lakes and seaboard, because the conditions are different. Shall we do nothing because the engineers recommend a plan and instrumentalities unlike those you have been accustomed to see applied in upland streams and on the ocean front, and for which we have annually made appropriations in unstinted measure?

The engineers tell us that they must hold all the water in the river in order to secure the force and velocity necessary to carry the *detritus* and burden to the sea; that when this is done they will contract the channel at points where it is unduly wide, and that thus they can at the same time secure deep water at all seasons, prevent destructive floods and protect the valley from inundations; that levees and jetties and permeable mattresses are the instruments they desire to employ for this purpose; that the total cost will be $37,000,000, $33,000,000 for direct channel work and $4,000,000 for stopping gaps in the levees. Now, there are those who are opposed to allowing the engineers to build levees for the purpose of protecting or reclaiming the alluvial lands, but they are willing that they should be built, provided in the judgment of the commission it should be done in the interest of the navigation and commerce of the river. The proviso in the present bill is in accordance with this view.

From the beginning I have insisted that all provisos and restrictions were unjust and illogical; but after consultation I yielded to the advice of friends, for whose patriotism and judgment I have great respect, but I still hope and believe even this proviso may be removed. The engineers insist that levees deepen the channel and thus facilitate the navigation in low water. But why is it that such exclusive attention is given to the obstacles to navigation in low water and none to the perils when at the flood stages of this inland sea? We do not legislate simply to secure deep water except for your shallow water-courses in the mountains.

The Constitution does not confer upon us authority to make appropriations merely to secure deep water. The language is "Congress shall have power to regulate commerce." Commerce is the subject to be regulated. And the first act, passed one month after the Government went into operation, declared its object to be to give "safety and ease," not deep water, to navigation.

Now we insist that this power in all its extent should be applied to the great interior basin as well as to the Northern lakes. We might defend the construction of levees upon the ground assigned by the engineers as above stated—that they control the water in its high stages so as to remove the obstacles to navigation in its low stages.

But, I ask again, why confine our solicitude for the river only to its low stages? Do its commerce and trade require no helps; can nothing be done to facilitate them? Are there no perils during the season of floods? I do not hesitate to declare that the losses of life and property, the increased charges of freight and insurance on the river are greater during the overflows than during low water.

If you may build dams across the beds of streams in the application of the slack-water systems to your rivers in the upland country, raise these elevations in the bed to secure deep water, why may you not upon the same principle in the alluvial streams raise these elevations, these dikes or levees, on the banks to secure deep water? Why, if you can dig a canal around the Des Moines Rapids on the Upper Mississippi, dig out the channel around the Falls to secure deep water at an expense of $6,000,000, within a few miles, may you not throw up the dirt to make a channel of deep water at the same cost for five hundred miles?

If you may construct the Delaware Breakwater and the harbors of refuge and harbors of commerce on the eastern seaboard, costing millions on millions of dollars, and maintain your Light-House Service at an annual expense of $2,500,000, and your life-saving service, and your sheltering piers, not for deep water but to give "ease and safety," why may we not upon this great inland sea maintain a line of levees which are continuous harbors, affording "ease and safety" to commerce and navigation in storms and at night; channel preservers and indicators, and answering all the purposes of your breakwaters, your buoys, your harbors, and your sheltering piers. Without them you can have no channel, no postal service, no foundations for light-houses, no shelter for your barges and smaller craft, no harbors of safety in storms, but every other appliance that may be devised for protection is borne away by the floods. With them you have security at all times, night and day, a well-defined channel, an inexpensive harbor that stretches its arms along the whole course of the voyage, affording shelter to the vehicles of commerce and facilities for all its exchanges.

Take the commerce on this basin, this inland sea, from Cairo to New Orleans and you will not find, you cannot find, one single public work for its benefit or convenience; and I insist that these levees are the only appliances that ever have been devised to answer the demands of this trade, and their cost is insignificant in comparison with the magnitude of the commercial interests to be subserved.

They should therefore be constructed to afford ease and safety to the navigation and commerce of the river. It is either these or nothing, for there are no other appliances that have been suggested.

Will it be insisted longer that nothing shall be done?

If under the power to raise revenue you may tax commerce, importations from foreign countries, so as to protect labor and capital in manufacturing industries, and under this same power or under the power to regulate commerce maintain a navigation act for the exclusive benefit of the shipping interest of the country, surely when you come to apply the power to regulate commerce you should be willing to afford incidental protection to the agricultural interests of the lower valley. The grounds from which we deduce protection from the commercial power are as solid and clear as those drawn from the revenue power. But the objects for which the protection is sought in this instance are out of all proportion to the interests

of a single industry like manufactures or shipping, for they embrace all the industries, the whole life of the people in the lower valley, an area equal in extent to the State of Indiana, of unsurpassed fertility, whose inhabitants fled recently from their homes only after heroic resistance to the relentless floods from adjoining States, as completely in flight as the Tartar Tribe from the banks of the Volga, suffering besides a loss of $50,000,000 in values, anxieties and experiences that no tongue can portray and no one appreciate or realize, unless present to witness the widespread destruction, the numberless woes endured by a whole people, helpless infancy and old age, brave men and braver women, driven forth suddenly, from happy firesides and tranquil labors, upon a wild waste of waters, without shelter, without food. Is there no power in the Federal Government, since the States are prohibited from co-operation where joint action can alone avail, to prevent the repetition of such scenes and the desolation and dismemberment of society from such a cause? Powers should be construed liberally not only in behalf of favored industries demanding protection, but in favor of humanity and the preservation of society.

And if it has been shown that levees aid even in an incidental manner the improvement of navigation, are merely auxiliary and not indispensable appliances, they should be constructed on account of the great advantages they confer upon the people dwelling in the alluvial region. But having been demonstrated to be clearly necessary to the preservation and protection of the channel and as the appropriate means to afford "ease and safety" to navigation and commerce, upon the passage of this bill the gaps will be filled and the line made complete from the head of the passes to the mouth of the Illinois, as soon as the resources placed in the hands of the commission can be applied. And the great highway, improved and restored, will afford cheaper and safe transportation to the Northwest, sweetening the toil and bringing increased comforts, privileges, and happiness to the homes of the people freed from the tributes and exactions of corporate monopolies.

And when the next floods pour down upon the lower valley, secure behind their ramparts, rejoicing in peace and plenty, the people will recall the names of the courageous statesmen from all parts of our common country who have upheld their cause and shower blessings upon them. Nor will they fail to remember with gratitude the great engineer, J. B. Eads, who devised the plan, nor the patriotic President who urged its adoption upon Congress.

It may not be inappropriate, in concluding, to recall to this House and to the people of the valley the services of him who ever stood forth as the champion of their rights, not only as a commissioner at Ghent and in the Halls of Congress, in the meridian splendor of his powers, but in the evening twilight of his life; the last words ever spoken by Henry Clay in the American Congress were uttered in advocacy of the claims of their great river, as follows:

Sir, I have risen to say to the friends of this bill that if they desire it to pass I trust they will vote with me against all amendments and come to as speedy and rapid action as possible. Under the idea of an amendment you will gain nothing. I think it likely there are some items that should not be in the bill, and can you expect in any human work, where there are forty or fifty items to be passed upon, to find perfection? If you do, you expect what never was done and what you will never see. I shall vote for the bill for the sake of the good that is in it, and not against it on account of the bad it happens to contain. I am willing to take it as a man takes his wife, "for better or for worse," believing we shall be much more happy with it than without it.

An honorable Senator has gotten up and told us that here is an appropriation of $2,300,000. With regard to the appropriations made for that portion of the country from which I come, the great valley of the Mississippi, I will say that we are a persevering people, a feeling people, and a contrasting people; and how long will it be before the people of this vast valley will rise *en masse* and trample down your little hair-splitting distinctions about what is national and demand what is just and fair on the part of this Government in relation to their great interests? The Mississippi with all its tributaries—the Red, Wabash, Arkansas, Tennessee, and Ohio Rivers—constitute a part of a great system, and if the system be not national I should like to know one that is national. We are told that a little work, great in its value, one for which I shall vote with great pleasure—the breakwater in the little State of Delaware—is a great national work, while a work which has for its object the improvement of that vast system of rivers which constitute the valley of the Mississippi, which is to save millions and millions of property and many human lives, is not a work to be done because not national!

Around the region of the coast of the Atlantic, the Mexican Gulf, and the Pacific coast everywhere we pour out in boundless and unmeasured streams the treasure of the United States, but none to the interior of the West, the valley of the Mississippi. Every cent is contested and denied for that object.

Sir, I call upon the Northwestern Senators, upon Western Senators, upon Eastern Senators, upon Senators from all quarters of the Union, to recollect that we are part of our common country.

VIEWS OF GENERAL BEAUREGARD.

NEW ORLEANS, *February* 7, 1878.

MY DEAR GENERAL: I am glad to hear that the sphere of the Levee Committee has been enlarged to include the improvements of the Mississippi River; for the two objects are co-ordinate with each other, and if executed simultaneously, according to a well-studied plan, may be accomplished with little more than the amount estimated for by the United States levee commission of 1874, to reclaim only the alluvial lands of the Mississippi River by a system of outlets and levees, regardless of the improvement of the navigation of that important stream, which penetrates into the interior of the great valley of the West and has become so indispensable to its constantly increasing commerce.

It is evident that no definite plan of levees and improvements of the river can be devised until a thorough hydrographic survey of it and its principal tributaries shall have been made. This survey is earnestly recommended by themselves in their report, by Humphreys & Abbot in their Physics and Hydraulics of the Mississippi River, by Major C. R. Suter in his able report on the improvement of the navigation of the Mississippi River, (Executive Document 19, part 7, Forty-third Congress, second session, Senate,) and by Hon. A. G. Warfield's report, (Congressional documents, H. R. 494, Forty-fourth Congress, first session.)

While that survey will be in progress the old levees should be restored by the General Government to their *ante bellum* condition and their gaps effectually closed, for the States in which those levees are located are no longer able to take proper charge of them or to insure that co-operation which is indispensable to success.

Two plans of protection against the Mississippi River have been warmly advocated: one of levees and outlets, by Messrs. Humphreys & Abbot, and by the levee commission, without even a thought being expressed that this great navigable highway of half the continent might be so improved, with a part of the sum estimated for, as to secure a ship-channel from the mouth to Cairo, or perhaps Saint Louis, while lowering, possibly, the flood-line between those extreme points. Their plan consists in abstracting from the river and conducting by separate channels to the Gulf such a volume of the flood discharged as shall be sufficient to bring down the flood-level to a height easily under control by levees; thus assuming that a reduction of the volume of water in the channel will produce a permanent lowering of the flood-line, while an increase of volume will permanently elevate that line—which is disproved by each one of the passes and bayous leading from the river to the Gulf. (See J. B. Eads's review of report of United States levee commission, marked "C," page 23.)

With regard to closing up crevasses the levee commission says: "If we guard against these crevasses by raising and strengthening our levees, an elevation of the high-water mark exactly proportional to the increased volume will be sure to occur. To contain a quart of water a vessel must have exactly the requisite number of cubic inches, and a like principle applies with equal force to water in motion"—as great a fallacy when applied to streams passing through alluvial soils as could have been uttered even by non-professional men, for the Mississippi River, especially, is doing nothing else but changing constantly its bed from Cairo to the Red River, a distance of eight hundred and twenty miles. Even in the second and fourth districts of this city we see that the river has shifted its bed at least half of its width in the last fifty years, the same at the Villeré plantation, eight miles below New Orleans, and at the English Turn, a few miles further down. The levee commission, regardless of existing facts, maintain that, "Very numerous soundings with lead, adapted to bring up samples of the bottom, were made by the Mississippi Delta survey (physical and hydrographical) throughout the whole region between Cairo and the Gulf. They showed conclusively that the real bed upon which rest the shifting sand-bars and mud-banks, made by local causes, is always found in a stratum of hard blue clay, quite unlike the present deposits of the river. It is similar to that forming the bed of the Atchafalaya at its efflux and, as is well known, resisting the action of the strong current almost like marble. Clearly, then, the bed of the Mississippi cannot yield, and if the velocity be increased sufficiently to compel an enlargement of the channel it must be made by an increased caving of the banks, an effect which it is not quite so agreeable to contemplate." To this statement Captain Eads has answered, I think very properly, (see C., p. 8:) "Blue clay is found in the bottom and banks of the Mississippi at various localities, from the head of its alluvial basin to the Gulf. The exposure of the various strata in its banks above low-water mark and the intersection of these strata in various artificial excavations, their rapid destruction by the river current where the main stream forsakes its own channel and carves out a new bed through one of its many characteristic 'cut-offs,' the penetration of several of these strata by the artesian well at New Orleans before it had reached a depth equal to the present bed of the river at that place, and through which strata the river has evidently cut its way, all prove that the ordinary blue clay of the river will not resist the incessant action of the current."

The plan proposed by Captain Eads to prevent overflows and improve the navigation of the Mississippi is as follows: (See accompanying article from the New Orleans Picayune, marked "A," which gives so good a synopsis of the captain's plan that I prefer it to anything I might write. I inclose you also an article from the Cincinnati Commercial, marked "B," which gives in full the captain's views, and which you may consult for further information.) I feel no hesitation in saying that of the two proposed plans I give the preference to Captain Eads's, for it is founded, in my opinion, on sounder engineering principles, and I think if judiciously carried out will not only remove the forty-three low-water bars below Cairo, on some of which there is only four and a half feet of water, but would doubtless lower the flood-level, to what extent I am not now prepared to state owing to the want of reliable data on which to base any calculation.

If you permit me I will suggest that Congress should appropriate the sum of $300,000 "for a thorough hydrographic survey of the Mississippi River and its principal tributaries, with a view to increasing the navigable depth, obviating the existing dangers due to sand-bars, snags, &c., and to lowering its flood-line, thereby making a levee system more practicable and less expensive." Also another sum, say $3,000,000, to allow Captain Eads, under the supervision of a commission of three or five engineers, to apply his plan of improvement in a section of the river of —— miles, above or below Memphis, where the bars may be worst. That experiment, which is worthy of the stated sum, would not only test the system, but furnish data to make a correct and reliable estimate of the cost for the protection of the alluvial basin from New Orleans to Cairo, after the hydrographic survey above referred to shall have been completed.

I remain, dear general, yours, most truly,

G. T. BEAUREGARD.

General R. L. GIBSON,
Member of Congress, Washington, D. C.

UNITED STATES COAST AND GEODETIC SURVEY OFFICE,
Washington, D. C., June 1, 1882.

SIR: In reply to your inquiry of May 27, I send herewith the approximate length of the sea-coast of the United States, as measured from the small-scale charts of the Atlantic, Gulf, and Pacific coasts, upon a line drawn near to and parallel with the coast, avoiding all the minor indentations:

Sea-coast.	Miles.	
	Nautical.	Statute.
Atlantic coast, from Quoddy Head, Maine, to Cape Sable, Florida	2,372	2,732
Gulf coast, from Cape Sable, Florida, to the Rio Grande, Texas	1,008	1,162
Pacific coast, from the boundary near San Diego northward, thence through the Strait of Juan de Fuca and Gulf of Georgia to the forty-ninth parallel of latitude	1,440	1,663
Alaska Territory, from Portland channel around Alaska Peninsula, through Bering Strait to Demarcation Point	4,180	4,818
Aleutian Islands (Alaska Territory) ocean and sea frontage	2,000	2,305

I am, very respectfully,

RICHD. D. CUTTS,
Assistant in charge of office.

Hon. R. L. GIBSON,
United States House of Representatives.

Mackey vs. O'Connor.

SPEECH

OF

HON. ABRAHAM X. PARKER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, May 30, 1882.

The House having under consideration the contested-election case, Mackey *vs.* O'Connor—

Mr. PARKER said:

Mr. SPEAKER: The second Congressional district of South Carolina is composed of the counties of Charleston, Orangeburgh, and Clarendon. The population by census of 1880 was: Charleston County, 102,800; Orangeburgh County, 41,395; Clarendon County, 19,190; making a total of 163,385. The Presidential vote is stated as follows:

Counties.	1880.		1876.	
	Garfield.	Hancock.	Hayes.	Tilden.
Charleston	8,162	11,440	15,086	8,778
Orangeburgh	2,724	3,625	4,486	2,835
Clarendon	1,473	2,513	1,894	1,425
Total	12,359	17,578	21,466	13,038

Republican majority in 1876, 8,428. Democratic majority in 1880, 5,219.

In the election of 1880 only one ballot-box was used at each poll, and the names of the national, Congressional, and local nominees of the opposing parties were all upon the two respective tickets.

The candidates for the office of Representative in Congress at the election held November 2,1880, were Edmund W. M. Mackey, Republican, and Michael P. O'Connor, Democrat. By virtue of the laws of that State the governor, prior to each general election, appoints three commissioners of elections for each county; these appoint for their respective counties three managers for each election poll; these managers conduct the election, count the ballots, and make return to the commissioners of elections, who on the following Tuesday organize as a board of county canvassers and canvass and state the votes. From their statement the State canvassers declare what persons have been elected. This is, in short, the recognized State machinery of elections.

By virtue of the statutes of the United States the circuit courts appoint a court commissioner to be chief supervisor of elections of the judicial district, to whom the law gives ample powers of supervision to guard and scrutinize the proceedings of the election. And for the purpose of protecting elections when Representatives and Delegates in Congress are chosen a judge of the United States court has authority, upon proper application, to appoint and commission for each precinct two resident citizens, of different political parties, as supervisors to guard and scrutinize the procedure of the voting and the canvassing of the votes, and make full report to the chief supervisor in the premises. The vote of the three counties as certified by the secretary of state upon the returns made by the county boards of canvassers appears as follows:

Counties.	Total.	O'Connor.	Mackey.
Charleston	19,541	11,429	8,112
Orangeburgh	6,339	3,627	2,712
Clarendon	3,986	2,513	1,473
	29,866	17,569	12,297
		12,297	
O'Connor's apparent majority		5,272	

The vote of the three counties as presented to Samuel T. Poinier, chief supervisor of election, State of South Carolina, upon returns made to him by the United States supervisors of election of each poll of the vote counted and returned at their respective polls by the managers of election thereat, is as follows:

Counties.	O'Connor.	Mackey.
Charleston	10,888	12,707
Orangeburgh	4,057	4,157
Clarendon	2,513	1,473
Total	17,458	18,337
		17,458
Mackey's majority		879

This is the position occupied by the parties after the election.

November 22 Mackey gave O'Connor notice of contest in legal form, to which the latter made answer December 22, 1880. A stipulation was entered into containing the following provisions:

Second. That for the convenience of both parties and the better to enable them to take such testimony as may by them be deemed necessary, all limitations as to time are hereby expressly waived, and testimony shall be taken at such times as may be agreed upon by the parties to said contest.

Third. That the presence of the opposite party, in person or by counsel, at the examination of any witness by the party by whom such witness may have been produced shall be distinctly understood and accepted as a waiver of any irregularity as to notice or time.

Fourth. That inasmuch as both parties intend to have the depositions of many of the witnesses taken in short-hand by a stenographer, which will render it impossible for such witnesses to subscribe to their depositions until the same shall be written out, which in many instances cannot be done for some time after such depositions shall have been taken; and inasmuch as the signatures of the witnesses in such cases could only be procured by requiring a second attendance of such witnesses at considerable inconvenience and expense to all parties interested; therefore in all cases where a deposition is not subscribed to by the party making the same, the signature of such witness is hereby waived.

January 3, 1881.

E. W. M. MACKEY.
ROBERT CHISOLM,
Attorney for Hon. M. P. O'Connor.

Under this there were taken on behalf of Mackey, contestant, over seventy depositions, and on the part of O'Connor, contestee, over ninety depositions, and thereafter, on April 26, 1881, the said M. P. O'Connor died.

After the decease of O'Connor several depositions were taken on behalf of Mackey in rebuttal of testimony which had been put in by O'Connor.

All of this testimony has been transmitted to Congress and is now before us.

On the 23d day of May, 1881, the governor of the State of South Carolina issued his proclamation providing for an election June 9, 1881, to elect a member of Congress "*to serve for the remainder of the term for which the said Michael P. O'Connor was elected.*"

An election was held in pursuance thereof. Hon. Samuel Dibble was supported by the Democrats. No candidate was presented or supported by Republicans. Dibble was declared elected, received his credentials, was sworn in when the House met, and now occupies the seat upon this floor which belongs to that second district. It is true that the contestee, Dibble, comes here with his certificate from the secretary of state, and upon the *prima facie* case thus made is sworn in; but unless he comes here to fill an actual, an existing vacancy caused by the death of O'Connor, then he has no right here.

If Mackey was elected and not O'Connor November 2, 1880, then Dibble is without right and has no just or lawful standing.

Now, the result reached of giving color of election to O'Connor was by the manipulation of twelve precincts, eight of them in Charleston County, the four others in Orangeburgh County. One is the Haut Gap precinct, where the vote was almost unanimous for Mackey, but was by act of robbery forcibly reversed; and the other eleven are, seven precincts in Charleston County, to wit, Black Oak, Strawberry, Calamus Pond, Biggin Church, Brick Church, Ten-Mile Hill, and Enterprise; and four in Orangeburgh County, to wit, Fogle's, Fort Motte, Lewisville, and Bookhardt's, which the county canvassers refused to count. As to Black Oak the objection was made that the box and returns did not come through proper channels to them, but were sent by express.

As to the Haut Gap precinct there is no dispute of fact, and the contestee does not presume to present an argument upon it, and the State board recognize the fraud, but disclaim power to correct it.

HAUT GAP POLL,

on John's Island, Charleston County. Here, as everywhere else, the managers were Democrats. The managers and the supervisors kept independent poll lists, which corresponded, the names upon each being 1,083, and precisely this number of votes were found in the box. For member of Congress Mackey received 1,037 and O'Connor received 46.

The managers made and signed their returns, stating the facts correctly, and put them into the box with the ballots and sealed and locked the box and then wrapped it in a paper and sealed the paper with their seals, when it was given to one of the managers to take to the city. When the commissioners, acting as canvassers, opened the box it contained no returns, only a lot of ballots and a poll list. The canvassers counted the ballots so found and declared the result 1,052 votes for O'Connor and 19 for Mackey, thus more than reversing the result. Proceedings commenced in court to compel an honest count were avoided by the adjournment *sine die* of the board. The State board overruled the county board and re-established the true vote of the precinct, as to local officers, but held that they had no jurisdiction as to the vote for member of Congress. Thus Mackey is robbed of 991 majority, which no one disputes, and O'Connor is given 1,033 majority, which no man has now the assurance to claim he was ever entitled to.

TEN REJECTED POLLS.

The alleged grounds upon which the other ten polls were disfranchised are indicated in the following portion of the report of the Charleston County canvassers, as follows:

From the sworn statements and returns of the several managers at these polls appointed by us, it appeared that on the day of election a number of persons were present at these polls who assumed to act as legally appointed officials and who unlawfully used their assumed authority to hinder and prevent voters from vot-

ing as they desired, and by threats of violence to deter and prevent the managers from performing their duties. That there were also at several of the polls large numbers of armed persons who by actual violence as well as threats hindered and prevented voters desiring to cast their votes from voting as they wished, and prevented the managers from properly performing their duties in the exclusion or admission of legal votes.

For these reasons and the extent to which this intimidation and duress was carried we are of opinion that a legal election was not had at the polls in question, and have, therefore, declined to include them in our statements.

No box was received by us from Black Oak poll. A box was delivered by the express company, supposed to come from that poll, but we have heard nothing from any of the managers so as to identify it.

We, therefore, have not included this box in the statement.

THOMAS W. CARWILE,
E. L. ROCHE,
H. J. McCORMACK,
County Board of Canvassers, Charleston County.

The accusation aimed at the United States supervisors and marshals is patent and suggestive.

The evidence of the contest taken in connection with the cross-examination of his witnesses conclusively shows that this attempt to discredit those polls is merely a subterfuge to win a certificate of election, and is without facts to justify it. The cases of two of the precincts in question fairly illustrate the vicious character of this attempt.

ENTERPRISE, CHARLESTON COUNTY.

The supervisor, Robert Simmons, attests the correctness of the return. At the close of the poll there was an excess of 139 ballots in the box over the names on the poll list. A Democratic manager drew out 101 Republican tickets and only 38 Democratic tickets, after which the result and box were transmitted to the board of county canvassers, who, under the existing necessities of their party threw out the whole vote and declared it null.

Thus the managers begun the work by throwing out 101 Republican votes actually cast, and the commissioners completed the job by throwing out what the managers left.

LEWISVILLE, ORANGEBURGH COUNTY.

The vote as returned by the managers of this precinct was:

For Mr. Mackey	700
For Mr. O'Connor	236

This return is established by J. J. Moore, one of the supervisors, and by T. C. Albergotti. The evidence is uncontradicted that all the Republican voters came to the ballot-box with an open ticket and folded it up in presence of the managers, showing that each voted but one ticket, and yet at the close of the poll a large excess of tickets was found in the box. There were forty-five packages of tickets containing more than one ballot, (generally from 3 to 5 and sometimes as high as 7,) all of them Democratic, the narrow tickets being folded inside of the larger one. On the demand of the Republican supervisor, all the tickets thus found in each package were destroyed but the outside one, but notwithstanding this there was still an excess found in the box of 52 ballots. In drawing this excess out the manager drew out 40 Republican tickets and only 12 Democratic. After this "purification" there still remained the vote as above returned by the Democratic managers.

Yet the county canvassers supplement this work with their own, casting out the whole vote and disfranchising the people of the precinct. Upon testing those two "samples" the whole "lot" can be easily and correctly judged. One part of the prearranged scheme to give O'Connor the district was the tissue ballots and ballot-box stuffing. Connected therewith was the plan for the dishonest drawing of ballots from boxes and the overloading of the poll lists so as to provide names for unauthorized ballots. The open voting of the Republicans, the faithfulness and energy of the supervisors, and the courageous and exalted devotion of the voters to principle and to duty rendered that plan ineffectual, and then the scheme of reversing Haut Gap vote and burying the votes of eleven other precincts was developed to defeat Mackey and the majority; and the sitting member comes before us as a result of all of this bad work. It appears that the ballot-boxes were located unusually high, being placed generally five feet high, and sometimes were still more elevated. The opening for the ballots was unusually large, being from ½ by 2 inches, as at the City Hall poll, to ¾ by 4, as at the Niagara poll.

It appears that during the campaign the speakers advised the Republican voters to vote an open ballot so that in case the ballot-boxes were stuffed it could not be charged that they did it; nor could it be said, as it was in 1878, that the colored people had voted the Democratic ticket. The argument used on the stump was that in 1878 there were large numbers of Democratic tissue ballots found in the boxes which the Democrats said had been voted by the colored people. And during the hearing the following statement was entered by agreement:

To save further inquiry on this point, contestant here offers to admit, and by consent of counsel for contestee does admit, that the Republican voters throughout the second Congressional district were advised by contestant to go to the polls with their ballots open, and to fold them only in the presence of the managers and supervisors, so that all the officers of the election might see that they each deposited but one ticket in the ballot-box.

And this advice was almost universally followed. It also appears that all of the managers of the election appointed by the county commissioners were Democrats.

The secretary of the Republican county executive committee of Charleston County testifies as follows:

Question. Did the Republican executive committee for the county endeavor to have any Republican managers appointed throughout the county?

Ans ver. We did. In the meeting of the executive committee we selected names, one for each poll, and I, as secretary, was authorized to address a communication to the board requesting their appointment as managers.

Q. When the managers of election were announced by the commissioners were any of those parties appointed?

A. Not a single one.

Q. Did you observe among the managers of election appointed by the commissioners a single Republican?

A. Not one.

As part of the history of the case and as proof of the spirit and intent of many acts proved, the following authentic documents are full of instruction:

[From the News and Courier, Wednesday, October 7, 1874.]

The freedom of the ballot—Provisions of the United States election laws—The polling precincts must be designated ten days before the election.

The committee of five appointed under a resolution of the mass meeting of citizens, held on Thursday, have made the subjoined report, to which full publicity will, we trust, be given immediately by the press of the State:

To the Hon. H. D. LESESNE,
Chairman of Meeting of Citizens:

The committee appointed by you under the fourth resolution of the citizens' meeting respectfully report:

That, according to the laws of this State, the managers of election are required to have only one box at each voting precinct, and to cause all the votes for members to Congress and State and county officers to be put in the same box.

The votes, therefore, all become subject to the inspection and control of the supervisors of election, who may be appointed under the various acts of Congress by the honorable judge of the United States court. By these acts one supervisor from each party is provided for each voting precinct.

Within the city of Charleston the powers of these supervisors, in connection with the United States marshals, and his general and special deputies, are quite sufficient to secure a fair election. Here they are required to attend the polls, challenge, count, and canvass the votes, and examine, sign, and forward the returns; and the marshal and his deputies are authorized and required to keep the peace, support the supervisors, keep order, prevent fraudulent voting and fraudulent conduct by any officer of election, and, if resisted, may call the *posse comitatus* to their aid.

At the county precinct, outside the city, the powers of these officers are not so large, but even then they are required to be in the immediate presence of the officers holding the election, and to witness all their proceedings, "including the counting the votes and the making returns thereof."

* * * * * * *

B. C. PRESSLEY,
JAMES CONNOR,
JOS. W. BARNWELL,
E. W. M. MACKEY,
E. B. SEABROOK,
Committee.

You will notice that the above report sustains generally the printed instructions heretofore handed me.

The attention of all deputy marshals and supervisors is called to the penalties prescribed in section 5521 for failure or refusal to perform all duties required of them by law.

R. M. WALLACE, *U. S. Marshal, Dist. S. C.*

ROOMS OF THE STATE DEMOCRATIC EXECUTIVE COMMITTEE,
Columbia, S. C., October 27, 1880.

DEAR SIR: The attention of the State executive committee has been called to the instructions issued by Chief Supervisor Poinier to the supervisors of election in this State. These supervisors are directed to report "the number of ballots drawn out of the ballot-box and destroyed by the managers of election, because of the excess of votes over names on the poll list;" also the number of such ballots that "bore the names of the Republican candidates" and the number which bore the names of the Democratic candidates and Greenback candidates.

The instruction to report the character of the ballots drawn out and destroyed is unauthorized and illegal. The State election law, by which alone you are governed, requires (see Compilation of Election Laws, section 12) that "if more ballots shall be found on opening the box than there are names on the poll lists, * * * one of the managers or the clerk, without seeing the ballots, shall draw therefrom and immediately destroy as many ballots as there are in excess of the number of names on the poll list." You will, therefore, instruct the managers of election throughout your county at once, that they must not allow the supervisors to see or inspect any ballots drawn from the box in excess of the number of names on the poll list, in order to ascertain for whom such ballots were cast. The ballots must be drawn without being seen, and must be immediately destroyed, as the law directs.

By order of the committee.

JOHN BRATTON, *Chairman.*

To ——— ———,
County Chairman.

SAMPLE FACTS FROM THE TESTIMONY.

In order to put before the House and the country the methods and maneuvers by which this crime against suffrage was perpetrated in that Congressional district on that election day I have selected from the testimony the following portions of evidence, the witnesses being officers appointed under laws of the United States. And to retain the graphic force of the narration I quote *verbatim*, letting the witnesses speak for themselves, only noting the fact that these things occurred in 1880 and under a republican form of government and in the United States of America.

CITY HALL POLL.

Testimony of C. Smith, (pages 17–20,) a supervisor:

Question. Did you keep a poll list?

Answer. Yes, sir.

Q. How many names did you record on your poll list

A. Seventeen hundred and eleven.

Q. How many names were recorded on the poll list kept by the managers?

A. Seventeen hundred and twenty-nine.

Q. At the close of the poll when the ballots in the box were counted, in order to ascertain the whole number, did they exceed the number of names on the poll list?

A. The ballots in the box exceeded the number of names on the poll list kept by the managers to the number of 205.

Q. In what manner did the managers count the ballots in the box in order to ascertain the whole number?

A. They took the ballots from the box and separated them into piles, placing the straight Democratic tickets into one pile and the straight Republican tickets into another pile, and the split tickets, both Democratic and Republican, into a third pile, and then counted each pile.

Q. Do you recollect the number of Republican votes that they counted?

A. There were 452 straight Republican votes taken out of the box and counted.
Q. In drawing out the excess, how many Republican were drawn out?
A. Seventy-seven Republican tickets.
* * * * * * *
Q. How many different kinds of Democratic tickets were found in the box?
A. There were two or three different kinds; there might have been three or four; there were at least three different kinds that I remember.
Q. On what kind of paper were they printed?
A. On very thin paper; I believe it is described as tissue paper.
Q. Select from these tickets [handing witness Democratic tickets marked Exhibits B, C, D, and E] the different kinds of Democratic tickets that were found in the box at your poll.
A. I think I can safely say all of those kinds were.
Q. How did the Republicans at your poll vote their tickets?
A. As a general thing they voted them open; that is, they approached the polls with their tickets unfolded.
Q. How did they fold them?
A. They folded them just before they placed them in the aperture of the box.
Q. Could you observe whether or not the Republican voters voted more than one ticket each?
A. I could tell to a certainty whether they had voted one or more tickets; I saw no evidence that more than one ticket was voted at a time by the Republicans.
* * * * * * *
Q. From what you observed during the day have you reason to believe that more than 375 votes were cast for the contestant in this case?
A. I am satisfied there were 452 Republican votes in the box with the name of E. W. M. Mackey on them for Congress.
Q. Are you satisfied that each one of those tickets was voted by an individual voter?
A. Yes, I am satisfied of that.

COURT-HOUSE POLL.

Testimony of W. H. Ahrens, (pages 26 and 27,) a supervisor:

Question. Did you keep a poll list?
Answer. I kept a list of the persons that voted there.
Q. Did the managers keep a poll list?
A. Yes, sir.
Q. Did your poll list correspond with that kept by the managers?
A. Yes, sir.
Q. How many names were on both poll lists?
A. Six hundred and twenty-eight.
Q. At the close of the poll, when the ballots in the box were counted, did they exceed the names on the poll list, and if so, to what extent?
A. They exceeded the names on the poll list to the extent of 135.
Q. In ascertaining the whole number of votes in the ballot-box, how did the managers proceed to count?
A. They took the box into an adjoining room and took the votes out and began separating the tickets of each political party's votes to themselves until they had counted to within 50 or 75 votes of all the votes in the box, when Mr. Barnwell came in and told the managers they ought not to unfold the tickets, but to count them without unfolding them, and after they had ascertained the whole number of votes, then, in case the ballots in the box did not correspond with the names on the poll list, they must draw out the excess.
Q. Who was Mr. Barnwell?
A. Chairman of the Democratic executive committee of this county.
Q. In drawing out that excess how many Republican tickets were drawn out?
A. Every one drawn out was a Republican ticket.
* * * * * * *
Q. In depositing their votes at your poll how did the Republicans generally vote?
A. They came up with their tickets open.
Q. Could you observe whether or not they were voting one or more tickets?
A. I do not think they were voting more than one ticket; they could not do it very handily, because they came up with their tickets open and held them so until they were sworn.
Q. When did they fold them?
A. When they were told to vote.

MARKET HALL POLL.

Testimony of John M. Freeman, jr., (page 33,) a supervisor:

Question. Did you keep a poll list, and, if so, what number of names did you record on your poll list?
Answer. One thousand and eighty-three.
Q. What was the number of names recorded on the managers' poll list?
A. Eleven hundred and twenty-five.
Q. Can you in any way account for the discrepancy in the number of names on your poll list and theirs?
A. I cannot.
Q. Are you certain that you recorded on your poll list the name of every person who voted at your poll?
A. I will swear positively that I did.
Q. Did you call the attention of the managers to the fact that their poll list contained more names than yours?
A. I did.
Q. What did they say about the matter?
A. They said they were told by M. Carwile, one of the commissioners of election, not to regard any law but the State law, and to count according to their poll list.
Q. When the ballots in the box were first counted did they exceed the number of names on the poll list, and, if so, to what extent?
A. There were 61 ballots more in the box than names on the managers' poll list.
Q. What did they do with the excess?
A. All the ballots were put back into the box and the excess drawn out by Mr. Proctor, the Democratic supervisor, who was blindfolded by the managers for that purpose. He drew out 61 Republican ballots.

PALMETTO ENGINE-HOUSE POLL.

Testimony of John S. Connor, (page 39,) a supervisor:

Question. On the first count made to ascertain the whole number of ballots in the box, how did the managers make the count?
Answer. The managers opened the box and Mr. O'Brien went to take the votes out, and as he put his hand in I spoke to him and told him they were not to be disturbed at all, and he took them out that way.
Q. As the ballots were taken out were they unfolded?
A. Some were; some were put in loose, and some were folded. The managers took the ballots out of the box precisely as they laid there.
Q. In taking them out were any ballots found folded one within another?
A. Yes, sir; a great many.
Q. About how many?
A. Between 200 and 300. I did not count them, but I am satisfied there were between 200 and 300. The fact is I got one bunch with 20 in it; they were handed to me; they pulled out another bunch in which 23 ballots were found; there were other bunches found with 2 and 3 together.
Q. Were the ballots found in that condition Democratic or Republican ballots?
A. Democratic ballots.
Q. Were any Republican ballots found folded together?
A. Yes, sir; 2.
* * * * * * *
Q. After destroying the ballots found folded together was there any excess?
A. Yes, sir.
Q. How many?
A. Sixty-seven. When the managers found more than one together they would hand them to me. They would take one off and hand the balance to me, which I destroyed.
Q. What was done with this excess of 67?
A. After we counted them and found more than 1,501, the ballots were put in the box. I told the managers that it was not fair for them to draw out the entire excess as they could pick out the Republican ballots every time, so they agreed that I should draw half and one of the managers the other half, and I took out 34, which were Democratic ballots; and he took out 33, which were Republican ballots.
Q. In drawing those tickets, were you able to distinguish merely by feeling the difference between a Republican and Democratic ballot?
A. Yes, sir; I could; there was as much difference between the two ballots as between a piece of sheet iron and a piece of paper.

HOPE ENGINE-HOUSE POLL.

Testimony of H. W. Hendricks, (page 46–51,) a supervisor:

Question. Did you keep a poll list?
Answer. I did.
Q. How many names did you record on your poll list?
A. One thousand two hundred and fourteen.
Q. At the close of the poll, when the votes were counted in order to ascertain the whole number, how many ballots were found in the box?
A. Two thousand two hundred and eighty-nine.
Q. In counting those votes, what was the course pursued by the managers?
A. When the poll was closed, after making all necessary arrangements, the box was opened. They first undertook to shake up the ballots in the box, but I objected. They said they had a right to shove the tickets down so as to scatter them.
Q. In counting the ballots were any tickets found folded together?
A. Numbers of tickets were found folded together.
Q. Describe in what condition those tickets were found?
A. They were folded in packages apparently as if they had been compressed together.
Q. Were they Democratic tickets?
A. Yes, sir.
Q. You say they were folded in packages as if compressed together?
A. Yes, sir; they were in packages when they were taken out; I objected to their being counted; they were folded in two folds, lengthwise, and one fold across, and placed on top of each other and pressed together so tightly that they stuck together.
Q. How many packages of Democratic tickets were found folded in that manner?
A. I started to keep an account of them, but I got tired doing so; they took them out in packages and separated them; they put their hands in the box and endeavored to separate them in the box, but did not succeed, as the tickets were so tightly pressed together they would not separate except by being pulled apart.
Q. Did you keep any memorandum of the number of Democratic tickets found in that way?
A. I did for a time.
Q. Refer to that memorandum and see how many there were.
A. First there was a package with 4 in it, and then one with 8, and one with 9, one with 10, another with 10, one with 6, one with 5, one with 12, one with 10, one with 2, one with 7, one with 5, one with 8, one with 9, one with 14, and one with 6; after that I got tired and kept no account of the others which came out afterward. I objected to their being counted, but the managers decided against me; they said they looked upon them as being in book form.
Q. Did those tickets look as if they had been voted separately?
A. By no means. The four ruled against me all the time; I was very particular in keeping this memorandum; they took them out in their hands and counted them like you would a package of bank bills.
Q. During the day did you observe anything suspicious on the part of the managers?
A. I saw that the ballot-box was being stuffed, and I accused one of the managers of doing so.
Q. Did you yourself see any attempt on the part of the managers to stuff the ballot-box?
A. I did.
Q. State what you saw?
A. While we were waiting for the table to be brought from Mr. Howard's I saw Mr. Nixon put his hand inside his left pocket and then take it out and lift the lid of the box and put tickets in. I called Mr. La Coste to witness it, and Mr. McGuire, and when I protested against it he put his hand in and tried to scatter them.
Q. Were those tickets that Nixon put in the box Democratic or Republican tickets?
A. Democratic tickets. I had a light there; I put it over the mouth of the box; I then saw Nixon raise the lid of the box and put them in with his left hand.
Q. In drawing out the surplus of 1,071 votes, how was that managed?
A. By two of the managers—McGuire and Levin—who took turns in drawing. First one would draw out 100, one at a time, and then the other would do likewise. When drawing they were blindfolded.
Q. In the drawing out could you distinguish what kind of tickets were drawn out?
A. Yes; the best part were Republican tickets. They were one hour and a half drawing out Republican tickets before a Democratic ticket was drawn out.
Q. Describe how they drew them out.
A. They drew out Republican tickets, one after another, until they got nearly all out; they then searched for them. I advised them to take both hands, and they did so.
Q. How many Republican tickets were drawn out?
A. Five hundred and ninety-two. They counted them by fifties, and I took a tally of them.
Q. Before these 592 Republican tickets were drawn out, were any Democratic tickets drawn out?
A. Not one.
Q. Do you mean to say 592 Republican tickets were drawn out before a single Democratic ticket was drawn out?
A. Right straight. They counted them off as they drew them out, and whenever they found one they would go like a chicken and say here is one.
Q. When they stopped drawing Republican tickets how many were left in the box?
A. When they got through the final count there were 3 straight Republican tickets and 2 cut tickets with Mr. Mackey's name on them.

Q. Were they Democratic tickets?
A. I think so.
Q. Examine this paper and see if that is your return of the election?
A. Yes, sir.
Q. Please state from that return what was the result of the vote declared by the managers for member of Congress.
A. Five for E. W. M. Mackey and 1,200 for M. P. O'Connor.
* * * * * * *
Q. Please describe how the ballot-box was located at your poll?
A. It was in front of the door, with a barricade in front of it, and it was elevated at least six feet from the ground. When I went to vote I had to reach up, and when a small man came up to vote they would have to turn the box on a slant so as to enable him to put his ticket in.
Q. How wide was the aperture?
A. About three inches long and one wide. I could put my thumb in it.
* * * * * * *
Q. How do you know the managers after drawing out those 592 votes could find no more Republican tickets?
A. Because they searched and searched. I told them to put both hands in, and they did; and when they found one they would cluck and say, "Here is another one."
Q. You could not see inside the box?
A. Yes, sir; I could. They searched so hard that they threw the ballots out of the box, and they fell on the floor.
Q. While searching was the box open?
A. Yes, sir; wide open; the cover was thrown back.

Testimony of J. H. Daggett, (pages 54, 55,) a deputy marshal:

Question. At any time while you were there did you observe anything suspicious on the part of the managers?
Answer. Well, everything was suspicious. I saw the ballot-box being stuffed, and I called the attention of others outside to it; it was done in a peculiar manner; over the hole in the top of the ballot-box, through which voters deposited their ballots, there was a card, and whenever a ballot was put in by a voter this card was raised up from the outside to enable him to drop the ballot in the box. Several times I saw Levin raise the card up from the inside and drop some ballots in the box; that is, I saw him have ballots in his hand, and I saw him raise his hand with those ballots in it to the hole in the top of the box, and when he withdrew his hand I saw no ballots in it.
* * * * * *
Q. You are a Republican?
A. Yes, sir.
Q. You were interested in the success of that party?
A. Yes, sir.
Q. The Republicans came up to that poll and voted the ballot open?
A. Yes, sir.
Q. You know why?
A. No, sir; I never saw it voted so before in my life; when they were in line they came up with their ballots open.

EAGLE ENGINE-HOUSE POLL.

Testimony of J. A. Beattie, (pages 65, 66,) a supervisor:

Question. I want to know how many persons were recorded on your poll list as having voted at that poll?
Answer. Fourteen hundred and thirty-three.
Q. Did the number of names on your poll list of persons who actually voted agree with the number recorded on the poll list kept by the managers?
A. Yes, sir.
Q. At the close of the poll, when the votes were counted in order to ascertain the whole number, how many ballots were found in the box?
A. Two thousand and two.
Q. An excess of how many?
A. Five hundred and sixty-nine.
Q. At the close of the election, how did the managers count the votes in order to ascertain the number in the box?
A. After the polls closed, they proceeded to count the ballots; the Republican ballots were counted and laid in one pile at the end of the table, close to where I and others were sitting; the Democratic ballots were then counted and laid next to the box. When they finished their count it amounted to 2,002 votes.
Q. Then what was done with them?
A. Then there was some conversation held with some parties that gave them some instructions and told them they must go ahead.
Q. Who was this party?
A. I was told he was chairman of this county.
Q. Chairman of what?
A. Chairman of the Democratic party of Charleston County.
Q. Who told you that?
A. The chairman of the board of managers; I asked him who the gentleman was.
Q. You said they were returned to the box and the excess drawn out?
A. Yes, sir.
Q. How was the drawing out done?
A. One of the managers was selected to be blindfolded, and they kept up the drawing until the 569 were drawn out.
Q. Have you any idea how many of those ballots were Republican ballots?
A. I am positive there was not more than five Democratic tickets drawn out.

WASHINGTON ENGINE-HOUSE POLL.

Testimony of N. K. Reed, (page 69,) a supervisor:

Question. Did you keep a poll list?
Answer. Yes, sir; I did.
Q. Did the managers keep a poll list?
A. Yes, sir; that is, their clerk did.
Q. At the close of the election how did your poll list correspond with that kept by the managers?
A. Our lists corresponded exactly.
Q. What was the number of names on your poll list and on theirs?
A. Four hundred and twenty-eight.
Q. When the votes were counted in order to ascertain the whole number of votes in the box, what was the number of ballots found in the box?
A. Eight hundred and thirty-seven.
Q. An excess of how many?
A. Three hundred and seventy-nine.
Q. What was done with that excess?
A. After being counted, the ballots were put back into the box, and 379 were drawn out.
Q. How many Republican and how many Democratic tickets were drawn out?
A. One hundred and seventy-nine Republican, 197 Democratic, and 3 Greenback tickets.
Q. How could you tell the character of the ballots that were drawn out?
A. I saw the ballots as they were drawn out. Mr. Taylor drew them out and handed them to Mr. Martin, and I saw them as they were handed from one to the other.
Q. Did the Democratic supervisor unite with you in making a report of the election?
A. Yes, sir; Mr. W. B. Seignons, the Democratic supervisor, and I united in making our report.
Q. Is this the report? [Handing witness paper.]
A. Yes, sir; there are our signatures.
Q. In that report, signed by you and the Democratic supervisor, what are the number and character of ballots reported as being drawn out because of the excess of names over the poll list?
A. Just the same as I have already stated, viz: 179 Republican, 197 Democratic, and 3 Greenback tickets, making a total of 379.
Q. Before these ballots were drawn out, what was the number of ballots in the box?
A. Two hundred and forty-five Republican, 589 Democratic, and 3 Greenback.
Q. After those ballots were drawn out, what was the number of votes counted by the managers for member of Congress according to the return made by you and the Democratic supervisor?
A. Sixty-six for E. W. M. Mackey and 391 for M. P. O'Connor.

MARION ENGINE-HOUSE POLL.

Testimony of C. D. Ludeke, (page 74–5,) a supervisor:

Question. Did you keep a poll list?
Answer. I did.
Q. How many names did you record on your poll list?
A. One thousand one hundred and forty-one.
Q. At the close of the election, how did your poll list correspond with that kept by the managers?
A. Exactly.
Q. At the close of the poll, when the ballots were counted in order to ascertain the whole number, how many ballots were found in the box?
A. I think there were between seventeen and eighteen hundred—1,798.
Q. Were any ballots found folded together?
A. Yes, sir; a great many.
Q. Were any Democratic ballots found folded one within another?
A. A great many Democratic ballots were found folded together.
Q. About how many were found folded together?
A. There were so many taken out that I could not keep the tally. I counted packages containing 2, 3, 4, 5, 10, 11, 12, and 14.
Q. In all those instances, were the Democratic ballots folded one within another?
A. They were folded separately, placed one on top the other and pressed together, as if they were done so for the occasion; they had to be pulled apart in the counting.
Q. In what manner did the managers count the ballots after the box was opened?
A. After the box was opened the ballots were emptied out on the table; they then picked out all the Democratic ballots and counted them back into the box, putting them in the bottom; when they got through with the Democratic ballots, they counted all of the Republican ballots, putting them on the top of the Democratic ballots.
Q. During that first count, were any ballots found folded together?
A. Yes, sir; that is the time when they were picked out and shook apart and counted into the box.
Q. After the count, did the ballots in the box exceed the number of names on the poll list; and, if so, by how many?
A. As I stated previously, the names on the poll list were 1,141, and the ballots found in the box were 1,798—an excess of 657.
Q. Did that 657 include the ballots found folded together?
A. Yes; they would not destroy any folded together; they insisted upon counting all.
Q. Do I understand you to say that all the ballots found in the box were counted, whether such ballots were folded together or not?
A. Yes, sir.
Q. In drawing out the excess of 657 votes, how many of the ballots drawn out were Democratic and how many were Republican ballots?
A. Five hundred Republican and 157 Democratic votes.
Q. How did the Republicans at your poll vote?
A. They voted open ballots; that is, they came up to the box with their tickets unfolded.
Q. When did they fold them?
A. Just as they were about to vote.
Q. How did the Democrats generally come up with their ballots?
A. Shut up in their hands.
Q. If the excess of ballots had been created by the Republicans, could you not have seen them doing so from the way in which they were voting?
A. Of course.
Q. From what you observed during the election and during the counting and canvass of the votes, by whom was this excess of votes created?
A. By the Democrats, undoubtedly.

ASHLEY ENGINE-HOUSE POLL.

Testimony of J. F. O'Connell, (pages 81 to 83,) a supervisor:

Question. Did you keep a poll list?
Answer. My clerk kept one for me.
Q. How many names were recorded on your poll list?
A. Nine hundred and twelve.
Q. Did the managers keep a poll list?
A. They did.
Q. How many names were recorded on their poll list?
A. Nine hundred and twelve.
Q. Did the Democratic supervisor keep a poll list?
A. Yes, sir.
Q. How many names were recorded on his poll list?
A. Nine hundred and twelve.
Q. All three of the poll lists corresponded, then?
A. Yes, sir; we all agreed as to the number of persons who had voted.
Q. How many votes were in the ballot-box?
A. Eleven hundred and fifty.
Q. An excess of how many?
A. Two hundred and thirty-eight.
Q. What was done in regard to that excess?
A. The ballots were all put back into the box and 238 were drawn out and destroyed, of which 119 were Republican and 118 Democratic, and 1 Greenback, the only one in the box.
Q. Could you see the character of the ballots that were drawn out?
A. Yes, sir; they allowed me that privilege.
Q. Did you keep a tally of the number and character of the ballots as they were drawn out?
A. I did.
* * * * * * *
Q. Will you please state what was the plan pursued by the Republicans in depositing their ballots in the box at your poll?
A. They came to the poll with their ballots open, and folded them in the pres-

ence of the managers and supervisors, as they have been instructed to do by the Republican party.

Q. Did they all do that?

A. All that I noticed.

Q. Did you check off on any list the names of all persons voting the Republican ticket?

A. Yes, sir; whenever a person voted a Republican ticket the name of that person was checked off by me on a list I kept.

Q. How many did you check off?

A. Every Republican vote that was put in the box; the number I cannot state now, as it has been so long since the election. There were 119 Republican ballots destroyed and 198 counted, making a total of 317 that were actually voted.

Q. From the position you occupied, could you plainly see that each Republican voted but one ticket?

A. I could, because I was standing alongside of the ballot-box.

COOPER'S COURT POLL.

Testimony of E. R. Bolger, (pages 86 and 87,) a supervisor:

Question. Did you keep a poll list?

Answer. I did.

Q. Did the managers keep a poll list?

A. The managers' clerk kept the poll list.

Q. At the close of the poll how did your poll list correspond with that kept by the managers?

A. It corresponded exactly; both the managers and I had 547 names on our poll lists.

Q. At the close of the poll, when the votes were counted in order to ascertain the whole number, did the number of votes found in the box correspond with the number of names on the poll-list?

A. No, sir; when at the close of the poll the ballots were counted, the number was ascertained to be 89 in excess of the number of names on the poll list. All of the ballots were then put back in the box, and one of the managers, being first blindfolded, drew out 89 tickets, of which 73 were Republican, with the name of E. W. M. Mackey thereon for Congress, and 16 were Democratic, with the name of M. P. O'Connor thereon. After drawing out these votes the managers then proceeded to canvass the remaining ballots for electors and Congressman; and for the Garfield electors it was found that there were 203 votes, and for the Hancock electors 349. The vote for Mr. Mackey was one less than for the Garfield electors, and the vote for O'Connor one less than for the Hancock electors—there being one Republican ticket without Mr. Mackey's name and one Democratic ticket without Mr. O'Connor's name. One of the managers then called attention to the fact that the number of votes counted aggregated 552, and that there were only 547 names on the poll-list, so that it was determined to return the ballots to the box and draw out six more tickets, which was done, and the result was that six more Republican tickets were drawn out and six votes were deducted from the Garfield electors, and the same number from E. W. M. Mackey.

Q. In the two drawings how many tickets were drawn out altogether?

A. Ninety-five, of which 79 were Republican and 16 Democratic.

Q. After the excess of votes had been got rid of, what was the result of the count for member of Congress?

A. For member of Congress the whole number of votes counted and returned by the managers of election was 544, of which 348 were counted for M. P. O'Connor, and 196 for E. W. M. Mackey.

Q. Have you any reasons to believe that E. W. M. Mackey actually received a larger vote than was returned for him at that poll?

A. I have reasons to believe so, and know so.

Q. State how you know it?

A. Well, by drawing out 79 Republican votes Mr. Mackey's vote was reduced to that extent, because I am satisfied from the manner in which the Republicans voted that they had nothing to do with creating the excess of votes in the box.

Q. What was the manner in which the Republicans voted at your poll?

A. Every one that came up to vote came with their tickets flying, and folded them after the oath was administered to them, in the presence of the managers so that every one could see that they each had but one ticket.

Q. Did the Democrats do the same thing?

A. No, sir; they all had their tickets folded before they came to the box.

Q. If any Republican had voted more than one ticket could you have seen it?

A. I think I could.

Q. Do you know what was their object in displaying their tickets that way?

A. Yes, sir; so that every one could see that they each had but one ticket, and, also, so that they could be checked off by outsiders appointed for the purpose of keeping a list of persons who voted the Republican ticket. Fraud was anticipated, and that method was resorted to for the purpose of counteracting any fraud that might occur.

SAINT STEPHEN'S POLL.

Testimony of R. C. Browne, (pages 100, 101,) a supervisor:

Question. What was the number of names recorded on your poll list, and also on that kept by the managers?

Answer. Five hundred and thirty-two.

Q. How did the managers at the close of the election proceed to count the votes?

A. At the close of the poll the ballot-box was opened and the ballots were counted from the box onto the table or stand that was behind the structure on which the ballot-box stood during the day. When the count was completed it was found that instead of there being only 532 tickets in the box there were exactly 600—68 more tickets than names on the poll list. One of the managers, Mr. Smith, was then blindfolded, a handkerchief being tied over his eyes, and drew the excess out. In drawing the ballots out he crumpled them up so no one could see them and dropped them into a bag, which was held by a man who stood behind Smith, and, with his arms around Smith, held the bag in front of him, just alongside of the box. After the excess was drawn out the managers proceeded to assort the remaining ballots by placing all the Republican tickets in one pile, the Democratic tickets in another, and the Greenback tickets in a third pile. The Republican tickets were then counted, then the Democratic tickets, and lastly the Greenback tickets. After the count was through it was discovered that the whole number of ballots counted was 52 more than the number of names on the poll list. The question then arose as to what should be done, and it was suggested by Mr. Palmer that all the ballots be returned to the box and 52 more ballots be drawn out. Against this I protested, because, during the assorting of the ballots, I had noticed some one putting his hand from under the table onto the table where the ballots were, and I suspected at the time that the ballots on the table were being tampered with. Upon stating to the managers what I had seen, Mr. Smith said that in assorting the Democratic ballots he had seen Democratic tickets which he was satisfied had not been voted, as they had no appearance of having been folded. He said he thought that if he was allowed to go over the tickets he could pick out the tickets which appeared never to have been folded. By consent of the other managers he went to work and picked out, without counting them, a number of Democratic ballots which had not been folded. The ballots picked out were then counted and turned out to be exactly 52, which were destroyed. The canvass of the votes was then proceeded with.

It appears on page 102 that upon drawing out the excess of 68 ballots, 63 Republican and 5 Democratic ballots were drawn.

MUSTER-HOUSE POLL.

Testimony of A. D. Cooper, (page 109,) a supervisor:

Question. Did you keep a poll list?

Answer. I did.

Q. Did the managers keep a poll list?

A. Yes, sir.

Q. At the close of the election how did your poll list correspond with that kept by the managers?

A. They both corresponded, and both contained 723 names.

Q. When the ballots were first counted in order to ascertain the whole number of votes, did the number of ballots in the box correspond with the number of names on the poll list?

A. No, sir; 754 ballots were found in the box, and there were only 723 names on the poll list, an excess of 31.

Q. What was done with this excess?

A. The managers went to work and drew the excess of votes out. Owing to the difference between the Republican and Democratic tickets they could, in drawing out the tickets, easily distinguish one from the other. The Democratic tickets were on thin paper and the Republican tickets were on thick paper; any one, therefore, could put his hand in and feel the difference. Thirty Republican tickets were drawn out and one Democratic ticket.

Q. Was there anything peculiar in the manner in which the Republicans at your poll voted?

A. The Republicans came to the poll with open tickets, and, while being sworn, held their tickets up in their hands, and then, after being sworn, they folded their tickets in the presence of the supervisors and managers and deposited them in the box. I was in a position where I could see everything that was going on.

PINOPOLIS POLL.

Testimony of P. W. Gaillaird, (page 122,) a supervisor:

Question. Did you keep a poll list?

Answer. Yes, sir.

Q. What number of names did you record on your poll list?

A. Two hundred and sixteen.

Q. Did your poll list correspond with that kept by the managers?

A. It did.

Q. When the votes were counted did the ballots exceed the number of names on the poll list, and if so, how many?

A. There was an excess of 39 ballots.

Q. What was done in regard to that excess?

A. After counting the votes and finding there was an excess of 39 ballots, they then blindfolded one of the managers, Mr. White, and he drew 39 ballots out of the box; of these 17 were Republican tickets and 22 Democratic tickets.

Q. What was the number of votes counted and declared for member of Congress by the managers?

A. Sixty-four for Edmund W. M. Mackey and 150 for M. P. O'Connor.

Q. What course did the Republicans at your poll pursue in voting?

A. Every man that voted the Republican ticket at my poll voted it openly; when he came to the poll he held his ticket open until he was sworn, and after he was sworn he folded it and dropped it in the box.

Q. Are you satisfied that every Republican at that poll voted an open ticket?

A. I am, because I was not two feet from the box all day.

ENTERPRISE POLL.

Testimony of Robert Simmons, (page 191,) a supervisor:

Seeing two or three folded together I called his attention to them, and then he commenced to take them out one by one. Whenever he caught hold of one that looked as if it had others in it I would say "There is more than one," and if it was so he counted one and gave me the others. In that way I captured ten tickets with others in them.

Q. Were they Democratic or Republican ballots?

A. Democratic.

Q. Did you make a memorandum of how many tickets each ballot contained?

A. Yes, sir; in some there were only 2, and there was one with 4, one with 5, one with 11, and one with 14, and one with 16; that was the last one. I have them now.

Q. Can you state how many those ten ballots contained in the aggregate?

A. Sixty-one, altogether.

Q. Those ten, you say, contained 61 ballots?

A. Yes, sir; here they are. [Handing tickets.] In the last ballot the whole 16 are not there, as I gave some of them away; I have here one with 13 other tickets in it, making 14 that were voted together.

Q. You say there were 16 ballots of this kind found in one parcel?

A. Yes, sir; in one parcel there were tickets like exhibit B.

Q. After these ballots found in the condition described by you were destroyed did the number of ballots still exceed the number of names on the poll-list?

A. Yes, sir; there was an excess of 139 after destroying them.

Q. What was done with that excess?

A. All the ballots were put back in the box, and 139 were drawn out by one of the managers.

Q. How many Democratic and how many Republican ballots were drawn out?

A. One hundred and one Republican and 38 Democratic.

Q. Did you see the character of the ballots as they were drawn out?

A. Yes, sir; because they handed them to me to destroy, and I held them in my hand until they were through, and I then handed them to the managers and said, here is 101 Republican and 38 Democratic ballots.

Q. After the destruction of those ballots what was the result of the vote as counted and declared by the managers for member of Congress?

A. The number of votes counted for E. W. M. Mackey was 385, and for M. P. O'Connor 161.

EASTERLIN'S POLL.

Testimony of M. K. Wilkinson, (page 217:)

Question. Did the managers keep a poll list?

Answer. Yes, sir.

Q. How did your poll list correspond with that kept by the managers?

A. Our list tallied.

Q. What was the number of names recorded on your poll list?

A. Two hundred and twenty-one white and 228 colored, making a total *of 449.*

Q. What was the number recorded on the manager's list?

A. Four hundred and forty-nine.

Q. When the ballots were counted to ascertain the whole number, what was the number of ballots found in the box?

A. Five hundred and fifty-six—an excess of 107 more ballots than names on the poll list.

Q. In drawing out that excess of 107 ballots, how many Republican and how many Democratic tickets were drawn out?

A. One hundred Republican and 7 Democratic tickets.

ZEIGLER'S POLL.

Testimony of H. D. Edwards, (page 222,) supervisor:

Question. Did you keep a poll list?
Answer. I did.
Q. Did the managers keep a poll list?
A. Their clerk did.
Q. At the close of the election, how did your poll list correspond with theirs?
A. Our lists tallied exactly.
Q. Did you keep the whites and colored separate on your poll list?
A. I did.
Q. How many whites and how many colored on your poll list?
A. One hundred and forty-five each.
Q. Making a total of 290?
A. Yes, sir.
Q. At the close of the election, how did the managers proceed to count the ballots in order to ascertain the whole number?
A. They opened the box, emptied the ballots out, and after unfolding them they counted them back into the box.
Q. Did the ballots tally with the number of names on the poll list?
A. No, sir; there was an excess of 104.
Q. What was done with that excess?
A. They were drawn out and destroyed.
Q. In drawing out that excess, how many Republican and how many Democratic ballots were drawn out?
A. Fifty-two of each.
Q. Refer to your return, and state what was the number of votes counted and returned by the managers of election for a member of Congress?
A. For E. W. M. Mackey 91, and for M. P. O'Connor 199.

* * * * * * *

Q. How many persons did you check off on your poll list as having voted the Republican ticket?
A. One hundred and forty-three.
Q. How many kinds of Republican tickets were found in the ballot-box?
A. One kind; a check-back ticket. [Exhibit G.]

FULTON POLL.

Testimony of A. S. Boston, (pages 296, 297, and 298,) a supervisor:

Question. Were you present at the opening of the poll?
Answer. No, sir; I was not.
Q. Why were you not?
A. At the election of 1878 the poll was opened before the hour fixed by law, and, fearing that the same thing might be done at the last election, the Republicans went to the polling place the night before, so as to be there when the poll was opened. As day was coming on, two men, William Bradley and Ellison George, were sent to Mr. Lawrence's store to watch for him. Then some more men were placed on the road which we understood the other managers would have to travel to reach the place where the poll was formerly held. Just before daylight, while waiting, we observed a light through a thick oak thicket. We immediately went there and found the managers at the house of Jack Broughton. Upon making inquiries we were told that the poll was open, and that four persons had already voted. I asked permission to look into the box, but the managers refused. At that time it was only half-past five o'clock.
Q. By whose watch?
A. By Ben Richardson's watch, which I had in my pocket.
Q. At what place did you find the poll?
A. In a thick oak thicket, at an out-house of Mr. Jack Broughton's.
Q. Was he one of the managers?
A. No, sir.
Q. Had the poll ever been held at that place before?
A. Never before.
Q. This, then, was a new place?
A. Yes, sir.

* * * * * * *

Q. Did the managers accept as correct the poll lists kept by you and the Democratic supervisor?
A. Yes, sir.
Q. How many names did you have recorded on your poll list?
A. Three hundred and fifty-four.
Q. How many did the Democratic supervisor have recorded on his?
A. The same number.
Q. What was the number of ballots found in the box?
A. Five hundred and two.
Q. An excess of how many?
A. One hundred and forty-eight.
Q. In drawing out that excess how many Republican and how many Democratic ballots were drawn out?
A. One hundred and six Republican and 42 Democratic ballots.
Q. After the excess was drawn out did the managers canvass the remaining ballots in your presence?
A. Yes, sir.
Q. What was the result of the canvass made by the managers so far as relates to member of Congress?
A. For E. W. M. Mackey 193 votes were counted, and for M. P. O'Connor 161.

* * * * * * *

Q. Are you satisfied that each Republican voted but one ticket?
A. I am, because every man held his ticket open until he was sworn, so that everybody could see that he had but one ticket.
Q. Could you tell what kind of a ticket each person voted?
A. I could.
Q. In keeping your poll list did you check off the name of each person who voted a Republican ticket?
A. Yes, sir.
Q. In this way could you tell exactly how many persons voted the Republican ticket?
A. Yes, sir; on my poll list I checked off, as each man put his ticket in the box, the names of 299 persons, who voted the Republican ticket.
Q. Of the 354 persons who voted at your poll can you tell by your poll list how many were white and how many were colored?
A. Yes, sir; 300 were colored and 54 white. All the colored men, excepting one, voted the Republican ticket.
Q. What kind of a Republican ticket was voted at your poll?
A. A calico or check-back ticket. [Exhibit N.]
Q. Were there any Democratic tickets on paper of the same color found in the box when the votes were counted?
A. No, sir; not one.

MANNING POLL.

Testimony of R. F. Gamble, (page 305:)

Question. When the ballots were emptied out of the box, did you observe anything suspicious?
Answer. Yes, sir; on top of the ballots there was a piece of newspaper, and on top of that paper there was a batch of tickets which had never been folded.
Q. This piece of paper and those ballots were on top after the ballots had been emptied?
A. Yes, sir; they came from the bottom of the box, but in emptying the tickets out the box was turned over and they came out on top.
Q. What was done with those tickets?
A. Those which lay on top of the paper were all burnt, with the exception of one.
Q. After those tickets were burnt how many were left in the box?
A. The managers counted 1,033.
Q. And how many people had voted, according to the three poll lists?
A. Only 634.
Q. What was the excess of votes over voters?
A. Three hundred and ninety-nine.
Q. What was done in regard to that excess?
A. Three hundred and ninety-nine ballots were drawn out and destroyed.
Q. After the excess was drawn out and destroyed, did the managers canvass the remaining votes?
A. Yes, sir.
Q. What was the result of that canvass?
A. The whole number of votes counted by the managers of election for member of Congress was 633, of which 459 were counted for M. P. O'Connor and 174 for E. W. M. Mackey.
Q. In voting, what was the course pursued by the Republicans at your poll?
A. Every one came up with his ticket open, and folded it just as he was about to put it in the box.
Q. In keeping your poll list, did you check off the names of each person who voted a Republican ticket?
A. No, sir.
Q. Did anybody keep any list of persons who voted the Republican ticket?
A. Yes, sir; Charles Gamble did.
Q. Was there any understanding between you and Charles Gamble that he was to do so?
A. Yes, sir.

Testimony of C. E. Gamble, (page 309:)

Question. For what purpose in particular were you there?
Answer. To keep in a little book a list of such persons that voted the Republican ticket.
Q. You entered then the names in that book of such persons that voted the Republican ticket?
A. Yes, I did.
Q. While thus engaged how near to the box did you stand?
A. There was placed at the door a table on which the ballot-box sat, and I was on one side of the door near the table facing the box, within about two feet of the box.
Q. From the position occupied by you could you see every person as he deposited his vote?
A. Yes, sir.
Q. How many voters' names did you record in your book as having voted the Republican ticket?
A. Four hundred and thirteen.
Q. Did each of those persons come up with an open ticket?
A. They did.
Q. Did they fold them in your presence?
A. Yes, sir; right at the box.

CALHOUN'S POLL.

Testimony of H. C. Tindall, jr., a supervisor, (pages 316, 317:)

Question. After your arrival did you keep a poll list?
Answer. Yes, sir; I did.
Q. Did you record on that list the name of every person who voted at that poll during the day?
A. Yes, sir.
Q. Did you also enter on your list the name of the one person who voted before your arrival?
A. Yes, sir; Mr. Gallachut gave me the name and I commenced my list with that name.
Q. At the close of the election how many names did you have recorded on your poll list?
A. Seven hundred and three.
Q. How many white and how many colored?
A. One hundred and seventy-one white and 532 colored.
Q. At the close of the poll did you inquire of the managers how many names they had on their poll list?
A. After the votes in the box had been counted, Mr. Millett said: "There are 1,288 tickets in the box;" and Mr. Galachut said: "Well, then, there is an excess of 245, for my poll list only calls for 1,043."
Q. Can you in any way account for the managers having 1,043 names on their list while you had only 703 on yours?
A. I am satisfied that the name of every person who voted was entered on my poll list. I am also certain that 1,043 persons did not vote at that poll.
Q. At the previous election (1878) did you not keep the poll list for the supervisor at that poll?
A. Yes, sir; and the number of persons who voted then was exactly the same as at the last election.
Q. At the election of 1878, was the number of names on your poll list 703?
A. Yes, sir.
Q. When the ballots were counted did you keep a tally?
A. Yes, sir.
Q. According to your tally, what was the number found in the box?
A. Twelve hundred and eighty-eight.
Q. Was that the same number announced by Mr. Millett?
A. Yes, sir.
Q. When Mr. Gallachut announced that there was an excess of 245, what was done?
A. The managers went to work and drew out 245 tickets.
Q. In the drawing out of these tickets could you see the kind of ballots drawn out?
A. Yes, sir; I saw every ballot drawn out.
Q. Was there any attempt to conceal the character of the ballot drawn out?
A. At first it was contended that the ballots must be drawn out without being seen by anybody; but I contended that I was required to report the character of the ballots drawn out, and that unless I saw every ballot drawn out I could not make my report. It was then agreed to let me see them.
Q. How many Republican and how many Democratic ballots were drawn out?
A. Of the 245 votes drawn out, 128 were Republican and 117 Democratic.
Q. After that, did the managers proceed to canvass the remaining ballots?
A. Yes, sir.
Q. What was the result of the canvass for member of Congress?
A. I kept a tally of the votes as they were called out, and the result was 404 for E. W. M. Mackey and 639 for M. P. O'Connor.

* * * * * * *

Q. In voting what was the course pursued by the Republicans?

A. They came up to the box with their tickets open as they had received them from the man who distributed them, and they held them open until they took the oath, and after taking the oath they folded them and put them in the box.

Q. In keeping your poll list did you check off the name of each man who voted the Republican ticket?

A. Yes, sir.

Q. What number of persons were checked by you as voting the Republican ticket?

A. Five hundred and thirty-two.

Q. Did all the balance vote the Democratic ticket?

A. Yes, sir; 171.

Q. What kind of Republican ticket was used at your poll?

A. A calico-back ticket. [Exhibit N.]

Q. What kind of Democratic ticket?

A. Two kinds, both on tissue paper; one was a white ticket and the other a pink ticket. [Exhibit O.]

Q. Was any Democratic ticket found in the box on paper of the same kind as the Republican ticket?

A. No, sir; not one.

JORDAN'S POLL.

Testimony of Paul J. Mischeaux, (page 327–329,) a supervisor:

Question. Were you present when the poll was opened?

Answer. No, sir.

Q. Why not?

A. It was generally understood that the poll would be held at the school-house, and in order to be there in the morning when the poll opened, the Republicans sat up all night at a place near by. At five o'clock in the morning, an hour before the time for opening the poll, we all went to the school-house and there we met Mr. Davis, the Democratic supervisor, and a number of other people at the fire waiting for the managers to come. In the mean time we sent a man down to the store to find out if the poll had been opened there, but he came back and reported that no poll had been opened at the store. Toward six o'clock the Democratic supervisor, Mr. Davis, left the school-house, and after a while he came back and told us the voting was going on at the store. I immediately went up there and found the managers in a back building in the yard about twenty yards from the store. When I got up there they told me the poll was already open, and I could not inspect the box; they claimed that eighty men had already voted, and yet there were not a dozen men gathered there.

Q. Where was the poll held?

A. In Mr. Sprott's kitchen, within a private inclosure.

* * * * * * *

Q. What o'clock was it when you got there?

A. About a quarter past six. The managers said the poll had been opened at ten minutes past six.

Q. Did they say how many minutes it had been opened?

A. No, sir.

Q. After your arrival did you keep a poll list?

A. I did.

Q. How many names did you record on your poll list?

A. Five hundred and sixty-six, of which 466 were colored and 100 white voters.

Q. At the close of the election did you compare your poll list with that kept by the managers?

A. I did.

Q. How many names were recorded on their poll list?

A. Six hundred and forty-eight. They had on their list eighty-two names more than I had on mine.

* * * * * * *

Q. Was the Sprott in whose kitchen the poll was held the same man who was acting as clerk?

A. Yes, sir.

Q. You say they claimed to have 648 names on their poll list?

A. Yes, sir.

Q. When they counted the votes how many ballots were found in the box?

A. Nine hundred and six.

Q. An excess of how many?

A. Two hundred and fifty-eight over their poll list.

Q. In drawing out that excess, could you distinguish the character of the ballots drawn out?

A. I could; when the ballots in excess were drawn out, I stood right alongside of the man who drew them out and saw every ballot drawn out.

Q. Who drew the ballots out?

A. The clerk, Joseph Sprott.

Q. How many Republican and how many Democratic ballots were drawn out?

A. Two hundred and forty-seven Republican and only 11 Democratic ballots. In drawing them out Sprott felt for the Republican ballots.

Q. Did he consume much time in drawing the ballots out?

A. Yes, sir; he took a great deal of time a feeling for the tickets. He could easily tell, by feeling, a Republican from a Democratic ticket.

Q. What kind of ticket was the Republican ticket?

A. A calico or check-back ticket, like Exhibit N.

Q. What kind of ticket was the Democratic ticket?

A. A green ticket, a pink ticket, [Exhibit O,] and a plain white ticket.

Q. After the votes were counted and the excess ascertained and drawn out, what was the result of the canvass of the remaining votes?

A. For Edmund W. M. Mackey 215 votes were counted, and for M. P. O'Connor 433.

Q. In voting, how did the Republicans at your poll deposit their ballots?

A. They came to the ballot-box with their tickets open, and each man kept his ticket open until ready to deposit it, and then he folded it and put it in the box. This occasioned some delay and the managers got angry about it, and asked them to fold their tickets on the outside, but they would not do so.

Q. Did every Republican come to the box with his ticket unfolded?

A. Yes, sir; and folded it in my presence and in the presence of the managers. They were instructed to do so at all of our club meetings.

Q. Did each Republican voter take particular pains to let you and the managers see that he had but one ticket?

A. Yes, sir.

Q. In keeping your poll list did you check off the name of every man who voted a Republican ticket?

A. Yes, sir. I checked off on my poll list the names of 462 persons who each put a Republican ticket in the box. Assuming that every man who didn't vote a Republican ticket did vote a Democratic ticket, and there were only the two kinds of tickets voted at that poll, then the number of persons who voted the Democratic ticket was 186.

THE ARGUMENT OF FIGURES.

As I am not a member of the Committee on Elections I am at liberty to say that the committee is entitled to great credit for the faithfulness and pains-taking care with which it has prepared and presented this case. I avail myself of the following tables, which present the condensed argument with more power of conviction than could the best selected words. I commend them to the careful study of fair-minded men of all parties:

Precincts.	Number of names on poll list.	Number of ballots in the box.	Excess of ballots over votes.
CHARLESTON COUNTY.			
City Hall	1,729	1,934	205
Court-house	628	763	135
Market Hall	1,125	1,196	71
Palmetto E. H	1,501	1,568	67
Hope E. H	1,218	2,289	1,071
Eagle E. H	1,433	2,002	569
Washington E. H	458	837	379
Marion E. H	1,141	1,798	657
Ashley E. H	912	1,150	238
Niagara E. H	547	642	95
Camp Ground	870	889	19
Enterprise	546	685	139
Twenty-two-Mile House	599	604	5
Cross-Roads	222	231	9
Muster House	723	754	31
Mount Pleasant	826	1,026	190
Biggin Church	467	481	14
Pinopolis	216	255	39
Saint Stephen's	532	600	68
Blackville	241	248	7
Ben Potter's	163	222	59
Henderson's Store	184	219	35
	16,281	20,383	4,102
ORANGEBURGH COUNTY.			
Orangeburgh C. H	1,093	1,165	72
Branchville	395	409	14
Brown's	156	174	18
Corbettsville	488	582	94
Cedar Grove	304	332	28
Connor's	199	230	31
Fort Motte	377	387	10
Ayer's	388	417	29
Gleaton's	417	436	19
Lewisville	936	988	52
Easterlin's	449	556	107
Rowesville	238	264	26
Jamison's	406	477	71
Bull Swamp	384	554	170
Zeigler's	290	394	104
Washington Seminary	465	544	79
Bookhardt's	281	298	17
	7,266	8,207	941
CLARENDON COUNTY.			
Fulton	354	502	148
Witherspoon's	476	552	76
Jordan	648	906	258
Manning	634	1,033	399
Packsville	377	455	78
Calhoun	1,043	1,288	245
	3,532	4,736	1,204
RECAPITULATION.			
Charleston County	16,281	20,383	4,102
Orangeburgh County	7,266	8,207	941
Clarendon County	3,532	4,736	1,204
	27,079	33,326	6,247

Statement from the committee's report.

Precincts.	Republican ballots drawn out.	Democratic ballots drawn out.
CHARLESTON COUNTY.		
Court-House	135	.....
Market Hall	61	.....
Eagle E. H	550	19
Marion E. H	500	157
Niagara E. H	79	16
Enterprise	101	38
Twenty-two-Mile House	5	.....
Muster House	30	1
Biggin Church	13	1
Saint Stephen's	63	5
Blackville	6	1
Camp Ground	19	.....
Cross-Roads	7	2
ORANGEBURGH COUNTY.		
Orangeburgh Court-House	63	9
Branchville	13	1
Brown's	18	.....
Cedar Grove	22	.....
Connor's	31	.....
Fort Motte	9	1

Statement from the committee's report—Continued.

Precincts.	Republican ballots drawn out.	Democratic ballots drawn out.
ORANGEBURGH COUNTY—Continued.		
Ayer's	23	6
Lewisville	40	12
Easterlin's	100	7
Rowesville	24	2
Jamison's	61	10
Bookhardt's	16	1
CLARENDON COUNTY.		
Fulton	106	42
Witherspoon's	47	29
Jordan	247	11
Packsville	65	12
Total, (29 of the polls)	2,454	383

At seven of the above-named polls it will be perceived that not a single Democratic ticket was drawn out, and at six others only one Democratic ticket at each. It is true that at three polls in Charleston County, not included in the above list, to wit, the City Hall, Washington Engine-house, and Ben Potter's, more Democratic than Republican tickets were drawn out, and that at several other polls the number of Republican tickets drawn out did not greatly exceed the number of Democratic tickets drawn out, but this arose from the fact that at such polls more Democratic ballots had been stuffed into the boxes than were necessary to accomplish the purpose intended, and consequently the excess was almost equal to, and in two instances even greater than, the number of Republican tickets in those boxes, as at the Washington Engine-house, where there were only 245 Republican tickets in the box, while the excess was 379, and at Ben Potter's, where there were only 45 Republican tickets in the box, while the exces was 59.

Every Republican vote drawn out was a loss of one to Mr. Mackey, and a gain of one to Mr. O'Connor. On the other hand, by the drawing out of a Democratic ticket Mr. O'Connor suffered no loss, because the excess being created by placing Democratic tickets in the box, whenever a Democratic ticket lawfully voted was drawn out one of the Democratic tickets illegally voted was counted in its place, so that the contestee's vote was not reduced thereby.

Mackey is elected by 879 majority by the returns of the Democratic managers of the election:

	M. P. O'Connor.	E. W. M. Mackey.
Vote certified and declared by the State board of canvassers	17,569	12,297
Deduct the vote fraudulently returned by the county canvassers of Charleston County as the vote of Haut Gap	1,052	19
	16,517	12,278
Add the correct vote of Haut Gap, as it was counted and returned by themanagers of the election	46	1,037
	16,563	13,315
Add the vote of the following polls, which the county canvassers of Charleston and Orangeburgh refused to count and canvass, as required by law, to wit:		
Calamus Pond	119	511
Strawberry	90	573
Biggin Church	63	380
Enterprise	161	385
Brick Church	16	732
Ten-Mile Hill	5	603
Black Oak	11	393
Fogle's	40	254
Fort Motte	85	279
Lewisville	236	700
Bookhardt's	69	212
Total vote as counted and returned by the managers of the election	17,458	18,337
		17,458
Majority for E. W. M. Mackey upon managers' returns		879

But the actual majority for Mackey over O'Connor upon the whole case, after purifying the returns made by the managers, stands as follows:

	O'Connor.	Mackey.
Aggregate vote returned by the managers of the election	17,458	18,337
Deduct vote returned from those polls where the ballots in the boxes exceeded the names on the poll list	14,435	9,933
	3,023	8,404
Add the vote of those polls as corrected	10,107	14,004
	13,130	22,408
		13,130
Majority for Mackey		9,278

THE CONSPIRACY AND ITS EXECUTION.

The proofs in the case cannot fail to convince any unprejudiced mind that the general procedure in carrying on the election was, on the part of the Democrats, the result of preparation, plotting, and conspiracy. The disregard of law and right evinced a desperate determination, and the care, ingenuity, and variety of the methods used establish the fact that those who plotted and those who performed knew that they were in a minority.

The premature opening of the polls; the refusal to allow to the supervisors an inspection of the boxes; the unusual places at which some polls were held; the inconvenient and uncommon elevation at which boxes were universally placed; the suspiciously large apertures made in the boxes for receiving the ballots; the working into the boxes of a few check-back imitation tickets, to furnish a basis of false representation; the creation and general use of tissue ballots; the surcharging of the poll lists with names of men not voting to fit ballots never voted; the painstaking searching out of Republican ballots honestly voted in withdrawing from the boxes to conform the number of ballots to the poll list and avoid the excess caused by stuffing; the rejection of boxes, returns, and votes, upon petty and unfounded pretexts; the scheming to rob communities of their votes by unfounded allegations of intimidation; the burglary of the box; the stealing of returns and votes and the substitution of votes never polled; the circular of Democratic State executive committee, seven days before election, directing as to the withdrawing of excess ballots and to destroy unseen; the appointing by the Democratic county commissioners of both managers for every poll in the three counties from members of the Democratic party, and the spiteful hatred shown before, at, and after the election toward United States marshals and supervisors, conclusively prove the existence of a conspiracy, involving a whole party, to control the results of the election at all hazards—a conspiracy cunning in its methods and unscrupulous and relentless in its execution.

MR. DIBBLE'S POSITION.

Now, Mr. Speaker, how comes Mr. Dibble into this case? Is he without knowledge and without notice? Is he like an innocent descendant finding himself unconsciously in the possession of property to which his ancestor had no title? Is he unadvised, like an innocent consignee of a ship laden with fever-infected clothing? No, sir; he was chargeable with notice of all of the facts of the case when he sought to succeed O'Connor, and when he accepted the certificate which assumed to assert his own election. He ran on the same ticket with O'Connor. His name was on those tissue ballots. He was voted for as a district elector. His name appears in every report of the managers, supervisors, and canvassers. He cross-examined some of contestant's witnesses as O'Connor's attorney, and examined some of O'Connor's witnesses for him.

Dibble makes an affidavit as to Marshal Wallace's appointments and circular. He files objections to the use of the plaid ticket by Republicans in Orangeburgh County. He protests against the counting of the Lewisville vote and also against the counting of the Fort Motte vote, and again against the counting of the Fogle poll vote.

The four polls rejected in Orangeburgh County by Mr. Dibble's management wrongfully abstracted over one thousand Republican votes from the count. He is chargeable with notice of all of the acts by which his predecessor obtained his certificate.

But O'Connor received but a minority of the votes cast while Mackey received a majority of them.

O'Connor never had a right to a certificate of election.

The assumption of his election was baseless from the beginning.

His claim was without color of right.

It was a fraud in fact and legally never had any existence.

Dibble is but the successor of O'Connor, and as O'Connor had nothing, Dibble succeeds to nothing.

THE EIGHT DAYS FILIBUSTERING.

The clamor made by the opposition in this case upon allegations that the testimony has been tampered with, and that forged depositions were presented, has been examined and shown groundless. It is but the struggle of a defendant who can only avoid judgment and its execution by postponing trial. The reaffirmed and twice-proved depositions show beyond dispute that Mackey was elected. Nothing is left in dispute but the amount of his majority. If it be claimed that Mackey has been guilty of any act during the contest that unfits him to remain a member of this House, that can be presented upon charges after he is seated, and an investigation can be called for. The question now before us is whether Mackey was legally elected in 1880. The claim that the delay and the great and expensive waste of time suffered at the most important part of the session is because of the belief that by forgery or tampering with depositions a serious outrage was being committed is flatly contradicted by the facts developed day by day.

About the time of the disposition of the Lynch-Chalmers case the South Carolina State Democratic organ, the News and Courier, said:

The Northern Democrats hanker after the independent vote in the North, and have a good chance of securing a big part of it next November, but that vote will cost more than it is worth if the price paid for it is the surrender of the Congressional districts in the South which the Republicans claim as their own. Southern Democrats will not consent to be ground to pieces between the upper and nether millstones of national Republicanism and Northern Democracy. The South is the backbone of the national Democracy. Break it, or even weaken it, and there will not be, in our day, another Democratic President.

Here was the lash with the knot at the end of it. The reference is not merely to the Mackey-Dibble case, but it fairly includes all

Southern election cases. It is notice to the "Northern Democrats," and refers to the "Congressional districts of the South." Soon came the response, as follows:

WASHINGTON, *May* 15.

The indications are that the minority of the House will delay action as much as possible in the contested-election cases which are expected to come up during the week. In conversation on the subject to-day, a prominent member of the minority said that if the contested-election cases were forced ahead of the regular appropriation bills the chances would be that the session would extend into August.

It covers the "contested-election cases."

Then, May 22, we are told—

If a quorum is obtained the result will be the same, but the work of filibustering will be harder. If sixty Democrats hold out they can filibuster against a quorum all the summer. RANDALL, on taking the leadership of the case, had it understood that, once taking it, he was going to fight to the last in every possible way.

May 25, a correspondent gives order No. 1, as follows:

I saw RANDALL's general orders No. 1 this evening. It shows better than my words could how systematic are the Democratic preparations for a siege and how unlikely the party is to fail. Here it is:

"BLACKBURN, KENNA, CARLISLE, and RANDALL will lead the minority in turn, each for six hours. The Democrats will be divided into two squads of fifty men each, or as many less as may be necessary to call the yeas and nays. One squad will be on duty for twelve hours and will be relieved by the other, which will remain on hand for the same time, or until the first relay returns to duty. Messrs. ERMENTROUT of Pennsylvania and CLARK of Missouri are intrusted with the charge of these squads, and will see that they are on hand during their turn."

And the State Democratic organ immediately responds:

Not only in South Carolina! The Democrats everywhere in the South wil learn from the fight which Mr. RANDALL superbly leads that a *new departure has been taken*, and that the jeers and snarls of the Stalwarts will not deter the Democrats in Congress from cleaving to their friends as the Stalwarts invariably cleave to theirs. It is all that was wanted to secure to the national Democracy a clear majority in the House of Representatives on the 4th of March, 1883.

Here is the record made by the obstructionists themselves.

The origin, development, and expected results of the revolutionary obstruction are laid bare, and it is not needful that a Republican should add comment.

The "filibustering" was purely political in its origin and its objects. *Let the people pass judgment upon it!*

Let us now see whether Congressional districts North and South will approve and will send men here to repeat it.

THIS CASE.

Mr. Speaker, this is the case before this House. By the Constitution "each House of Congress shall be the judge of the election and returns and qualifications of its own members."

Upon the facts of this case I believe that the laws of the mind as well as the laws of the land require us to "*judge*" that Edmund W. M. Mackey was elected a member of this House for the second district of South Carolina November 2, 1880. Being personally qualified, he should take the oath of office and occupy the seat which belongs to the constituency which elected him.

Mr. Speaker, it is contrary to nature and to the course of human affairs that the perpetration of offenses like those disclosed in this case can be continued and repeated without the most serious and painful consequences.

The acts degrade the participant while defrauding the opponent, and tend to create disorder and violence. Like other wrongs they will return to torment the wrong-doer. The American people are determined that there shall be, so far as their jurisdiction extends, at all hazards and at every cost, at every voting place upon our soil a fair vote and an honest count. All parties proclaim it, and no party that seeks or consents to profit by a false vote or a dishonest count can escape the consequent disgrace and degradation.

To allow this tangled skein of artifice, cunning, fraud, and crime to hold back the rightful member from his seat would be to disregard the fundamental principles of our Government and trifle falsely with the sacred rights of citizenship.

THE REAL ISSUE.

But the question presented is far broader than this election case. Let no one mistake or belittle the great issue which this case represents. This is no mere local partisan contest that has in a struggle between individuals been forced temporarily into public sight. It is the "old dragon" of State rights appearing again. It is the domination of caste and race. It involves the defeat of majority rule, the nullification of constitutional safeguards, the humiliation of United States officers, the degradation of United States courts and laws, and the dictation of the membership of this House by the canvassers and governors of States.

The colored vote of South Carolina is stated to be at least 120,000, and the white vote less than 80,000, and shrewd observers familiar with the facts doubt that there are 500 colored Democrats in the State. Yet not a Representative generally supported by the colored voters is returned as elected to this House. The fact of the defeat of the majority is not only admitted but is sought to be justified upon the plea of self-protection and self-defense.

Pending this contest the public declarations are open and unequivocal.

Colonel John Cunningham, in "an open letter" to the people, dated May 9, and published in the Charleston News and Courier of May 13, 1882, uses this language:

Hence arose for the whites of South Carolina a life-and-death matter of pure self-defense and of State preservation, a paramount necessity. This consisted in getting at all hazards in 1876 possession of the State government and of holding it ever since. This possession was their birthright, and this necessity is their fundamental, inexorable duty. I have no right to kill a man wantonly, but if I kill one in defense of my life and its rights it is neither a crime nor a fraud. The life of South Carolina is as dear to her and to civilization as ever "the life of the nation" (God save the mark!) could have been to the sectional, high-wrought, venal corruption which controlled the United States, even to the cruellest war and persecution, from 1860 to the election cases of 1882.

For this sacred heir-loom purpose our whites had to seize and use the very election machinery which the Radicals and their deluded African followers had prepared against them. Necessity is above law, paramount over human affairs, and in compelling our white citizens to "count out" the African votes, it precluded all criminal or fraudulent motives on their part. It was patriotism perforce for their hearthstones! This desperate situation, an outrage upon all enlightened humanity, was forced upon us by bellicose persecution, and in clear conscience we can challenge any American community to a comparison, by any standard however high, in either moral or political sentiment. Since in Congress Thaddeus Stevens and his majority there, seeking to establish Seward's "higher law," proclaimed themselves to be encamped outside of the Federal Constitution and in defiance of it, their Northern followers of to-day have no right to point their fingers in scorn at us. They did it in unconstitutional outrage against others; we are better men in only doing it in genuine self-defense.

And in the trial of the managers of the Hope Engine-house poll for offenses committed in this same election involved in contest, Colonel C. R. Miles, one of the counsel for the defense, is reported as using the following language in his address to the jury:

We are all familiar with instances in which the most fundamental principles of civil liberty have been vindicated, and the dearest safeguards of freedom have been preserved, through the instrumentality of popular elections, which have been carried by agencies which no moralist can sanction in the abstract. English liberty has on many occasions been preserved against the encroachments of arbitrary power by the election of unprincipled demagogues, and through corrupt practices.

No, gentlemen of the jury, when you hear all this talk about the purity of the ballot-box and about purging the people of South Carolina from election crimes, what does it come from, if it exists at all, except from the debasement of the suffrage? And when these offenses, if offenses they are, are to be thrown off, we must go to the bottom and root of the evil. When the franchise itself is redeemed and elevated and purified, the crimes against it will cease, and not until then. We do not justify such practices or desire their perpetuation, but we must as practical men recognize that as long as human nature remains what it is they will be resorted to, where the evil sought to be arrested is regarded as worse than the demoralizing influence of the practices themselves.

To apply these suggestions to our present condition, I say that all the alleged crimes and practices against the suffrage grow out of and are due to the debasement of the elective franchise. The evils which States and communities have suffered from the degraded franchise have been greater, in the estimate of large numbers of good men, than the injurious consequences which they recognize as incident to the employment of the agencies made use of to counteract or prevent them. If the laws for the protection of the franchise have been violated it has been in the efforts of communities to free themselves in their civil life from the intolerable consequences which the degrading of the franchise has brought upon them.

And also the following:

But it is contended that the managers drew out more Republican tickets than they did Democratic, and that they did it by feeling those tickets and drawing out those they knew to be Republican. We submit that there is no power of the State law which prohibits such a mode of drawing, and, that not being expressly prohibited, the managers cannot be convicted under this information, even if the jury believed that they did what they are charged with.

Considering the doctrines thus set forth as the views of those who "are almost exclusively the owners of the soil and other property" it is not strange that the election trials just had in the United States courts but before local juries should have all failed, nor that the local press should have lauded the "just jurors" and denounced the national courts.

Consider this from the before-named paper, May 5, 1882:

In the construction of State laws the decision of the State courts must and should govern the United States courts. Otherwise the United States court becomes more powerful than the State government, and can nullify any State law, or give to that law a construction diametrically different to that which is given by the State courts.

And consider this, from the same source at a later date in an article commending the calling of the Legislature to redistrict the State into Congressional districts:

It is, moreover, for the interest of the State to strengthen the Democratic party. This was demanded by the conduct of the Government in the political trials in Charleston. The State must be Democratic, or pass into the hands of the Independents, who are only Republicans "writ large." The choice is between the rule of the white man and the rule of the negro. If there was ever any middle ground, it was washed away by the juggling and lawlessness in the United States court. It is, also, the sentiment of the State that unqualified support must now be given to the national Democratic party. There will be no lukewarmness in the Congressional elections. The national Democracy and the South Carolina Democracy are shoulder to shoulder again, and will remain so.

And the following from the editor of the Marion Star, under date of May 11, speaking of the present Administration:

The recent proceedings in the United States circuit court in Charleston, when the Government officers attempted to pack negro juries without intelligence or character to try citizens for political offenses, are a sufficient indication of partisan recklessness to unite all honest men against it.

In a letter to the New York Times under date of Orangeburgh, May 18, James L. Sims, editor of the Times and Democrat, says:

In South Carolina there are 600,000 negroes, ignorant and influenced by a race prejudice which amounts to a religious hatred for the whites, to be so controlled that they may not interfere with the material advancement of the State. Their ignorance may be overcome partially by education, but their race prejudice is based upon the color of the skin and texture of hair, and never can be destroyed by human effort. This northern Republicans know, yet they will force them upon the South, not because of love for the negro, but to perpetuate their power over the country. The negro knows the same truth, yet he will blindly obey his Radical masters, not because of any respect for them, but to rule the white man because he envies his complexion, his superior condition, mental capacity, and moral worth. Let Northern Republicans cease their war upon the South, abandon their insane efforts to elevate the negro to a position he can never be made capable of

occupying, and the Southern whites, who really do not hate the negro, can and will care for his race and make him what every good citizen wishes him to be, a free and worthy citizen of this great country. The negro will never rule the South again.

And J. A. Wood, editor of the Watchman and Southron, in the same series of letters, says under date of May 26, 1882:

Their party principles are very loosely defined; the issues upon which every political struggle is fought are honesty *versus* vice, ignorance *versus* intelligence, Africanism *versus* Americanism. In such a contest the Democrats have not been excessively particular in the way in which they conquered. The end was sometimes supposed to justify the means, and they have laid themselves liable to the charges of fraud in elections.

A new State registry law will be in force at the next election. A quotation from a recent editorial commending it is painfully suggestive:

But the Democrats will gain in other ways. They will know in advance where the heaviest opposition vote must be cast, and they can adjust their canvassing to the strength of that opposition, *putting in the hardest work where most converts are required.*

And a lurid light is reflected by the following:

[From the Anderson Intelligencer.]

When our people understand that the good of the State requires the registration law, we have no doubt that the men who have given weeks and even months of their time in red-shirt companies to the redemption of South Carolina, will cheerfully give the few hours necessary to the retention of the government which has done so much for the State. Wherever the registration law has been tried it has worked like a charm throughout the South. The men who have rescued South Carolina from her oppressors will not hesitate to submit to the laws which have been tried successfully in Mississippi, Alabama, and many cities, and are now deemed necessary to the welfare of our own State.

These extracts from leaders of public opinion prove conclusively that it has been and is the determination of the Democrats of the section in question to override and overturn the majority whenever that majority is Republican, regardless of right or justice, voters or votes, constitutions or laws.

CONCLUSION.

Now, shall this lawlessness continue and become the permanent custom of a portion of our country, the defrauded colored men to be counted in adding to the number of the Representatives they are cheated in attempting to vote for? Or shall the Constitution be amended so as to exclude colored men from voting and colored people from being counted in making up the number of Representatives? Or shall equal rights and the Constitution as it is be maintained? These are the questions underlying the contest of to-day.

How will our fifty millions answer them? District Attorney Melton, an honored South Carolinian, to the manner born, said a few days ago to the jury in the Hope Engine poll case:

It is impossible that you can do better for the people of South Carolina than to go with me heartily and honestly in endeavoring to restore the old time-honored honesty and integrity of the ballot-box. Do that and I know the God of justice and good government will smile upon us all alike. Refuse to do it, (and there is my right to speak for South Carolina,) refuse to do it and the grand old State for whose record and history it is my birthright to feel loving reverence—the grand old State will keep its track in sackcloth and ashes forever.

The fifty millions will say: "Let us restore the old time-honored honesty and integrity of the ballot-box."

The colored man is a citizen and a voter by the Constitution of the nation. He must remain a citizen or become a serf. Let him be protected by law in all his rights, and let him be assured that in all civilized nations protection by law includes, if necessary, the employment of treasure and of arms. Let him know that in this nation protection by law comprehends the organized will and power and force of the nation.

Mackey vs. O'Connor.

SPEECH

OF

HON. JOHN H. EVINS,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 31, 1882.

The House having under consideration the South Carolina contested-election case of Mackey *vs.* O'Connor—

Mr. EVINS said:

Mr. SPEAKER: I regret that I will not have the opportunity to discuss this case as I desired. I know it seems like taking part in a solemn farce to address a jury after they have rendered their verdict, but there are some things I desire to state, and will avail myself of the few moments given me to do so.

The lofty disdain with which the gentleman from Massachusetts [Mr. RANNEY] and the distinguished gentleman from Texas [Mr. JONES] treated the law of this case is equaled only by the contempt they displayed for the facts. [Applause on the Democratic side.]

I have no doubt they are good lawyers, that they are able men, but it seems to me it was arrogating somewhat to themselves to say that our friends on this side who have discussed the legal questions with so much ability [Mr. ATHERTON and Mr. MOULTON] did not know what they were talking about. Why, the gentleman from Massachusetts went so far as to say he did not have patience even to listen to the legal argument of Mr. Dibble's counsel before the committee. I appeal to any fair-minded member on this floor who has read the able and convincing argument of General Paine in this case, whether anything said by the gentleman or by any one else who has spoken in the interest of the contestant has disturbed its logic or weakened its force.

I do not pretend to know much of law, but I have some just appreciation of what a legal argument is when I read it or hear it. But that which has struck me with most amazement in this case from the beginning to the end—and I speak not as a partisan, but as one whose blood runs cold—and whose feelings revolt at the fraud, corruption, and perjury which meets us at the very threshold of this discussion, that members on that side of the Chamber can talk of it as if it were an ordinary contest, brought in the regular and ordinary way into this House. [Applause on the Democratic side.] [Mr. RANNEY rose.] My distinguished friend I hope will not interrupt me, because I have only a few minutes' time allowed me.

My friend from Massachusetts, in almost tragic style, gathered his robes about him as in lofty strains he spoke of the outrages and corruptions in elections at the South, while at the same time he looked complacently down into the upturned and smiling face of Mr. Mackey (who sat at his side) with an air that said, "As to this immaculate gentleman, I find nothing in his case or in his conduct to condemn!" [Laughter.]

Mr. Speaker, as I listened to the plain, convincing, unanswerable statement of the facts of this case made by the gentleman who opened the argument on this side, [Mr. DAVIS, of Missouri,] I remarked to some one by my side at its conclusion that if Mackey had been indicted for corrupting this testimony, with such a speech as that made to the jury, the penitentiary would have opened to him instead of the doors of Congress. [Applause on the Democratic side.] I say there is no escape from the logic of that argument.

It carries conviction in every line and in every word to those who are willing to listen and desire to come to an honest conclusion. If he had been so arraigned, I am sure neither the ingenuity of the learned gentleman from Massachusetts, nor the legal acumen of my friend from Texas, nor the eloquence of my Readjuster friend [Mr. PAUL] of Virginia could have saved him from conviction.

What are the simple facts found in the history of this record, and what do they show? I put it to you as honest men, as honorable men, even though your verdict is virtually made up. Let us see. In the generous and noble impulses of his nature, Mr. O'Connor made an agreement with the contestant to take this testimony; one which waived many of the safeguards of the law. He committed his case, so far as the integrity of the contestant's testimony was concerned, to the hands of his opponent; and while his friends were keeping watch around his dying bed, what was Mackey doing? Manufacturing a record by which he could get the seat in Congress to which the dying man was justly entitled. But gentlemen have told us that "there is nothing wrong in these pages;" that this record shows enough to seat Mackey, and that should end all further inquiry; that it matters not that the testimony was committed to Mackey's tender care and keeping, instead of being sent here directly by the stenograper. "There is nothing," says the gentleman from Massachusetts, "in the charges made against the conduct of Mr. Mackey;" and he dismisses them as "trifling" and "trivial;" and the gentleman from Texas says, "We are blind and cannot see anything." Why, in the first place, Mr. Speaker, this testimony is shown to have been taken by Hogarth, the notary of Mackey. It is turned over to Mackey; Mackey himself admits this, and furnishes the proof of the conspiracy between himself and Hogarth. He says that he entered into an agreement with Hogarth to violate the law; to have Hogarth turn over the testimony to him to be recopied; testimony which it was the duty of the notary, under the law, to certify to the Clerk of this House under his own hand and seal without permitting it to leave his possession. He furnishes himself the evidence of the conspiracy with Hogarth. Can there be any question that this was a conspiracy? Why, Mr. Speaker, this agreement contains the very definition of a conspiracy. It was an agreement to do an unlawful act. What evidence is there that it was carried out? This man Smith—this man whom the gentleman from Virginia loaded down with epithets, and when he could not find any strong enough to express his indignation, resorted to the ponderous volume he held in his hand which contains so much of infamy and villainy, the report of the committee on the frauds in the South Carolina Republican Legislature, to find language sufficient to describe this monster in human shape; and yet this man Smith, who they say is such a rascal and bribe-taker, is the man chosen by Mackey to take the custody of his testimony; chosen by him and taken into his own house; employed by him to copy the testimony, some of it being transcribed at Mackey's house, some at the United States court-house, and some at the room of Smith. Now, Mr. Speaker, if Mackey had been looking for a man to do this job, to do it successfully, to keep it a secret, as it was kept for more than a year, could he have found a man more suited to his purpose than such a man as this Smith is shown to be by those who defend the

claims of the contestant? This same man Smith and others employed by Mackey copy this testimony and it is sent in the name of Hogarth to the Clerk of this House. Mr. Dibble accidentally finds out after the manuscript has been sent to the Printer that not a syllable of it, except the signature of Hogarth, is in his handwriting.

The distinguished gentleman from Massachusetts talks about "pretense;" he had a great deal to say about the pretense of this side of the House, and yet he sees no pretense in the thin guise of pretended haste with which Mackey attempts to cover up the real motive he had in recopying Hogarth's "rough copy" of the depositions.

What an excuse! Will any gentleman look me in the face and say in his heart and conscience he believes any such thing; that Mackey's sole object was to put a clean copy of the testimony here for the use and information of the House? Why, you have seen Hogarth's handwriting——

The SPEAKER. The gentleman's time has expired.

Mr. EVINS. I ask the House to indulge me for five minutes longer.

Several members objected.

The SPEAKER. The Chair understands objection is made to extending the time.

Mr. DIBBLE. I will yield, if the gentleman desires it, five minutes of my time.

The SPEAKER. Does the Chair understand the gentleman from South Carolina to yield any portion of his time?

Mr. DIBBLE. If my friend wants five minutes, I will gladly yield it.

Mr. EVINS. I cannot take the time of my friend. I know that he will want all the time that has been allotted him. But as the House has extended the time of other gentlemen, I hope there will be no objection to extending mine.

The SPEAKER. It can only be done by unanimous consent.

Mr. McLANE. I ask leave that the gentleman from South Carolina have the privilege of extending his remarks in the RECORD.

There was no objection.

Mr. EVINS. When interrupted by the fall of the Speaker's hammer, I had endeavored in a very hasty manner to show how diligently and skillfully the members of the committee who support the claims of the contestant had avoided the real issue in the case, and was proceeding (as I was forced to do for want of time) to glance very hurriedly at some of the facts which display in a striking light the corrupt action of the contestant in procuring a false and fraudulent record to be substituted for the genuine one. Hogarth's bad handwriting and Mackey's haste to have a neat copy of the testimony ready for an expected extra session of Congress is the excuse given by Mackey for inducing Hogarth to turn over the depositions to him to be recopied. Notwithstanding this haste, however, the agreement with Hogarth was to write out his notes in a "rough hand," so that it would be necessary to have them rewritten.

If the only motive for this agreement was to save time, why did he not say to his stenographer, I want you to translate your notes into long hand as soon as possible, but you must be careful to write them out in a plain and distinct hand so that no time may be lost in recopying any portion of them? I think it will require more than the oath of the contestant to convince honest men that his story about this matter states the whole truth, if indeed there is any truth whatever in it. He knew perfectly well in the first place that it was a plain and palpable violation of the law for him to take this testimony into his keeping.

No man knew better than the contestant that it was not only a violation of law but a gross breach of faith toward the contestee to enter into any such an agreement. The instincts of an honorable man would have revolted at the bare suggestion of such an arrangement. Such a man would have suffered the loss of a right eye or a right arm before he would have subjected himself to the just suspicion of fraud and treachery involved in such a transaction. But what of Hogarth's part in it?

I am not sure that I ever saw him in my life, but it is easy to imagine how one occupying the responsible position held by him in this contest, after entering into such an understanding in flagrant violation of his duty, should afterward be anxious to make it appear that Mackey was guilty of no wrong, and had gained no advantage from this corrupt bargain. As he put it into Mackey's power to corrupt the record, every charge of fraud or forgery made against Mackey reflects upon him, and whether he intended any wrong or not when he permitted Mackey to take possession of the record and rewrite it, he is now compelled by the logic of his own action to make common cause with him and to fight on his side.

His subsequent conduct in certifying to the sheets copied by Mackey and his agents, without knowing whether they agreed in any respect with the original draft made by himself, shows, too, either an incredible amount of faith in the integrity of the man who had induced him to consent to so gross a violation of his duty, or an utter indifference as to what might be the character of the testimony to which he affixed his name and official seal. It probably would not be hard to surmise the reason why Mackey did not insist, with Mr. Dibble, that Hogarth should be immediately summoned before the Committee on Elections with his original stenographic notes, to set at rest in the speediest and most satisfactory manner to every one the grave charges made against the purity of the record; but why did Hogarth, who is so deeply involved in this disreputable transaction, not feel called upon to claim his right to be examined for his own vindication?

He knew that by the terms of the agreement between the contestant and the contestee under which the testimony was taken the signatures of witnesses to their depositions were waived, and that the genuineness and purity of the record depended entirely upon his honesty and good faith. When, therefore, allegations were made under oath by Smith that Mackey had altered it in many instances, and had destroyed whole pages of the translation which he (Hogarth) had made of his stenographic notes, it seems to me he would not, if guiltless himself, have voluntarily furnished Mackey a certificate that certain depositions which Mackey chose to designate "corresponded" with his notes, but would have demanded that he should be summoned with all his notes to testify before the committee. Such a course of conduct would have relieved him from the just suspicion of having acted corruptly in turning over the testimony to Mackey in the first instance and afterward allowing him to deal with it as he chose.

Neither he nor Mackey, however, seem concerned in the least about the foul blot which the admitted facts fasten upon their names. When Mackey is charged with having "willfully, surreptitiously, fraudulently, and corruptly altered and perverted the testimony" upon the oath of one of his political friends, the man he had employed to recopy Hogarth's "rough" manuscript, he does not ask to have his character vindicated from false aspersions by having the stenographer to produce his original notes, but, intent only upon securing a seat in this Hall upon the record as he had made it, he hunts through the by-ways and swamps of three counties in South Carolina to find seventy or eighty witnesses who are willing to sign machine-made affidavits in identically the same words (except as to the pages on which their depositions are found in the volume of printed evidence) that they "have carefully read in the volume of printed testimony in the case of Mackey *vs.* O'Connor" the depositions made by them, and that deponents "are sure that there has been no garbling of or alteration of their testimony," &c.

The getting up of all these affidavits in the short space of three days was a wonderful achievement and must have been attended with a vast amount of inconvenience, trouble, and no little expense. But why go to all this trouble and expense? Mr. Dibble asked that Hogarth be summoned before the committee, and was willing to rest the truth of his charges on Hogarth's original notes. Why was the contestant unwilling to risk the testimony of his own stenographer on a cross-examination before the committee? Perhaps he was in a hurry again and could not wait until Hogarth could, in answer to a telegraphic summons, travel from Augusta to Washington. It is perhaps natural for a man who thought the quickest way to get the testimony ready to send to the Clerk of this House was to have it so written out in the first place that it would be necessary to rewrite it to come to the conclusion that the speediest way of meeting the charges against his rewritten copy was to employ men to hunt up these ready witnesses.

Most men would have thought otherwise, and some I have no doubt will be uncharitable enough to conclude that these numerous affidavits were gotten up to relieve the strain on Hogarth's conscience; that Mackey came to the conclusion that the fourteen depositions which Hogarth was to fix up were about all he could stand. However this may be, the facts show conclusively that Mackey was unwilling to have the record he had presented in this case tested by the original notes; and Hogarth has been content to rest under the odium which attaches to him for his part in the transaction. Whether Hogarth has or has not actively aided the contestant in preventing the truth from being fully revealed might have been much more satisfactorily shown if the committee had granted Mr. Dibble's request to have the witnesses examined and cross-examined in the presence of the committee. In this connection a very singular fact, and one which seems inexplicable except upon the hypothesis that there was a perfect understanding between Mackey and Hogarth, was mentioned by my friend from Missouri, [Mr. DAVIS.] I beg leave to quote what he said in regard to it:

Mr. DAVIS, of Missouri. Mr. Mackey also presented the affidavit of Mr. Hogarth as to certain depositions, and I will have the Clerk to read the following letter written by Mr. Mackey to Mr. Hogarth, and I hope the House will give its attention to the letter, which has not been heretofore read in this connection.

The Clerk read as follows:

WASHINGTON, D. C., *February* 23, 1882.

DEAR SIR: In view of the affidavits made by yourself and C. Smith, you will oblige me by reading and comparing the depositions of S. W. McKinlay, J. G. Smalls, J. J. Lessene, G. H. F. Graham, St. Cyprian Delaney, F. H. Carmand, Robert Simmons, J. H. Ostendorff, M. Caulfield, George E. Hart, Benjamin Moultrie, Nestor Curry, J. J. Moore, A. Lathrop, E. A. Webster, W. N. Taft, C. Smith, T. A. Haguenin, T. C. Albergotti, and W. A. Zimmerman with your original stenographic notes and forward to me by Monday's mail, if possible, an affidavit as to the result of your comparison.

A copy of the testimony and the affidavits recently filed by Mr. Dibble have been forwarded to you.

Although this request may put you to considerable trouble and perhaps inconvenience, yet, in justice to me, you should not hesitate to do as I have requested Any reasonable charge for the services performed will be paid by me upon receipt of your bill.

Yours, respectfully,

E. W. M. MACKEY.

E. H. HOGARTH, Esq., *Augusta, Georgia.*

Mr. DAVIS, of Missouri. It will be observed, Mr. Speaker, that this is a letter addressed by Mr. Mackey to Mr. Hogarth, asking him to compare the depositions

of twenty witnesses with his stenographic notes, to see whether they are correct, or whether they correspond with the printed documents in the case or not. Here is Mr. Hogarth's reply, which I will ask the Clerk to read, and which is given in the shape of an affidavit.

The Clerk read as follows:

STATE OF GEORGIA, *Richmond County:*

Personally appeared E. H. Hogarth, who, being duly sworn, says: That at the request of Colonel E. W. M. Mackey, as appears by the letter hereunto annexed, he has during the past twenty-four hours examined and compared the depositions of S. W. McKinlay, J. G. Smalls, J. J. Lessene, G. H. F. Graham, St. Cyprian Delaney, F. H. Carmand, George E. Hart Benjamin Moultrie, J. J. Moore, M. Caulfield, Nestor Curry, E. A. Webster, T. C. Albergotti, and T. A. Haguenin, as contained in the printed volume of the testimony in the case of Mackey *vs.* O'Connor, with the original stenographic notes of the said depositions, and that the depositions as printed correspond in every particular with the original stenographic notes of such depositions.

Deponent further says that the printed depositions of the other witnesses named in the communication of Colonel Mackey have not been compared with the original stenographic notes because of the want of time on the part of deponent.

E. H. HOGARTH.

Sworn to before me this 27th of February, 1882.

[SEAL.] WM. K. MILLER,
Notary Public, Richmond County, Georgia.

Mr. DAVIS, of Missouri. Now, it will be observed from this reply that Mr. Hogarth compared fourteen of these depositions, as he states—the depositions of fourteen witnesses—with his short-hand notes, and he says he found them to correspond in every particular. Recollect that when this affidavit was presented to the Committee on Elections, Mr. Mackey stated to the sub-committee having the matter in charge, and if I am not correct in this I hope I will be set right by some member of the committee, that on these fourteen depositions he was willing to rest his case; that he was willing to disregard all the balance of the testimony, and that these fourteen depositions, attested by Mr. Hogarth, would prove his case. I believe that was his statement; am I not correct? [After a pause.] Nobody denies it, and I take it for granted, therefore, that that is the fact.

Is there anything remarkable in that circumstance that Mr. Hogarth picked out the fourteen depositions, the very ones upon which this man Mackey, the contestant, said that he was willing to rest his case? I think there is. Now, let us see. We have here a letter which I have had read, from Mr. Mackey to Mr. Hogarth, giving him the names of twenty witnesses who had testified in the case, whose testimony he wanted to corroborate by his short-hand notes. Of course he gave them in a certain order, A, B, C, and so on, and I ask if it would not be entirely natural that the party comparing the names or the depositions with his stenographic notes would have taken them in the order in which Mr. Mackey put them down? Would it not seem reasonable that he should have done so? It certainly would to me. Has he done so? No. He takes the first six names of the list; skips Simmons and Ostendorf and Caulfield; takes the next five in their order; skips Lathrop, the next in order; takes Webster; skips Taft and Smith; takes Haguenin and Albergotti.

In other words, by skipping two names in the first place, one in the next, and two in the next, by accident, he selects the very fourteen depositions upon which Mackey is willing to rest his case. That is a small circumstance, I know; but these are the kind of things that have influenced me in this case; that have excited doubt in my mind as to whether we can rely upon the testimony in this case or not, and as to whether there is a sufficient reason to excite the suspicion that there has been a conspiracy between Hogarth and Mackey to count in Mackey and count O'Connor out.

How can this perfect understanding between the two be explained? There is nothing in Mackey's letter to which Hogarth's affidavit pretends to be responsive, to explain it, and no one can believe that these fourteen depositions were selected by mere chance. Do not these facts so well stated by my friend add force to the charge made by Mr. Dibble a short time since, through the columns of the National Republican, of this city, that there was a secret interview between the contestant and his stenographer in the city of Augusta, Georgia, about the time Hogarth's affidavit was made; and that in reality it was not made, as it purports to be, in response to Mackey's letter, but after a personal conference with Mackey?

Mr. Speaker, I have felt justified in devoting so much time to the character of Mr. Hogarth, and the part he has played in this case, because upon the fourteen depositions which he says "correspond in every particular with the original stenographic notes of such depositions" the majority of the committee base Mackey's claim to a seat on this floor. I believe I have shown pretty clearly to all fair-minded men that the agreement which Mackey says he made with Hogarth was a conspiracy, and that it has been fully carried out. And yet upon the sole testimony of one of these conspirators the other is to be made a member of this House. This is what this side of the Chamber has fought against.

We have asked that the man who had that testimony in his keeping, and who took it from the lips of the witnesses, should be required to bring it here. For this simple act of justice, denied to us by the committee, we have contended in vain with the majority of this House, and are now forced to trial upon a false and fraudulent record. No Democrat has cause to regret the part he has taken to defeat so great an outrage upon truth and justice. Our friends on the other side are welcome to all the glory they have gained as the champions of such a cause. Gentlemen who have refused a proper investigation of these charges of forgery and fraud plant themselves upon the fourteen depositions, and with an air of triumph ask us to point out in what respect these so-called depositions have been changed or garbled. We say they come to us in such a way as to justify us in pronouncing them utterly unreliable.

It is very evident that the stenographer was not free from the powerful influence which the contestant seems to exercise over him when he penned the affidavit which purports to be a response to Mackey's letter. All the circumstances attending the alleged verification of these depositions by Hogarth discredit them. The chairman of the committee [Mr. CALKINS] has been good enough to give us some information about this verification which we never had before. Several days ago, when he occupied the floor upon a question of privilege touching the action of the majority of the committee in this case, he used the following language in replying to a question propounded by Mr. KENNA:

Now, it stands undenied and confessed that the original notes of the stenographer never were out of his possession, and before the committee would look at the evidence after it had been questioned they required that the depositions should be compared with the original notes. They were compared, and only those that were compared and stated by the stenographer (as the affidavit will soon show) to be the exact evidence; those and none else were used by the committee. The rest were rejected.

This startling disclosure was something entirely new not only to the sitting member but to the members of the minority of the committee. It seems from this statement that the majority of the sub-committee had a private conference with the contestant either before or after he had been put upon time to file "affidavits in reply" to those filed by Mr. Dibble, in which they informed him that "before they would look at the evidence after it had been questioned they required that the depositions should be compared with the original notes." Let us examine the facts as they then stood before the sub-committee, and see if this statement of the chairman of the full committee will not strike members as a very remarkable one.

On the 21st day of February last Mr. Dibble filed a communication with the committee, in which he charged "that Mr. Mackey had willfully, surreptitiously, fraudulently, and corruptly altered and perverted the testimony;" and after stating that "these matters had come to his knowledge very recently," wound up his communication as follows:

I therefore request this committee to make due investigation of these matters, and to ask leave of the House of Representatives to summon the witnesses whose depositions accompany this communication, together with such other witnesses as may be named by the said contestant and myself, respectively, to testify touching the truth of the charges aforesaid, in case the contestant deny the said charges, or to take such other means as may be just, fair, and lawful to ascertain the same; and that the testimony on file in the said case of E. W. M. Mackey against M. P. O'Connor be stricken out, and declared to be fictitious, unreliable, and void.

A number of affidavits accompanied this paper, among them those of Hogarth and C. Smith. Mr. Dibble's counsel had also filed a motion to suppress the depositions because the notary had not certified that they were written out in his presence. A meeting of the sub-committee on these two matters was called for February 26, and on Thursday, February 23, Mr. Dibble was notified by letter that the meeting of the sub-committee had been postponed by the chairman until Wednesday, March 1.

Wednesday, March 1, the sub-committee met. Mr. Dibble stated to the sub-committee that he had presented affidavits in support of his application for an investigation to show that he had foundation for making the charge; that he could not ask the sub-committee to determine so grave a charge on *ex parte* statements, but hoped they would give full opportunity on both sides for cross-examination of witnesses; that in addition to the witnesses who had made affidavits there were other material witnesses who would not testify because they were party friends of Mr. Mackey, and he was satisfied he could not procure their testimony without the power of the House. Mr. Dibble asked them to inspect the manuscript, which they declined to do, and after a private consultation the following resolution was announced:

Resolved, That all affidavits on the part of Samuel Dibble in support of his two motions be ordered filed to-day with the clerk, if not already filed, and that Mr. Mackey be allowed until the 3d of March, 1882, to file with the clerk affidavits in reply thereto, and the same be printed; and that these motions be continued until next Monday at 10 a. m., and at that time these motions shall be determined by this sub-committee, after allowing one-half hour for argument on each side.

Thus matters stood when, according to the gentleman from Indiana, [Mr. CALKINS,] the Republican majority, without the knowledge of Mr. Dibble or the minority members, gave their instructions to Mr. Mackey as to what he should do, and agreed among themselves what sort of testimony should be received and what should be rejected. We had supposed, until we were enlightened by the gentleman from Indiana, that the action of the sub-committee was fully set forth in the resolution we have quoted.

Mr. Dibble had just asked that Hogarth and other witnesses whom he could name, as well as those named by the contestant, should be examined before the committee. He had stated that they were political friends of Mr. Mackey and he could not "procure their testimony without the power of the House." Instead of asking the House to compel the attendance of witnesses the Republican majority, without a hint to their brethren of the minority or to Mr. Dibble as to what they were about to do, inform Mackey that he is "required" to obtain a reverification of depositions from his friend Hogarth, and that they will regard no other evidence but the depositions thus verified.

This, too, was done while the committee had before them the admissions of Hogarth that he had already been guilty of the grossest violation of the law governing his action as notary and the duty he owed to the contestee. What a travesty on a "full and fair investigation!" What a mockery of justice to send Mackey privately to his coconspirator to have him say the false record which he aided in palming off as the genuine one "corresponded in every particular with the original stenographic notes!" But this is not all. The fourteen depositions to be verified are selected by Mackey and Hogarth, and the majority of the committee now say that their finding was based entirely on these, and that all else in the record was rejected.

This, too, is done while the resolution of the committee refusing Mr. Dibble's motion to strike out the depositions as spurious still remains as the deliberate action of the committee. But the gentleman from Massachusetts says "there is no pretense that any of the evidence which proves that Mackey was elected according to the original returns is not now before us as it was given." Mr. Dibble made out such a *prima facie* case against the whole record as to entitle him to expect with confidence an opportunity to prove by competent witnesses what was false and what was genuine; and when the door to investigation is shut in his face it does not well become any member of the committee to say anything in that record is "incontrovertibly proven."

The gentleman himself a moment later, apparently aware that the assertion just quoted was a little too broad, proceeds as follows:

> The proof lies in the shape of returns made by the district managers, which alone needed to be proved, and they were proved by the originals when they could be had, and by their contents when any of them had been destroyed, as they had been, some of them, in the office of the county commissioners of election.

But granting that there was before the committee satisfactory proof that according to the managers' returns Mackey did receive more votes than O'Connor, it does not necessarily follow that Mackey is entitled to the seat he claims.

The gentleman admits that a number of boxes, seven in one county and four in another, sufficient to give Mr. O'Connor a large majority, were thrown out by the county board of canvassers. But he says that this was done on mere "pretenses," that there was no intimidation of voters, that "no one was even frightened from their propriety," and that the action of these canvassers was illegal. The truth is, they did not proceed illegally as the law was then construed by the supreme court of the State, and even this garbled record shows they had before them sufficient proof to exclude some at least of these boxes; and if the whole testimony as delivered by the witnesses in this contest had been allowed to reach the committee of which the gentleman is a distinguished member, who knows but he might have voted to legalize their action? We say that the "trail of the serpent" is all over and all through this record, that none of it is entitled to full credit, and not a syllable of it comes here in the manner or through the channel prescribed by United States statutes.

In the case of Stolbrand *vs.* Aiken, recently reported to the House, my learned friend, supported by the unanimous voice of his committee, took ground which he as well as the gentleman from Texas [Mr. JONES] have entirely abandoned in this contest. In that contest the committee very properly refused to examine the testimony because it was taken by an officer (a United States commissioner) not authorized to take it by the United States statutes, but after quoting the law applicable to the case, the unanimous report concludes as follows:

> It would be worse than idle to prescribe rules if they may be willfully and unnecessarily disregarded.

This is sound doctrine, but we have asked in vain to have it applied to the case now pending. It is true the notary appointed by Mackey was authorized by the United States statutes relating to election contests to take testimony, but if he has failed, as he did in this case, to comply with any of the provisions of the statutes which required him to properly certify the testimony, to keep it in his own possession, and to seal it up and send it without unnecessary delay to the Clerk of this House, why should he not stand precisely in the same category with the unauthorized commissioner in the Stolbrand-Aiken case? But the law gathers tenfold force against the consideration of the testimony presented by this contestant when the real facts are stated—that the notary did not seal up said testimony; that he did not send it to the Clerk of this House without unnecessary delay; that he did not send it at all, but turned it over to the contestant to be rewritten by him and kept by him for months in his possession and finally to be sent by him or his agents to the Clerk.

If law is worth anything, if established "rules" are to be regarded, it would be hard to find an instance in which they have been so flagrantly set at defiance and trampled under foot. It is said, however, that Hogarth makes Mackey's transcript evidence by certifying to it as it was brought to him from time to time through the many months during which it was being copied by Mackey, Smith, and others. But, unfortunately for those who take this position, Hogarth himself does not certify, as required by law, that the depositions were reduced to writing in his presence, but, on the contrary, swears that after he delivered the testimony to Mackey, "at various times he (deponent) signed certificates which were tendered to deponent by E. W. M. Mackey, esq., and also jurats at the foot of depositions; these deponent signed without comparison with his said stenographic notes, taking it for granted that said testimony was the same as furnished by deponent to said E. W. M. Mackey, esq.; * * * that said deponent did not have his stenographic notes at hand when he so certified said testimony." This is the certification which the gentleman from Massachusetts says "imports verity." Further comment is unnecessary.

I beg pardon, Mr. Speaker, for again reverting to Smith—C. Smith—about whom the gentleman from Virginia [Mr. PAUL] grew so facetious. He declared that this case "began with Smith," and will "end with Smith;" that Smith was "the political Jumbo of the day," and without Smith there is no case at all. He then proceeded to show him up as a bribe-taker and villain of the deepest dye. The gentleman from Massachusetts also speaks of him as "venal and corrupt and unworthy of credit." I am not surprised that they are so worried about Smith. Instead of being a "political Jumbo," he is more like a "Banquo," who will not down at their bidding, but continues to confront them at every step with his charges of fraud and forgery.

After all their efforts to demolish him he remains a living and important factor in this case. If he was a bribe-taker, he took the bribe as a Republican Senator, in a Republican Legislature, in company with a hundred other bribe-takers of the political party of which the contestant was at the time a distinguished and influential leader. If he was a "bribe-taker," if he was "venal and corrupt and unworthy of credit," Mackey knew all about it when he put Hogarth's "rough draft" of the testimony in his hands to be fixed up for the use of the Elections Committee of this House. He knew it when he made him one of his supervisors, when he examined him as the first witness in his case, and certainly knew he was a villain of the blackest hue when he dared to charge him (Mackey) with fraud and forgery; and yet he deems Smith's testimony so important and trustworthy that he goes to him, even after these charges are put on file before the committee, and has him to make another affidavit. The blacker he is painted the darker grows the suspicions that he was selected for the very purpose which he swears was accomplished.

In making these grave attacks, therefore, on Smith, it seems to me these gentlemen have not proved themselves very judicious friends of the contestant. But they say that Smith is contradicted by other witnesses worthy of credit, and, therefore, he should not be believed. I assert that he is uncontradicted by any one except the contestant, and by him only as to the alteration and destruction of the testimony. It is alleged that Major Haguenin, a Democratic witness, contradicts him, and the gentleman from Indiana [Mr. CALKINS] had his affidavit read and printed in the RECORD a day or two ago, as he said, to prove this allegation. Let us examine the two affidavits, and we will see that there is no contradiction whatever, and that Haguenin supports Smith.

In the first place, Major Haguenin's testimony was of such a character as to afford no inducement to the contestant to alter it, and Smith says after it was copied he presented it to Major Haguenin for his signature and "he glanced over it and said, 'I suppose it is all right,' and signed it." Smith does not intimate that there was any change in it, and Major Haguenin in his affidavit now presented by contestant says, "that there has been no garbling or alterations in or additions" to his deposition. It was to be expected that Mackey would contradict him as to charges which if admitted would send him to the penitentiary, but as to everything else he corroborates Smith's statements.

Hogarth sustains him in very minute particulars as to his own action. Zimmerman fully agrees with him touching what is said with reference to his deposition, and Horsey's affidavit, which was excluded because it came a few hours too late, supports the charges of alteration and destruction. But this is not all. Mr. Dibble in his affidavit swore (and Mackey has not denied it) that the return of the Republican supervisor (one Henry W. Hendricks) at Hope Engine-house precinct, in the city of Charleston, was filled out in the handwriting of Mackey, and this is verified during the progress of a recent trial in the United States court of the managers of this precinct, who were charged with illegal conduct at said election in the following manner. Said Hendricks was called as a witness by the prosecution, and being asked the question, "How did you come to make a report that on the poll list kept by Supervisor Lacoste there were 1,214 names?" answered as follows:

> I made no such report; that entry has been made there since I turned it in.

Mr. Levin, another of the witnesses in this contest, likewise testified during said trial that the testimony as printed was not his testimony, and "he knew it had been tampered with since he gave it." During the trial of said managers Mr. Robert Chisolm, chief counsel for Mr. O'Connor, was also called as a witness, and testified that the testimony in the contest between Mackey and O'Connor "was taken down by a stenographer, but he was not at all prepared to say that the printed testimony was what was testified. In fact he knew it was not."

Supported by Democratic and Republican witnesses in every essential particular, and contradicted only by Mackey as to certain criminal acts on Mackey's part, whatever may be Smith's character, he cannot be facetiously put aside as a "political Jumbo," or gravely denounced as a perjurer by my distinguished friends, in the interest of the man who made him his agent, who made him his chief witness, who took him into his own house, who intrusted him with his secrets, who has again and again indorsed his character for truth, and even now presents an affidavit from him upon which the ink is scarcely dry.

While, Mr. Speaker, there are very many other facts and circumstances to which I have not alluded going to sustain the view I have taken of this contest, I feel that I have been speaking long enough to deaf ears, and forbear. We on this side have made a conscientious and determined fight for justice and for the right as we understood it, and as I believe the country will understand it. To unseat my colleague and seat Mackey upon this fraudulent record you have felt justified in abrogating certain rules of this House which are

held sacred in every deliberative assembly in the world where the rights of the minority are respected.

You have prepared the way for Mr. Dibble's speedy exit. He has borne himself here, as elsewhere, like a true gentleman, and will go out without a shadow upon his good name. The door will soon open to Mr. Mackey. Take him to your bosoms and let the country judge between us.

You cannot prove frauds by forgeries. If there were frauds at the ballot-box let the proof which establishes them be brought here in a direct and proper manner, and under the safeguards prescribed by law, and I will be as ready to denounce them as any gentleman on this floor.

Before taking my seat, I beg to say in all kindness to my friends across the aisle, when you have consummated the great wrong you are about to perpetrate, you should forever discard the new catch-words, "a free ballot and a fair count," which you have attempted to appropriate as a party shibboleth, and upon which you have hung so many eloquent utterances during this debate, and never mention them again; should you repeat them the good people of this prosperous land will not credit your sincerity. You will not be able to make them understand the difference between counting a man in here upon forged evidence, and counting him out at the ballot-box by tissue ballots, or any other illegal means.

Mackey vs. O'Connor.

SPEECH

OF

HON. AMBROSE A. RANNEY.

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 31, 1882.

The House having under consideration the South Carolina contested-election case of Mackey *vs.* O'Connor—

Mr. RANNEY said:

Mr. SPEAKER: I am at a loss to know whether we are trying an indictment against Mr. Mackey and the majority of the Committee on Elections or determining an election case. We have heard here for two days a discussion of everything but this case. We have heard attacks upon the majority of the committee, and attacks upon Mr. Mackey; but what is this House to determine? Simply whether Mr. Mackey or Mr. O'Connor was elected to the Forty-seventh Congress at the November election in 1880. Now, I propose to discuss the case and not to discuss politics. If I know myself and my associates upon the committee, we have had an eye single only to the truth in every case considered. Without indulging in any general remarks myself, I beg leave to send to the Clerk's desk to be read an utterance of that eminent lawyer and orator, (Colonel Ingersoll,) who has addressed us in another case. It contains sentiments which I endorse most heartily and have adopted as the guiding thought of my action in all cases.

The Clerk read as follows:

The mere personal controversy between the contestants for a seat in Congress is not worth talking about. That, of itself, is not of such vital consequence. The principle involved is. It is a question as to whether or not the republican system is a failure. Unless the will of the majority can be ascertained, and surely ascertained, through the medium of the ballot, the foundation of this Government rests upon nothing—the Government ceases to be. I had a thousand times rather a Democrat should come to Congress from this district, or from any district, than that a Republican should come who was not honestly elected. I had a thousand times rather that this country should honestly go to destruction, than dishonestly and fraudulently go anywhere. We want it settled whether this form of government is or is not a failure. That is the real question, and it is the question at issue in every one of these cases. Has Congress the power, and has Congress the sense, to say to-day that no man shall sit as a maker of laws for the people who has not been honestly elected? Whenever you admit a man to Congress, and allow him to vote and make laws, and there is any doubt as to his title, you poison the source of justice; you poison the source of power; and the moment the people begin to think that any members of Congress are there through fraud, that moment they cease to have respect for the legislative department of this Government—that moment they cease to have respect for the sovereignty of the people represented by fraud.

Now, as I have said, I care nothing about the personal part of it, and may be you will not believe me, but I care nothing about the political part of it. The question is—who has the right on his side; who is honestly entitled to this seat? That is infinitely more important than any personal or party question.

My doctrine is, that a majority of the people must control—that we have in this country a king, that we have in this country a sovereign, just as truly as they can have in any other; and as a matter of fact, a republic is the only country that does in truth have a sovereign, and that sovereign is the legally expressed will of the people. So that any man that puts in a fraudulent vote is a traitor to that sovereign; any man that knowingly counts an illegal vote is a traitor to that sovereign, and is not fit to be a citizen of the great Republic; any man who fraudulently throws out a vote knowing it to be a legal vote tampers with the source of power, and is, in fact, false to our institutions.

Now, these are the questions to be decided, and I want them decided, not because this case happens to come from the South any more than if it came from the North. It is a matter that concerns the whole country. We must decide it. There should be—there must be—such a thing as political morality so far as voting is concerned.

Mr. RANNEY. Mr. Speaker, I may be permitted to say further for myself, that when I took my position as a member of the committee to which you assigned me, I determined that I would make, and join in, no report which I did not feel that I could maintain and defend as a lawyer and as a member of the House, irrespective of all party considerations.

The majority of the committee believe that, while they are investigating election frauds, North, or South, and seeing to it that the people regard the purity and integrity of the ballot-box, it is their duty likewise to see that they, sitting as judges under the Constitution, determine election cases fairly and so that their conclusions may command the respect and approval of all right-thinking men.

We can ill afford to engage in condemning the conduct and setting aside the action of subordinate managers and judges of elections, and ourselves, the ultimate tribunal, violate our duty.

In this case I am reminded of what was once said to me by an old lawyer when I first set out to practice law. I told him that in a particular case of alleged fraud I had not much of a case, I feared, on the proofs. "Well," said he, "make up in noise what you lack in evidence, and when that fails, fall upon and abuse the opposite party and counsel, and you will make the jury believe it." That seems to be what has been attempted to be done here.

There is no case for the contestee in any possible aspect of this record, and this fact seems to have been known and appreciated in some quarters. The other side have appeared to me, and may be charged outside with having acted, more like partisans than statesmen. They may have been misled by wrong or imperfect information, which I am ready in charity to believe is so. If cognizant of the facts, their conduct may lead some to believe that they were afraid to discuss the case and have the facts come before the House and the country, and to meet them upon this floor. For one I am disposed, now we have got before the House, to challenge them to make good their assertions, and to meet us face to face in an open discussion. We have heard these indirect attacks long enough, got in, as they have been as some may be disposed to think, under the specious pretense of debating a question of order, and when no one could fully reply to them in order.

First, Mr. Speaker, as to the merits of the case. I will occupy but a few moments upon these, as my associate [Mr. MILLER] has presented them so fully and ably in his speech. I believe and know that this side of the House, now that they have got this case up for consideration, desire to know all about it, and to see what truth there is in the asseverations that have been made and repeated so often upon the other side, to the end that it may be recommitted if there is just occasion for such a course, and that they may vote intelligently on its final determination. No member should be unseated unless the case made will warrant it.

The case is simply this: Mr. Mackey was elected by 879 votes at all events. How does it appear? On the returns of the Democratic managers of the various precincts constituting the district. The governor of South Carolina appointed commissioners of elections for each county. They were all Democrats. They appointed the precinct managers of elections, and every one of them was a Democrat. There were no Republicans among the managers of election, none on the board of county commissioners of election, and none on the board of State canvassers.

Mr. Mackey was elected by the official returns of the managers of each election precinct to the county canvassers, all of which seem to have been regular in form and duly authenticated as made. It stands so proven incontrovertibly. There is no pretense that any of the evidence which proves it is not now before us as it was given. No one denies it. No one can deny it in truth. Mr. Dibble has not denied it in any affidavit, nor alleged that the testimony as originally taken and as it existed in fact did not show that such were the official returns. He has not pretended in all his charges of alterations in the testimony that the testimony has been changed by anybody so as to make it appear that such was the fact, when it did not so appear before in proof.

Saying nothing of the frauds committed, putting them all aside, letting all the fraud go, and calling everything honest, if you please, (I do not do it, mind you; no one can properly call such conduct by that name,) Mr. Mackey was then clearly elected, and there is no gainsaying it.

Now, what did these county commissioners do after these returns were made? They threw out seven precincts in one county and four in another, sufficient to change the result and give O'Connor ostensibly a majority of 5,272 votes. On what pretense? It was done on protests or charges of intimidation, it would seem. The negroes had been guilty of intimidating those brave South Carolina Democrats, [applause on the Republican side,] and yet the witnesses and district managers have sworn that there was no intimidation, that nobody was interfered with, not even frightened from their propriety. [Laughter.] It is the settled law of South Carolina, as adjudicated in their own courts, that the county commissioners had no authority to do what they did. They are only ministerial officers, having no revisory discretion or judicial authority in the premises. They were bound simply to take those returns from the managers, count them, tabulate them, and send them to the State canvassers. They were obligated by the known law of South Carolina to do this,

protests or no protests, intimidation or no intimidation, if the returns were duly authenticated.

That is the statute law of South Carolina, and the supreme court of that State has so decided. No one denies it. They did not do their duty, but openly and recklessly violated both statute and duty. They not only disregarded and rejected returns made to them, for no good reason whatever, but ballot-boxes and returns were violated after they had been delivered to them by the district managers, certainly in one instance. A box with the returns had been sent in from one precinct and delivered to the commissioners, which gave contestant 1,037 votes and O'Connor, 46 votes. The returns were destroyed or otherwise disposed of, the ballot-box violated, the ballots changed, and then the vote reversed and returned as 1,052 for O'Connor and 46 for Mackey.

This does not stand on any general charge, but has been adjudicated in the courts of South Carolina by a judge belonging to the Democratic party. A petition for *mandamus* was brought in his court, and Judge Wallace decided on a hearing, as appears by a copy of the record from which I read, that at the time of the delivery of the box to the county canvassers it contained the ballots cast at the election, the statement of the election as made by the managers, and that the violation of the box was subsequent to its delivery by Mr. Wilson to the county commissioners of elections. Mr. Wilson is said to be one of the commissioners. How that is I do not know.

Mr. DIBBLE. Will the gentleman allow me to interrupt him?

Mr. RANNEY. I would rather not, except for a question.

Mr. DIBBLE. He was a manager——

Mr. RANNEY. Yes he was a manager and delivered the box and returns to the commissioners.

Mr. DIBBLE. I only wish to exonerate Mr. Wilson as the judge did.

Mr. RANNEY. It is enough for me to know that the managers or proper officers of the precinct carried the papers and the box and deposited them with the county commissioners, and they received them in the regular way and in legal form. And they were right when they got them. I say that is enough for me, and it is enough for the House, to know that afterward the contents of the box were changed, and a large majority which was shown by the returns to have been given for Mackey was reversed and counted for O'Connor.

These are facts which have never been disputed, and which the record of the testimony here, and the records of the courts in South Carolina, of which copies are here, establish beyond controversy or cavil.

As to the rest of the returns rejected, the commissioners simply violated the law. They took it into their own hands arbitrarily to reject them because somebody protested, and on some claim of pretended intimidation by the negroes over each other, or the managers, I do not know which. Whatever it was, the commissioners acted without right or authority to reject, under the statutes and decisions of the South Carolina courts.

Three precincts are said to have been thrown out, on the protest of the sitting member. How that is I do not remember or care. It is enough that the action was illegal and unauthorized, as must have been known.

Now, what is the form of the proof here on this issue? There is competent and legal testimony to show what the returns were. The returns, or a great part of them, are produced in the form of certified copies or in the originals.

These returns in the first instance were sent from the election precincts to the county commissioners. They are proved by copies or contents, as I have already said. The county commissioners had some of them destroyed. In all cases the proof of the contents of the returns, or what the vote was as returned, is beyond question, and cannot be and is not controverted, and was not attempted to be in the proof adduced; and there has never been any pretense that the evidense which shows this was ever changed. There was no occasion to change it any way. Mr. Dibble has in no affidavit or argument alleged that evidence has been changed so as to show this state of facts when it did not so appear before.

When copies of the returns could not be obtained because the commissioners had destroyed them, how are they proved? In some cases by the Democratic managers of elections, in others by the supervisors, one or both, not by their returns, but by their sworn testimony given in this case. When it is done by the supervisor the Democratic managers, examined by Mr. O'Connor on another issue, either swear to the same or do not deny it. They must have known what the fact was and would have denied it if what the others swore to was not true. Thus we have the record evidence of most all of the returns, and in all other cases we have the sworn evidence of the supervisors, one or both, confirmed by the Democratic managers. Who is there on this floor, or elsewhere, ready to deny these facts? No one has been bold enough as yet to do it. O'Connor did not attempt to disprove them by any testimony taken in this case.

Now tell me if these facts, taken just as they are proved in the record and as summed up on page 11 of the report, with the evidence given in support of each precinct return, are not enough? You will find them proved by incontrovertible testimony as I have shown, and by testimony that has never been questioned or claimed to have been tampered with. That is the main case on the merits. Beyond that, Mr. Speaker, there is a field of fraud, a sea of it, that I do not care to wade into without I have on high rubber boots. [Applause on Republican side.] I have had enough of it and have seen enough to sadden and sicken a man who believes in fair dealing and in the sacredness of the ballot-box in this country. After examining about a dozen of these cases I can only say that the truth has been but half told. [Applause on Republican side.]

I came here to Congress in the first instance reluctant and unwilling to believe such things, being under the impression that the charges were unfounded, or the facts overstated, and were, at least, to be taken with many grains of allowance. But after having gone through the evidence in many of these cases, and examined many election statutes, and seen how they are administered and perverted, I must give it up. I do give it up. I find fraud refined and cheating reduced to a science. [Applause on Republican side.] It appears and comes up in all phases, and evinces an ingenuity and skill worthy of better employment. In this case there is bald, palpable unmistakable fraud, by which Mackey was deprived of his seat and the certificate given to a man who was not entitled to it. There was fraud to an enormous extent in the precincts. But it did not prove to be enough to accomplish the result, through some mistake or fatality or other, or because some managers proved honest and stood steadfast and true; and then the county commissioners came up to the work, and completed the job by what must seem to be a known violation of law, as well as a violation of some of the boxes and returns after they were received by them.

Now, sir, I shall not ask the House to go through the evidence in further detail and see all the facts which it establishes. I have called its attention to testimony about which there is no question and which is not claimed by anybody to have been altered or tampered with. I have referred to the testimony which proves the majority of 879 votes, and will let this part of the case rest there for the present.

There is no occasion to sound and measure the depth and extent of the sea of fraud which lies beyond and back of these returns. Let pass for the time being the great fraud practiced at Hope Engine-house, where over 1,000 fraudulent ballots were stuffed into the ballot-box by the Democrats, as a basis for what subsequently occurred in drawing out all of the Republican ballots, to reduce the excess of votes over the poll-list under the provisions of a dangerous and vicious statute, so that only 5 Republican votes were left. The person who did the drawing boldly acknowledges that he left those only for the reason that he could not find them when he felt for them.

When the matter of the pretended alterations of the testimony came up for consideration from the sub-committee and before the whole committee, they looked at these facts and this proof and found that none of the testimony alleged to have been altered touched these facts or affected the proof, and they concluded that in any event they were immaterial so far as the result of the election was concerned. My friend from Ohio [Mr. ATHERTON] has been severe upon the members of the sub-committee who heard this case in the first instance, and has attacked them in his speech with his accustomed vehemence, joining in the general clamor which prevails on his side of the House, and rehearsing what he says occurred in committee. Now, I wish to remind him of this one thing: when this case came again before the whole committee on the memorial of Mr. Dibble, which was referred to them, I said in substance to him, after we had gone over the main body of the case again as reported, in view of the renewed charge made, "Mr. ATHERTON, if you will show me any testimony which appears to be altered, and which is material on either side, I will be the last man to go into the House to defend it or prevent investigation or to decide a case upon such testimony."

I got no response, and could see nothing of the kind, and I then could only say to him, and believe, as I say and believe here and now, and shall always say and believe, the case *has* been fully investigated and everything done by the committee which can be reasonably asked of them; that the charges made are a mere pretense, are vague, general, and uncertain, with no specifications on which we are called upon to act further; that they were designed and resorted to by the parties in interest in a pinch, as a pretext for delay and as a miserable subterfuge to prevent the case from being heard and the facts exposed to the House and the country. I think now that it can be demonstrated that this is so.

Now, take the basal facts of this case as I have given them, and which no one can or does deny. Let any gentleman on the other side, vehement and ardent as he may be—they are honorable men, I know, although they may be carried away, as we are sometimes, by party zeal—let any gentleman get up on this floor and say that any of the testimony, the certified returns, or any of the depositions of the supervisors, or of the Democratic managers, which tend to prove or refute these basal facts, that any of this testimony has been tampered with or altered in the least, and that he believes, and shows that he has reason to believe, that it can be proved, and I know the chairman of this committee, I know every one of the majority would have his right arm palsied and his tongue cleave to the roof of his mouth before he would prevent investigation and fail to give an opportunity to show it.

Mr. PETTIBONE. That is so.

Mr. RANNEY. I would let a dozen men go unseated, I would let a dozen remain seated, before I would sacrifice my honor, my man-

hood, my respect for myself and my position, by attempting to smother anything of that kind or prevent an investigation. [Applause.]

Now, what is the fact? What will gentlemen find if they will but look into this case? There is an animal that baffles his pursuers in the sea when hotly pursued in a way of which we have all read, heard, or seen. But let us have none of that kind of thing here.

Mr. PETTIBONE. Let us have no cuttle-fish business.

Mr. RANNEY. If we do have any cuttle-fish business the pursuers will be found to have too good eyes and too much courage to be baffled in that way.

Now let us examine into this pretended forgery, (so called,) and see what the facts are and what has occurred and been done.

That committee had this evidence before them. There is a volume of seven hundred and sixty-six pages. Every witness examined and cross-examined. Mr. O'Connor had able counsel Chief among them was the sitting member. There was Mr. Browning, Mr. Barron, Mr. Rhame, Mr. Whaley, Mr. Chisolm, and Mr. Izlar.

Mr. EVINS. May I interrupt the gentleman for a moment?

Mr. RANNEY. Yes, sir; for a question.

Mr. EVINS. I know the gentleman does not intend to do injustice to my colleague——

Mr. RANNEY. I would be the last to do it.

Mr. EVINS. You put my colleague [Mr. DIBBLE] down as chief counsel. I wish to say he was not counsel at all in the case. He was called in——

Mr. RANNEY. Let me call him chief in ability.

Mr. EVINS. He was not counsel in the case at all.

Mr. RANNEY. He was chairman of the Democratic committee of his county and appears to have acted as counsel for Mr. O'Connor in this case.

Mr. EVINS. If the gentleman will permit me, I simply desire to make a statement.

Mr. RANNEY. I find him acting in the case as counsel.

Mr. EVINS. He was called two or three times to examine witnesses in his own county, but he was not employed as counsel, and made no charge for his services. The gentleman spoke of him as Mr. O'Connor's chief counsel.

Mr. RANNEY. You may put him where you have a mind to. He was one of the eight counsel, all chiefs, all seniors, all juniors, as you please; and by their examinations and cross-examinations they are each and every one of them, I should judge, worthy of the chief position.

Now, what do you find? The contestant's testimony comes in here. Under whose seal? Under the seal of Mr. Hogarth, who is a notary as well as a stenographer? It is put in an envelope directed to the Clerk of this House. It is sent here, and we open it finding it authenticated by his hand and official seal.

There it is. And there is no witness examined but what the counsel there cross-examined. The work was thoroughly done. Counsel attend all through the taking of this testimony, examining and cross-examining and taking minutes and having good memories, as no doubt all of them have. They know what it was as given; and the testimony comes here authenticated in the way the law provides, sealed up by the magistrate, with everything to import verity.

So, too, the contestee's evidence comes, certified to by the magistrate, and verified in the same way. It is authenticated by a notary. After the contestee's testimony was taken by the stenographer and written out in the imperfect way in which stenographers often write out testimony, it was put into the hands of O'Connor's own counsel, Mr. Chisolm; and he, finding there were some verbal errors—and they a most always occur even among the best of stenographers—called in the son of Mr. O'Connor—and Mr. O'Connor, as I understand from the eulogies pronounced at this session upon him, was a high-minded and honorable man, and I have no doubt his son is also—Mr. Chisolm called in Mr. O'Connor's son and directed him to sit down with Mr. Mackey and correct these errors, whatever they were; and they did do so, and there is not one of them, if you will look over them, that substantially changes the sense or meaning of anything. They are made on the written translation or transcript of the stenographic characters, and everything which was done appears on the depositions sent to the House and now here.

The affidavit of Mr. O'Connor, which is here, says that there was not a thing done nor a change made except by the mutual agreement of both of them; and that he acted by Chisolm's advice, direction, and authority in all he did. There is the affidavit; you can all read it. I refer to it in verification of what I say. It is produced and filed by Mr. Dibble himself.

Now, what does all that amount to? I have had occasion to examine such transcripts with counsel, and I never was accused of forgery, nor had a deposition thrown out on that account. That does not occur among honorable men unless they get into a heated contest, and get baffled and mad, and there is nothing else left for them to do.

Mr. KENNA. Will the gentleman yield for a question?

Mr. RANNEY. Certainly.

Mr. KENNA. I take for granted what the gentleman says, and believe it. But I submit to the gentleman, upon his reputation as a lawyer, that he would not take the liberty of making any alteration whatever in stenographic notes submitted to him in his own case without notice to and consent of the counsel on the other side.

Mr. RANNEY. I do not see or alter the notes at all, but make suggestions of such errors as I find in the transcripts, note them, or otherwise call the attention of the stenographer to them—that is, on the translation or transcript of the notes, not the stenographic notes themselves.

Mr. KENNA. In the entire absence of notice to the other party?

Mr. RANNEY. I would make suggestions of such errors as I found in the transcripts.

Mr. KENNA. Would the gentleman do that without notice to the other side?

Mr. RANNEY. I would make the suggestion to the stenographer that he had made a mistake.

Mr. KENNA. Would you make the change on the paper in your own handwriting, without notice to the other party?

Mr. RANNEY. I would not, of course not further than to note errors or suggestions of errors.

Mr. KENNA. Would the gentleman dare do it?

Mr. RANNEY. You have asked your question and I have answered it; now sit down, if you please.

Mr. CAMP. He has asked it five times.

Mr. KENNA. I want the gentleman to answer.

Mr. RANNEY. You have put your question four or five times, and I have answered it; I will not be further catechised. What I mean to say is this: any man who ever practiced at the bar—and I know a great many men here have practiced longer than I have, but I speak from my own experience—knows that whenever testimony is taken by a stenographer, it is always shown to counsel, who make suggestions where there have been omissions or mistakes. No man will assume or undertake to make any material alteration. He may call the stenographer's attention to it, in order that he may ascertain if he has not made a mistake in copying his notes. But no man will undertake to make any material change without the consent of both parties and the witness.

Mr. KENNA. Now, Mr. Chairman——

Mr. RANNEY. Pardon me; I do not want you to make a speech.

Mr. KENNA. Only a question, and not that if the gentleman objects.

Mr. RANNEY. If it pertains to the subject-matter of my remarks I will yield.

Mr. KENNA. Since the gentleman has, by comparison with his own proper conduct, alluded to Mr. Mackey's conduct in this case, I will ask the gentleman whether he would not say that he never, under any circumstances, would take the original notes furnished by the stenographer, write out a transcript of them and submit that transcript to the stenographer and then burn the original notes?

Mr. RANNEY. I would not; I never see or touch the original notes; could not read them if I did. Nobody pretends here, there is no evidence, and it was never pretended or claimed, that Mr. Hogarth ever permitted to go out of his possession his original stenographic notes. Among all the frivolous pretenses which have been made here it has never been alleged that either Mr. Carroll, the stenographer employed by the contestee, or Mr. Hogarth, the other one, ever did any such thing. The original stenographic notes are kept by their authors and they have them now in their own possession, as we are assured.

Mr. KENNA. The gentleman certainly understands my question.

Mr. RANNEY. I cannot give way any longer. If you are not already answered I shall fail in any further attempt. As to this testimony of the contestee what do you find? It went into the hands of Mr. Chisolm, counsel of the contestee, according to the general custom in such cases and by mutual arrangement—the transcript of the stenographer's notes, not the original notes. He took them, and went into an examination of the transcript to see whether it was correct.

Now, Mr. Mackey never undertook alone to make even a suggestion that anything was wrongly written down or transcribed in the testimony of the contestee. By Mr. Chisolm's direction the son of Mr. O'Connor, I do not know whether he was a lawyer or not——

Mr. MILLER. He was a lawyer.

Mr. RANNEY. I understand that he was a lawyer. He was appointed by Mr. Chisolm, who was one of the lawyers of O'Connor, to sit down and examine if there were errors in transcribing in contestee's evidence. And Mr. O'Connor, the son, a lawyer, a gentleman, and I think a man of truth, says in his testimony which is printed on page 7 of this printed document:

> With the approbation of Mr. Robert Chisolm and by his request deponent assisted Mr. Mackey in making such corrections as we both considered fit and proper; and sometimes those corrections were made by the one and again by the other. In no instance whatever was any correction made without the consent of both the deponent and the contestant.

Now, mark you, Mr. Dibble furnishes this affidavit, and no one says aught to the contrary thereof, and all which has been said by the other side about forgery has been uttered with this proof before them for the parties to read.

Yet Mr. Dibble stands here on O'Connor's rights, attempting to impeach his own stenographer, his own notary, and his own son, a

lawyer and an honorable man as he is, and pretends that the son of Mr. O'Connor and Mr. Mackey committed a forgery.

Mr. DIBBLE. Will the gentleman allow me——

Mr. RANNEY. I cannot give way; you will excuse me. You will have a chance to be heard.

Mr. DIBBLE. I do not want to impeach Mr. O'Connor or to be accused of it wrongfully. That is all I want te say.

Mr. RANNEY. I do not want to be interrupted.

Mr. DIBBLE. The gentleman has no right to make a charge reflecting on me personally without allowing me to reply.

Mr. RANNEY. I disclaim any imputation upon the honorable gentleman from South Carolina beyond what the facts show; but Mr. Dibble, the successor of Mr. O'Connor, standing on his rights and having no rights if O'Connor had none, comes in here and puts it upon the record that Mr. Mackey has "willfully, surreptitiously, fraudulently, corruptly, altered and tampered with this testimony."

To prove this sweeping charge which has been hurled at us for a fortnight, the only thing relied on (for there is nothing else as I will show in a moment) is the fact that Mr. O'Connor's counsel and Mr. Mackey, taking the transcript of some stenographic notes, made interlineations and verbal changes. If you will look through all these, as my associates on the committee have done, you will find that not one of them changes the sense or meaning, but only corrects verbal or grammatical errors.

In order to have this transcript express the testimony as it was given, Mr. O'Connor, the son, sat down with Mr. Mackey and corrected these verbal errors. What did they do? They did nothing but what they mutually agreed on as right and demanded by the facts.

What next? This manuscript was sent back to the stenographer, to the notary under whose authority the notes were taken, and who was to become responsible for it when he affixed his jurat and certificate; and it must be presumed that the notary and the stenographer saw and adopted everything there as right and correct, as it was their duty to do, and then sent it in here under the notarial seal.

You accuse a man of tampering with evidence, fraudulently and corruptly altering it, when this is done with a full understanding, in the open light of day, by the consent or with the concurrence of both parties, and is adopted by the magistrate who is responsible for it and who sends it in here under his certificate and official seal. By the charge which is made, you impeach your own magistrate, the son of the deceased *prima facie* member, Mr. Chisolm himself, and then attempt to cast an unjust imputation upon Mr. Mackey jointly with them.

You may examine that manuscript, as I know the other members of the committee did, and you will find what I say to be true. You may take the original as it was before the alterations, if you prefer that. The truth is, this part of the evidence amounts to nothing any way, and you cannot hurt it more than you can spoil a rotten egg. [Laughter.]

You have not attempted to deny or controvert what is proved here, but you have gone into the flimsiest, shallowest, weakest, kind of evidence to show that South Carolina Democrats, brave and honorable men as they are, could be intimidated by this poor, weak, despised negro, and you have failed utterly. You may take all the evidence on that point as it was or is, and it amounts to nothing.

My friend from Maryland [Mr. McLANE] wanted us to eliminate forgery, or, as he calls it, the "allegation of forgery." We should have to eliminate him and all his friends on that side of the House before we could get rid of the *allegation* of forgery. If he wanted to charge forgery why did he not embrace Mr. Chisolm, because the man who advises and procures a forgery is just as guilty as the man who does the act, and he is the man who directed and had it done. Include the young O'Connor also. All concerned are equally guilty, and why should any be left out? My friend talks about what a court would do on such a charge of forgery. I can tell him. They would ask him first to formulate his charge and specify something tangible, and not beat the air with general accusations of forgery. And on the facts appearing as they do here, they would consider him a subject of inquiry as a supposed lunatic if he persisted in the charge. He will have to get a new definition of the word, if he calls this forgery.

Turn now to the evidence of the contestant. What is charged as to that? On what is the charge based? We have the evidence in print and in manuscript, a whole volume of it, direct and cross-examination, given when both counsel were present. That comes here also under the seal and certificate of Mr. Hogarth, the notary, a Democrat in politics, but an acknowledged honest, honorable man. Who will say otherwise? Who has said otherwise? Nobody has said it before the committee. Nobody has attempted, nobody will attempt, to impeach Mr. Hogarth's integrity, his honor, his truthfulness, or his fidelity as a magistrate.

The depositions came here under his certificate and notarial seal, and that seal and that certificate import verity. The attack here also is virtually made on the magistrate, the notary public, the political friend of the sitting member.

Mr. REAGAN. They import verity only where he has authority to act.

Mr. RANNEY. Yes, where he has authority to act; and the authority to act is by mutual consent of the parties and the authority of law given him as a notary public appointed in South Carolina, and under the authority of the Revised Statutes of the United States expressly given in the chapter relating to contested elections.

Mr. REAGAN. To impeach his own record?

Mr. RANNEY. We will come to that. Don't jump until you get to the stile. [Laughter.] You attempt to impeach a magistrate, a notary public. The testimony is sent to the House under the seal of Mr. Hogarth, and is opened in committee. Now you are going to impeach him, are you? Is that fair? Suppose you are in court, having no defense, and want a continuance, and get up and attack a magistrate who had taken some depositions to be used in the cause. I think the court might possibly see through the subterfuge and require some pretty strong proof before counsel could be gratified and get rid of going to trial. If not furnished the court would politely request him to take his seat, and order the case to proceed.

This notary public, after those notes had been transcribed and the transcripts in rough draft sent to Mackey, (as his also were sent for examination to O'Connor, by mutual agreement and understanding between the parties,) and then to Mr. Smith, who was mutually employed to make clean and legible copies of them for use as the testimony, had them returned, and they were then signed by the witnesses after they were read over to them and sworn to anew. Mr. Smith is a beautiful penman and a good copyist, whatever else he is.

It was not necessary for the witnesses to sign, because by agreement the parties had waived it if the witnesses could not be got. But it was done in most every case on the part of contestant, as the record and the affidavits of deponents prove.

The copies, as must be presumed otherwise, were examined by magistrate as well as witnesses, and are sent after this, sealed up, to this House by the notary as the testimony of contestant. In that state of the record this case came before the Committee on Elections. Now, the majority of this Committee on Elections are terribly bad men! They do not grant anybody any advantages or any hearing, you would think! They do not consider anything, according to the gentleman from Ohio, [Mr. ATHERTON.] When they draw their majority report they do not consult him and ask him how they shall draw it! He always dissents any way, as you will see by the minority reports, unless the majority decide in favor of his party, as they have done in some six cases. I think he must have forgotten himself in his vehemence of address to the House when he made this puerile complaint against the members of his sub-committee. Unless they agree with him he seems to think they do not consider anything.

He has never consulted me as to what he should put into his reports, more than I have him as to mine. If he had done so there is perhaps a good deal in some of them that I might have induced him to leave out. [Laughter.] I certainly think that I could have improved some of them, and he probably believes that he could have bettered mine.

It is said that the committee did not investigate the present case. I deny it, have denied it, and can now demonstrate that we did do it patiently and thoroughly. Let us see what was done, and then recur to the alleged forgery again.

On the 24th of January the printed record came in. We took it up first on the question of consideration, as the sitting member began by raising that question as the other side have here. They said that it did not belong there at all, that we had nothing to do with it, and we had an argument on that point.

In the House when it was being organized, as it will be remembered, a resolution was offered to the effect that all of the papers should be referred to the committee when appointed, and meanwhile that neither claimant should be seated. That was voted down and a motion to reconsider was tabled and the sitting member sworn in. Some time in December a general resolution was passed by the House referring all cases of contested elections, which of course carried this one among the number, and yet Mr. Dibble came before the committee with eminent counsel and discussed at great length the proposition of order that the case was not before us; that it was finally disposed of by the proceedings referred to. And the same question is gravely argued at length in the minority report. It is a most beautiful report. [Laughter and applause on the Republican side.] A lawyer would be proud of it. I have not had the patience to read all of it, but I am satisfied that it contains valuable learning? [Laughter.] I commend it to my friends as a legal curiosity on this point—in a matter of parliamentary law. The counsel and my friend, the Democratic member of the sub-committee, argued the point vigorously and with apparent gravity and sincerity.

It rather seemed to me then, and I am not rid of the impression yet, that if there was anything in the point of order (I did not so regard it, however) it should have been raised in the House when the second resolution was offered and passed. The resolution by its terms certainly covered this contest. I hardly believe anybody in the House dreamed that in disposing of the first resolution they had fixed Mr. Dibble irrevocably in the seat assigned him *prima facie*, under objections pending in the contest.

The point was, however, argued with the gravity which is characteristic of my friend from Ohio, [laughter,] and especially of General Payne, the counsel. I looked at him, and there was not a smile on

his face, and there was not a ripple of laughter on the part of the grave and dignified members of the committee. There was not a doubt with the counsel, apparently, upon the question. He was solemn as a hearse, coolly arguing and gravely discussing a matter of that kind, and I must confess that I was amused if not convinced. [Laughter and applause.] But we had to sit and hear argument, and we did hear it, and heard it patiently, and the point was overruled.

Next came a regular plea in abatement. It was carefully drawn and prepared according to the rules laid down by Chitty, with which the special pleaders up in Vermont, where I studied law, were so familiar, and in which they thoroughly indoctrinated me. It was refreshing to see an old acquaintance of the kind again.

What was that plea? Why, that O'Connor had died. The contest had been begun before O'Connor died, and when he died the action died with him. You will find it elaborated and insisted upon in the minority report, and the same ought to be treasured up and kept for its great legal learning! Do not omit to get a copy of the brief of General Payne also on this point. The legal proposition is and was in effect this: a candidate who was not elected, but who got the certificate from the governor, by dying during the pendency of the contest, deprived the man who was chosen of his right to the seat to which he was entitled. [Applause on the Republican side.] It is true that the governor of South Carolina proclaimed then that there was a vacancy, and ordered another election, in which Mr. Dibble was declared elected, and in which there was no opposing candidate. But it seemed to me then, and seems to me now, too clear for argument, that the governor could not create a vacancy by proclamation where none existed before. The contest had not one feature of a personal action such as abates upon the death of one of the parties, either at common law, or by virtue of any statute.

And yet the sub-committee heard the plea discussed. The argument was listened to patiently, and the gentleman from Pennsylvania [Mr. MILLER] although he gets excited sometimes, heard it patiently, [laughter and applause;] and the gentleman from Ohio, [Mr. RITCHIE,] a learned man, heard it with his accustomed judicial bearing, and the member from Connecticut [Mr. WAIT] was there and listened without his wonted smile. They, however, overruled it, the gentleman from Illinois [Mr. MOULTON] alone dissenting, and then it was appealed to the full committee that it might be laid before them and argued again. The whole committee were invited and went in and listened to the argument as repeated and revised. [Laughter and applause.] I was not present myself, however, as I did not feel that I could keep my face straight and preserve my equanimity of temper during another argument of two hours on this point. [Laughter and applause.] I did not go in.

Mr. CALKINS. The rest of us were there, though.

Mr. RANNEY. Certainly. Our honorable chairman, with that urbanity, patience, sweetness of temper, and forgiving disposition, which characterize him, attended and heard it, all unmoved. [Laughter.] You would have thought it was a source of the greatest pleasure for him to sit and listen to that argument; and his fairness and courtesy on that occasion were only equaled by what he exhibited here the other day in this case when a certain proposition was made from the other side. [Laughter and applause.]

After the argument was heard we all sat in *banc* in judgment upon it. I was in the deliberation. We decided it adversely, our Democratic friends alone dissenting; but we took that as a matter of course.

I think all this took nearly a month's time. Contestant got impatient, and charged that they did not mean to hear his case on the merits; and it did seem so. Mr. Dibble had been requested to file his brief, but had not done so. He filed instead a protest. Our friends on the other side are great on protests. When the points of order, the motions to dismiss, and the pleas in abatement were decided adversely, the sitting member and his friends got up, took their hats, and left. No disposition to go into the merits was manifested. There was a great repugnance to that, apparently, the same as has been manifested since on this floor. Contestee made us hear the case piecemeal. Crowding out every other case, we sat and heard it piecemeal. We finally got a brief, another brief. Next came this paper of February 20, 1882. In it he boldly charged that E. W. M. Mackey had "willfully, surreptitiously, fraudulently, and corruptly altered and perverted the testimony of the witnesses who were examined in the said case of E. W. M. Mackey against M. P. O'Connor." We got nothing on the merits. Counsel were hardly equal to that task. This was the next chapter of dilatory objections.

While it was apparent to the committee that this pretended forgery objection came up as the *dernier ressort*, in the last stages of a desperate contest and when everything else was sure to fail, the committee still determined to do their duty and examine it, to treat it as made in good faith. Time was given to file affidavits in proof and in disproof of the charge; and the parties submitted the question to the committee on affidavits—a proper thing to allow and do, as the matter was dilatory and did not relate to the merits of the contest.

Affidavits were filed on both sides, and the case then was argued and submitted on the same and the merits. All the papers are printed and before the House.

Mr. Dibble had from February 20 to March 1 to present his affidavits and formulate his charges more specifically. He did it in his affidavit which says that—

> In the said testimony filed in behalf of the contestant there are erasures, changes, and interlineations, a few of them in the testimony of witnesses; and those deemed more important by this deponent are in the papers which purport to be returns of United States supervisors of election. The following instances are called to notice.

Now note what these were; see what the committee found as the basis of the charge made, and what this House has for their consideration and action now. One witness was asked whether the deputy marshals were Democrats or Republicans.

> "Question. Were they colored men?
> "Answer. I know one or two were not, because I saw them vote the Democratic ticket.
> "Q. Did you see the other two vote the Republican ticket?"
> These words, by erasure and interlineation, are changed, in the handwriting said to be C. Smith's, so as to read as follows:
> "Q. Were they colored men?
> "A. Yes, sir.
> "Q. Did you see them vote the Republican ticket? the effect of the change being to relieve the witness from a contradictory statement."

The object of the inquiry apparently was to prove that the two men were Republicans. The testimony as changed, if changed it was, made that fact clear, and was a favorable change for Mr. O'Connor, and he ought not to complain of that. It was trivial and an immaterial piece of his testimony any way.

The SPEAKER *pro tempore*, (Mr. CROWLEY.) The time of the gentleman has expired.

Mr. CALKINS. I ask unanimous consent that the time of the gentleman from Massachusetts be extended.

There was no objection.

Mr. RANNEY. I am very much obliged to the House for its courtesy.

I am reminded that the first affidavit Mr. Dibble took on this alleged charge was on the 8th day of February, showing that he had ample time to investigate it himself, and had done so before March 1, 1882. I have pointed out and read the only alteration he finds and states in his affidavit in support of the charge made with such severity of language. That is all he specifies, and that proved to be wholly immaterial as well as trivial, besides being in contestee's favor, save so far as it affected the credibility of the witness. This whole deposition, if destroyed and laid out of the case, (which is the utmost that can be claimed in regard to it if it had been improperly tampered with, which is not true, as will appear anon,) injures and affects no one, because it is utterly immaterial in the case as presented. Gentlemen who have made or taken up and echoed these charges cannot have examined this matter as the committee have done, else, if they are honorable men as I am willing to believe they are, they would have been silent. I have answered the only specific charge made, and now will refute it in its generality as read.

I have here the sheets of testimony with every single alteration or erasure appearing to be made in that testimony, so far as I have been able to find. It is said that in the testimony there have been made interlineations and erasures. Now, if any man can find any one here that is material, or that amounts to anything, his eyes are better than mine. I find here one place where the word "of" was written twice, and one of these words is scratched out.

Mr. REED. That is awful. [Laughter.]

Mr. RANNEY. And in another place the word "some" is written twice, and one of those is scratched out.

Mr. DINGLEY. That is a corrupt alteration.

Mr. RANNEY. I find in one of the depositions that it first read "I could read the names on the ticket." The word "could" is scratched out, so that it is left, "I read the names on the ticket." What an enormous forgery that is! Here is another case, where it is written originally "Joseph Spratt, jr.;" and that is erased and is written "Joseph Sprott, jr."

Mr. REED. What a horrible thing that is! [Laughter.]

Mr. RANNEY. Yes, awful; on another page they have the word "exhibit" written twice, and they scratched out one of them. In another sentence where it was written "he arrived there after I did, and upon being told"—the word "upon" is written twice, and one of those words is scratched out. In another place it was written "it used to be held at Carpenter's store." The word "store" is scratched out and "hotel" inserted. And in other place it was written "private house;" that is scratched out and it was changed to "out-house."

Mr. MOULTON. What testimony is the gentleman commenting upon? We cannot hear him.

Mr. RANNEY. Here is one where the initials of the name were wrong, an "M" looking originally something like an "H," and it was made "H." In another, "Simms" is made "Sommes." In another place there is the word "Jeff" written; it is made to read "Jack." In another place it was written "witness produced on behalf of E. W. M. Mackey, contestant." "E. W. M. Mackey" is scratched out, and the word "contestant" left. That would save some expense in printing merely.

In another place the word "some" is put in twice and one "some" scratched out. In another place "Carpetsville" is scratched out and "Corbettsville" inserted. In another place is a word which looks to me something like "around;" in the sentence "were any of them around." That is changed to "armed;" they were talking about

whether there were any persons there armed, and that is the right word. In another place "Walker" is changed to "Hegler," which is the correct name. They did not always get the names right. In another place it was written "Hardy Rough;" it should be and was made "Rugg;" a mistake made in taking it down by sound.

Mr. MOULTON. What is the gentleman reading from?

Mr. RANNEY. I am reading from the original testimony of the contestant. I have gone over it and selected everything in it in the way of erasure or change that I could find. In another place there is a word that is something like "stettlering" that is stricken out and "standing" put in. I am taking up the time in these matters.

Many MEMBERS. "Go on!" "Go on!"

Mr. RANNEY. In another case there is written "cast for the Republican Congressman." The words "candidate for" are interlined.

Mr. REED. That is perfectly awful. [Laughter.]

Mr. RANNEY. Here comes the great alteration that is complained of in Mr. Dibble's affidavit, already referred to. There are two lines and two words erased. What is the evidence about it? One of the witnesses swears that he went before the magistrate to sign his deposition and he told him that he had got it wrong, and he insisted on its being changed, which was done. In his affidavit here, got to meet the charge, the witness swears that he has examined the printed copy of his testimony, and that it is right as printed. It is not of a feather's weight, and did not amount to anything, as already shown. It has nothing to do with the case reported. Now, that is done before the magistrate. It is sanctioned by the magistrate and demanded by the witness himself. Now, witnesses have rights. Stenographers do not always get it just right unless they are very good ones, and they sometimes commit errors in transcribing. A witness has a right to insist when anything is wrong that it shall be changed. My rule is that if there is any substantial change made that it shall be made at the end.

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

Mr. RANNEY. If it is not too long.

Mr. DIBBLE. Would it be proper to do that *ex parte* without notice to the other side?

Mr. RANNEY. If the magistrate finds that he has made the transcript incorrectly, it is not only his right but his duty to make it right, without notice to anybody. He had a right to do it here without notice to the parties, because, by the very agreement made between the parties, they were not to be there, and it was left discretionary, when the depositions were transcribed, whether the witnesses should go before the magistrate and sign the testimony or not. When the witness signed it was his right to have the testimony as written out read to him before he signed and swore to it. The agreement made left the matter with the notary in this respect. If there had been any material change of testimony, otherwise than what arose from the error of the stenographer, notice to the parties would have been proper. But there was nothing of that kind in this instance or any other.

Mr. DIBBLE. Will the gentleman allow me to ask him one short question?

Mr. RANNEY. Do not interrupt me now.

Mr. DIBBLE. A very short question. Why did not Mr. Mackey allow Mr. Zimmerman the same privilege?

Mr. RANNEY. I will come to Zimmerman hereafter. Here is another one of these changes. The manuscript now reads, "I had to do so by holding the arm of the manager." Before the word "manipulation," it read, "I had to do so; I could only detect them by holding the arm of the manager." The effect of the change is simply to show the exact meaning, and the error in taking or transcribing the notes was apparent, and was properly corrected on the responsibility of the notary.

Here is another of the changes—the change of a name—William Poole, a Democrat, and nobody denies that it is right as it stands now. Here is another, in the phrase, "the Republican votes and tickets," the words "votes and" are scratched out, leaving the words "Republican tickets."

Another instance is the interlineation of the words "in violation of law." I do not know by whom. It is entirely immaterial in effect. The presumption is that the insertion was properly made as having first been omitted in copying by mistake. In any event these words are entirely immaterial and not of the slightest consequence.

In another case there are the words "objection same as before." It is not in the testimony, but the noting of an objection by the magistrate, and is of no consequence any way. Those are all the alterations which I can find; and I went over the matter this morning again personally. Gentlemen can see and examine the sheets for themselves, and I challenge the closest scrutiny of all this manuscript testimony. I wish the House to see that the charge made is false in general and false in detail, and that the committee have investigated, as bound to do; and to make good my assertion to the gentleman from Maryland, [Mr. MCLANE,] who sought to make a personal matter of this thing, although he had no personal knowledge on the subject, and when I had examined the matter. If there is in this whole testimony a material alteration or anything that looks like a falsification I have been unable to find it, and would thank any gentlemen to point out anything which they have found and which has not been mentioned by me.

There is also the allegation of an alteration in a return of one of the supervisors, where the Republican supervisor has returned 639 votes for O'Connor and the Democratic supervisor only 409. This was at a box at which there was flagrant fraud. The managers, it appears, had done more of it than was finally deemed prudent. They first gave the Republican supervisor the figures 639, and after he went away they cut the figures down, and the Democratic supervisor took these amended figures at 409.

I have looked over the evidence, and that is the only conclusion I can arrive at. The discrepancy does not change the result. O'Connor got counted for him the 409—all that the managers gave him in their return—and the supervisors' returns are not used as evidence at all in this case. It is true that some of the supervisors' returns are filled up in the body of them by contestant, but are signed by the supervisor himself. The supervisors got his aid as a lawyer to help make the paper in proper form; but they, as made, are all true and accord with the managers' returns. They went to Mr. Mackey because he was a lawyer, and possibly Republican lawyers were hard to find.

Nobody questions that these supervisors' returns are in exact accordance with the truth.

The transcripts of the evidence were in his hands, and that is pronounced awful! The argument of my friend from Missouri [Mr. DAVIS] yesterday was, that as this man had the testimony in his possession and had an opportunity to alter it, therefore he did. [Laughter.] The logic of that argument is not found in any work that I know of. It is like the mock syllogism which I have heard: "If you do, you do; if you do not, you do not; therefore you do." [Laughter.]

Mr. DAVIS, of Missouri. May I ask the gentleman a question?

Mr. RANNEY. Yes, sir.

Mr. DAVIS, of Missouri. Is it not the law that the officer taking testimony in a contested-election case shall without unnecessary delay certify, seal up, and forward the same to the Clerk of the House of Representatives?

Mr. RANNEY. I have not reached that point yet; wait till I get there.

Mr. DAVIS, of Missouri. I ask whether that is not the law, and whether Hogarth observed that law?

Mr. RANNEY. Wait till I reach that point. The affidavit of Mr. Dibble intimates that in the short time allowed him he had not the opportunity to pick out all the material changes; but I have been over the testimony, and instead of his not having had time to pick them out, I find that he picked out and gave in his affidavit the worst and the only one there was, beyond those merely verbal, such as I have read. And how any honorable men could justify such a charge as he made, based on what I have read, I fail to see.

I will pass on. Some of the testimony taken in Clarendon County is copied in contestant's handwriting. He wrote it for the stenographer, Hogarth, who read his stenographic minutes for that purpose, and that testimony was taken down from dictation. The responsibility rests with the notary, and he compared it afterward and certified to its accuracy. But all this was in Clarendon County, where there is no dispute about the vote. It was counted as returned by the Democratic managers, and is not in dispute.

I pass to the other portions of the evidence on which contestee relied before the committee, and on which he relies now, as proving the charge made.

Here is the affidavit of one C. Smith, who was employed to make clean and fair copies of the rough transcripts of the evidence before they were signed by the witnesses and certified by the notary. He does not name any deposition which was altered or tampered with. Some specification was necessary before the committee was called upon to act on such testimony. On the contrary, it is of the most general and vague character. He mentions Zimmerman's and Haguenin's as the only specification attempted; and as to them he specifies nothing of consequence—revealing the poverty of his pretenses. Haguenin was a Democratic commissioner of election, and his affidavit is furnished by contestant in refutation of the insinuation as to him. He says that he has read his testimony as it stands, and it is right and as he gave it.

Zimmerman was employed by the commissioners, and was called to prove the destruction of some returns. But the commissioner himself swears to that, and the testimony of this witness is therefore immaterial any way. His affidavit is produced here to the effect that he refused to sign the deposition when written out and copied, and that is all. He does not swear that his deposition as printed is not as he gave it. He was a Democrat and an unwilling witness called by contestant and got mixed up some in his examination, and, declining to sign his deposition when written out, the magistrate has included it with the other testimony, unsigned, as he had a right and was bound to do under the written stipulation of the parties. When Mr. Dibble was getting his affidavit he was called upon in all fairness to have him state therein whether the deposition as it appears in the record is as he gave it. As he does not swear to the contrary, is a political friend of Mr. Dibble and a willing witness for him, ready to give and giving an *ex parte* affidavit, the fair inference is that there is perfect accord. All he swears is that the transcript or copy shown him by Smith to sign was not correct, and he refused to sign. He does not, however, state in what respect it

was wrong then, so we can judge of it and see whether the error is substantial or material, or any error at all. Other reasons appear to account for his unwillingness. The committee did not regard his affidavit of any account, especially as the testimony was entirely immaterial, and there was absolutely no proof worthy of consideration to impeach the integrity of the deposition as certified to by the notary and before the committee in regular form. Looking through the other affidavits, we found those given by four of the eight counsel of Mr. O'Connor, who were present at the time when the depositions were taken and attended to the cross-examinations. It appears that the printed evidence as we have it before us was shown to them, as one of them mentions having read it.

Not one of them names any deposition or any portion of a single deposition in the record that is not just as it was given originally. None of them swears that there is any portion of the testimony which is not correctly reported on contestant's side, except that one of them, Mr. Barron, says that a few answers in the testimony of one Boston do not give a fair idea or impression. I have examined the deposition and I can see no defect, unless it be that they did not get the photograph of this counsel and witness when counsel was trying evidently to badger him, and was holding up a paper for him to look at, and getting him to write some words given him in order to convince him that the paper was not *his* return, as he had sworn, because he wrote the signature and not the body of the instrument. Read the affidavit, and then the testimony, and you will see the ridiculousness of this charge. The evidence is wholly immaterial in any aspect of the case.

Tampering with a deposition will only vitiate and justify the exclusion of that one, as I have already said and repeat; not a hundred others not subject to the objection. Not one has ever been mentioned. Gentlemen on the other side do not name one, but keep up this prolonged cry "Forgery!" "Forgery!" The other five counsel of Mr. O'Connor do not name one deposition, nor a single sentence or a word in any one deposition.

I say let gentlemen on this floor no longer vex the air with their cry of forgery, unless somebody is able to specify, and give us reasonable cause to believe that there is, some ground for the charge. Every charge of this kind, general as it was, received refutation in committee at the hands of the contestant. He expressed no fears from an investigation, but courted it. General as the charge was, and such as no court would regard without more particularity of specification, he sent and got Mr. Hogarth, the stenographer and notary who took and who certified to the depositions under his official seal, to compare the printed record evidence of every material deposition with his original stenographic notes, and they were verified and certified to anew in a sworn affidavit. He compared and verified every deposition covering the proof made as to the eleven precincts in dispute, and the Democratic returns from which contestant is shown to be elected; and the affidavit was before the committee and is printed and is now before the House.

Read it for yourselves. He has since compared and verified the others, nearly all of them; and gentlemen can see the proof of that if they desire. He is accessible, and has been now for over three months; since this unfounded charge was preferred, he has given voluntarily affidavits for each party, which are before the House. He has his original stenographic notes in his own possession and custody, and has never parted with them. Mr. Dibble could have had all the depositions compared and verified if he chose to do so. If he has not done it he betrays his consciousness that the depositions before us are right. If he has done it, he knows they are right and still allows his friends to prolong their unjust cry.

Not only this, but further: contestant got and produced before the committee, and they are printed and before the House, the affidavits of all or substantially all the witnesses themselves, verifying the testimony printed as coming from them. It is said that the affidavits are stereotyped in form. Suppose they are. The affiants had but one fact to swear to. But it is not true. Some of them are varied where some slight verbal errors in names or the initials in names appear as having been wrongly written and not corrected. There are several of that kind, all natural mistakes, and of no earthly consequence, any of them.

Now, as to the credit to be given this Smith. What has been proved and stated already serves to demolish his affidavit, but I have more to say of him. One Holland (page 18) swears that Mr. Smith stated to him that contestant "was selfish, and he hated him, and would do anything to prevent him from taking his seat in Congress."

If Mr. Smith means to be understood that there was any fraudulent conduct in course of copying the evidence by him for the notary, he was a party to it, the guilty person, or a *particeps criminis*. He asks us to believe in his infamy, and on his own confession. He confesses himself, on that assumption, to be bad enough to do such an infamous thing. Take him at his word generally, and he is then bad enough to falsify about a matter of the kind and make a false charge for a bad purpose. It has been shown by the official records of the Legislature of South Carolina that Mr. Dibble himself, acting officially, found and reported this Smith as guilty of taking two bribes as a senator, one of $1,000 and another of $500, as I heard it read in this House and not denied by Mr. Dibble, in whose presence the gentleman from Virginia read the report. Comment is unnecessary. His character is revealed out of the mouth and through the pen of Mr. Dibble himself.

Whoever got that affidavit from Mr. Smith on which the present charge is based and by which alone it is being supported here and as published in the newspapers, must have known this man. I do not believe Mr. Dibble would be guilty of using any improper inducements, and would not even intimate or insinuate any such thing. But if what Mr. Holland testifies to is true, Mr. Smith without promise may have supposed that by giving the affidavit he would ultimately find some one who was less "selfish" than contestant was thought by him to be; or, what is more probable, his hope of reward was in gratifying the "hate" toward contestant, which he avowed to Mr. Holland. It was sufficient for the committee in their investigation of this charge, it must be sufficient for the House to see that the affidavit of Smith is loose, general, vague, and uncertain, without specification of particulars to which to address an investigation, and that it was most fully met and overthrown even in its generalities, with affirmative evidence enough produced to verify and confirm all the material parts of the record evidence.

Unless some other responsible man in this House, on his honor as a member, can get up in his seat and say that he has some well-grounded reason, beyond the affidavits furnished and adverted to, to believe that the evidence on which the committee have relied is not genuine, what more can be asked, what more can be expected, than that the committee should find and act as they have in disposing of this last attempted dilatory proceeding?

The public is interested in this thing, and the controversy rises in interest and importance above a mere question affecting private character. The public attention cannot be diverted from the main question and issue by assailing the contestant personally and putting the majority of the committee on the defensive.

With all due respect for the gentleman from South Carolina, I do insist that no such charge ought to have been made and sounded through the country on the strength of any affidavit by this Smith, whom he well knew was venal and corrupt and unworthy of credit.

Permit me to recur again to the fact which appears to be the main burden of the cry against the contestant. It is said he had the testimony in his hands, so he had an opportunity to alter it; and so of the testimony of Mr. O'Connor, that he had access to that also. I repeat that gentlemen forget that those copies were not the testimony, as that was in the stenographic notes. Before it becomes the testimony the notary takes it, and on his authority and solemn responsibility as a magistrate adopts it and certifies to it, after the witness has also read or had it read over to him, and signs and swears to it, as most all of contestant's witnesses did, and swear they did, in the supplementary affidavits referred to. You are attacking and assailing the notary.

Mr. DAVIS, of Missouri. Will the gentleman allow me to ask him a question?

Mr. RANNEY. Oh, no.

Mr. DAVIS, of Missouri. I merely want to ask a question.

Mr. RANNEY. I cannot give way.

Mr. DAVIS, of Missouri. I certainly yielded to the gentleman yesterday.

Mr. RANNEY. Gentlemen on the other side are not disposed to discriminate; at least they pervert the facts. Stenographers and magistrates always give to parties and counsel transcript notes, often in many duplicated copies, to be looked over and see if they are right. I have already treated of the alleged alterations in the evidence of Mr. O'Connor. I must be permitted to allude to it again. Mr. O'Connor and his counsel were treated in like manner. There was a mutual exchange of courtesies in both cases, such as is usual and right. It seems to have been under an express or tacit agreement. Mr. O'Connor had a notary and a separate stenographer to aid him. Mr. Chisolm, counsel for the contestee, in his affidavit, page 11, says this stenographer (Edward Carroll) "proved himself to be utterly incompetent for the work he had undertaken; that when the testimony was written out by him (Carroll) he went over it and found it utterly inaccurate in many places, and so written as to make no sense, and in no way either a correct or truthful transcript of the testimony as given," &c. Now let us emphasize this thing at the expense of considerable repetition.

Not content with assailing contestant and Mr. Hogarth, Mr. Dibble is here trying to assail the stenographer of Mr. O'Connor, and Mr. Chisolm undertakes the task by this affidavit. In so doing he assails the notary of Mr. O'Connor also, for he, as did Mr. Hogarth, took the evidence when completed and certified to it as correct, and affixed his official seal to import verity. Where will these men stop? They have embraced all the notaries, the stenographers, the parties, the contestant and the contestee, the son of the contestee, the copyist, in their charges of forgery and tampering with the testimony; next have fallen upon the majority of the committee, to whom was assigned the ungracious duty of hearing these election cases, and lastly upon the Republican side of the House, for asserting their constitutional rights and insisting that the case shall be considered and determined! To what shifts are they driven!

Now, this Mr. Chisolm is placed in not altogether an agreeable attitude as an affiant and a man. His affidavit is sworn to February 18, 1882. On January 7, 1882, he wrote and gave to this Mr. Carroll

whom he now assails the following letter, which was before the committee:

CHARLESTON, S. C., *January* 7, 1882.

Mr. Edward Carroll, jr., has reported in short-hand for me in the case of the contest of E. W. M. Mackey *vs.* Hon. M. P. O'Connor for a seat in the present Congress of the United States, and I was well pleased with his work.

R. CHISOLM.

Mr. Carroll, in an affidavit, says that "after the examination of some witnesses was completed, he read a portion of his notes to Mr. Chisolm, who expressed himself as fully satisfied, and then employed him to take the rest of the testimony; and that he subsequently transcribed some of same and showed the transcripts to him, and he again expressed himself perfectly satisfied with his work," &c.

We have his transcripts in evidence not copied, and members can see by examining the same just what they were before the verbal errors were corrected by contestant and the son of contestee. Let these speak for themselves.

I pass to one other part of the charge. As to the affidavit of one Horsly, produced and asked to be received by the committee after the time fixed for filing affidavits had expired. I have it in copy before me. It is trivial and of no consequence; speaks of seeing some sheets of paper torn up and destroyed; says he *believes* them to have been part of the testimony. It does not say he saw them, or read them. Indeed, when it was offered contestant said he knew this man could neither read nor write. That a man who was copying a mass of testimony should spoil some sheets of paper and destroy some would not be strange or unusual, and that fact alone amounted to nothing. He had none of the original testimony, as that was never in his possession. The affidavit was left with the committee and they read and kept it, and then abundant proof was furnished in affidavits which the committee now have that this Horsly was an ignorant, unlettered person, could neither read nor write. The House can see them now if they wish.

The other witnesses which Mr. Horsly names in his affidavit as being able to swear to the same thing, and whom Mr. Dibble said he wanted to get, sent on their affidavits to the committee, and they now have them, subject to the inspection of the House. They prove nothing, and refute all things pretended as to them. So the shallowness of all the pretenses were exposed, one by one!

Their report shows that the minority regarded the issue as tried and determined by the committee, for they pass upon the alleged alterations as an issue of fact. They do not report that it is a case calling for investigation or further investigation, and recommend proceedings to that end, as would have been the course otherwise.

How any honorable men, members of this House, men who have so often spoken of non-partisanship and arrogated to themselves all of that high virtue in the committee, could find and report the issue tried in favor of Mr. Dibble, and find the facts on Mr. Smith's affidavit, using nearly his language, is beyond my comprehension. Let others characterize it in view of the case as now developed. I forbear.

Now, sir, after these reports had come into the House and been here some time; yea, on the day before the case was to be called up to be heard and disposed of, a memorial was put in and referred to the committee, setting up in substance that one Hendricks and one Levin had been examined as witnesses in some criminal trials at Charleston, and had contradicted their evidence as given in this case, and asking investigation further on that account. The committee took it up and fully considered it, and went over the ground again. The memorial only indicated in the most general terms what they had testified to. It was said that Mr. Hendricks had been asked about a Republican supervisor's return, as to who wrote in it a line about what number of names the Democratic supervisor had kept on a poll list, and as to its being in contestant's handwriting. The testimony was not given or set out, as in fairness and on every principle of practice it should be, so the committee could judge of its weight and importance.

The memorial stated that Levin testified that his deposition, as it appears in the printed testimony of the contestant, has been altered in several particulars from his testimony as actually given; and generally that there was at the trial further corroborative evidence of the alteration of the testimony in this case. It again reiterates the charge made before in the same words already cited from his original paper. Well, sir, this was the next and final move in the long line of dilatory action, after the reports had been on file in this House many weeks.

But the committee went over it with our amiable friend from Ohio [Mr. ATHERTON] who last addressed the House. His attention was called to the fact that the memorial did not specify or give the new evidence, or the names of the witnesses, except Hendricks and Levin; that the evidence should have been stated so we could judge of it according to a rule and report which he had himself made in the case of Mabson *vs.* Oates. Again, we examined the record and showed him that the testimony of both Hendricks and Levin related solely to the Hope Engine-house precinct, and was entirely immaterial any way for reasons already given; that Levin gave his testimony as one of the indicted on trial, and that it was not stated in the memorial as to what he swore to; that the supervisors' return related to the same precinct and was wholly immaterial in any event. The committee concluded that there was no occasion for any more delay and declined to entertain or favor this new attempt at it. I said to him then what I have already given in substance.

In order to satisfy myself as to the facts afterward, I got a chance to read the evidence given in Charleston, and found Mr. Chisolm had testified and shown that what Hendricks had testified to in cross-examination was not true; that all the testimony given there would have helped, and not hurt, the case of contestant here.

There is one other objection to the testimony which I must answer even if I trespass longer on the patience of the House. It is said the testimony was not forwarded without unnecessary delay. Another technical objection, you see. Now, that is not so. It was forwarded, as it appears from the record, all of it, I believe, before June, 1881, except one package of certified copies (exhibits) and the evidence in rebuttal. That was of no account and was not relied on by contestant. Contestee's evidence was forwarded by the end of September.

There is another technical objection, (no end to them.) The depositions were sent by express, and not by mail as the statute provides. It is well known and has often been held, that the statute referred to is only directory. Had the magistrate brought the evidence to Washington personally and delivered it to the Clerk that would have been equally violative of the statute. The statute says the magistrate shall examine the witness on oath. A literal rendering would prevent the party or counsel from doing it in his presence, and the use of a clerk or stenographer.

It has been so often held that the House is not bound by the statute, as it is a matter within their own exclusive authority, that I shall not discuss it. It is enough that the evidence got here, and was not interfered with after it was sent by the notary.

Mr. DAVIS, of Missouri. Will the gentleman allow me to interrupt him for a moment?

Mr. RANNEY. Yes, sir.

Mr. DAVIS, of Missouri. You say the law does not bind this House. A matter of fact certainly binds this House, and I stated that this man Hogarth made an affidavit that he parted with this testimony and had nothing more to do with it afterward, except that he signed certificates that were handed in by Mr. Mackey and jurats at the end of the depositions, without comparing the depositions with the original stenographic notes. The gentleman from Massachusetts stated that he verified those depositions. I say Hogarth swears he did not and that he knew nothing about the forwarding of them.

Mr. RANNEY. The learned gentleman is partly right and greatly wrong. There is an *ex parte* affidavit of Mr. Hogarth, with some loose general statements got from him probably without his knowing what use was intended to be made of it. It is noticeable for what it omits rather than for what it states. He has reference doubtless to writing off the transcript and giving it to Smith to copy, and to its being brought back for signature of witnesses and his certification. But he has not been got to state about his taking the oath of the witnesses to them after the copies were made and affixing his jurat, and finally doing them up in a package and properly sealing and indorsing them and delivering them for transmission to this House. They came here thus sealed up and indorsed by him, and were opened here in committee by the clerk thereof. Mr. Smith swears that he took them to the express office and took a receipt for them in Hogarth's name. I suppose my friend will believe everything Smith says.

Mr. MILLER. Every one of them was certified.

Mr. RANNEY. And Hogarth certified them. That affidavit (Hogarth's) is remarkable for what it omits of admitted or patent facts.

Mr. DAVIS, of Missouri. I stated what he swore to.

Mr. RANNEY. Yes, and owing to this imperfect and ambiguous affidavit, manifestly got (but not given) for a purpose, contestant had to and did get others from him in order to cure this ambiguity and get the facts as they were. You would have every magistrate stultify himself, and have us believe that he was willing to do it, and had done it. As Mr. Hogarth is willing to give affidavits to Mr. Dibble voluntarily as he has done once, why has he not during these three months got him to compare for him the whole evidence in print with his stenographic notes, and give others if needed?

Mr. Hogarth, to meet and supply what was wanting in his first affidavit, has made the comparison and verifies the evidence as printed. So have the witnesses read the evidence and verified it respectively, so far as it relates to their testimony.

There is no intimation that Hogarth was false and unwilling to give his affidavit of all facts needed. He had done so for both parties. What do you want more, pray?

Mr. DIBBLE. Did not Mr. Dibble ask leave of the committee to summon Mr. Hogarth and Mr. Smith?

Mr. RANNEY. On the contrary, his application was that the committee should do that or whatever they might deem best. They concluded what was best to do, and tried the dilatory charge on affidavits.

The committeee had no authority to summon witnesses, and no case was made for an appeal to the House for leave to do so.

The facts have been found against Mr. Dibble. The report of the committee is not conclusive; it is before the House for revision. But do not say that the committee have been derelict in duty.

Mr. DIBBLE. Will the gentleman allow the Clerk to read this?

Mr. RANNEY. No; Mr. Dibble will have his full hour, and he can have it read then, whatever it is. I am done.

Importance of the Mississippi River and Valley.

SPEECH

OF

HON. J. FLOYD KING,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 9, 1882,

On the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. KING said:

Mr. SPEAKER: The value of the Mississippi River, to be appreciated, may be compared with that of a railway system of equal length. There are sixteen thousand miles of navigable streams in this great water system of the valley. Their value from a political stand-point, as a bond of union between the States, cannot be estimated. But from the commercial stand-point we can reach an estimate approximately correct. The average cost per mile of the railways of the United States with their equipments has been, in round numbers, $51,000. At that rate per mile the sixteen thousand miles of the Mississippi and tributaries would have cost $816,000,000. But these great water-ways are in transportation capacity and commercial value worth at least six times any railways in existence, or $4,896,000,000, a sum nearly equal to the total cost of all the railways constructed in the United States down to the present time.

The trunk line of this river system from Saint Louis to the Gulf, is 1,352 miles long, at a moderate estimate, worth ten times an ordinary railway of equal length or $689,520,000.

What, Mr. Speaker, did the people of the United States pay for the construction of these water-ways? Absolutely nothing! They are nature's work, but just as valuable as if constructed by the hand of man at an immense cost. Dividing the continent from north to south, and located in fertile and productive valleys, they are the most comprehensive and valuable commercial highways upon the face of the earth—far more valuable transportation property than that controlled by any railway syndicate in this or any other country. They are the people's lines of cheap transportation from the granary of the nation to the seaboard. What shall we, the representatives of the people, do with this enormous property?

I reply, manage on strict business principles, as skillfully if possible as Messrs. Gould, Vanderbilt, and Garrett manage their respective railway systems. Keep it in such a state of repair that commerce will patronize it, that the people who own it may derive from its use in a saving of transportation rates an annual income of at least $244,800,000, a sum equal to 5 per cent. of the $4,896,000,000 invested for the people by nature in this, one of her greatest and grandest works.

It would not seem extravagant, therefore, if 1 per cent. of the value of these water-ways be spent each year in their repair until permanently improved. That would be for the whole 1,352 miles between Saint Louis and the Gulf, $6,895,200—almost identically the sum asked for by the commission from another stand-point of calculation.

It will be seen that the Mississippi River commission, who have this subject under investigation, estimate the whole cost of the permanent works of improvement on the trunk line at $33,000,000, this amount to be distributed through a period of years. Now let us for the sake of contrast see what other countries have done for their rivers. I hold in my hand a work entitled Improvement of Non-Tidal Rivers, edited by S. Janicki, L. Jaquet, and Pasqueau, distinguished European engineers, in which the question of the best method of improving rivers to cheapen transportation is treated with great ability. It states that France for this purpose alone, after the German war, which had been so disastrous to her, made an appropriation of $187,000,000.

To this must be added the works done by her on her rivers before this and since that time. This, Mr. Speaker, is civilization. We will do well to display a similar spirit of material development and progress.

Let us also see what the single State of New York has done for the cause of water transportation. Being deficient in rivers, she has built artificial water-ways—canals to intersect the interior and to connect the lakes with the seaboard—at a total cost of upward of $65,000,000 for their construction, enlargement, and repairs. If wise and profitable for a State to construct artificial water-ways—and it is admitted that it was both wise and profitable, emphatically so—does it not follow that the General Government will derive still greater benefits from simply the improvement of the great natural water-ways of the great and fertile valley.

VALUE OF THE COMMERCE OF THE VALLEY.

What, Mr. Speaker, is the value of the annual *internal* commerce of this valley intersected by the Mississippi and its numerous navigable tributaries—a valley which contains near 30,000,000 people? It is greater than the *foreign* commerce of the whole United States, greater than that of Great Britain, greater than that of all Europe, and indeed greater than that of all nations combined. The foreign trade of the Orient in its palmiest days was trifling in value contrasted with that which annually enlivens and enriches the Mississippi Valley. While the annual commercial reports of our State and Treasury Departments and those of foreign countries, the publications by the advocates of a new merchant marine, and the press have made every one familiar with the volume of *international* exchanges, the *internal* exchanges of the United States have, unheralded, grown to proportions so enormous as to eclipse the foreign trade of all seas.

Let me briefly state from official sources a few facts in support of these assertions. The annual foreign trade of the whole world (exports and imports combined) was stated in the last official report of the State Department to be $14,000,000,000 in value. The total foreign trade of the United States for the fiscal year ending June 30, 1880, was in round numbers $1,500,000,000. The *internal* commerce of the United States is never officially reported for the reason that the exchanges between our States are free and no tariff regulations require an official record. But an estimate of its value has been officially given.

The chief of the Bureau of Statistics of the Treasury Department, in his first annual report on internal commerce, published in 1877, drew from certain statistical premises the following important conclusion:

If it were possible to ascertain the value of the commerce between the different sections of the country on the ocean and Gulf and on the lakes, rivers, and other avenues of transportation we should probably find that the total value of our internal commerce is at least twenty-five times greater than the value of our foreign commerce.

His reasons for this estimate were, first, that the estimated value of the shipping engaged in our foreign trade was but $200,000,000, while that of the railways engaged in our internal commerce was twenty-three times greater or $4,600,000,000; second, that the then annual foreign trade of the United States was but $1,121,000,000 in value, while that of our internal commerce transported by railways alone was about sixteen times greater or $18,000,000,000.

Accepting his estimate as a fair one, and we believe it will bear the closest scrutiny and can be confirmed in a variety of ways, it follows that the present value of the *internal* commerce of the whole United States is twenty-five times $1,500,000,000, or thirty-seven and a half billion dollars, a sum considerably more than double the value of the whole world's *foreign* trade.

Now let us draw another conclusion from this estimate. The Mississippi Valley States are the granary of the Republic, they also supply the chief part of our cotton, pork, and tobacco. In brief they furnish, on an average, fully 75 per cent. of these great staple products. They are underlaid with immense deposits of coal and iron, and their furnaces are aglow in hundreds of manufacturing villages. The products of their industries are as varied as the wants of mankind. They are dotted with large and active commercial cities and towns. It is therefore safe to assert that the value of the annual internal commerce of these twenty-one States and Territories is equal to half that of the whole United States, or upward of $18,000,000,000.

We repeat, then, and we invite the most searching criticism of the estimate, that the present annual *internal* commerce of the States and Territories tapped by the navigable portions of the Mississippi and tributaries is in value greater than the total *foreign* commerce (exports and imports combined) of the whole world.

Mr. Speaker, how shall this vast commerce be transported? Shall the rates be high and burdensome—a cloud upon our industries—or so low as to be an incentive to increased production, and an enlarged material development? Shall the rates be regulated by monopolists in the interest of a few or by the people in their own interest?

The Erie Canal, even when handicapped by tolls, has been able to regulate the transportation rates of the New York Central and other railways from the West to the Atlantic seaboard. The Mississippi and tributaries, which are free to all, stand ready, just as soon as they are placed in an adequate state of repair, to perform a similar but greater service for the people of the whole interior of this great nation.

The stockholders of a railway corporation would consider their agents negligent and incapable if they omitted needed repairs to the road-bed and thereby ruined its business and income. The people who own the great river-ways take a similar view of any neglect of the Mississippi and expect us, their representatives and agents, to keep it in good repair.

THE SAVING IN TRANSPORTATION RATES.

The question now arises, what will the people gain by the improvement and adequate use of this outlet to the sea? We can best appreciate this point by a contrast with railway transportation.

During the three years, 1877, 1878, and 1879, the river rate of transportation from Saint Louis to New Orleans on a bushel of wheat ranged from 7.75 cents to 8.75. During the same period the rates by rail from Saint Louis to New York ranged from 17.75 to 24.06 cents per bushel. The saving in favor of the river route to the seaboard at New Orleans, as will be observed from a comparison of these figures, ranged all the way from 10 to 15 cents per bushel. The present annual production of grain of all kinds in the Mississippi Valley is approximately 2,000,000,000 bushels. In a few years from now the production will be double and the quantity which can be spared for

export alone will be equal to the 2,000,000,000 now produced. Ten per cent. saving on that quantity transported to the seaboard would be $200,000,000 per annum.

To further illustrate the remarkable superiority of a good navigable river over a railway for the cheap and convenient transportation of the bulky freights of an agricultural country, I quote the following from a commercial editorial in the Saint Louis Republican of April 8, 1881:

There are now three barge lines loading grain and package freight for New Orleans—the grain for foreign export—and the respective tows will depart Saturday, or as soon as the weather will be favorable. The tows and cargoes of grain will be as follows: Steamer Iron Mountain and five barges with 220,000 bushels wheat and 50,000 bushels corn; Oakland and six barges with 50,000 bushels wheat, 200,000 bushels corn, and 25,000 bushels oats; and the Bigley and four barges with 40,000 bushels wheat and 100,000 bushels corn; making a total shipment for the week of 680,000 bushels grain, which, by railway transportation, at 500 bushels to the car, would require 1,370 cars, and estimating twenty cars to the train, would make up sixty-nine freight trains, and employ about four hundred trainmen.

The advantages of water transportation are equally apparent when we consider the immense deposits of coal underlying the valley States. According to Spofford's American Almanac the estimated coal areas of the whole United States are 215,401 square miles, of which 207,466 square miles, *or* 96 *per cent.*, are in the nineteen States intersected by the Mississippi and its navigable tributaries.

A very pointed illustration of the superiority of water-ways for the transportation of this heavy and bulky freight was given by the Cincinnati Commercial about the beginning of the year 1878, which I will quote:

The tow-boat Josh Williams is on her way to New Orleans with a tow of thirty-two barges, containing six hundred thousand bushels (seventy-six pounds to the bushel) of coal, exclusive of her own fuel, being the largest tow ever taken to New Orleans, or anywhere else in the world.

Her freight-bill, at three cents per bushel, amounts to $18,000.

It would take eighteen hundred cars, of three hundred and thirty-three bushels to the car, (which is an overload for a car,) to transport this amount of coal.

At $10 per ton, or $100 per car, which would be a fair price for the distance by rail, the freight-bill would amount to $180,000, or $162,000 more by rail than by river.

The tow will be taken from Pittsburgh to New Orleans in fourteen or fifteen days.

It would require one hundred trains of eighteen cars to the train to transport this one tow of six hundred thousand bushels of coal, and even if it made the usual speed of fast freight lines, it would take one whole summer to put it through by rail.

This statement shows the wonderful superiority of the river over rail facilities.

Remarkable as is this statement, I can add that other shipments of still larger quantity have since been made in one tow, as will be seen by the following telegram and answer:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 14, 1882.

Messrs. WOOD & CO., *Coal Shippers, New Orleans, La.:*

Please telegraph me immediately the largest amount of coal ever brought down the Mississippi River by any one tow.

J. FLOYD KING.

—

NEW ORLEANS, LA., *June* 14, 1882.

To J. FLOYD KING, *House of Representatives, Washington, D. C.:*

Six hundred and fifty thousand bushels, equal to 26,000 tons, by tow-boat John A. Wood.

B. A. WOOD & BROS.

Cotton and iron ores are some of the many other bulky products of the valley which call for cheap transportation by the improvement of the water-ways. Who, Mr. Speaker, will be benefited by this great work? Not only the producer of the valley but the consumers of the whole country; in other words, the people of the whole United States.

VALUES DESTROYED BY OVERFLOWS.

The destruction by overflow during the last great flood in the Mississippi Valley of crops, buildings, farm improvements, live stock, railway property, telegraph lines, depreciation in value of real estate, loss of credits, and in other ways cannot be less than $50,000,000. Besides this the effect upon the public health is most deleterious. Shortly following similar inundations in the past have appeared yellow-fever plagues and wide-spread malarial diseases.

I regret that I cannot give an official statement of the pecuniary damage caused by overflows. It would be well for us to provide for a statistical report upon this subject. Two resolutions to that effect are now pending before the Committee on Levees and Improvement of the Mississippi. The report would show an aggregate loss of property truly astounding, all caused by the overflow of a national highway, one over which no power but the Federal Government has any legal control.

FUTURE VALUES IF PROTECTED FROM OVERFLOWS.

There are upward of 26,000,000 acres of land within the delta of the Mississippi, an area as large as the whole State of Ohio and containing a population of about a million and a half souls. This territory, the richest in the known world, is capable of supporting a population ten times its present number. Two-thirds of this area is the most fertile cotton land on the planet and capable of producing on an average a bale of cotton to the acre. The other third can be made to produce with profit a hogshead of sugar to the acre. Supposing this vast area was protected from overflow and two-thirds of it under cultivation, we would have from these lands an annual cotton crop of 11,555,555 bales, worth at present prices $462,222,000, and a sugar product of 5,777,777 hogsheads, worth at present prices $462,222,000—upward of $900,000,000 a year.

The lands themselves would increase in value at least tenfold. From such increase of production and values there would result new industries, new and enlarged commerce, and increased revenues to the State and General Government. There is probably no other work which the United States can constitutionally support that would be attended with so large pecuniary returns as the improvement of the river and the protection of its delta. The riches of Holland, accumulated since the construction of her dikes, is ample proof of this assertion, In illustration of this point I quote as follows from a work on the Mississippi and Tributaries, by Alex. D. Anderson:

The history of the protection and development of the Netherlands, (low countries,) an exact parallel in formation to the alluvial lands of the Mississippi Valley, proves very clearly that we have not overestimated the importance of the subject.

The United Kingdom of the Netherlands contains but 12,680 square miles, and North and South Holland, two of the eleven subdivisions of the same, but 2,209 square miles. The whole of the Netherlands are made-land, having been formed by protection from the overflow of the Lower Rhine, the Maas, the Scheldt, and other rivers, ninety lakes, and the Zuyder Zee. The total cost of their protection by dikes, embankments, and other works, was $1,500,000,000. The annual cost of guarding, protecting, and repairing is stated to be from $2,000,000 to $2,500,000. Probably that country, in proportion to its population, is the wealthiest nation upon the face of the earth. An elaborate review of the same says: "The country is everywhere well peopled, and no population in the world exhibits a more uniform appearance of wealth, comfort, and contentment."

Holland not only has capital enough for home use but the Dutch of Amsterdam are capitalists who have a large surplus to lend for public improvements and large enterprises in other nations. Yet all the wealth of this rich and commercially powerful kingdom was accumulated in an alluvial country having an area less than one-third that of the alluvial lands along the Lower Mississippi.

We will profit by their example if we protect our own lands from overflow—lands which are equally productive and far more easily and cheaply protected.

THE EFFECT OF OVERFLOWS ON SOCIETY AND GOVERNMENT.

The floods not only sweep away property and values but undermine the very foundations of society and government. Schools are suspended, churches unattended, lines of travel and intercommunication broken, civil processes cease, courts are closed, mails suspended, taxes uncollected, in brief, the functions of government are paralyzed. The people are driven to the roofs of their houses and upon fragments of broken levees, and reduced to starvation, sickness, and death. Can this great and powerful Government contemplate such a spectacle within its own borders, among its own people, without at once adopting methods of relief and supporting those methods by every means in its control?

THE REMEDY.

We have next to inquire what is the remedy. In 1879 Congress delegated this whole question to a board of skilled engineers, called the Mississippi River commission. They were instructed as follows:

It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him transmitted to Congress: *Provided*, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

In their first report to Congress, in the spring of 1880, the commission announce their general conclusion or plan for improvement of navigation in the following language:

The work to be done, therefore, is to scour out and maintain a channel through the shoals and bars existing in those portions of the river where the width is excessive, and to build up new banks and develop new shore-lines, so as to establish as far as practicable the requisite conditions of uniform velocity for all stages of the river.

This is substantially an adoption and extension of the jetty system already in successful operation at the mouth of the river. To accomplish the other objects enumerated in the organic act they reported in favor of levees:

It is obvious that levees are, upon a large portion of the river, essential to prevent destruction to life and property by overflow. They give safety and ease to navigation and promote and facilitate commerce and trade by establishing banks or landing places above the reach of floods, upon which produce can be placed while awaiting shipment, and where steamboats and other river craft can land in times of high water.

In a restricted sense, as auxiliary to a plan of channel improvement only, the construction and maintenance of a levee system is not demanded. But in a larger sense, as embracing not only beneficial effects upon the channel but as a protection against destructive floods, a levee system is essential; and such system also promotes and facilitates commerce, trade, and the postal service.

A levee system aids and facilitates the postal service by protecting from injury and destruction by freshets and floods the various common roads and railways upon which that service is conducted to and from the river bank, and generally within that portion of the alluvial region subject to overflow. Moreover, the permanent maintenance below Cairo of a connected levee system, a system of sufficient strength to inspire confidence in its efficiency, or the demonstration, by the achieved results of an improved river, that overflow need no longer be seriously apprehended, would act as a prompt and powerful stimulant in rapidly developing a largely increased trade and commerce in all the products of agricultural industry indigenous to that region, and in those branches of manufacturing enterprise related thereto.

The general plan of improvement adapted to cover each object prescribed is, then, a combination of jetties and levees. Actually, I may say, a system of levees, for jetties are but levees, built in the river. The outlet theory was reviewed by the commission and discarded in the following language:

As the system of improvement proposed by the commission is based upon a conservation of the flood waters of the river, and their concentration into one channel of an approximately uniform width, it would seem scarcely necessary further to consider a system based upon theories and arguments so diametrically opposed to it as the outlet system is thus shown to be.

At the opening of the present Congress another report of the commission was submitted, and came before two committees of the House for consideration—the Committee on Levees and Improvement of the Mississippi River, and the Committee on Commerce, which has the subject of river and harbor improvement under its control. It was promptly shown before these committees by testimony of members of the commission and others that for both the protection of these valley States from the overflow and for the improvement of the river, to give ease and safety to commerce and also protect and promote the postal service, levees are essential. Let us briefly review the testimony on this point; and first, that before the Committee on Levees and Improvement of the Mississippi. Captain Eads, of the commission, said:

I believe that this will be the result of the works of improvement projected by the Mississippi commission; that a beneficial condition of affairs for navigation and for agriculture will result so much quicker to the country if we close these gaps in the levees and get all of the force of the river to help this good work. I do not think that $2,000,000 can be better employed than in having these gaps closed. That work can be done without any interference whatever with the work of the commission. If Congress will authorize the closure of them by the Secretary of War he can have the work contracted for, and it can go on without interrupting at all any of those works of improvement which the commission have recommended, and it will bring the deep channel so much the quicker.

Major Harrod, of the commission, in reply to interrogatories, testified as follows:

Mr. HARROD. The conclusion, I believe, from the observations made in Europe covering the last two hundred years, is that the progress of clearing and occupying the adjoining country does deteriorate rivers in perhaps three ways: by making floods more rapid and excessive and disturbing; by decreasing the low-water discharge; and by filling up the river bed, owing to the greater quantity of sand and gravel carried down.

Mr. JONES. And the only way such influences can be counteracted on the Mississippi, in your judgment, is by building levees—the only salvation for that country is to hold the water between banks and force it to scour a way for itself down to the ocean?

Mr. HARROD. Yes, sir; that is my opinion.

He also quoted from a report on levees and outlets by a sub-committee of the commission, which sub-committee was composed of Messrs Harrod and Suter:

We beg leave to submit the following conclusions:

1. That bayous and overflows afford no permanent or uniform relief, but produce changes of regimen detrimental to navigation, and cause destructive floods.

2. That the direct influence of a levee system is to improve navigation and prevent destructive floods by the establishment of a regimen, and the elimination of varying and abnormal local conditions.

3. That the conservation of flood waters by artificial embankments is becoming of greater importance every year, both in preserving navigation and in preventing destructive floods from the recession of the banks to lower levels, and has already, in many parts of the river, become essential.

4. That the act under which we serve contemplates the preparation by this commission of a complete plan for the regulation of the river and its banks. Any such plan must include the control and uniform maintenance of such conditions of the river banks as are consistent with the principles controlling the works already recommended by us. The present provision for such maintenance, by the States and riparian owners, is inadequate and hazardous.

He further testified before the committee as follows:

Mr. KING. I see reference made in this report to low-water navigation in the river, which is spoken of, seemingly, as the main subject to be attended to. In the law appointing the commission I find this provision: "It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River, improve and give safety and ease to the navigation thereof, prevent destructive floods, promote and facilitate trade, commerce, and the postal service." Was your attention drawn specially to low-water navigation by anything in the law?

Mr. HARROD. No, sir; and we have always intended our plans to be what we call high-water plans. We expect, in narrowing the channel, to continue our work until the contraction shall have extended to high-water mark. We consider that no low-water plan could have any effect in attaining a number of the objects that are mentioned in the organic act, and we have regarded our plans as high-water ones.

Mr. KING. You were at one time chief of engineers of the Louisiana State board of engineers on levees?

Mr. HARROD. Yes, sir; for some years.

Mr. KING. In the course of your study of the general subject of levees, have you observed any necessity for levees as a means of giving safety and ease to navigation during seasons of flood?

Mr. HARROD. Yes, sir; that subject has been presented to us. Levees do give such ease and safety, but probably the extremest cases are presented by this recent flood. I am informed that almost all the light-houses upon the river are swept away. I am also informed that the Memphis Anchor Line of boats (a very large line, as some of you gentlemen know) were withdrawn from the trade two or three weeks ago, because they could not make their landings, and the majority of the railroads that extend from the river westward are under water. There are one or two, I think, in the Saint Francis bottom. The road from Arkansas City west is under water and stopped running some time ago; the road from Vicksburgh west is about four feet under water. The Baton Rouge road, a local road, has ceased running, and I have very little doubt from the news in the papers this morning of the breaking of the La Fourche and Point Coupé crevasses that Morgan's Louisiana and Texas Road, which is a Pacific road, will go under water.

Particular attention is called to this last quotation as showing the necessity for levees for high-water navigation.

Lieutenant-Colonel Comstock, of the commission, answered as follows:

Mr. JONES. Therefore the only permanent relief, you think, is to be obtained by confining the waters, and so cutting a channel down to the sea which will afford a sufficient outlet for the water? All other reliefs would be temporary, and would be like doctoring the symptoms instead of attacking the disease, wouldn't they?

Lieutenant-Colonel COMSTOCK. If you are speaking of overflows, I think the only permanent relief is to make big levees.

Mr. JONES. So as to confine the water and compel it to cut itself a channel out to the ocean instead of spreading over the country?

Lieutenant-Colonel COMSTOCK. Yes.

* * * * * * *

Mr. MOORE. In connection with your jetty or levee plan would or would not two or three outlets wisely located to take off the surplus water tend to improve the navigation?

Lieutenant-Colonel COMSTOCK. No, sir; I do not think you can ever improve the navigation in that way.

Professor Mitchell, of the commission, said:

I am just fresh from a little study of the Delaware, which is a minute stream compared with the Mississippi, but which has all the characteristics of the larger river. Some portions of the Delaware have been leveed for a hundred years, and, as far as I can observe, the response of the river to the process proposed by the Mississippi River commission has been prompt and satisfactory, and excellent results have come from a systematic procedure upon substantially the principles and the method proposed by the commission. The stream has been leveed, then it has had its shores occupied by wharves and other structures, and the bottom has given way just about so fast. The Delaware is a stream which is subject to floods. I have not the figures to show the size or extent of those floods, but, so far as I know, they have not increased. The bottom has given way about as rapidly as the shores have been raised, so that the stream is in as good condition now as it ever was in respect to floods, and in a great deal better condition as to navigation, having twelve or fifteen feet more water.

Mr. DARRALL. What kind of material has been used in the construction of the levees on the Delaware?

Mr. MITCHELL. Substantially the same as on the Mississippi—heaps of sand or earth.

Captain Leathers, an experienced navigator on the Mississippi, said:

Mr. KING. Do crevasses injure navigation?

Mr. LEATHERS. They are a great injury to it.

Mr. KING. Have you ever been drawn into a crevasse?

Mr. LEATHERS. Partially, but not altogether.

Mr. KING. Did you ever know of any steamboat being drawn into a crevasse?

Mr. LEATHERS. Yes; the Katie was drawn in at Bonnet Carré in 1874.

* * * * * * *

Mr. KING. I want to know the effects of a crevasse in that portion of the river which is generally so shallow as to excite your observation.

Mr. LEATHERS. Let me answer your question by the report of the engineers who were stationed at Vicksburgh in 1844. They were down there surveying and taking the drift and current of the river. There was a break of the levee at Point Lookout, another just below Providence, and a tremendous break in the levee at Harris's. When the levee at Point Lookout broke, the impression was that we would have a big fall of water, which would relieve the planters below. The water did fall instantly; it fell about six inches at Vicksburgh, but it gained that back. When this crevasse broke, the current at Vicksburgh was upward of six miles an hour. It broke at Duckport, at Goodrich's, at Young's Point, at New Carthage, Point Pleasant; in fact, it broke all along, and the river kept getting up. The river was sluggish, and kept growing more sluggish. The waters were then from the Mississippi Hills to the Mason Hills, and steamboat men hardly knew (except from the timber) where the lands were, in a great many instances.

Mr. KING. That endangered navigation?

Mr. LEATHERS. It endangered navigation. At those times, as a matter of course, there is the most deposit at the bottom. If the water could be kept within its banks there would be no trouble about navigation. You may find one or two places below Cairo where the river may want to divide in time of low water; and it will be a mere bagatelle then to make a brush-dam to concentrate it into one, and whenever the river is united together there is no scarcity of water below Cairo.

Captain Duble, a steamboat captain upon the Mississippi River, said in reply:

Mr. KING. You have been navigating the Mississippi River for a great many years?

Mr. DUBLE. Yes; a great many years.

Mr. KING. Did you ever notice the effect upon navigation produced by crevasses at flood time? Did you ever hear of boats being drawn into crevasses?

Mr. DUBLE. Yes.

The testimony of these experienced navigators of the Mississippi proves that the navigation of the river at flood season is dangerous. It can be improved materially only by a regular system of levees.

In the testimony taken before the Committee on Commerce General Gilmore, president of the commission, said:

The volume of flow, and therefore the velocity and the scouring power in the bed of the stream, are all increased by levees during periods of overflow. Moreover levees are, upon a very large portion of the Mississippi River, absolutely necessary to prevent widespread destruction to life and property by overflow, and any one who has witnessed the sublime spectacle of such a flood as now prevails throughout the entire valley of the Mississippi, submerging the banks to a depth of many feet and spreading out over the entire alluvial section to widths varying from forty to sixty miles, cannot avoid the conclusion that an adequate system of carefully maintained levees is required to make navigation reasonably safe and easy and to render the carrying on of trade, commerce, and the postal service possible, in the sense of ordinary economic feasibility. I believe the fallacy that levees will cause a permanent raising of the flood surface has been abandoned by all who formerly entertained it.

* * * * * * *

Mr. GIBSON. Are the parts of your plan, namely, the improvement of the reaches and the re-establishment of the banks by levees, so closely connected as to be independent, the one operating in low water the other operating in high water, and both contributing to channel improvement?

General GILMORE. Certainly.

Mr. GIBSON. Both essential, therefore, to the general scheme which you have explained to the committee?

General GILMORE. Exactly; but in my judgment levees built specially for channel improvement might be better located than they generally are. You cut across necks and points of land in building a levee to prevent overflow, whereas if you were building it merely for the purpose of improving the channel you would follow the bends. But even as they are located, the levees are an essential part of the system of improvement that we have projected.

General Humphreys, of the Army Engineers, whose name is inseparably connected with the Mississippi as one of the authors of that great work entitled Humphreys and Abbot's Hydraulics of the Mississippi, testified with great emphasis, as follows:

The CHAIRMAN, (Mr. TOWNSEND, of Ohio, in the chair.) Please ask General Humphreys first, whether a system of levees is absolutely necessary for the improvement of the navigation, without regard to the prevention of overflows?

Mr. MCLANE. Very well; I will ask him to state whether in his opinion a sys-

tem of levees, with or without outlets, is not indispensable for the improvement of the river from the mouth of the Ohio down?

General HUMPHREYS. Yes, sir; certainly.

* * * * * * * *

Mr. REAGAN. In determining, as you did, the necessity of extending the levees from the mouth of the Ohio to the mouth of the Mississippi, did you consider whether it was practicable or possible to retain the floods of the Mississippi River within those levees?

General HUMPHREYS. Yes; that was the question. The object of constructing levees and raising them to certain heights was to confine the river within them, otherwise it would be a useless expenditure of money. The great object of making these measurements was to determine the question how high the river would rise if all the water were kept within its channel, and the observations were made because no one had any means of answering that question before.

Mr. HORR. And did you conclude that it could be done?

General HUMPHREYS. Yes, sir.

In a speech delivered in the House in June, 1878, Hon. E. W. ROBERTSON introduced testimony to the same effect, as follows:

As regards the effect of closing the outlets and repairing the levees, I desire to read the opinions of two steamboat captains of many years' experience and practical observation on the Mississippi. No more reliable or competent authorities can be cited on this subject. Captain Leathers, in a letter addressed to me a few weeks ago, says: "I came on the river in 1836. The river was very low that year. The average depth of water on the shoalest bars from the mouth of the Ohio to the mouth of the Arkansas, a distance of about four hundred and fifty miles, was about four feet. From mouth of Arkansas to mouth of Yazoo, about two hundred and twenty-five miles, there was about five feet. From that to the mouth of Red River, about the same distance, the average depth on the shoaled bars was seven feet. Below Red River levees had been built, I do not know how long, but thence to the Gulf there was deep water.

"Then levees began to be built above Red River in the parishes of Concordia, Tensas, Madison, and Carroll, the result of which was that in 1857, a period of twenty-one years, while the river was twenty inches lower in its banks there was not less than eight and a half feet of water on the shoalest bars in the formerly unleveed district between the Red and Arkansas Rivers, showing an increased depth of four feet scoured out by the current created by concentration of the water.

"I am convinced from my observations that if the levees were rebuilt and kept up on the low lands, the concentration of volume, and consequent accelerated current, would soon wash out a channel large and deep enough for any purposes of commercial navigation. I am thoroughly satisfied that in the last ten years the frequent breaks in the levees and crevasses, dispersing the waters over the country and diminishing the current, have caused the river to begin to shoal again. It always shoals near these breaks, evidently in consequence of the slackened current and natural deposit of sediment on the bottom which follows.

"I am confident that the only way of deepening the channel and getting reliable navigation is to concentrate the current, and if the great river accommodates itself by scouring out the bottom, there will be no necessity for higher barriers at the top, and the levees will become more solid and reliable because relieved in a measure from the great pressure to which they are subjected."

The other authority, Captain Aiken, who is president of the New Orleans and Red River Transportation Company, says in a recent communication to me as follows:

"Red River, from Shreveport, Louisiana, to its mouth, distance about five hundred miles, was, previous to the building of levees along its banks, a shoal stream, having a rise and fall of from eight to twelve feet, overflowing its banks during every high water and inundating the country for miles on either side. As the country became settled, the planters built levees to protect their lands from the annual overflows. At about the year 1860 these levees, from Loggy Bayou to Alexandria, distance two hundred and twenty miles, had become connected and continuous, presenting an unbroken line on each bank. It was soon found that the concentration of the water and increased current caused by the levees was washing out and lowering the bed of the river, and the effect has been so great that along this section of the river the rise and fall is now as much as twenty-five to thirty feet, and the lands have not been inundated for years. There are levees standing to-day four feet high above their base, that the highest floods have not touched for years. Since the war the levees have been extended above Loggy Bayou to Robinson's, distance about twelve miles, and the same deepening or lowering of the river bed has been the result.

"From Robinson's to Shreveport, distance about ninety miles, there are outlets on either side; the levees are not continuous and connected as they were below; the lands still overflow and the river is gradually shoaling. Below Alexandria the river is in about the same condition as when first navigated by steamboats, namely, no perfect system of levees, no lowering of its bed; open outlets and annual overflows.

"Red River runs its entire course below Shreveport through alluvial soil similar in all respects to that of the Mississippi. There can be no disputing the facts as to the Red River levees having lowered the river bed and deepened the channel as above described. There are thousands of people living on its banks to testify to the truth of this statement, and as the Mississippi and Red Rivers are similar in all respects, except as to the volume of their waters, it seems reasonable to expect that a perfect system of levees on the Mississippi would deepen that river and improve its navigation. In fact, it is known to old Mississippi steamboat men that the permanent depth of water on the shoalest bars had been increased by several feet along the sections of that river that had been leveed, and that since the breaking of the levees this deepening process has ceased. It is also known to them that bars form opposite and the river shoals below any permanent break or crevasse in a levee.

"As to the effect of jetties on river bars we state that Snaggy Point bar, on Red River, seventy-five miles above its mouth, and Alexandria bar, three miles below the town of that name, had always, until recently, been almost impassable obstructions to boats in low water, seldom in these seasons having depths over them of more than fifteen to twenty-four inches. During the low water seasons of 1876 the New Orleans and Red River Transportation Company placed jetties made of willow mattresses on Snaggy, and in less than fifty hours the depth of channel had increased from twenty inches to five and a half feet. After the high water of the following year had subsided, the jetties were found intact and the channel so deep and well defined that not a single boat had a moment's detention at that place throughout the entire season, (fall of 1877,) which was one of unusual low water. During the fall of 1877 this same company placed jetties on Alexandria bar when there was but sixteen inches water and boats had after putting off all cargo found it impossible to pull over. The channel immediately deepened, and although the river continued to fall for several weeks afterward there was at no time throughout the season less than four and a half to five feet water. Freight charges by the boats were lowered one-third at once in consequence of this improvement."

But stronger than all the above indorsements of levees is the recent minority report of Captain Eads who thought the last report of the commissioner was not sufficiently emphatic on this point, and who wished to add to what he himself had previously said in their favor. I quote as follows from his clear and convincing statement:

My views regarding the important agency of the levees in improving the low-water channel of the Mississippi were not expressed in that report with the degree of emphasis which I then desired, and I am unwilling to commit myself now to any expression in the present report, which, in the slightest degree, tends to throw a doubt upon the necesity of, or to justify any further delay in the closing of these outlets. On the contrary, I deem it proper to urge with redoubled force the absolute necessity of their immediate closure.

From quotations hereinafter made from the previous report of the commission, it will be seen that it relies upon the increased volume of discharge for scouring more deeply the bed of the river and lowering its floods. The loss of its volume through outlets or crevasses is fully recognized in that report, as the cause of the deposition of sedimentary matters in the bed of the river, by which its flood surface is raised from year to year.

Observations made by the commission plainly show that the effect of the present gaps in the levees has been to raise the flood-line of the river many inches above any heights previously attained within the seven hundred miles in which they exist most numerously, between Natchez and the mouth of the Ohio River. Within this distance there have occurred during the last eighteen years innumerable crevasses, aggregating, in 1875, a length of about one hundred miles, and throughout this part of the river the deposits have raised its bed so much as to greatly injure navigation, and to cause smaller floods to rise to heights never before attained.

This question is of such vast importance, and in view of my dissenting from the report of the commission, I trust that I will be pardoned for explaining at some length the general principles underlying the plan of improvement recommended by the commission, and the relation which the levees have to that plan. It should be borne in mind that this plan is only applicable to the rectification of a sediment-bearing river, and not to rivers flowing through rocky beds, and whose waters are clear. It should be especially noted, also, that this plan, when fully executed, will render the further use of levees almost, if not entirely, unnecessary. A more ready understanding of the principles upon which it is based will be had by first briefly describing the formation of the lower or main alluvial basin of the river.

This basin extends from Commerce, Missouri, (a few miles above the mouth of the Ohio,) to the Gulf of Mexico, and has an average width of about sixty miles. Its length is about six hundred miles in a direct line, and it contains about thirty-four thousand square miles, or an area equal to that of the State of Indiana. At the upper end of the basin a spur of the Ozark Mountains has been cut through by the river at the town of Commerce, and through this, over a rocky bottom, six or eight miles in length, the Mississippi now flows. Forty miles above Cairo, on the Ohio River, the same spur has been cut through by that tributary. Throughout this entire basin, bounded by highlands on each side, we have every reason to believe that an estuary of the Gulf of Mexico once existed similar to the Gulf of Saint Lawrence; or to the Rio de la Plata, which is now being filled and built up by the immense mass of deposits annually poured into it by the Parana and Paragua rivers. The floods of the Mississippi River, being highly charged with sedimentary matter, have filled this ancient and extensive estuary with alluvial deposits to the height of about three hundred feet above the sea at the upper end of the basin. The surface of the land thus made by the river has a comparatively regular descent from the upper end of the basin to the Gulf, being at Gaines's Landing, midway to the Gulf, about one hundred and forty feet above the sea. Through these deposits the river winds its tortuous course in a channel about one thousand one hundred and fifty miles long.

Experience and observation prove most conclusively that the quantity of solid matter which the water of the river is able to hold in suspension is strictly regulated by the velocity of the current. Therefore, during the natural process of this land formation, whenever the flood waters escaped over the banks of the channel, the loss of current in the water thus escaping caused the sandy or heavier portions of the solid matter held in suspension in it to settle almost immediately on the submerged banks; while the argillaceous and lighter portions, which take longer to settle, were carried back by the feebler current to the swamps or lower lands, on which they were deposited over a much more extensive area. These lighter matters now constitute the blue and other colored clay strata which are found in all parts and at all depths of the basin. The river banks were thus kept constantly higher than the lands more distant from the stream. Before any levees were built on them they were usually from ten to fifteen feet higher than the lands one or two thousand yards distant from the river.

The size of the flowing volume of any river constitutes, as will be seen hereafter, a very important element in determining the velocity of its current, and as the loss of volume over the natural banks has the effect of producing a more sluggish current in the main channel, a deposition of sediment resulted wherever this loss occurred.

In this manner the bed of the stream, during each successive flood, was built up higher and higher, while the water escaping over the banks built them up also. Thus the river and its banks were both gradually elevated above the neighboring lands until some important breach occurred in one or the other bank, and caused the river to seek a new channel through or over the lower lands. Illustrations of this process are frequently occurring at this time in the lower part of the basin. Sixty miles above the mouth of the river its flood surface is now seven or eight feet higher than the mean level of the Gulf, and through this sixty miles it flows to the sea between narrow banks that have been elevated by repeated overflows above the sea-level. From time to time the river has broken through these narrow embankments and found a steeper and shorter route to the salt water.

Through such new route its heavily-laden waters bear immense quantities of sediment, which is deposited in the Gulf at the mouth of the outlet, because the current can carry it no farther. About thiry-five miles above the mouth one of these outlets, known as "The Jump," occurred about forty years ago. It has already formed over a hundred square miles of territory upon which rice plantations exist, and on which trees are growing larger than a man's body. From six thousand acres of this land, purchased from the State of Louisiana, were obtained nearly all of the willows used in the construction of the jetties. The gradual enlargement of this sub-delta has so lengthened the outlet and flattened the surface slope of its branching channels that the current from the river through them, even in flood time, is now too sluggish to carry the heavy sedimentary matters of the main river by that route to the sea, and hence this outlet is gradually closing up. When it first occurred the water in it was one hundred feet deep; now it is scarcely four or five.

During this land-building process of the river outlets were doubtless formed, from time to time, throughout the entire six hundred miles of the basin, in a similar manner to the one described at "The Jump." Occasionally the conditions were such as to cause the entire stream to forsake its old channel, and in this way it was enabled to distribute its deposits throughout the whole width of the basin from bluff to bluff. Cut-offs and crevasses facilitated this distribution, and the elevation of the bed and the banks of the stream gave it the ability to maintain a sufficient height above the adjacent lands to send its earthy matters many miles away from its channel, while the unstable character of its banks enables it to change its location from time to time, and thus to cover every part of the basin with its deposits.

Levees stop this land-building process, because they restrain the floods within the defined channel of the river, and so long as they are intact it is impossible for the banks or the bed of the river to be built up to greater heights by the natural process just described. It is an error completely, and often disproved, but still repeatedly advanced by misinformed persons, that rivers confined between levees have a tendency to have their beds elevated, and, as a consequence, to need a corresponding elevation of the levees. The Po and the Rhine and other rivers in Europe effectually disprove such assertions. Their channels have been deepened and their floods lowered as a consequence of perfect levees, and this it will be

presently seen, is an inevitable result of the laws which control the phenomena of sedimentary streams, wherever they flow in channels made through their own deposits.

The methods by which the desired results are to be accomplished have, then, been fully investigated by the commission. Even before the creation of that honorable and distinguished body of men, renowned for their learning and fidelity to all the highest principles which govern mankind, the genius of Eads discovered and mastered the laws governing that great stream when he solved the problem of giving a deep-water channel to the sea by jetties at its mouth.

The testimony which we have above cited establishes conclusively two points, namely, that levees are absolutely requisite for the protection of this vast section of country from destructive floods and are at the same time essential to the improvement of navigation.

The organic act is explicit in its instructions to the commission, and the commission are explicit in their report as to the necessity of levees to accomplish each of these objects. Nevertheless, the gaps in the levees have not been closed, and a new and terrible flood has been permitted to sweep through these openings, carrying destruction and death in its path. Why this fearful blunder which, in its results, is equivalent to a crime? Who is responsible for it? I reply, hasty and unwise legislation a year ago in adding a proviso to the appropriation for the Mississippi prohibiting its use for purposes of protection.

It was then thought by the friends of river improvement that the proviso would be differently construed by the commission; but in this they were mistaken, as may be seen from the testimony of General Gilmore, president of the commission, before the Committee on Commerce. I quote as follows:

Mr. McLANE. Please explain to the committee in what respect the language of the appropriation bill of last year embarrassed or restrained the commission in the improvement of the levees.

General GILMORE. It did not embarrass me; but it embarrassed enough members of the commission to render it nugatory.

Mr. McLANE. It was not supposed or intended that that phraseology would embarrass the commission at all in the improvement of the river. The object was to exclude the construction of levees that had no connection with the improvement of the river. There was some opposition in Congress and in the committee to a scheme of levee improvement independent of the improvement of the navigation, but this language was not intended to embarrass you in constructing levees that were incident to the improvement of the navigation.

Mr. GIBSON. The language of the law is, "No portion of the appropriation hereby made shall be expended for building levees, unless it be for channel improvement."

General GILMORE. The members of the commission were not in entire accord in the interpretation that they put upon that phraseology.

Mr. McLANE. I understand very well that the law confines you to such improvement of levees as is incident to the improvement of the navigation of the river, and if there was any difficulty on that point in the way of the commission it ought to be removed.

General GILMORE. Well, there was just enough difficulty put in our way by that phraseology to influence a majority of the members of the commission and render them unwilling to touch the levee question with that phraseology in the law. In fact they were not very much in favor of levees anyhow, and they felt embarrassed by that provision. That is all.

Mr. McLANE. When I asked you a little while ago if the recent developments would modify or change your estimates of the amount of money that would be required for the improvement of the levees, you replied that it might do so to the extent of fully one-half. Now, looking at these present floods and their effect upon the levees, please state whether the entire improvement of the river is not liable to be modified by such occurrences—in other words, whether not only must the amount of money that is to be expended this year be increased but whether these floods have not developed a necessity for further improvement of the levees in connection with the improvement of the navigation?

General GILMORE. I certainly think so.

Mr. McLANE. I am asking these questions for my own enlightenment. I am of that opinion myself, and I do not think there ought to be any restraint put on the commission as to the expenditure of money on levees. I never did think so, and I think so still less to-day, and I want your opinion fully on that point.

* * * * * * *

Mr. TOWNSEND, (in the chair.) I understand that this improvement in the levees is only incidental to the improvement of the navigation of the river.

General GILMORE. The appropriation bill, if you recollect, rather restricted the use of the money.

Mr. HORR. Yes; some of our people are afraid that if you make a levee you will benefit somebody.

The result of this bad legislation was the inundation of the whole delta, an area greater than the State of Ohio, the destruction of life and health, the obliteration of post-roads and telegraph lines, the destruction of railroads, the drowning of live-stock, the sweeping away of buildings, fences, and farm improvements, the destruction of both stored and prospective crops, an interruption and destruction of commerce, a loss of credits, an interruption of courts, a barrier to the collection of taxes; in brief, a suspension of the functions of government, both local and national, the pecuniary loss of all which cannot be less than $50,000,000. And yet, Mr. Speaker, in face of this array of facts known the world over, it is proposed to repeat the foolish and, I may justly add, barbarous legislation by another restrictive proviso tacked on to the appropriation bill now under consideration.

Mr. Speaker, I enter a most emphatic protest against such injustice, such neglect of the fundamental objects of government; yes, such inhuman legislation.

The hands of the States are tied, as you are well aware. They cannot under the terms of the Federal Constitution enter into any treaty, alliance, or confederation among themselves. And without this power and co-operation Louisiana cannot protect itself from the floods sweeping down from Arkansas; Arkansas cannot protect itself from the floods of Southeast Missouri; Louisiana west of the river cannot protect itself from the floods of the State of Mississippi, and Mississippi cannot protect itself from the waters from Western Tennessee. Nor can the States exercise admiralty or maritime jurisdiction over the great river. The Federal Government says, "Keep hands off; this is a national highway, a Government postal route, a line of interstate commerce." The States cannot dam or bridge it, divert its course, destroy its channel, or meddle with its navigation. But there is one thing the advocates of provisos say we can do: welcome the destructive floods from the many States north, east, and west to our farms, homes, and firesides, and continue at the same time the prompt payment of Federal taxes.

Mr. Speaker, we of the lower valley are tired of such trifling, such disregard of the material and vital interest of several great States. We have ourselves spent upward of $100,000,000 in building 2,200 miles of levees to protect us from the overflows and ravages of a national river. We might spend the same sum again, but it would not protect us without concert of action between the seven States interested—a uniform plan, a uniform law, and one jurisdiction. All this the Federal Constitution and laws deny us.

Of the total mileage of levees, about two hundred miles are broken. Some of these gaps are at the intersection of State lines. Their repair is clearly an interstate matter. Congress is given by the Constitution power to legislate on the subject of interstate commerce, to build and protect post-roads, to provide for the common defense and general welfare. It is, then, in the power of Congress, as well as its duty, to protect our citizens dwelling in the vast section of country bordered by the banks of the river from overflow.

On this point I will quote from the statesmanlike and patriotic words of the President in his special message under date of April 17, 1882:

The subject is one of such importance that I deem it proper to recommend early and favorable consideration of the recommendations of the commission. Having possession of, and jurisdiction over the river, Congress, with a view of improving its navigation and protecting the people of the valley from floods, has for years caused surveys of the river to be made, for the purpose of acquiring knowledge of the laws that control it, and of its phenomena. By act approved June 28, 1879, the Mississippi River commission was created, composed of able engineers. Section 4 of the act provides that "it shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel, and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service."

The constitutionality of a law making appropriations in aid of these objects cannot be questioned. While the report of the commission submitted and the plans proposed for the river's improvement seem justified as well on scientific principles as by experience and the approval of the people most interested, I desire to leave it to the judgment of Congress to decide upon the best plan for the permanent and complete improvement of the navigation of the river and for the protection of the valley.

The immense losses and widespread suffering of the people dwelling near the river induce me to urge upon Congress the propriety of not only making an appropriation to close the gaps in the levees occasioned by the recent floods, as recommended by the commission, but that Congress should inaugurate measures for the permanent improvement of the navigation of the river and security of the valley. It may be that such a system of improvement would as it progressed require the appropriation of twenty or thirty millions of dollars. Even such an expenditure, extending as it must over several years, cannot be regarded as extravagant in view of the immense interest involved. The safe and convenient navigation of the Mississippi is a matter of concern to all sections of the country, but to the Northwest, with its immense harvests, needing cheap transportation to the sea, and to the inhabitants of the river valley, whose lives and property depend upon the proper construction of the safeguards which protect them from the floods, it is of vital importance that a well-matured and comprehensive plan for improvement should be put into operation with as little delay as possible. The cotton product of the region subject to the devastating floods is a source of wealth to the nation and of great importance to keeping the balances of trade in our favor.

It may not be inopportune to mention that this Government has imposed and collected some seventy millions of dollars by a tax on cotton, in the production of which the population of the Lower Mississippi is largely engaged, and it does not seem inequitable to return a portion of this tax to those who contributed it, particularly as such an action will also result in an important gain to the country at large, and especially so to the great and rich States of the Northwest and the Mississippi Valley.

These floods are more terrible than invading armies. They cannot be resisted by the States. They overflow cities and villages; they spread over a territory greater in extent than the New England States; their searching waters penetrate the remotest parts, carrying destruction to human industry, death to every form of domestic life, and desolation into every home.

We therefore ask, and in justice to ourselves demand, that the General Government give us this protection to which we feel we are in every way justly and lawfully entitled.

After a careful study of all the reports, and all the observations and testimony on the subject of non-tidal rivers, the conclusion is reached that a marked distinction is to be made between a clear-water stream and a stream bearing sediment or sand in its current. When in the former outlets may be successfully made, as in the case of clear-water canals, to take off the floods, the latter fills up below an outlet by dropping its sediment in the channel in consequence of the lessening of the current, and thereby practically builds up bars or dams for great distances across the entire bed of the stream. Thus the navigation of the river is destroyed, and the flood wave on reaching these river-made dams mount up above the banks and overflow the country.

This, Mr. Speaker, of itself proves the necessity of levees for the improvement of the navigation and the prevention of desolating overflows. Here we find the sister interests of agriculture and commerce side by side, hand in hand; the measures proposed for the promotion of one protect the other. Happy union! It only remains

for the wisdom and patriotism of Congress to act, that from every hamlet, every cottage in this vast and now grief-stricken section may come the pæans of a joyous people made prosperous and contented by the shielding hand of a great and munificent mother Government.

APPENDIX A.

[Minority report of Mississippi River commission, by James B. Eads, April, 1882.]

WASHINGTON, D. C., *April* 12, 1882.

SIR: I feel compelled to withhold my signature from the last annual report of the Mississippi River commission, as I differ with the views expressed therein on the following important points:

LEVEES.

In the report the following paragraph occurs:

"It is considered by all that levees, by confining the flood waters of the river within a comparatively restricted space, do tend in some degree to increase the scouring and deepening power of the current. But the extent and potency of their influence in the improvement of the low-water channel, in respect to which, for the purpose of navigation merely, improvement is most needed, and their value for that purpose, as compared with other methods of improvement, and as compared with their cost, are regarded as subjects requiring further observation and study, and the accumulation of further and more comprehensive data, before final conclusions can be reached concerning them."

The effect of this paragraph is to weaken the recommendation made by the commission in its report of February, 1880, with regard to the importance of closing the gaps in the levees. The report of 1880 states that—

"The views of the several members, however, are not in entire accord with respect to the degree of importance which should be attached to the concentration of flood waters by levees as a factor in the plan of improvement of low-water navigation which has received the unanimous preference of the commission."

My views regarding the important agency of the levees in improving the low-water channel of the Mississippi were not expressed in that report with the degree of emphasis which I then desired, and I am unwilling to commit myself now to any expression in the present report, which, in the slightest degree, tends to throw a doubt upon the necessity of or to justify any further delay in the closing of these outlets. On the contrary, I deem it proper to urge with redoubled force the absolute necessity of their immediate closure.

From quotations hereinafter made from the previous report of the commission, it will be seen that it relies upon the increased volume of discharge for scouring more deeply the bed of the river and lowering its floods. The loss of its volume through outlets or crevasses is fully recognized in that report, as the cause of the deposition of sedimentary matters in the bed of the river, by which its flood surface is raised from year to year.

Observations made by the commission plainly show that the effect of the present gaps in the levees has been to raise the flood-line of the river many inches above any heights previously attained within the seven hundred miles in which they exist most numerously, between Natchez and the mouth of the Ohio River. Within this distance there have occurred during the last eighteen years innumerable crevasses, aggregating, in 1875, a length of about one hundred miles, and throughout this part of the river the deposits have raised its bed so much as to greatly injure navigation and to cause smaller floods to rise to heights never before attained.

This question is of such vast importance, and in view of my dissenting from the report of the commission, I trust that I will be pardoned for explaining, at some length, the general principles underlying the plan of improvement recommended by the commission, and the relation which the levees have to that plan. It should be borne in mind that this plan is only applicable to the rectification of a sediment-bearing river, and not to rivers flowing through rocky beds, and whose waters are clear. It should be especially noted also that this plan, when fully executed, will render the further use of levees almost, if not entirely, unnecessary. A more ready understanding of the principles upon which it is based will be had by first briefly describing the formation of the lower or main alluvial basin of the river.

This basin extends from Commerce, Missouri, a few miles above the mouth of the Ohio, to the Gulf of Mexico, and has an average width of about sixty miles. Its length is about six hundred miles in a direct line, and it contains about thirty-four thousand square miles, or an area equal to that of the State of Indiana. At the upper end of the basin a spur of the Ozark Mountains has been cut through by the river at the town of Commerce, and through this, over a rocky bottom, six or eight miles in length, the Mississippi now flows. Forty miles above Cairo, on the Ohio River, the same spur has been cut through by that tributary. Throughout this entire basin, bounded by highlands on each side, we have every reason to believe that an estuary of the Gulf of Mexico once existed similar to the Gulf of Saint Lawrence, or to the Rio de la Plata, which is now being filled and built up by the immense mass of deposits annually poured into it by the Parana and Paraguay Rivers. The floods of the Mississippi River, being highly charged with sedimentary matter, have filled this ancient and extensive estuary with alluvial deposits to the height of about three hundred feet above the sea at the upper end of the basin. The surface of the land thus made by the river has a comparatively regular descent from the upper end of the basin to the Gulf, being at Gaines's Landing, midway to the Gulf, about one hundred and forty feet above the sea. Through these deposits the river winds its tortuous course in a channel about eleven hundred and fifty miles long.

Experience and observation prove most conclusively that the quantity of solid matter which the water of the river is able to hold in suspension is strictly regulated by the velocity of the current. Therefore, during the natural process of this land formation, whenever the flood waters escaped over the banks of the channel, the loss of current in the water thus escaping caused the sandy or heavier portions of the solid matter held in suspension in it to settle almost immediately on the submerged banks; while the argillaceous and lighter portions, which take longer to settle, were carried back by the feebler current to the swamps or lower lands, on which they were deposited over a much more extensive area. These lighter matters now constitute the blue and other colored clay strata which are found in all parts and at all depths of the basin. The river banks were thus kept constantly higher than the lands more distant from the stream. Before any levees were built on them they were usually from ten to fifteen feet higher than the lands one or two thousand yards distant from the river.

The size of the flowing volume of any river constitutes, as will be seen hereafter, a very important element in determining the velocity of its current, and as the loss of volume over the natural banks has the effect of producing a more sluggish current in the main channel, a deposition of sediment resulted wherever this loss occurred.

In this manner the bed of the stream, during each successive flood, was built up higher and higher, while the water escaping over the banks built them up also. Thus the river and its banks were both gradually elevated above the neighboring lands until some important breach occurred in one or the other bank, and caused the river to seek a new channel through or over the lower lands. Illustrations of this process are frequently occurring at this time in the lower part of the basin. Sixty miles above the mouth of the river its flood surface is now seven or eight feet higher than the mean level of the Gulf, and through this sixty miles it flows to the sea between narrow banks that have been elevated by repeated overflows above the sea-level.

From time to time the river has broken through these narrow embankments and found a steeper and shorter route to the salt water. Through such new route its heavily laden waters bear immense quantities of sediment, which is deposited in the Gulf at the mouth of the outlet, because the current can carry it no farther. About thirty-five miles above the mouth one of these outlets, known as "The Jump," occurred about forty years ago. It has already formed over a hundred square miles of territory upon which rice plantations exist, and on which trees are growing larger than a man's body. From six thousand acres of this land, purchased from the State of Louisiana, were obtained nearly all of the willows used in the construction of the jetties. The gradual enlargement of this subdelta has so lengthened the outlet and flattened the surface slope of its branching channels that the current from the river through them, even in flood time, is now too sluggish to carry the heavy sedimentary matters of the main river by that route to the sea, and hence this outlet is gradually closing up. When it first occurred the water in it was one hundred feet deep; now it is scarcely four or five.

During this land-building process of the river outlets were doubtless formed from time to time throughout the entire six hundred miles of the basin, in a similar manner to the one described at "The Jump." Occasionally the conditions were such as to cause the entire stream to forsake its old channel, and in this way it was enabled to distribute its deposits throughout the whole width of the basin from bluff to bluff. Cut-offs and crevasses facilitated this distribution, and the elevation of the bed and the banks of the stream gave it the ability to maintain a sufficient height above the adjacent lands to send its earthy matters many miles away from its channel, while the unstable character of its banks enabled it to change its location from time to time, and thus to cover every part of the basin with its deposits.

Levees stop this land-building process, because they restrain the floods within the defined channel of the river, and so long as they are intact it is impossible for the banks or the bed of the river to be built up to greater heights by the natural process just described. It is an error completely, and often disproved, but still repeatedly advanced by misinformed persons, that rivers confined between levees have a tendency to have their beds elevated, and, as a consequence, to need a corresponding elevation of the levees. The Po and the Rhine and other rivers in Europe effectually disprove such assertions. Their channels have been deepened and their floods lowered as a consequence of perfect levees, and this, it will be presently seen, is an inevitable result of the laws which control the phenomena of sedimentary streams, wherever they flow in channels made through their own deposits. These principles or laws I will now endeavor to explain.

The term "slope of the river" is used by engineers to indicate the inclination which the surface of the flood bears to the sea-level. When "the slope" is referred to without qualification, it means the flood line at the various points along the river, and is synonymous with the term "the fall of the river per mile." It has no reference to the slope of the bottom of the river. One end of the slope is unalterably fixed by the Gulf of Mexico. Other points in its line may be lowered or elevated to a certain extent by natural or artificial causes.

The force which produces the current is the fall of the water from a higher to a lower level, and the slope is an indication of the amount of this force. Other conditions being the same, the steeper the slope the more rapid will be the current.

The chief element which retards the current is the friction between the water and the bed of the stream. This friction increases as the surface in contact with the water increases, and is therefore greatest where the width is greatest, and conversely it is least where the width of the channel is least. Hence it is evident that the velocity of the current may not only be increased by increasing the slope but also by decreasing the friction. It must be remembered that nearly all of the sedimentary matter transported by the water is carried in suspension, and that the quantity carried is in proportion to its velocity. Only a small quantity of it is rolled along the bottom. Hence if the current be checked when its waters are heavily charged with this sediment, (as they always are in flood time,) a deposition of a portion of their burden becomes inevitable.

No fact in connection with the river is more thoroughly established than that the current in flood time cannot be checked in the slightest degree without causing a deposition of some part of the sediment. Screens of iron wire with meshes one foot square, placed across shoals in the Missouri River, have sufficed to retard the current enough to cause deposits sixteen feet deep to be formed during one flood, and in this simple manner new banks have been developed in excessively wide parts of that river to deepen its channel and lower its slope. Willow screens, first used at the jetties at the mouth of the river for the same purpose, raised the bottom during one flood, over a large area at the head of the passes where it was from twelve to sixteen feet deep, almost to the surface of the water, and seventy or eighty acres of land covered with vegetation are now to be seen on the eastern side of the upper end of the South Pass channel that has been thus formed.

I have named three controlling principles which are present in every problem presented by the characteristic phenomena of the river. Each one of these is very simple in itself. It is, however, absolutely necessary to remember each of them to fully comprehend the subject and to be able to recognize the respective influence of each in creating these phenomena. I will briefly repeat them to more strongly impress their importance. The first is the force producing the current. This force is simply the result of the fall of the river from a higher to a lower level. The second is the frictional resistance of its bed. The third is the intimate relation between the quantity of sediment carried in the water and the velocity of the current. If we increase or decrease the current from any cause, we increase or decrease the quantity of sediment carried by the river. We can increase or decrease the current temporarily by either of two methods, namely, by altering the slope, or by altering the frictional resistance. Therefore, by these two methods the scouring and depositing effect can be produced. If we increase the current during the floods we produce a greater deepening and enlarging of the channel through the shoals, and they are left in better condition during low water, and at the same time we ultimately lower the height of the floods. If we decrease the current we produce shoals and higher floods.

The river from Commerce to the Gulf, between the levees, is simply a grand trunk into which is poured all of the sedimentary matters of the tributaries. This trunk must discharge as much sediment as it receives, or that which it does not discharge must be left in the channel and thus injure navigation. If it discharges more than it receives, the excess must be taken out of the bed of the channel, and it will be deepened thereby and the floods will be lowered. Hence it follows that by the process of deposit, or scour, the river has the ability to produce a current capable of carrying its sedimentary burden, without loss or gain, to the sea. This velocity of current we may call the normal current. In seasons of great floods the normal current will be more rapid than when the waters are less highly charged with sediment. This normal current is produced by the river itself as a result of these three controlling principles. Flowing over a bed of deposits, from which it takes up additional sediment when the current is too rapid, it thus deepens the bed, and with it the slope, and thus the current declines. If it be too sluggish, deposits fall to the bottom, and by raising the bed it increases the slope, and as this is steepened the current is accelerated until the normal velocity is again attained. It follows, therefore, that it is not in the power of man to permanently increase its current above the normal velocity. If it be increased from any cause, the water will take up an additional burden from the bed of the river and thus enlarge and deepen its channel, and its slope will be thereby reduced, and with this reduction will follow a reduction of current and the scouring will cease as the current diminishes

until the normal rate is attained, and then the channel will be sufficiently enlarged and the slope so lowered as to prevent any further scouring.

The importance of the levees as a means of improving the navigation of the river comes wholly from the relation which the volume of a sedimentary stream bears to the fractional resistance of the bed. If the volume be diminished, the ratio of friction to the volume will be increased; and conversely if the volume be increased the ratio of frictional resistance will be decreased. Hence, if it can be shown that a higher velocity of current results from the retention of the whole volume within the levees, it must follow that a greater amount of sediment will be transported, and if this amount be greater than that which the tributaries contribute, it must be taken up out of the bed to the benefit of navigation, and the flood line must consequently be lowered to such a degree as will finally reduce the excess of current which the increased volume has produced down to the normal velocity. The increase of volume which will be secured by the closure of these gaps will produce this increased current.

Through these a large part of the volume of the floods now escapes, and this force the river is expending in its prehistoric occupation of land-building—a process wholly incompatible with the occupation of this vast alluvial district by man. Instead of letting this worse than wasted force be thus employed, the plan recommended by the commission proposes to utilize the entire force of the river to deepen its channel for the safe transit of the immense products of the valley, and for the safe discharge of its entire volume of flood waters without interrupting in any manner the avocations of commerce and agriculture. That it is entirely practicable to retain within the present levees the entire flood discharge of the river, if they be repaired, even without raising them any higher, I will now endeavor to prove.

The relation which the volume bears to the frictional resistance will be readily understood by examining the foregoing diagram. Let us suppose the Mississippi River in flood to be 118 feet deep and 3,000 feet wide, and that an additional rise of five feet then occurs. The increase of friction in this case is only on the two sides of the channel which are in contact with this additional five feet of depth. This frictional or wetted surface on the two banks would probably not exceed an aggregate width of twenty feet. The water flowing in the stream before this addition was made to it had a frictional surface of about 3,100 feet in width. The five feet additional rise increases the cross-section in such case from about 200,000 to 215,100 square feet, or 7½ per cent., while the friction will have been only increased about two-thirds of 1 per cent.

We see, therefore, that the ratio of friction decreases with an increase of volume, and, as a natural result of this, we must have an increase of velocity of current, and consequently an increased capacity of discharge in the stream. But in addition to the increase of velocity from the diminished friction, the five feet elevation materially increases the slope also, and thus adds another cause to increase the current. Carrollton is one hundred and twenty miles from the Gulf; therefore a five-feet rise there increases the slope one-half an inch per mile.

The semicircular diagrams are intended to show how rapidly the frictional resistance increases if the river be divided into two or more channels. The large semicircle may be supposed to represent the bed of the main river, its capacity being equal to that of the two smaller ones. The wetted surface or frictional resistance is increased by this subdivision 41 per cent. Hence it is simply impossible for the water to flow as fast in two channels, unless they have steeper slopes, as it would if it all flowed in one channel. This part of the diagram, however, is more particularly intended to illustrate the force of what I have to say later in reference to the closure of the Atchafalaya.

Some idea of the immense increase in the capacity of the river to discharge its floods, as a result of this reduction of friction and increase of slope, may be inferred from a few facts I have tabulated from the exact measurements of Humphreys and Abbot during the floods of 1851 and 1858. They are excerpted from Appendix D of their report. These measurements were made at two places on the river nearly 1,000 miles apart, and when the floods were confined within the levees.

FIRST—AT COLUMBUS. TWENTY MILES BELOW CAIRO.

1858.	Height in feet.	Discharge per second in cubic feet.	Mean velocity in feet.
June 15, 1858, height of river above low water	40.1	1,349,400	8.19
June 28, 1858	38.0	1,156,960	7.22
Difference	2.1	192,440	.97
SECOND—AT COLUMBUS.			
June 15, 1858	40.1	1,349,400	8.19
July 1, 1858	33.3	841,487	5.62
Difference	6.8	507,913	2.57
THIRD—AT CARROLLTON, NEAR NEW ORLEANS.			
February 24, 1851	11.8	894,491	5.04
March 17, 1851	14.8	1,152,504	6.22
Difference	3.0	258,013	1.18
FOURTH—AT CARROLLTON.			
February 21, 1851	10.1	766,497	4.41
March 8, 1851	14.1	1,068,464	5.81
Difference	4.0	301,967	1.40
FIFTH—AT CARROLLTON.			
March 19, 1851	14.9	1,149,398	6.19
August 25, 1851	8.1	572,388	3.38
Difference	6.8	577,010	2.81

We see by the first table that when the river at Columbus was 83 feet above low-water mark an additional rise of only 2.1 feet was sufficient to increase the mean current nearly one foot per second, and that the discharge was one-sixth greater. The depth of river at the time was about 96 feet. Therefore, this 16 per cent. increase of discharge was attained with the addition of only one-fortieth part of its depth.

The second table shows that a decrease of 6.8 feet in the height of the river at this place resulted in a loss of more than two and one-half feet per second in the current and a diminution of 508,000 cubic feet per second in the discharge. If we suppose the banks of the river to have been ninety feet above the bottom of the channel, this table proves that with levees only seven feet high upon them they would retain a sufficiently increased volume to add 60 per cent. to the discharge of the river and over 45 per cent. to the velocity of the current.

The third table shows that at Carrollton, near New Orleans, an increase of three feet in the height of the river added nearly 30 per cent. to the amount which was discharged, (almost doubling the percentage of increase shown with a rise of 2.1 feet at Columbus,) while the current was accelerated at the same time more than 20 per cent.

The fourth table shows that at four feet greater height of the river it discharged 40 per cent. more water and that its current was increased 32 per cent.

The fifth table shows that with a difference of only 6.8 feet the discharge of the river at Carrollton was more than double. The river here at the lowest stage was 115 feet deep. Hence there was an increase of only one-seventeenth part of its total depth required to produce this astonishing difference in the discharge of the river. The velocity was at the same time increased 85 per cent.

These tables are the result of actual observation and careful measurements. They represent stubborn facts, without any theorizing, and they show how absurd are some of the statements made as to the effect of outlets in lowering the floods of the river. For instance, the fifth table shows that when the river (March 19, 1851) was nearly up to the highest water mark known at Carrollton, it would have required an outlet larger than the Mississippi itself to lower it 6.8 feet. Such outlet would have had to discharge 577,000 cubic feet per second, while the whole river could only discharge 572,000 feet, when its surface was 6.8 feet lower. This enormous quantity of water (577,000 cubic feet per second) would cover a square mile one foot deep in about forty-eight seconds.

In twenty-four hours it would cover 1,800 miles to the same depth, and in less than a fortnight it would put an average depth of three feet over an area as large as the entire State of New Jersey. To lower the river only two feet at Carrollton when in flood would require an outlet as big as Red River. This is because such loss of volume lowers the slope and increases the frictional resistance in the main stream below the outlet; and this causes it to flow more slowly, and thus prevents that great reduction in its height which the thoughtless would expect.

When we refer to the three principles governing this problem and know how thoroughly they are established by experience, observation, and experiment, and remember the intimate relation existing between the quantity of sediment carried and the velocity of the current, it would seem impossible to arrive at any other conclusion than that the loss of velocity which invariably accompanies a lower height of the flood line cannot fail to result in a deposition of sediment in the channel of the river, where such loss of velocity occurs during a flood when the water is carrying such an enormous volume of sediment. But this fact does not rely for proof upon the plain deductions to be drawn from a consideration of the three principles we have referred to. The numerous soundings and examinations made of the bed of the river show that below every outlet its channel is reduced in size by the deposits thrown down as a result of the loss of volume through such outlet and the consequent reduction in velocity of current.

The floods do not come so suddenly but that the increased velocity due to the increased volume is felt many days before the floods rise near the top of the levees, and if these gaps were closed, I have no doubt that the increased velocity resulting therefrom would enable the floods to be discharged without any danger of their overtopping the present levees. It is possible that some very extraordinary flood, if it occurred the next year after they were closed, might break through them or escape at some one of the lowest points in them; but extraordinary floods are exceptional, and it is altogether possible that before another one comes the channel of the river would be restored to the dimensions which it had when these levees were intact, and when they were capable of discharging any one of the ordinary floods which occurred.

If they be left open, new shoals and injurious changes in the channel will be occurring at other points of the river than those selected by the commission for immediate improvement, and these new obstructions and changes in the channel will require so much more additional work, and this will undoubtedly cost twice or thrice as much as it will to repair the levees. By repairing them the channel will not only be prevented from becoming worse at any point on the river but the shoaling which has occurred as a result of these outlets will be removed by the effect of the levees, and the works of improvement can then be limited to the reduction of the excessively wide places which now exist, and which are inclosed by the present lines of levees. These wide places are the cause of cut-offs, caving banks, shifting channels, and vexatious shoals.

The plan of improvement recommended by the commission differs from any other previously proposed for the correction of the channel, in the fact that it looks to a rectification of the high-water channel by the ultimate narrowing of these wide places as the only method by which a deep and uniform low-water channel can be permanently secured. The wide places in the high-water channel create alternations of current velocity and steeper slopes to overcome the excessive frictional resistance. These cause the water to be highly charged with sediment at one part of its journey to the sea and much less highly charged at others. This creates scouring and depositing in the bed and radical changes in the channel by the caving away of its banks. By reducing these wide places to a width approximately the same as that of the narrow parts of the river the friction is reduced, a lower slope and more uniform depth will be obtained, and the velocity of current will not be subject to its present changes.

A uniform charge of sediment will result from uniformity of current velocity, and the caving of the banks will then be practically arrested, for the reason that when the water has the full charge of sediment due to its velocity it can carry no more, and cannot, therefore, scour the channel more deeply, by which the undermining of the banks is effected. Permanence of channel will not, therefore, be secured until these excessive widths are reduced. A less depth at low water than twenty feet will not insure stability of channel, for the reason that a less depth will result from only a partial reduction of the wide places. Permanence of channel will be attained only in proportion as uniformity of width of the high-water channel is attained, and when this is secured the depth at low water may be considerably more than twenty feet, but it will certainly not be less.

The sooner these wide places are corrected the less will the improvement of the river cost. The maintenance of the levees, as far as they may be necessary to control the floods, will greatly lessen the cost of the work, because the retention of the water within them will prevent new shoals from forming during the narrowing of the wide places, and because the larger the volume of a silt-bearing river in flood-time the deeper will be its channel. Through the three hundred and thirty miles below the mouth of Red River the river has a comparatively uniform width, and the caving of the banks is very slight as compared with the changes occurring in the eight hundred and twenty miles above Red River. In conclusion I may say that what I have urged here in regard to the closing of these gaps is but a repetition of an argument made by me before the Committee on Commerce of the House six years ago. In closing my address to the committee I then said:

"There can be no doubt of the entire feasibility of so correcting the Mississippi River from Cairo to the Gulf that a channel depth of twenty feet during the low-

water seasons can be permanently secured throughout its entire course, and that the alluvial lands on each side of its waters can be made absolutely safe from overflow without levees by such correction. This can be accomplished for a sum entirely within the ability of the Government and one really insignificant when compared with the magnitude of the benefits which would flow from such improvement. Until such work is accomplished an annual expenditure for the maintenance of the levees is imperative."

THE ATCHAFALAYA.

I cannot agree with the recommendations of the commission for the correction of the river at the mouth of Red River. The report sets forth the following facts:

"The enlargement of the Atchafalaya has steadily progressed since the removal of the raft therefrom by the State of Louisiana. Now it has a capacity of discharge nearly equal to Red River, and affords a line of least resistance for the flow of that stream to the sea. The discharge of Red River into the Mississippi is now small and infrequent. The outlet from the Mississippi to the Atchafalaya is almost constant, and at times very large. The elevation of the water surface at the junction of Old River and the Mississippi (that is, the old mouth of the Red River) is almost constantly above that at the head of the Atchafalaya. The difference, on the 13th of last October, being 7.3 feet in the distance of about five miles. There is a marked tendency to increase this difference of level, and also to enlarge both the communication between the Mississippi and the Atchafalaya, and the Atchafalaya itself."

The recommendations of the commission to which I object are as follows:

"We therefore recommend that at the earliest possible time a continuous brush sill be laid across Old River, between Turnbull's Island and the Mississippi, at such point as surveys show to be advisable, with the object of checking the enlargement of the outlet from the Mississippi at that point.

"We also recommend that the study of the subject be continued, in order to ascertain, first, the expediency of completing the divorce between the Mississippi on the one hand and the Red and Atchafalaya on the other."

It seems to me that these recommendations completely ignore the principles underlying the general plan of improvement recommended by the commission. In its report, dated 17th February, 1880, these principles, in their relation to islands, are thus set forth:

"It is a well established law of hydraulics that the ratio of frictional resistance, per unit of volume, increases if the sectional area be diminished. Thus, if the volume of a river were suddenly divided by an island into two channels, the water flowing in them would encounter more frictional resistance than it met with while flowing in a single channel. Hence, the currents through these channels would be more sluggish, and as the water is charged with sediment, the sluggish current would cause a deposit in the channel, which would first begin at their upper ends, and would continue until the bottoms of the two channels would be so steepened that the current would attain a velocity capable of carrying the suspended sediment through them without further deposit, and the slope of the river's surface in flood time would be found to be steeper through them than above and below where the volume flows in a single channel."

When the Atchafalaya was made it formed an island, which is bounded by the Atchafalaya, the Mississippi, and the Gulf of Mexico, and it conforms precisely to the conditions set forth in the above extract. The report just referred to further says:

"In the case of a crevasse, an island is also formed, having the main body of the river on the one side and the crevasse channel on the other side. As the volume flowing in the main channel below a crevasse has been decreased by the amount drawn off through it, a steeper slope in the main river, if the crevasse be kept permanently open, becomes inevitable, because the shoal below the outlet, as it grows in length down stream, from the deposition of successive floods, gradually increases the frictional resistance of the volume flowing through that diminished channel, and this tends to check the current of the river above the crevasse, and thus the shoaling of the river bed and the raising of the flood line above the site of the outlet ensues as a secondary and permanent effect.

"It is in this way that silt-bearing streams, flowing through alluvial deposits, have the ability to increase or steepen their surface slopes, and thus recover the velocity of their currents, and adjust them to the work of transporting the sedimentary matter, with which the flood waters are charged, so that this matter may be carried without loss or gain.

"In proof of the correctness of these views, and of their full accordance with well-established hydraulic laws, we have the evidence of this relation between slope and volume presented in the phenomena of silt-bearing streams all over the world. Whenever such streams flow through alluvial deposits, other conditions being the same, the slope is least when the volume is greatest, and conversely the slope is found to be invariably increased as the volume is diminished."

There are no truths in science more capable of complete demonstration or more generally recognized by hydraulic engineers than these, and the effects already created by the Atchafalaya, and which are contained in the present report, bear ample testimony to the soundness of the deductions thus advanced. For instance, the volume in the main river below the Atchafalaya outlet is decreased by the volume carried off through the Atchafalaya; therefore, in proportion as the lower Mississippi has lost this volume, according to the principles laid down by the commission, the slope of the river or its flood line should be steepened, for the commission correctly says:

"The slope is found to be invariably increased as the volume is diminished."

The last report of the commission says:

"No decrease of flood heights on the Mississippi, from which volume has been abstracted, is observable as the result of increased outlet in the gauge records at Natchez, Red River, or Baton Rouge, although it practically amounts to the diversion of a tributary with about one-sixth of the flood discharge of the Mississippi."

In other words, the Miss ssippi, below Atchafalaya, is to-day carrying one-sixth less than it did formerly, and yet no diminution in its flood line is observable at these points below the outlet. No better evidence could possibly be given of the fact that the bed of the main river below the Atchafalaya has gradually been filled with so much deposit, under the influence of the depleting effects of the Atchafalaya, that only five-sixths of the former flood volume is all that is now required to bring the surface of the floods to the same height on the levees that they attained when the main river received the volume of the Red River.

The report states further:

"But such a decrease of flood elevation has been observed in the Atchafalaya, to which the volume abstracted from the Mississippi has been added."

When we refer to the principles adopted by the commission we find it stated—

"Whenever such streams flow through alluvial deposits, other conditions being the same, the slope is least when the volume is greatest."

The volume has been steadily increasing in the Atchafalaya, and, as a natural result of such increase, its slope has diminished. It now carries off the volume of the Red River and a portion of the Mississippi water, and the commission state as a fact that "a decrease of flood elevation has been observed in the Atchafalaya."

This is precisely in accordance with the principles adopted by the commission, and these facts conclusively prove "the inexpediency of completing the divorce between the Mississippi on the one hand and the Red and Atchafalaya Rivers on the other." There is no need of further study, it seems to me, upon the question of such divorce; but, on the contrary, there is every reason for immediate action to prevent not only the further loss of volume from the Mississippi but to restore to it the discharge of Red River, which is now going down the Atchafalaya. It would probably not be advisable to reduce the cross-section of the Atchafalaya to restrain more than about one-sixth of its volume per annum, which would thus occupy six years in its complete closure, although the tables I have already given of the discharge of the river at Columbus and Carrollton show that the entire discharge of the Red, if added to the Mississippi when both are in flood, would only increase the height of the Mississippi two feet below the Red River.

The steepening of the slope of the Mississippi below the Atchafalaya has been progressing ever since that outlet began to be enlarged, and, as an immense amount of deposit must have fallen on the bed of the stream to raise the bottom of the river so high that the abstraction of one-sixth of its original volume produces no reduction in the height of its floods, the removal of this deposit should be made gradually. If it be permitted to rob the Mississippi of this great tributary permanently, by the construction of the proposed sill, we may be certain that a further raising of the flood line of the Mississippi will be the consequence, not simply below this outlet, but above it also. Of course, if the capacity of the crevasse be increased, as in this instance, additional shoaling will occur in the bed below it. It is not easy to foretell exactly how long the secondary effect (that of shoaling above the outlet) will continue. The diminution in the capacity of the channel below the outlet increases the frictional resistance, because the ratio of friction increases as the volume is diminished.

But the amount of this additional resistance increases as the shoaling extends on down stream, for the same reason that a long pipe of a given capacity and slope will not discharge as much water in a given unit of time as a shorter one with the same head, diameter, and slope. Hence, although the channel is diminished by deposits immediately below an outlet during the next ensuing flood, yet this shoaling may not extend sufficiently far down stream to react perceptibly upon the current above the crevasse, until after successive floods have still further extended the shoaling and thus lengthened, as it were, the diminished channel through which the river then flows. The raising of the flood line above the outlet, by which an increased slope is given to the river below it, is, however, only a question of time, if the outlet remain in full force. It will gradually raise the floods higher and higher above the outlet, until a steeper slope below it restores the normal current. The slope of a sediment-bearing stream is adjusted by laws as immutable as those which control the planets, and a further flood elevation above this outlet if the volume of the Red River be lost to the Mississippi, is inevitable.

To me it seems that no treatment of the river is more plainly indicated by the observed facts than that which I have the honor to recommend upon this subject I have not the least doubt in my own mind that the complete closure of the Atchafalaya will produce a lowering of the flood line at the mouth of the Red River of several feet within a few years afterward. The prevention of the escape of any portion of the discharge of the Red River down the Atchafalaya will also have the effect of benefiting the navigation at the mouth of Red River; it will restore deep navigation between the Red and the Mississippi Rivers, without the necessity of further works. Communication between the Atchafalaya and the Mississippi by a system of locks will become a necessity before the complete closure of that outlet, but these would also be still more needed if the Red and Atchafalaya be separated from the Mississippi, as the commerce of the Red River must then be provided for also.

The lowering of the slope, which will certainly follow the closure of this outlet and the reunion of the Red and Mississippi, will benefit the river channel and lower the floods so materially throughout the entire eight hundred and twenty miles of river between Commerce and Red River, that the saving in the cost of maintenance of the levees during the correction of this part of the river will enormously exceed the cost of the works, including the locks for the Atchafalaya; besides, it will give to the extensive region between the Red River and Commerce much more complete immunity from overflow, by the enlargement of the Mississippi River below the Atchafalaya; while the Atchafalaya country will be made safer and safer in proportion as the head of that stream is closed.

Instead of constructing the sill to interrupt communication between the Mississippi and the Atchafalaya, I would, for the reasons given, earnestly recommend the immediate construction of a sill in the Atchafalaya, near its upper end, to dimin ish the volume flowing through that outlet; and, from year to year, as rapidly as may be deemed safe, cause this sill to be built up until it shall finally constitute a dam, completely separating the Atchafalaya from all communication with the Red and Mississippi Rivers. The result of this will be to increase the volume flowing in the main river, and improve the depth of water on bars below the Red River, on which, at low water, only ten feet depth now exists.

HARBOR OF VICKSBURGH.

The report recommends that the improvement of this harbor be attempted by revetting Delta Point against further erosion, and by dredging out a basin and a channel leading to the harbor, by which steamers will have access to Vicksburgh landing. The first cost of this dredging is estimated at $336,000, and the revetment of Delta Point at $100,000 more. I do not believe Delta Point can be permanently revetted for an additional $100,000. Two hundred and twenty-nine thousand dollars have been heretofore appropriated for this purpose, and, as the report declares, this work, "owing to many unforeseen difficulties, has been much more costly than was anticipated." The failure to successfully revet and maintain this point will increase the estimated cost of dredging the channel and basin proposed in the report.

My experience has taught me that of all methods of deepening channels in, or connected with the Mississippi River, that of dredging is one of the most costly, uncertain, and least permanent. The plan proposed, if carried out successfully, would entail upon the Government an annual expenditure for the dredging of this basin and canal, which would, no doubt, equal one-eighth, and most likely one-sixth of its first cost, or at least $40,000 per annum. This would represent the interest on at least a million dollars, and with the first cost of the work would make this plan of improvement cost about a million and a half dollars. For this sum, and perhaps for much less, the river can be made to resume the channel it followed thirty or forty years ago, when it washed the shore of Vicksburgh, and before it created the extensive bend now cut off by the new channel, at the foot of which bend the city of Vicksburgh stands.

I should not attempt to restore the channel around De Soto Island, but simply extend Delta Point until a sufficient portion of the island is cut away to force the channel against the wharf. This method of improvement would make the river flow in a permanent channel at Vicksburgh, and save its citizens from the uncertainty which would attend the maintenance of a channel and harbor by dredging and from the certain injury to the commerce of that city and to that of a large district dependent upon it for the conveniences of shipment, in the event of Congress failing at any time hereafter to make the regular annual appropriation which would be required for dredging out the proposed channel and basin. I do not believe the plan recommended will be attended with satisfactory results if it be executed.

For these reasons, and because I know it is practicable to extend Delta Point artificially to a sufficient distance to throw the channel against the old landing at Vicksburgh, I recommend that this work be undertaken for the permanent rectification of the river at this place. Approximate estimates made by me show that this can be accomplished for $1,200,000, and deep water permanently secured at the Vicksburgh wharf without further outlay for maintenance. Two hundred and fifty thousand dollars could be profitably expended upon this work during the ensuing year.

IMPROVEMENTS BETWEEN THE MOUTHS OF THE MISSOURI AND OHIO RIVERS.

The commission in its report, in speaking of the improvements now being carried on by the War Department between the mouths of the Missouri and Ohio Rivers, a distance of about two hundred miles, says:

"The success of Captain Ernst's works thus far justifies, in our opinion, the

methods he has employed, and we are of the opinion that it should be pushed toward completion under liberal appropriations."

I cannot join with the commission in this indorsement and recommendation, for the reason that the plans now being executed by Captain Ernst have never been submitted to me for examination. I have been informed that a committee appointed by the commission did examine these plans and approve them; but so far as I know they were never submitted to the commission itself.

Before I would feel justified in giving my approval to detail plans for the improvement of any portion of the river, it would be necessary for me to carefully consider them, not merely in the light of the immediate results which the works might be expected to accomplish but also as to their effect upon other parts of the river. It would also be necessary to know whether the plans proposed for the special locality were in full accord with the general plan of improvement recommended by the commission, and, assuming the plans to be correct, whether they were to be carried out with due regard to economy in the expenditure of money.

Under the act of Congress creating the commission, it is charged with the responsibility of reporting plans for the improvement of the entire river, and it alone is responsible for them. I do not believe the public expectation will be met by exempting so extensive and important a section of the river as this two hundred miles from the supervision of the commission. This was done by a clause in the last appropriation of $600,000 for this part of the river, and the effect of the present recommendation is to encourage the disbursement of a like sum without any control of the works by the commission.

I do not desire to be understood as condemning the plans which are now being executed by Captain Ernst; but I cannot unite with the commission in indorsing them, for the reasons stated.

Very respectfully,

JAS. B. EADS.

General Q. A. GILMORE, U. S. A.,
President of the Mississippi River Commission.

APPENDIX B.

[Remarks of Professor Henry Mitchell before the Committee on Levees and Improvement of the Mississippi River.]

WASHINGTON, *March* 11, 1882.

Professor Henry Mitchell, a member of the Mississippi River commission, was invited to address the committee, which he did, as follows:

I think, Mr. Chairman and gentlemen, that the facts which we desire to lay before you are pretty nearly all in, and therefore I do not desire to make any extended remarks, but I shall be very happy to answer any questions that you may put.

An observation has been made by the gentleman from Texas [Mr. JONES] in regard to the question of floods, which expresses the idea exactly to my mind, namely, that the rising of the river and the overflowing of its banks increases its friction on the surface and thereby checks the progress of the water and increases the tendency to overflow; and I think that Major Harrod did not state exactly what he meant when he said that he regarded the loss of the levees as the only cause of the deterioration of the river above. I think he would have added that the widening of the river would of itself have produced the same effect.

Mr. HARROD. I meant to include that also

Mr. JONES. I understood Major Harrod to include the spreading of the waters, no matter from what cause.

Mr. MITCHELL. Then I entirely concur with him in the opinion he has expressed. The effect of confining the water of the river in reducing floods rather than increasing them (which seems like a paradox) can perhaps be stated a little better and more clearly from an entirely theoretical point of view. You all know that the most economical water carrier is a cylindrical pipe, because the frictional surface is in the least ratio with the capacity of the pipe. The best conduit is a semicircle, for the same reason that the frictional surface bears the smallest possible proportion to the capacity. Now, in the case of a cylindrical conduit the ratio of the border of the stream transversely to the depth in the middle of the stream is as 3 to 1. That is the most economical water channel, a channel in which the perimeter shall bear the ratio of 3 to 1 on the maximum central depth. Of course we never find in nature such a conduit, but we find approximations to it wherever we find a fair, deep stream with good navigation. Now, so far from this economy of surface being realized in the troubled portions of the Mississippi River to which Major Harrod has referred, the proportion instead of being 3 to 1 is, at low water, 1,000 to 1; that is, three hundred times as great as it should be.

But in another portion of the river, say below New Orleans for eighty miles, you have an approximate realization of the economical channel, because in that section of the river, which is narrower, you have a depth of one hundred feet, so that your ratio of perimeter is about 24 to 1, and you are rapidly approaching the cylindrical form. I do not mean to say that the two cases of Plum Point or New Madrid are parallel exactly with that portion of the river which lies below New Orleans, but the conditions are similar in a great many respects, and at New Orleans you have only fifteen feet rise, because you have a less frictional surface in proportion to the area and the capacity of the stream, so the water passes off more easily. In the lower part of the river, where the proportion is as 1 to 24 instead of 1 to 1,000, you have a depth of one hundred feet as a mean for one hundred miles above New Orleans and seventy miles below, and the lowest water you have in the shoalest part is sixty-five feet. The reduction of width has been from 6,000 feet above (at Plum Point) to 2,350 below in the neighborhood of New Orleans.

Now you do not want sixty-five feet of water for navigation; you want twelve feet, and that is all you expect to get; so that this is not a great encroachment which is expected at Plum Point, where there is already five or six feet; and in a large portion of the river no encroachment would be required at all to produce the necessary navigation, because the depth increases so rapidly with the diminution of the width. For example, you have ten times as much water in front of New Orleans, with half the width, that you have at Memphis or Plum Point. I am just fresh from a little study of the Delaware, which is a minute stream compared with the Mississippi, but which has all the characteristics of the larger river. Some portions of the Delaware have been leveed for a hundred years, and, as far as I can observe, the response of the river to the process proposed by the Mississippi River commission has been prompt and satisfactory, and excellent results have come from a systematic procedure upon substantially the principles and the method proposed by the commission. The stream has been leveed, then it has had its shores occupied by wharves and other structures, and the bottom has given way just about so fast. The Delaware is a stream which is subject to floods. I have not the figures to show the size or extent of those floods, but, so far as I know, they have not increased. The bottom has given way about as rapidly as the shores have been raised, so that the stream is in as good condition now as it ever was in respect to floods, and in a great deal better condition as to navigation, having twelve or fifteen feet more water.

Mr. DARRALL. What kind of material has been used in the construction of the levees on the Delaware?

Mr. MITCHELL. Substantially the same as on the Mississippi—heaps of sand or earth.

Mr. DARRALL. Can you give us any information as to their size or height?

Mr. MITCHELL. I cannot give you anything definite. They appear to be about the same height as those along the Mississippi—four or five feet high.

Mr. GUNTER. Are the banks protected as indicated by Major Harrod for the Mississippi banks?

Mr. MITCHELL. No, sir; not by any process that had for its purpose only revetment. They are protected in various ways for the sake of valuable property.

Mr. CARPENTER. And those protections have been found to last?

Mr. MITCHELL. Yes, sir. In some places they are permanent structures.

Mr. CARPENTER. And they accomplish the purpose of protecting the banks?

Mr. MITCHELL. Well, the purpose of erecting them was not directly to improve the navigation of the river, but the improvement has resulted nevertheless.

APPENDIX C.

[From report of Hon. John R. Thomas, from the Committee on Levees and Improvement of the Mississippi River.]

Mr. ROBERTSON. I desire, Captain Cowdon, to ask you some questions which have been handed to me by my colleague, Mr. Ellis. The first is: "Will the jetties prove a failure?"

"Mr. COWDON. I will give you my opinion about that.

"Mr. KING. I suggest to my colleague from Louisiana that he put his questions to be answered categorically.

"Mr. ROBERTSON. I should like to have Mr. Cowdon answer them as nearly so as he can. I do not ask for his reasons.

"Mr. COWDON. You will have to permit me to answer them in my own way. You ask your questions and I will answer them in my own way and give you my reasons. In answer to the question you have asked I will say, that I do not believe that any system of work at the mouth of the Mississippi River can ever maintain the channel there that we ought to have. I do not believe that by jetties or by dredging you can ever get over twenty-five or twenty-six feet of water, and that is not enough.

"Mr. ROBERTSON. That is a sufficient answer. I will ask another question. If they do fail, will it not be necessary to construct a ship canal from the Mississippi River to deep-sea water?

"Mr. COWDON. That is what I have always thought. There are two ways of doing it; one is by the Saint Philip route, and the other is by the Barataria route.

"Mr. ROBERTSON. That point is covered by the next question. Which is the best route for said canal?

"Mr. COWDON. I am of the decided opinion that the Barataria ship-canal route is the best; it is the only route where we can get as much water as we ought to have.

"Mr. ROBERTSON. Therefore, then, you say that the Barataria Canal to Fort Livingston is the best practicable route?

"Mr. COWDON. I think so.

"Mr. GUNTER. State whether that route shortens the distance to the ocean?

"Mr. COWDON. Yes; it is fifty-five miles by that route from New Orleans out to the sea, while by the mouth of the river it is one hundred and twenty miles. It is also a little nearer for vessels going to New York than by the Southwest Pass, and nearer to all the Gulf ports.

"Mr. ROBERTSON. In case the jetties fail, that canal will have to be opened as the outlet for Western commerce, will it not?

"Mr. COWDON. I think that is the best route.

"Mr. ROBERTSON. Are you not interested in that canal?

"Mr. COWDON. I am, sir.

"Mr. ROBERTSON. You are its original and principal incorporator?

"Mr. COWDON. I am.

"Mr. ROBERTSON. Then your personal interests are involved in the failure of the jetties?

"Mr. COWDON. Not at all.

"Mr. ROBERTSON. Because the failure of the jetties would necessitate the construction of your canal?

"Mr. COWDON. Not at all, sir. They can make the Saint Philip Canal if they want to; the failure of the jetties would necessitate the making of some other outlet, but it would not necessitate the making of that one at all. I merely give you my opinion that that is the best route. The engineers, however, have reported in favor of the Saint Philip route."

The first gentleman submitting plans (as will be observed from the foregoing evidence) were Mr. John Cowdon, of Memphis, Tennessee, and Captain Thomas Leathers, of New Orleans, Louisiana. Each of these gentlemen advocated what is known as the outlet system. The particular outlet favored by them was one to be made by opening a crevasse from the Mississippi River into Lake Borgne.

In the beginning your committee were inclined to think quite favorably of the plans proposed by Mr. Cowdon, but subsequent investigation has convinced the committee of the folly of such a course, as we are satisfied, first, that nothing has injured navigation and contributed so much to the building up of bars and shoals in the Mississippi River as outlets which have been caused by the giving way of the banks at various points along said river during extreme high water.

Congress has expended large sums of money in securing deep water at the South Pass. An outlet at Lake Borgne, which is something like one hundred miles above the head of the passes, would have the effect of slackening the current below the outlet, and thereby causing increased deposit, not only above but in the jetties, thus destroying the splendid navigation found there at the present time.

In answer to questions put to Mr. Cowdon by your committee, it was ascertained that he and his associates had contracted for and now control the land through which it was proposed to make this outlet. He asks for an appropriation of $250,000 to begin with, and says that he shall ask Congress to appropriate $500,000 after the work shall have been completed and a channel of a requisite depth for safe navigation through the outlet has been secured. The evidence of a distinguished engineer shows that the outlet proposed could be made for $250; whereas Mr. Cowdon asks $250,000.

Mr. Cowdon also admitted to your committee that he was the principal owner of the lands and property through which it was at one time proposed to dig the Barataria Canal. Your committee is satisfied that, if the Lake Borgne outlet should be made, within a very short time the jetties at the mouth of the Mississippi River would be rendered entirely useless, as the silt borne by the Mississippi River would within a short time fill up Lake Borgne, and the waters out to the Gulf, while the navigation of the Mississippi River would be completely destroyed through the passes, and it would become necessary to open a canal either at Barataria or at Saint Philippe; and, as reports of engineers have shown that the Barataria is the most feasible of all the canal projects for outlet to the Gulf, it appears to your committee that there is *more to the promoters* of the proposed Lake Borgne outlet than appears at first view. It appears also that the adoption of their plan would destroy the jetties, thereby ruining the navigation of the Mississippi River at its mouth and necessitating the opening of the Barataria Canal. Your committee are satisfied that no greater mistake could be made by Congress than to adopt the outlet system as proposed by Mr. Cowdon and Captain Leathers. The principal object of the promoters of the outlet system seems to be the reclamation of the alluvial lands from overflow, instead of improving the navigation of the Mississippi River.

On the other hand, while your committee would be glad to see all the rich alluvial lands of the Mississippi River freed from overflows, still it is satisfied that the plan proposed by the Mississippi River commission is the best that ever has been proposed to secure safe and permanent navigation of the Mississippi River, and that that is the first object to which Congress should devote itself. And having an abiding confidence in the intelligence and integrity of the Mississippi River commission, we believe that both objects will be secured by carrying into effect the plans proposed by said commission, and recommend most earnestly the passage of bill H. R. No. 5393, the substitute herewith proposed by your committee for bill H. R. No. 4781.

Improvement of the Mississippi River.

SPEECH

OF

HON. JOSEPH H. BURROWS,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 7, 1882,

On the bill (H. R. No. 6184) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. BURROWS, of Missouri, said:

Mr. SPEAKER: Were it not that I am a member of the committee which reported this bill, and that, under the rules of this House, have had this matter in charge, I would keep my seat and let others speak who are older in years, abler in counsel, and that have devoted much study and thought to this national enterprise, which should have engaged the attention of the Forty-seventh Congress at an earlier day than this, for, taken as a whole, and in all its bearings, present and prospective, the improvement of the Mississippi River, by whatever plan, is the peer of any other measure that has or will engage the attention of this body. It is well known that we spent days in discussing the "polygamy bill," "Chinese immigration," "tariff commission," and other measures of minor moment. This Hall has resounded with eloquence, logic, wit, and sarcasm upon scores of subjects trivial in their nature and import when compared in magnitude and importance to the commerce of the West, as linked by nature to the navigation of this great "Father of Waters"—a proud title it has justly earned as the years and centuries have come and gone.

This grand old river, reaching, as it does, from lakes to Gulf, and it can be said from zone to zone, stretching out its broad arms until it grasps the Alleghanies on the east and the Rockies on the west, within the sweep of whose tributaries there reside to-day not less than twenty-five million people, and within whose mighty basin or valley there are homes for two hundred million more—this river, if improved as it should be, is capable of bearing upon its bosom the entire commerce of the civilized world. That the Giver of all good intended this magnificent stream as the great artery of North America none can doubt; and as we gaze upon the map of the United States and behold this colossal stream with its many tributaries upon the right and left from Gulf to lakes, we are overwhelmed in astonishment and wonder at the wisdom of the All-wise in creating for the benefit of mankind these thousands of miles of navigable streams—canals, as it were, fashioned by the hand of God—answering a twofold purpose: to carry off and drain the land of surplus water, and afford a means of easy communication and transportation for the products of the soil.

Mr. Speaker, the area drained by the Mississippi is but little less than eight hundred million acres of land surpassingly rich beyond the same amount to be found upon the inhabitable globe; more than enough to make one hundred and fifty States as large as Massachusetts—as large as England, France, Prussia, Austria, Spain, Turkey in Europe, and Italy combined, and if inhabited as densely as the most thickly populated countries of Europe would contain four hundred million souls. The mind cannot grasp these numbers nor the grandeur of such a Republic as ours would then be. The question, then, for us to settle here is how to help, aid, and assist in making this priceless inheritance greater, richer, and more desirable as homes for these coming millions who shall march down the ages yet to come. Ours is a progressive race; its sweep is onward and yet onward.

We are amazed as we look backward at the magnificent strides of our progenitors. Shall we be less thrifty, enterprising, and daring than they? I trust not. And I hope our local interests and State pride will be laid aside when we come to consider the improvement of this great trunk line of navigation sweeping down between ten States of this Union and environing as many more with its tributaries. Let us not make this an omnibus bill into which to crowd every river and harbor improvement measure now before Congress. In a word, the less ought not to cripple nor govern the greater, for in the improvement of the Mississippi River we inaugurate an enterprise that produces the greatest good to the greatest number. When the trunk has been cared for we cannot stop until every water-way that connects or may be made to connect with it has been improved as far as is feasible. And for one I expect that long before this century closes the Mississippi River and the lakes will be connected by canal in such a way that at times of drought in the Mississippi Valley the waters of the great lakes as a mighty reservoir will more than supply the deficiency, giving a full stage of water from the Upper Mississippi to the Gulf.

Mr. Speaker, this is no new measure or cunningly devised scheme of robbery to take from the Treasury millions of money without returning compensating benefits, nor yet a local matter gotten up by the people of Louisiana to protect their rich sugar lands from inundation, however it may incidentally lead to this; for all can see at a glance that if the waters of this great canal can be kept within its properly defined limits or walls such terrible havoc and loss of life and property as were recently witnessed (and even at our remote distance, with but a bird's-eye view and faint imagination, has been painful and pitiable, but to those eye-witnesses heart-rending and agonizing) will be prevented, the land made valuable and productive, and the sanitary condition of the lower Mississippi Valley increased an hundred-fold; these but add to the desirableness of at once beginning the work. Can the United States erect a Government custom-house, court-house, or post-office building in any city of this Union in which it may erect any of those magnificent granite and marble buildings without enhancing the value very largely of all the real estate adjacent, and proportionately of the city as a whole where such buildings are located? And yet no one argues that this is building up a local interest or fostering a State enterprise. I hope, then, we shall hear no more of this being a purely local matter, and one which the States in their separate capacities should attend to.

In the year 1845 the first interstate convention, so far as we have any record, met in the city of Memphis, or rather there were two conventions that year in that city. At the first six States were represented, at the second twelve States, with about five hundred delegates, and the president no less a personage than Hon. John C. Calhoun. This was not called specifically in the interest of the Mississippi River, but of internal improvement generally. In 1847 another river and harbor convention assembled at Chicago, at which were present many men who have since become noted in our country's history, as Abraham Lincoln, Charles Hempstead, Tom Corwin, Robert C. Schenck, Dudley Field, John C. Spencer, Horace Greeley, and many others. In 1851 a large convention was assembled at Burlington, Iowa, and was, if I mistake not, the initiative work in the improvement of the Rock Island and Des Moines Rapids of the Mississippi River. In 1866 another convention met at Dubuque, Iowa, and the following year witnessed another grand convention, and since that time there has scarcely a year passed that conventions have not been held at some of the principal cities in the valley of the Mississippi. The lower or Des Moines Rapids has been quite well provided for in a canal that is in almost constant use during the season of navigation; the upper rapids have and are being deepened from year to year, and all this at an expense of several millions of dollars to the General Government and for one I can say I think the money well spent. I mention these incidentally to show what has been the practice of Congress for years past.

Mr. Speaker, we cannot consider this question as we ought without taking into consideration the vast contribution of this valley in supplying the sustenance of this nation as well as our enormous shipments abroad to aid in feeding the civilized world. The large percentage of our exports of grain, flour, tobacco, and cotton, not to mention our beef and pork, plead more eloquently than I, and point with pride to the teeming fields of this great valley. From the census we learn that not less than 1,400,000,000 bushels of corn were produced by this region, and over 300,000,000 bushels of wheat, and about as many bushels of oats, and 3,600,000 bales of cotton. These figures are for nineteen States, whose rivers find an outlet to the Gulf through the channel of the Mississippi. We have here a grand aggregate of 2,000,000,000 bushels of grain. Now, all that is not consumed in the country is to find a market elsewhere in the world; and one of the great problems of civilization is distribution, which we call transportation; and the settlement of this vexed question has much of weal or woe for the vast millions of the sturdy sons of agriculture. Look at the multiplied thousands of petitioners from every State and Territory in the Union, asking Congress to take some action in the regulation of interstate commerce, which means the placing of limitations or restrictions upon the freight and passenger tariff by railroad; and already we see forming in this country a party expressly organized to resist the encroachments of monopolies, and especially of railroads.

Mr. Speaker, I am no enemy to railroads nor have never seen a man who was. What would have been our rate of development without them I am unable to say or even to conjecture. It is safe to conclude that millions of acres of the broad prairies of the West would to-day be unbroken, and thousands of beautiful villages that are scattered over this vast country in every direction would to-day have no existence whatever. The building of railroads has extended the frontier line of settlement and civilization westward at a most marvelous rate. All this we feel and appreciate, but who has built the railroads? Is it not a fact that hundreds of millions of dollars and hundreds of millions of acres of land have been given to these railroad corporations, and with what result. I beg to incorporate in my remarks a quotation from an address delivered by Hon. J. H. Murphy at the "river and canal improvement convention" held at Davenport, Iowa, May 25–6, 1881, as this matter is presented in a better light than it is in my power to do. I see no permanent solution of this vexed question except by furnishing a cheaper means of transportation than the railroads, and one that cannot be monopolized, nor its capacity exhausted, but like the shadow of a "great rock in a weary land," where the tired and wearied traveler rests and refreshes himself and pursues his journey but leaves the rock and shade for others; so with steamboat and barge and raft, which for a moment disturb and trouble the waters as they bear the commerce

of nations and then all is placid and still. But to Mr. Murphy's description. He says:

The Mississippi Valley, the cornucopia of this continent, the granary of the world, is forced to pay annually over $25,000,000 as their portion of this corruption fund, and so long and so regularly has it been practiced that even our cattle and hogs instinctively know, when they are eating the corn that will fatten them, that the railroad companies and stock-yard bosses will get five-eighths of their carcasses, and their lords and masters the balance. These railroad companies, influenced by a refined sense of unqualified greed, make their strength most potential (Dennis Kearney like) by both pooling their issues and earnings. This pooling system is the ligature that binds them together like the Siamese twins, and having no soul to damn, they have no conscience to quicken. Did not Jay Gould, the Tycoon of railroad magnates, shamelessly, and with bold effrontery, volunteer the statement under oath, to the committee appointed by the Legislature of New York, that as manager of the Erie Railroad he used money to buy up the Legislatures of four States; that in a Democratic district he was a Democrat, in a Republican district a Republican, in a Feather-head district a Feather-head, in a Half-breed district a Half-breed, in a Sore-head district a Sore-head, but in all an Erie man; that large sums of money were paid to influence elections and guide legislation; that this money was charged to the "India-rubber account," and when pressed for details his memory was as elastic as the account. He finally confessed that instances were so numerous where money was used, that it would be as impossible to enumerate them as it would to recall to mind the number of freight cars that passed over the Erie road from day to day. Why, these railroad kings estimate their wealth in bulk, and only count by millions. And so rapidly have they acquired wealth that the tale of Alladin and his wonderful lamp in comparison has lost its gloss of fiction.

Within the last twenty years Huntington, Hopkins & Co. were only known to the people of San Francisco as small shop-keepers. By a recent legal investigation Mr. Leland Stanford's wealth is estimated at $34,500,000, Mr. Charles Crocker about the same amount, Mr. Hopkins at $25,000,000, while Mr. Huntington's wealth is estimated at more than either of the others, making an aggregate of over $100,000,000 piled up by these gentlemen in less than twenty years out of the profits of the Central Pacific Railroad Company.

The late Commodore Vanderbilt commenced railroading some twenty years ago, and his wealth was estimated at that time not to exceed $10,000,000; when he died his estate was estimated at $80,000,000.

When Jay Gould obtained the management of the Erie in 1873, his wealth was estimated not to exceed $5,000,000; to-day the good Lord only knows how much he is worth, for it would puzzle the arithmetic of memory to compute it.

Will it be claimed that such Crœsus-like wealth as this can be acquired in so short a time fairly and honestly? These men, like the lilies of the field, toil not, neither do they spin, and yet I say unto you that even Solomon in all his glory was not arrayed like one of these.

And yet, gentlemen, the extortionate rates charged, with the pooling system as a tender to make it more binding and certain, is not so ruinous to commerce and agriculture as the discrimination in rates. The former is a slow consumption that quietly but surely surrounds the lungs of commerce and the products of the farm, and steadily feeds, while there is life; but the latter is an epidemic that baffles the skill of experience, and no known remedy can arrest its deadly progress. In support of this statement, allow me to say that in an investigation, armed with authority, there was brought to the surface the astonishing and appalling fact that certain oil men, whose refinery is on Long Island, got rebates in eighteen months to the amount of $10,000,000; per consequence, seventy-nine houses engaged in the same business were broken up. Why, a single flour-mill in any city or town can stop the wheels of all the rest if it can obtain a rebate lower than its competitors. A dozen coal mines are located in a certain neighborhood, all finding sale for their coal in the same market. If one is favored by a rebate it flourishes, grows sleek, declares dividends with singular regularity, while the others, with all the capital, machinery, and fixtures, are remitted to the blue mold of time, to be cursed by the rust of age.

My friends, these railroad monarchs either own or control a goodly portion of all things terrestrial, and it has been recently discovered by the proceedings in the telegraph suit that they have a hard grip upon things celestial, and it has occurred to me that Ben Franklin could hardly have thought, when he tried to induce the goose to take a dose of lightning, that his wisdom and knowledge of science would be used to oppress the American people—a people he so dearly loved.

Yes, gentlemen, the American people have witnessed this state of things for years, and have grown dizzy looking with alarm upon the power wielded by the railroad companies in all departments of life, social, political, and financial. This alarm, thus created by the wrongs perpetrated, has invoked the power of the people and their representatives to come to the rescue by legislative action.

Some little good has been done in that direction, but still the pall of oppression, like the miasma that rises from the marshes and sour swamps of the lowlands, fills the atmosphere of commerce with sickness and death, until to-day sober men are asking with enthusiastic earnestness, will this state of things always continue?

I answer, no, not always. The American people (right by instinct) have tried kind words by assisting the construction of rival roads with liberal donations and more liberal subsidies, upon the theory that competition would furnish the remedy. Alas, how have they been disappointed. By natural law the sturgeon swallows the minnow, and the whale swallows both, so it has been seen that in the construction of railroads as competing lines, to the end that freight would be carried for a fair, just, and remunerative price, the competing lines have been swallowed up, and to-day form the arcs that make the railroad circle most complete. Turf was then thrown by legislative action, and a partial attempt was made to regulate railroad rates by law, but the demagogue was found in the place of the statesman, and the bribe-taker was most unanimous in loud declamations, specious arguments, and dislocated excuses. So, you see kind words and turf are of no avail, and hence it is that the American people, north and south, east and west, producer and consumer, have risen up like one man, determined to furnish a remedy for the evil, and if necessary throw stones, by the improvement of our natural water-ways and the construction of artificial ones. "For it is cheap transportation, or not cheap transportation; that is the question."

Gentlemen, we have assembled here for a common purpose, being impelled by the same necessity. It has been bruited that opposition would be found in this assembly. This cannot be, for there is no difference of opinion, and hence there should be no hostility of action. So let us murder that thought here and now by common consent. We are as much interested in the improvement of the Mississippi River as any city that rests in her valley, and to-day we hail with joy and satisfaction the movement of Western produce through the enterprise of the barge lines. We have shown our allegiance in the past by sending delegates to every convention called in her interest; not a dollar has been voted to improve her navigation that has not received our vote and sanction. And what we have done in the past is simply an earnest of what we will do in the future, and neither shall the scornful look of jealousy, the quiet mutterings of envy, nor the loud denunciation of foul slander take us from the path of duty. In fact I may say we are not and should not be hostile to any means of transportation—railways or water-courses; the more ways of transportation the better.

But, gentlemen, we are wedded to one way, and that way is the cheap way. I do not mean by a cheap way that freight should be carried at a sacrifice to the carrier, for if I thought railroad companies did not receive more than a full 8 per cent. net upon the actual capital invested I would not offer one word of complaint, but I do insist that inasmuch as all, or nearly all, civilized governments have made a legal protest by fines and penalties against high rates of interest for the use of money, and denominating it usury, that capital invested in the carrying trade should not be an exception.

Yes, my friends, we are in favor of doing all that is necessary to be done to improve the navigation of the Mississippi River, and if it is deemed necessary in the near future to call a convention in its interest, Rock Island, Moline, and Davenport will only be too willing to give it aid and comfort, for it is not only visible to the naked eye but competent persons, after all the most diligent investigation, unite in saying that natural water-courses are the cheapest modes of transportation; that artificial water-courses the next cheapest, and railways the dearest.

The Chicago Times recently said upon this subject:

In reality there is not a navigable water-way in America that is not a more potent regulator of railway-freight tariffs than all the railway managers and all the legislative genius of the country combined would be.

Mr. Speaker, I am not opposed to Congressional legislation or of State, to properly and equitably regulate the schedule of rates of railroads, as they bear the vast commerce of this country from place to place; nor would I cripple or embarrass their building; nor do I want their owners defrauded out of a fair rate of interest upon the actual capital invested in their construction; but I do say that cheap freights are an absolute necessity, and I can conceive of no way of securing this to the people and at the same time present a barrier and force more omnipotent and one which never can be disturbed or removed to regulate overcharges, discriminative or unjust rates by railroads, than an improved river system in the valley of the Mississippi and outlets to the lakes by canals.

Let us look for a moment at the encouragement which the Government has given to the two methods of transportation. We have over 14,500 miles of water-ways; to their improvement less than $20,000,000 have been given, or about that amount, or say $1,500 per mile. Now, to aid in the construction of railroads 187,785,800 acres of land, which, at the nominal price of $1.25 per acre, gives us the enormous sum of $234,000,000. To this may be added a loan by the United States to the several Pacific railroads, about $65,000,000, and has paid in interest $35,000,000, or a total of $100,000,000. If to this we add the State, county, township, and municipal contributions, we shall have the enormous amount of four hundred and fifty or five hundred millions of dollars. The comparison is, to say the least, not very creditable. Now, let me direct your attention to the marvelous growth in the shipments via the Mississippi River since the jetty improvement in 1878. The total increased tonnage from the city of Saint Louis was, for the year 1878, 688,970 tons; for the year 1879, 893,800 tons; for the year 1880, 1,037,525 tons. The increase in the shipment of corn in bulk rose from 3,585,589 bushels in 1879 to 9,438,538 in 1880, and that of wheat from 2,397,897 to 5,735,679 bushels; and flour is shipped for 17 to 20 cents less per barrel from Mississippi points via New Orleans to Liverpool than via New York. This all argues better prices for the producer in the West. "The freight on bulk grain from Saint Louis to London, by way of New Orleans, at latest advices, was 46¼ cents per hundred, or 27 cents per bushel, and on flour 35 cents per hundredweight. The added cost of insurance is 1.55 to 1.95 cents per bushel. The total expense, including insurance, from Saint Louis to London, is therefore about 29 cents per bushel."

Can better arguments be adduced than these for the improvement of this natural highway—if, indeed, we are looking to the interest and welfare of the "horny-handed" sons of toil who, under the scorching rays of the summer sun, create the vast wealth that has made us rich and prosperous? It is high time that we turn our thoughts and shape our legislation in the direction of benefiting, strengthening, and encouraging the poor, the weak, and the oppressed, rather than adding to the millions of the rich. I trust I may be pardoned for making a brief quotation from Governor John H. Gear, in his first message to the Legislature of Iowa. Touching this subject, he said:

Owing to natural obstructions in the channel of the Mississippi River, and its virtual closing during the late war, our products have, of necessity, been carried to market by rail alone. By the recent completion of the canal around the rapids at Keokuk, and of the apparent success of the system of jetties now in operation at the mouth of the river, whereby ships of large draft have easy access to New Orleans, thus giving additional facilities for the transportation of our products to foreign ports, it is plain to see that in the near future a healthy competition must arise between the railway and river systems of transportation, the benefits of which must accrue directly to our grain-producing interests; and it is to be hoped that Congress will, at an early date, stimulate this competition by a sufficient appropriation of money to cause the further improvement of the navigation of the Mississippi and its tributaries, in order that Iowa and all the States bordering on this great highway may have the largest benefits possible to be derived from additional facilities in the transportation of their products.

Some one has said that water-ways (rivers and canals) were the only regulators of the railroads, and this is demonstrated every year in the opening up of navigation upon the lakes and the Erie Canal, and wherever a river runs parallel with a railroad.

France has about five thousand miles of navigable rivers and canals, upon which she has spent over $200,000,000. England has spent even more than this to secure cheap water transportation. Congress cannot shirk this matter of giving relief to the varied industries scattered all over this country that are so largely dependent upon cheap freights as the means of success and profit.

PROTECTION.

A great deal has been said by the members of the Forty-seventh Congress about protection to American capital and labor, and a commission is to be appointed to investigate this matter and report;

to this I gave my voice and vote. But let us consider the protection that is demanded not alone by the thousands rendered homeless and destitute by the great floods the past winter and spring. I find the following comment in a Philadelphia paper during the time:

The crevasse.—The distressing details of the floods on the Lower Mississippi have been the main feature of the news during the past week. The penny-wise and pound-foolish policy of Congress is producing its natural consequences. To say nothing of the loss of life and the suffering caused by the unusual floods of this season, the destruction of property, direct and indirect, will amount to more than the cost of good substantial levees at all the exposed points on the river. And this is a national as well as a local and private loss. Every man in the country will feel it more than he would have felt the cost of constructing good levees at the expense of the Union.

The area of the alluvial lands along the Lower Mississippi and tributaries is over forty thousand square miles, being as large as the combined areas of New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New Jersey. It is 75 per cent. of the area of England. The area of the Mississippi Delta reduced to acres is 26,363,520. Fully 90 per cent. of these alluvial lands are susceptible of cultivation and are unsurpassed in fertility in the world. In 1870 less than 10 per cent. of this vast area was under cultivation, and the sole and only reason that prevents the settlement and improvement of these productive lands is because of the periodical destruction of crops, stock, buildings, and danger to health and even life from the overflow of the river.

Mr. Morey, in his report to the House of Representatives during the Forty-second Congress, said of the floods of 1868 and 1871:

The destruction caused by the last two floods above named in the Ouachita Valley is almost incredible. A valley of almost unexampled fertility, capable of raising, beside corn and stock in great abundance, at least seventy-five thousand bales of cotton, worth at the average price of this season more than $5,000,000, was inundated, plantations destroyed, buildings washed away, cattle and swine by the thousands starved and drowned.

The flood of 1874 was even more destructive. Mr. ELLIS, in his report to the House in 1876, says of it:

The loss by the flood of 1874 was $13,000,000. This year, [1876,] so far as it can be ascertained, it is $2,000,000. And this makes the total sum of $15,000,000 in actual material wealth within three years. Here is the cause of these inviting fields and lands remaining uncultivated and in idleness, and their values are trivial when compared with their productive possibilities if once protected from the overflows. But I must not dwell upon this lest the grand work of improving and restraining the Mississippi be denominated a scheme to protect the tillable lands of the Lower Mississippi.

Mr. Speaker, I read a very sensible article in The American of April 29, 1882, bearing upon the constitutionality of the improvement of these inland rivers, and as it is quite short I will ask to have it printed with my remarks; it presents what I would term a clear common-sense view of what may be termed constitutional when brought within the spirit, if not the letter, of the fundamental law—an instrument of writing adopted over a hundred years ago, when the Mississippi did not belong to us, but was the property of France:

The President's view of the constitutional powers of Congress, as to dealing with the Lower Mississippi, is challenged by both a Northern Republican and a Southern Democratic Senator—Mr. HARRISON and Mr. MORGAN. Objections of this kind have lost much of their force with the American people, as during the war they learned to think anything constitutional which was good sense. No document drawn up a century ago could anticipate the emergencies of national life as fast as these would arise. So Mr. Jefferson found, less than a score of years after it was framed, when he had the offer of Louisiana and took it without constitutional authority. The proposal to legalize his act was rejected on the ground that nobody found any fault with it. The same rule should apply to the case of the Mississippi. There should be no two minds about it. This thing cannot be done by the States, and it must be done. If the Constitution says nothing about draining flooded lands, it does authorize the regulation of commerce between the States. And the National Government, in making the grand river a highway for that commerce, can give the States the security they need against inundations.

Yes, not only against inundations, which in and of itself is a sufficient reason, but absolutely protects them from the merciless ravages of railroad monopoly and excessive charges at will by the kings of the rail, and thus holding the destiny of the West and South in the grasp of a few men. When the bill for making the Commissioner of Agriculture a Cabinet officer was before this House and was being discussed, my colleague submitted the following amendment, and supported it with the fact and argument which follow, a part of which I have once before called attention to, *i. e.*, the magnificent donations of the public domain to railroad corporations. I will read it and invite the attention of the House, as I am convinced we cannot get too much light upon a subject of so vital importance to the whole country, but to the farmers of the Mississippi Valley particularly:

"It shall also be the duty of the statistician to report monthly the railroad freights and tariffs upon the principal lines of transportation Also any discrimination which may be made upon any of said lines for or against certain localities."

Mr. HASELTINE. Mr. Speaker, according to the statistical report of the Chamber of Commerce of Charleston, South Carolina, for 1882, the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin produce three-fourths of the grain crop of the whole country. In 1875 the total crop of the United States was 2,032,235,300 bushels, of which 1,467,237,000 were grown in the States named. In 1880 these States produced 2,003,204,000 bushels out of a total crop of 2,686,145,129, or an increase over 1875 of 535,967,000 bushels, or about one hundred million bushels a year.

The principal grain-shipping cities in the Northwest are Saint Louis, Peoria, Chicago, Milwaukee, Duluth, Detroit, and Toledo.

The receipts of grain and flour at the Atlantic and Gulf ports in 1875 amounted to 188,357,221 bushels, of which 178,114,750 bushels came from the same Western cities just named. In 1880 the receipts had grown to 364,017,557 bushels, of which 321,539,058 came from these cities, being an increase in six years of 143,424,308 bushels, or an average of about twenty-four million bushels a year. The grain and flour of the West are now brought to the Eastern ports by five trunk lines of railroads, and by the New York canals. Of late there have been large shipments to the Gulf by the Mississippi River. The profit of the Western farmer and dealer is determined mainly by the rate charged for the transportation of the produce to the Atlantic or Gulf ports. During the summer months the competition between the railroads and the canals prevents exorbitant charges, but during the winter months, when the canals are closed, the railroad rates are injuriously high. This is shown by a comparison of the rates charged at different seasons in the six years from 1875 to 1881.

The charge for carrying a bushel of wheat in the years named averaged 11 cents by water and 17 cents by rail during the period when the canals were open, and 22 cents a bushel by rail during the winter, when the canals were closed. Now, we say that a just system of legislation should certainly keep the rates of transportation down to the summer average. This would be a saving of 5 cents a bushel. This saving in the shipments from the same cities named would amount to at least $14,406,257 a year, with no larger shipments than those of 1880. Five cents per bushel upon wheat at 20 bushels per acre would be $1 per acre upon all the wheat lands. Five cents per bushel upon corn at 40 bushels per acre would be $2 per acre upon all of the corn lands. This would be equal to one-half of the average rent upon all wheat lands and full rent upon all corn lands of the West and South. There is no doubt that a rate very much less than the summer average would render a liberal compensation for the use of the real capital invested by the owners of the roads.

We have donated to wealthy corporations a quantity of land sufficient to make eight States as large as Ohio; we have paid large sums of money; we have bonded debts spread over the counties of most of the States of the West. Yet the Government, in its great liberality to capitalists, after having contributed so large a proportion in building the railroads, donates all to companies with special privileges to control the freights according to what they will bear, which makes all the farmers of the West and South renters, and a large number of paupers, with an aristocracy of railroad kings in the Eastern cities. This is a more ingenious system of rentage and serfdom than that of Ireland. We demand that all of these great public highways shall be controlled by the Government in accordance with the great principles of equity. "We demand equal and exact justice for all, and special privileges for none." Agriculturists ask for no special legislation to protect that class of wealth producers in this country.

The capitalists who have received these immense lines of transportation, largely as donations from the people and the Government, meet in council and determine what portion of all the crops they will take as rents from all of the farms of the West and South. These capitalists control to a great extent the elections, and send their attorneys to make laws for their renters. They place their attorneys upon the bench to enforce such laws. Another class of capitalists to whom the Government donates from $15,000,000 to $20,000,000 annually, and who are interested in the defenseless condition of American renters and dependent laboring classes, also help to control the elections and to control the Government in the interest of a moneyed aristocracy. The object of the Government should be to encourage and protect all of the industrial classes in the development of the resources of the country.

The Government should protect both producers and consumers in an equitable system of cheap transportation and cheap currency. We ask that the Department of Agriculture shall be an Executive Department; not that sinecure places may be made for favorites of party; not merely that large books may be published minutely describing worms, bugs, beetles, and locusts, as though they were the principal enemies of the agriculturist, but that independent, non-partisan business men shall be made officers of this department, who will fearlessly perform their public duties, and may show to the country that special legislation granting special privileges to capitalists makes paupers in the West and millionaires in the East. As about thirty millions of the American population are employed in agriculture, simple justice requires a proper consideration of the rights, interests, and just protection of this large proportion of the great producers of American wealth. Let the Department of Agriculture be made practically useful to the people. Let its officers be authorized to collect all such statistics as may be necessary in developing all of the great resources of the country, and showing what legislation may be necessary to protect the agriculturists in a just system of transportation and a reasonable enjoyment of the fruits of their toil.

The late war and the amendments of the Constitution decided that there should be no more ownership of the bodies of the laboring classes. Capitalists would now attempt to absorb by special law, granting special privileges, the products of industry. This is now a cheaper and more comprehensive system of slavery, and the money lords have made millions of dollars where the negro owners made thousands. We demand that civil government shall guarantee the divine rights of every laborer to the results of his toil.

The President, in his first message to Congress, thought the improvement of the Mississippi River of sufficient importance to call our attention to it, and I commend to the consideration of this House the wisdom of his words. He says:

I advise appropriations, such for internal improvements as the wisdom of Congress may deem to be of public importance. The necessity of improving the navigation of the Mississippi River justifies a special allusion to that subject. I suggest the adoption of some measure for the removal of obstructions which now impede the navigation of that great channel of commerce.

President Hayes also, in his last message to Congress, presented the subject in the following terse sentences:

[From message of President Hayes, December, 1880.]

A comprehensive improvement of the Mississippi and its tributaries is a matter of transcendent importance. These great water-ways comprise a system of inland transportation spread like net-work over a large portion of the United States, and navigable to the extent of many thousands of miles. Producers and consumers alike have a common interest in such unequaled facilities for cheap transportation. Geographically, commercially, and politically they are the strongest tie between the various sections of the country. These channels of communication and interchange are the property of the nation. Its jurisdiction is paramount over their waters, and the plainest principles of public interest require their intelligent and careful supervision, with a view to their protection, improvement, and the enhancement of their usefulness.

These are words of wisdom, and do credit to the ex-President. But the late and lamented Garfield spoke not less earnestly when the commission bill was being discussed before the Forty-sixth Congress, June 21, 1879:

I believe that one of the grandest of our material national interests—one that is national in the largest material sense of that word—is the Mississippi River and its navigable tributaries. It is the most gigantic single natural feature of our continent, far transcending the glory of the ancient Nile, or of any other river on the earth. The statesmanship of America must grapple the problem of this mighty stream. It is too vast for any State to handle; too much for any authority less than that of the nation itself to manage. And I believe the time will come when the liberal-minded statesmanship of this country will devise a wise and comprehensive system that will harness the powers of this great river to the material interests of America, so that not only all the people who live on its banks

and the banks of its confluents, but all the citizens of the Republic, whether dwellers in the central valley or on the slope of either ocean, will recognize the importance of preserving and perfecting this great natural and material bond of national union between the North and the South—a bond to be so strengthened by commerce and intercourse that it can never be severed. [Applause.] * * * I rejoice in any occasion which enables Representatives from the North and from the South to unite in an unpartisan effort to promote a great national interest. [Applause.] Such an occasion is good for us both. And when we can do it without the sacrifice of our convictions, and can benefit millions of our fellow-citizens, and can thereby strengthen the bonds of the Union, we ought to do it with rejoicing; for in doing so we inspire our people with larger and more generous views, and help to confirm for them and for our children to the latest generations the indissoluble Union and the permanent grandeur of this Republic. I shall vote for this bill. [Applause on both sides of the House.]

And again, in his letter of acceptance of the nomination for the Presidency, he most beautifully refers to the same national interest, as follows:

The Mississippi River, with its great tributaries, is of such vital importance to so many millions of people that the safety of its navigation requires exceptional consideration. In order to secure to the nation the control of all its waters, President Jefferson negotiated the purchase of a vast territory extending from the Gulf of Mexico to the Pacific Ocean. The wisdom of Congress should be invoked to devise some plan by which that great river shall cease to be a terror to those who dwell upon its banks, and by which its shipping may safely carry the industrial products of twenty-five millions of people.

To these I could add many tributes from the ablest statesmen of our nation in every part of our common country who have spoken or written upon this vital question. In this day of steam and electricity, rapid and cheap transportation is an absolute necessity. Every trade, calling, profession, and industry demand it, and that demand is imperative. We must have it; and the quantity, quality, and rate for same must be regular; and upon this particular phase of the subject I call the attention of Congress and the country to the elaborate and exhaustive speech of my colleague, Judge RICE, whose argument is unanswerable and by far the ablest I have heard or read, and I feel that it will receive, as I am sure it is entitled to, a wide distribution among the people.

Everywhere our people are clamoring for increased and cheaper means of travel and transportation, and I am rejoiced to know that the energies of the age are bent in that direction, and that the last decade has witnessed wonderful improvement and reduction of rates, as I shall be able to show before I am done, and our friends in the East are not less energetic and active than we are in the West; in fact, every section has its schemes and plans for increasing the means of travel and of commerce; in short, it may be said there is a wholesome and healthy rivalry that must result in great good to all classes. I will read an article which throws some light upon this subject. It is from the Baltimore Sun, and was intended to bolster up the Chesapeake Canal project:

Later statistics upon the direction of Saint Louis trade.—On the 25th ultimo the Sun gave statistics, drawn from the report of the Bureau of Statistics for 1880, showing the relative shipments east and southward from Saint Louis during that year, with the view of indicating that by reason of the vastly preponderating eastward trade the large tract of the Mississippi Valley, of which Saint Louis is the commercial center, is more interested in improving the outlet from the Chesapeake Bay than in the deepening of the Mississippi channel. Both works, it was sought to be shown, should be carried to completion, but of the two, Saint Louis is concerned most with that one which affects the larger volume of trade. Since the publication of the article referred to the Sun has received, by the kindness of Mr. Nimmo, chief of the Bureau of Statistics, statistical information to a later date. In connection with the figures furnished us Mr. Nimmo remarks: "Twenty-five years ago the commerce of Saint Louis was carried on by river, but to-day the commerce by rail (expressed in tons) is nearly four times that by river. There are no means of ascertaining the average value of the traffic by river and rail. I believe, however, that the average value per ton of the traffic by rail is greater than that by river. The foregoing statement does not include express matter nor merchandise in the mails. If an account could be taken of all this, I believe it would be found that the value of the commerce by rail is from five to ten times as great as that by river." It needs no further authority to enforce the truth that, however favorable the showing of tonnage carried eastward from Saint Louis, its value, with the attendant profits to all concerned, is out of all proportion greater. This consideration adds a new interest to the subjoined data supplied to the Sun by Mr. Nimmo:

Shipments from Saint Louis during the calendar years 1880 *and* 1881.

Shipments.	1880.		1881.	
	Tons.	Total.	Tons.	Total.
North:				
By river	55,260	157,803	54,295	180,626
By rail	102,543		126,331	
East:				
By river	145,295	1,325,004	82,775	1,293,851
By rail	1,179,709		1,211,076	
West:				
By river	16,415	818,182	13,720	1,235,976
By rail	801,767		1,222,256	
South:				
By river	820,555	1,492,216	733,235	1,636,484
By rail	671,661		903,249	
Total shipments		3,793,205		4,346,937
Total shipments by rail		2,755,680		3,462,912
Total shipments by river		1,037,525		884,025
Total shipments toward the South		1,492,216		1,636,484
Shipment by river toward the South		820,555		733,235

By the following table, which exhibits the quantity of grain shipped from south Saint Louis each year from 1871 to 1881, inclusive, the important fact is disclosed that while the shipments south by river were less in 1881 than in 1880, the shipments south by rail were nearly 100 per cent. greater, indicating that in a competition between river and railways the victory is with the latter:

Year.	East by rail.	South—	
		By river.	By rail.
	Bushels.	*Bushels.*	*Bushels.*
1871	2,154,065	4,565,973	1,322,457
1872	3,456,409	6,618,757	2,194,019
1873	2,065,660	5,920,687	1,874,386
1874	2,318,350	5,344,534	1,683,478
1875	2,658,478	3,260,035	1,871,022
1876	12,434,296	4,212,435	995,540
1877	6,570,529	5,691,493	1,373,982
1878	7,561,475	7,230,422	1,054,221
1879	8,227,465	8,596,952	1,360,036
1880	8,790,059	18,978,347	2,646,714
1881	5,456,643	15,655,705	4,150,656

A large hope had been entertained that the barge system of transportation, which was comparatively new in 1880, would in 1881 succeed in engrossing the whole export grain trade of Saint Louis.

The following statement shows the quantity of products of the Western and Northwestern States actually exported from New Orleans, and comparatively the quantity of traffic actually diverted to the Mississippi River from the east and west trunk lines of the country:

Products.	1880.	1881.
	Tons.	*Tons.*
Quantity of merchandise received by the east and west trunk railroads from the West during the year 1880	11,500,000	.....
Tonnage shipped east from Saint Louis during the year 1880	1,325,004	1,293,851
Total tonnage shipped south from Saint Louis by river and by rail during the year 1880	1,492,216	1,636,484
Tonnage shipped south from Saint Louis by river during the year 1880	820,555	733,235
Tonnage of products of the Western and Northwestern Sates exported at New Orleans during the year ended June 30, 1880	317,000	.....

The great decline in the shipment of grain for 1881 must be attributed to the failure in crops for the entire Mississippi Valley for the year 1881, and that is shown in the rail as well as river statistics; and the increased shrinkage in the river over the railroad arises from the fact that our home market throughout the East was quite as good as the foreign, and we had not so large a surplus for exportation.

I will print with my remarks, from Poor's Manual, the following rates, showing the rapid reduction of over 100 per cent. in the last ten years.

Average rate per ton per mile on the Chicago and Northwestern Railway.

	Cents.		*Cents.*
In 1870	3.09	In 1876	1.91
In 1871	2.87	In 1877	1.81
In 1872	2.61	In 1878	1.63
In 1873	2.35	In 1879	1.56
In 1874	2.22	In 1880	1.49
In 1875	2.06		

Average rate per ton per mile on the Chicago, Milwaukee, and Saint Paul Railway.

	Cents.		*Cents.*
In 1870	2.83	In 1876	2.04
In 1871	2.54	In 1877	2.08
In 1872	2.43	In 1878	1.80
In 1873	2.50	In 1879	1.66
In 1874	2.38	In 1880	1.73
In 1875	2.10		

And these for the last six years, and I call particular attention to the difference in rates between the Eastern and Western railroads, and at the same time remind the House and the country that the Erie Canal competes with the New York Central and the Erie Railroads in the carrying trade between tide-water and the lakes, and ask you to draw your own conclusion as to how much water transportation, even by canal and horse power, contributes to this great reduction? Here are the Eastern rates, and I confess that they are gratifying, if not entirely satisfactory.

The decline of rates on the New York Central is thus reported:

	Cents.
In 1874, per ton per mile	1.46
In 1875, per ton per mile	1.27
In 1876, per ton per mile	1.05
In 1877, per ton per mile	1.02½
In 1878, per ton per mile	.93
In 1879, per ton per mile	.809
In 1880, per ton per mile	.88

The decline on the New York, Lake Erie and Western is reported thus:

	Cents.
In 1874, per ton per mile	1.311
In 1875, per ton per mile	1.208
In 1876, per ton per mile	1.099
In 1877, per ton per mile	.955
In 1878, per ton per mile	.973
In 1879, per ton per mile	.780
In 1880, per ton per mile	.836

It was said on this floor only a few days ago by the honorable gentleman from New York, Mr. DWIGHT, and I have no reason to dispute his assertion, that the Erie Canal was operated at a loss of 20 per cent. last year. This may be accounted for in two ways: first, the great falling off in grain shipments and by the cheap rates of railroad transit, that all know is much more desirable on account of speed, &c. And may it not arise from a preconcerted plan upon the part of the railroad kings to so reduce rates as to eventually close up the Erie Canal and lead to its abandonment? They could well afford to carry grain at actual cost of transportation for a few years, knowing that, if this great barrier to higher rates were out of the way, one year of high prices and the exclusive control of the carrying trade would reimburse them for all losses. I would that the West had so reasonable rates by rail, but our only hope is in the equalizing power of the great and noble Mississippi River and its tributaries, where steam may take the place of horse power, and the stream cannot be monopolized nor exhausted.

You will observe I have not committed myself to any particular method or mode of improvement; that is, the levee or outlet systems. I bow to the superior skill and widsom of those who have made this subject their study, but I will confess that the outlet plan has appeared to me a very common-sense one, and I would be glad to vote for the small appropriation asked for by Captain Cowden to make the Lake Borgne outlet. It appears to me it would at least lower the flood-tide at New Orleans and increase the rapidity of the stream. I will close by a quotation from the summary of Alex. D. Anderson, in his commercial and statistical review of the Mississippi and tributaries, a noble work and deserving of study and thought.

That to consummate and make permanent this natural and direct movement to the seaboard of the products of the valley a general and systematic improvement of the whole river channel is needed from its headwaters to the Gulf.

That the material advancement of the great interior of the United States will be retarded unless its growing demand for inland water transportation facilities is thus supplied.

That the Mississippi and tributaries are located in fertile and well-populated valleys where most serviceable to commerce.

That they further observe the laws of political economy in that their general tendency is southward, connecting opposite climates with dissimilar products, demand, and supply.

That they are remarkably well adapted to the transportation of the bulky freights of agricultural valleys, and have in this respect unlimited capacity.

That they were constructed by nature, without cost to the producer and consumer.

That the cost of their 15,710 miles of navigation, if constructed at the same rate per mile as railways of the United States and their equipments, would have been $809,740,000.

That if constructed at the same rate per mile as the principal canals of the United States their cost would have been $615,219,000.

That they supply the producer and consumer with cheap transportation.

That the transportation rates on a bushel of wheat shipped from the center of the valley, at Saint Louis, by river to the seaboard at New Orleans, during the three years 1877, 1878, 1879, ranged all the way from ten to fifteen cents less than by rail to the seaboard at New York.

That if half of the total grain produced in the fourteen valley States in 1879 had to be shipped from that center by river to New Orleans, instead of by rail to New York, the annual saving to the seaboard at ten cents per bushel would be $90,381,552, and at fifteen cents per bushel, $135,572,320.

That if in connection with and incidentally to the improvement of river navigation of the rich alluvial lands of the lower valley susceptible of cultivation and comprising an area of 23,727,168 acres were protected from overflow, their increased value, when adequately cultivated, would add to the taxable wealth of the country $1,936,229,418, a sum equal to the whole national debt.

That if they produced one bale of cotton per acre, the value of their product at four hundred and forty pounds to the bale and eleven cents per pound would be $1,148,394,931, or more than seven times that of the annual yield of gold and silver of the whole world.

That these water-ways are national in extent and in law.

That they supply cheap transportation from the granary of the nation, and are therefore national in their benefits.

That they are a natural bond of union between the North and the South, and a standing protest against sectional antagonisms.

That the Mississippi or trunk line of this whole system of rivers of the great valley is a connecting link between internal and international commerce.

That it terminates opposite other American countries and islands which have a total annual foreign commerce with all nations (exports and imports combined) of $928,027,000 in value.

That the present share of this total foreign commerce controlled by the Mississippi—that which flows to and from its sole port—is but $5,822,800 in value, or less than 1 per cent.

That the river will soon be practically extended to the Pacific Ocean by the completion of the Tehuantepec Interocean Railroad, and again by the Tehuantepec Ship Railway.

That these commercial outlets to the Pacific, the first ever provided for the Gulf of Mexico, will bring to the door of the Mississippi Valley new and important commercial fields, Australia, the Orient, the Pacific islands, and the Pacific states of South America, which nations have a total annual foreign trade with the whole world of $1,724,379,695, and of which total the port at the mouth of the Mississippi controls no portion.

That the commerce with these nations resting upon the Pacific is the weakest and most neglected spot in our trade relations with the outside world, and that their connection with the Mississippi Valley via the Isthmus of Tehuantepec is a matter of great national importance.

That the valley is not fully prepared to improve these grand opportunities and contribute its legitimate share to the foreign commerce and wealth of the nation because needed improvements of its great river or outlet to the seaboard have been neglected.

That no power but the United States, which owns the Mississippi and tributaries, has jurisdiction over their improvement.

That to examine the various and conflicting theories of improvement and prepare and report upon a permanent plan Congress, in 1879, provided for the appointment of a board of skilled engineers, known as the Mississippi River commission.

The commission have submitted their report, and the appropriations for consummating this great national work now rest with Congress.

In conclusion, this plain, simple business question arises: will the United States neglect to keep in good repair its own commercial highways—to protect its own property, having at a moderate estimate a value of $800,000,000—which rivers were constructed and presented by nature, and which may be made an immense source of profit to the producers and consumers who comprise the people.

Agriculture and Commerce.

SPEECH

OF

HON. JOHN BLAIR HOGE,

OF WEST VIRGINIA,

Tuesday, May 9, 1882.

The House having under consideration the bill (H. R. No. 4429) to enlarge the powers and duties of the Department of Agriculture—

Mr. HOGE said:

Mr. SPEAKER: Thorough as has been the discussion of the pending question, it is scarcely correct to say that it has been debated if the real character of debate be that which involves some conflict of opinion. I have yet to hear, sir, from any quarter a word of opposition to the main purpose of the bill reported by the Committee on Agriculture. It seems to command assent as unanimous as it is unusual; and it is a safe prophecy to declare that whatever form may be given to the measure now before the House, few, very few, will record their names in antagonism to the principle and policy which it involves.

The only question which has arisen does not relate to the propriety or expediency of the proposed scheme of the committee. Its friends differ only upon the subsequent proposition—whether the House should rest content with the plan submitted for its action, or, going further, adopt the substitute of my colleague, [Mr. KENNA,] which, including all the provisions of the original bill, seeks to confer additional powers upon the department to be created by giving to it supervision of other subjects of executive control and administration, believed to be in every sense cognate and sympathetic, in no sense hostile or antagonistic to the great interests of agriculture.

Passing from this proposition for the moment, I beg to say, Mr. Speaker, that the scheme to advance and promote that agency, which, among all the agencies employed by Government, alone represents the wealth and power of agriculture, to the dignity of a co-ordinate executive department is not merely a response to the importunity of petitions or an ill-advised surrender to the demands of a class. It rests upon reason so self-evident and conclusive that argument finds little scope for its logic, and eloquence nothing to achieve by its offices of appeal and adjuration. There is, admittedly, political philosophy as well as political justice in a formal recognition by Congress of the relations borne by agriculture to all other interests of the country. The wide reach of these relations cannot readily be indicated by a few words.

Their measure is more easily found in estimate and conjecture than in tabulated figures or columns of statistics. But whoever will recall the wide expanse of territory which the farmer holds by the right of fee-simple ownership; the vast production springing from the soil in response to the labor of his hands, constituting newly created wealth which enters at once into all the employments of commerce, passing over all the avenues of transportation and interstate communication, seeking its markets where they may most

profitably be found, and returning its rich guerdon as an almost incomputable addition to the aggregated treasure of the land, thus adding to and making, year by year, more certain and secure all the sources of national greatness, will not fail to be impressed with the conviction that we habitually fall short of a true comprehension of the importance and extent of this vast interest. Indeed, sir, one might well go further and, estimating the proportion borne by the agricultural classes to the population of the country, ask with pertinence, whence come your levies in war? Who bear the burdens of your taxes in peace? Who are the consumers of your manufactured products? Who submissively pay tribute to that tyrannic principle which "protects," at their cost and loss, the great Moloch of monopoly?

But enough. It is sufficient to remind those who talk most wildly of national progress and development that these have followed in close proximity the footsteps of the adventurous husbandman; and that the real foundations of national greatness rest only upon the broad expanse of plain and prairie and mountain which constitute the domain of agriculture.

Because of considerations like these I am in sympathy with the friends of the bill. I desire that there shall be full recognition in some form of the relations to which I have referred, and that agriculture shall rank in equal dignity with other interests deemed important enough to require special and particular direction and administration. I shall, therefore, vote for the bill of the committee, although the judgment of the House may differ from my own as to expediency of adopting the substitute of my colleague, [Mr. KENNA.]

But I venture to suggest to the friends of the original bill that, broad as is the scope of the agricultural interests of the country, it is questionable whether the details of the service the proposed department is expected to perform will not be too limited to justify in results the anticipations they have formed. Of course all agencies established by Government grow in time; their reach becomes wider, and the extent of their work increases; but I fear, sir, that the present bill, making every allowance for the varied subjects of inquiry which it prescribes, will not secure an organization such as is expected and desired. Possibly the point of my suggestion may be better presented by reference to the present Department of Agriculture; we all know its history; how from a subordinate branch of the Patent Office it has grown to its present proportions. What are its offices? Beyond the dissemination of information by means of an annual report—which from some cause is never issued contemporaneously with its date—what is effected by that bureau?

A supply of seed and plants, either brought from other climates, with a view to experimental agriculture, or of improved native growth, is distributed to the country with a somewhat meager economy. Beyond these main duties little else can be indicated as constituting the detailed work of this Department. The reports may be more frequent, and information can be more immediately disseminated throughout the country, but the doubt remains whether the administrative duties of an agricultural department distinct and isolated from all other interests will entitle it to take rank with the other Executive Departments.

The following extracts from a paper read before the American Agricultural Association in 1881 by Professor C. V. Riley are important in showing the agricultural estimate of the department:

> Let us now glance at the past and present working of our own Department of Agriculture. Starting in 1839, as a division of the Patent Office, with an appropriation of $1,000 for the purpose of collecting and distributing seeds, prosecuting investigations, and procuring statistics, it continued with this connection till 1862. Up to 1854 the annual appropriation had not reached $6,000 in any one year; yet the reports published under the auspices of the Patent Office, up to that time, are valuable and creditable, considering the means and facilities for work then at command. By 1854 the work of the Patent Office had so stimulated agricultural enterprise that Congress that year appropriated the sum of $35,000, and the present organization of the Department was fairly instituted. The annual reports from this time till 1862, when a separate Department of Agriculture was established, were most creditable, and the discussions and experiments in the reports prior to this time, on tea culture, corn-stalk sugar, &c., and the negative results that have come from them, are well worth pondering, in the light of recent sanguine claims for those proposed industries! The histor yot the department since that day is familiar to all, and, if popular verdict be a just criterion, the working of the institution has, for the most part, been disappointing. In the words of Senator A. S. Paddock, of Nebraska:
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> "This department, as at present organized, is a disgrace to our agriculture, and a reproach to the country. Hitherto in the popular estimation it has had no status except such as it has made for itself through its partial and unsatisfactory distribution of seeds, in answer to demands based rather upon political considerations than the exact interests of agriculture. * * * Appropriations have been freely made for seeds, while scientific investigations in the interests of agriculture have, as a rule, been scoffed at, and, if not entirely ignored, they have been neglected by Congress."
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> To enumerate the many directions in which it has failed to keep abreast with the times—the golden opportunities for increased usefulness which it has lost—would extend my remarks beyond all reasonable limits and weary you. Suffice it to say, whether in the statistical, horticultural, chemical, botanical, entomological, or microscopical divisions, its work has been inferior to that in the same line by many private associations and State institutions, and has sometimes been of such a character as to seriously reflect upon the department. It has too often exhibited a want of knowledge of what other countries have done in special fields, and shown contempt for really scientific work.
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> The House Committee on Agriculture is now considering the question of making the Commissioner a Cabinet officer; but the efficiency of the department will not be increased by simply adding to the position and dignity of its head, without likewise reorganizing it as a whole. Whether or not agriculture should have a voice in the Cabinet counsels any more than other of our great industries is a matter of opinion; but there can be no question about reorganization. The bureau should either be enlarged in the direction I have indicated with a supervisory board, or merged into a department of industry to be represented in the Cabinet, something after the plan proposed by Senator Windom, of Minnesota, in a bill introduced two years since, or after the plan of the French Government. At present it is an anomaly. There is much to be said in favor of elevating and broadening the scope of the department so that it shall be represented in the Cabinet by a Secretary who, with all the other Cabinet officers, will be expected to change with each administration; but the assistant secretary, who should occupy a similar position to the assistant secretaries in other departments, would, like them, be apt to remain from one administration to another, so that the retention of administrative experience would be insured, which is not the case at present.

Now, sir, I make these suggestions with no hostility to the bill. I am willing to test it thoroughly if such be the determination of the House. I have no wish that its success shall be uncertain. On the contrary, I am anxious that no mistake shall be made; and that the evident purpose of gentlemen to adopt this measure in some form shall receive that direction which shall establish the new department upon a basis favorable to the attainment of its ends, and thoroughly approved by the judgment of the country.

I propose, however, to vote for the substitute because it accepts from the committee every proposition they have reported. It alters nothing; it antagonizes no principle; it doubts the wisdom and expediency of no provision; and is ready to be conformed to whatever amendments the House may determine upon. It proposes, however, to go further and unite under one general supervision various branches of the public service between which, if the closest relations do not exist, there can be found nothing of hostility or disagreement.

I am at a loss to understand what new revelation has come to gentlemen that they discover in commerce the foe of agriculture. I have been under the impression that in every effort to trace the sources of national growth and power both the orator and the statesman always have spoken with pardonable enthusiasm of the two as the handmaids of prosperity, twin sisters, moving with joined hands and kindred purpose along the pathway of progress, the enterprise of the one supplementing the industry of the other. One, sir, need only raise his eyes in this Hall to discover among the emblazoned arms of the States a happy union of the emblems of them both—the bound sheaf and the ready ship, while the legend which interprets them is simply "Commerce and Agriculture," as if upon these two all the hopes of those who have erected great commonwealths were content to rest.

Neither do I understand that premature alarm which appals some gentlemen who proclaim that with such a union commerce will throttle her twin sister and debauch the authority which would be intrusted with the sacred custody of the interests of both. Pardon me, sir, if I dismiss such reasoning as simply sentimental. If there be anything in the experience of other nations which may guide us in our own policy, into what nothingness does this fancied idea of conflict between these two industries sink. Gentlemen have invoked examples and commended them to our consideration. For one, I welcome them. I learn that Hungary has its ministry of agriculture, industry, and commerce; France a department of agriculture and commerce; and Italy, to quote from my distinguished friend from Mississippi, [Mr. MULDROW,] "not unmindful of the source of greatness for every people, has her minister of commerce and agriculture."

Indeed, sir, the gentleman from South Carolina, [Mr. AIKEN,] who most strenuously objects to this proposed union, gives the additional examples of the Netherlands and Portugal as having each a department combining "navigation, agriculture, and commerce." I simply ask whether the commendable research made by gentlemen in regard to the policy of other countries has rewarded them with any information showing incongruity between the interests of commerce and agriculture, or establishing the conclusion that conflicts have arisen in which agriculture has suffered at the hands of commerce? I may venture to say, sir, that a harmony so natural and so logical has never been disturbed in any land or under any system of government.

Mr. Speaker, the substitute proposes to establish a department of industries. The name indicates the character of the proposition. What are the industries of the country? I count agriculture as the leading and controlling American industry. But commerce is equally an industry; trade, transportation, every agency which touches, moves, or adds value to the product of the soil is an industry. When his harvest has been gathered, and the fruit of a year's labor leaves the field or the barn and passes, for a price, into the hands of those who convey it to a market of purchase and consumption, the farmer need have no further concern. His labor has contributed to the aggregated values of the commonwealth, and he reaps the reward of his toil. As I have said, commerce comes to his door and undertakes, as its special office, to find a purchaser for every bushel of corn and wheat, every pound of cotton and tobacco.

Thus the industry of production is brought into direct relation to the industries of trade and transportation; for without production there can be no transportation, without transportation no trade, and without trade that intercourse and interchange of products with the rest of the world which constitute commerce must necessarily cease. So, sir, one easily perceives that the busy mart, the full storehouse, the laden ship, and all the returns and reciprocities of foreign trade, through an unbroken continuity, relate back to the harvest-field and the garner. There must be some point where agriculture and

traffic meet for bargain and sale; and at this point the closeness and necessity of their relations involve intimate and dependent conditions, because trade must know the quantity, quality, and locality of production, while agriculture cannot be safely ignorant of markets and prices, nor fail to comprehend the ever-present and all-controlling question of the extent of its own supply and that of the world's demand.

I turn from these general considerations, Mr. Speaker, to a question of practical legislation. It is known to gentlemen around me that, earnest and persistent as has been the appeal to Congress, the response to which is found in the bill before us, a demand equally earnest and pressing has been made for the establishment of a department of commerce as a co-ordinate branch of executive government. So far as I know—and looking to the history of the present Department of Agriculture I think I am not mistaken—the conclusion that the commercial interests of the country should be directly represented in the administration of the Government antedates the organized efforts which have resulted in the report of the bill of the Committee on Agriculture by nearly a score of years. In 1865, and again in 1868, the business men of the United States, represented in commercial conventions, urged the establishment of a department of commerce, "to which should be intrusted the general oversight of the commercial and other industrial interests of the country, including transportation on land and sea."

Of course, Mr. Speaker, I make no point against the pending bill by suggesting this question of seniority; I desire merely to rescue some gentlemen from the impression that this scheme is new to the business men of the country and, therefore, to be regarded with caution, if not suspicion. In fact a vindication of the wisdom of the plan proposed by the substitute may be found in measures repeatedly proposed to Congress, formerly by conventions of business men, and recently by that most important organization, the National Board of Trade. And more than once bills have been introduced looking to the establishment of a department of united industries; and it may possibly affect the conclusions of my friend from South Carolina [Mr. AIKEN] if I remind him that for years a similar demand has been made upon the Parliament of Great Britain, with what result will appear from the following extract from the proceedings of the associate chambers of commerce of England, (quoted in the transactions of our own National Board of Trade:)

Considering that the often repeated and unanimously voted resolution of this association in favor of the establishment of a ministry of commerce and agriculture has received the sanction of the House of Commons in 1879, and again in 1881;

Considering also, that the last of these resolutions was passed by the house without opposition and with the qualified approval of the government;

And that a step toward its realization has already been taken by extending the functions of the board of trade:

This association resolves, that while attaching no great weight to the name which may be given to the desired ministry, no arrangement will be satisfactory which does not give to the head of that department a seat in the cabinet, with a position equal to that of his colleagues, and the power of giving effect to the measures which he may propose in the interest of the great industries for which he is to be especially responsible.

And that, on the other hand, no scheme will be deemed satisfactory to the commercial and industrial community which would go no further than to divide the responsibility for the great wealth-earning industries between different departments already fully occupied with other legislative and administrative duties.

Now, sir, it is on behalf of the united "wealth-earning" industries of this country that the substitute is submitted to the consideration of Congress. Its theory is to make a new department especially responsible for all of these great industries, and to provide that the head of that department shall have a seat in the Cabinet equal in dignity to that of his colleagues; and its scheme repudiates any division of that responsibility between other departments already fully occupied with other duties. It is a strong and convincing coincidence that the necessities of the commercial and industrial interests of the two great Anglo-Saxon nations should find utterance in expressions of purpose and conclusion so nearly identical.

Possibly, Mr. Speaker, better than any comment or attempted explanation of mine the text of the substitute will speak for itself. The sixth section indicates very clearly the whole scheme; and I shall be pardoned for quoting it. It provides:

That all divisions and subdivisions, bureaus or parts thereof, heretofore attaching to the Treasury Department by virtue of the provisions of chapter 10 of title 7 of the Revised Statutes, relating to the Bureau of Statistics, which shall hereafter be known as the bureau of external commerce; title 48, relating to commerce and navigation; title 49, relating to the regulation of vessels in foreign commerce; title 50, relating to the regulation of vessels in domestic commerce; title 52, relating to the regulation of steam-vessels; title 56, relating to the coast survey; title 55, relating to lights and buoys; sections 4801, 4802, 4803, 4804, 4805, 4806, of chapter 1, title 59, relating to hospital relief for seamen; and chapter 265 of the acts of the Forty-fifth Congress, second session, relating to the Life-Saving Service, or by virtue of any law amendatory of said several provisions, or regulations in pursuance thereof, shall, from and after the passage of this act, be parts of the division of commerce in the department of industries; and the secretary of industries shall establish in said division of commerce a bureau of internal commerce, to be organized and governed as other bureaus in said division.

Whoever may take the trouble to examine the statutes which prescribe the service of the Treasury Department will discover how, as if marked by measured degrees, its added duties have declared the growth and progress of the country. The Departments of State, of War, the Navy, and the Post Office are specialties, as indicated by their titles. Prior to the establishment of the Interior Department nearly every new service was fastened upon the Treasury. Its original functions—the custody of the public money, the regulation of imports, the control of all agencies employed in the collection of the public revenue—seem to have been reduced to secondary importance by the number of new and incongruous duties superadded to them. I violate no confidence when I say that from the Treasury itself has come the admission that out of this extension of its service have grown established offices not only not in accord but antagonistic in their purposes and mutually obstructive in their action.

The demands of to-day cannot be met by the provision of a century ago, however far-seeing and prophetic; and all executive and administrative functions must, upon some principle of logical expansion, comprehend and include the obligations which time, growth, progress, and development impose upon them. It is the office of statesmanship to perceive, if not to anticipate, these obligations; and that land is badly governed, Mr. Speaker, in which power shuts its eyes to the requirements of the present or seeks to meet them with the weak and inadequate resources of the past. Now, sir, because of progress and growth, agriculture demands of Congress an unqualified recognition of its relations to the advanced and developed condition of the country. Commerce, conscious that in this age no envious criticism may repeat the sneer—

Trade's proud empire hastes to swift decay—

appeals for equal recognition. Neither can be ignored; nor can either be wisely postponed to the chances and possibilities of the future. It is manifest, therefore, that these two appeals must be heard and determined; so manifest that the proposition takes this emphatic shape: shall Congress establish two new departments, one of agriculture, the other of commerce, or shall these two great interests be united upon every principle of economic and judicious expediency in one accordant and comprehensive whole? These are the inquiries directly presented by the substitute. It is for the House to determine them.

I have not undertaken, Mr. Speaker, to discuss elaborately the questions which the bill and the substitute so plainly suggest; my time is too limited to permit even a partial consideration of details. Still, I shall be pardoned if I ask the indulgence of gentlemen on every side for a few moments more. We have little difficulty under the provisions of existing laws in obtaining all necessary agricultural statistics in a form at least approximately correct. We encounter no obstacle when we seek information through the Bureau of Statistics, touching commerce with all the world, even to the farthest isles of the sea. And yet, with all the wealth—may I not say wantonness?—of provision made by Congress for the collection, tabulation, and digest of information upon a thousand and one subjects of doubtful interest and importance, the vast detail of our internal commerce, interstate traffic and transportation stand to-day without official recognition, executive or legislative. Were not gentlemen surprised by the statement made on yesterday by my colleague? Let me quote it:

I asked him [the chief of the Bureau of Statistics] where I could get certain information, in official form, with reference to the internal commerce of the country. He replied "You cannot find it at all. It is not gathered or collected in the form of statistics by the Government. * * * There is no existing provision for gathering the statistics of the internal commerce of this country whatever."

It is true that Mr. Nimmo has to a large extent supplied this needed information by a valuable work published upon his private responsibility; but he admits its incompleteness, and states that accurate statistics upon this important subject can only be obtained by the comprehensive machinery of official investigation.

Now, sir, we propose to meet this necessity; to supply this strange omission; to establish a bureau of internal commerce, which shall embrace every subject of inquiry, legitimately and logically, included in the broad range of investigation which its title indicates. The great question of transportation, in its relations to agriculture, is real and practical. It must be met. Every fact which affects it to any degree is important. Whether the products of the soil be borne to market by railway or canal, by river or by lake, it must be determined how they may reach the consumer without being subjected to inordinate and unjust tribute to monopoly. I do not venture to say in terms how soon or to what extent the relations of the carrier to the producer may be controlled by such an agency as the proposed bureau of internal commerce. I know, however, that the diffusion of reliable information upon any subject of interest and importance always precedes and enforces legislation necessary to the remedy of wrongs and the reform of admitted abuses. And I may say with no assumption of the mantle of prophecy, that so soon as accurate official and unassailable statistics shall establish the fact that corporate power has employed, or means to employ, its special franchises in efforts to wrong or oppress agriculture, legislation will assert its office and, by the force of enacted and executed law, interpose the shield of its protection.

I have not a purpose, as I have not the right, now to discuss the great questions involved in the bill introduced by the distinguished gentleman from Texas, [Mr. REAGAN.] But I desire to say, Mr. Speaker, that no one can be blind to the issues which that bill recognizes or the necessity of their determination by some form of judicious legislation. It is more than probable that no statute of control and regulation will be enacted by this Congress by the provisions of which the interests of production and transportation may be placed upon a plane of absolute equality. Apart from all other considerations

which might be presented, in detail, the single fact that no authenticated information upon this subject is before the country gives excuse for delay and palliates that opposition which has no other pretense for resistance than an affectation of ignorance. If, sir, it shall do nothing further, the bureau of internal commerce will remove this ground for postponement and inaction by securing accurate, complete, and reliable evidence of every fact and figure touching the relations which production bears to transportation.

I trust, sir, that it is unnecessary for those who believe that a field of important inquiry lies before us, whose harvest at no distant day shall ripen into a wise, matured, and impartial adjustment of these questions, to disclaim any sentiment of hostility or purpose of injustice to corporate franchises, honestly procured and fairly employed. No one who reflects upon the almost startling progress and development of our own day and generation can falter in his recognition of the degree to which they are due to the immense power of organized and associated capital. He who would strike down the great levers which move the world can make no claim to statesmanship. But it is to be remembered that the industry of the great body of the American people is single and isolated in its pursuit. The power of agriculture is individualized; it admits of no association; it is the hand of the one man, the unit of society, which guides the plow or swings the cradle into the billowy gold of the ripened harvest. In so far as he is an individual, or a unit, he lacks the protection which surrounds all forms of association and incorporation.

The organization of society, the erection of governments, the history and philosophy of combination and centralization, suggest ready illustrations of the idea I seek to present. For one, I would make no change in this. The preservation of the true spirit of American constitutional liberty can best be confided to the guardianship of a patriotism which attains its sturdiest and most reliable development in the strongly marked individual and personal characteristics of the American farmer. I make no mistake in saying this; for in all history, ancient or recent, the record is the same—the tillers of the soil have been its bravest defenders against invasion, and at the same time the most jealous champions of their own personal rights and individual privileges.

I can claim the attention of the House for only a moment more. A large majority of the constituencies represented upon this floor are agricultural. Upon them, the lands they own and cultivate, rest in one form or another the great burdens of taxation. Be it by impost duties or through the oppressive requirements of an internal-revenue system, no one doubts where the heavy hand of the tax-gatherer falls. I beg leave to ask, will those who represent these constituencies deny their support to a measure which, giving to agriculture the fullest recognition, goes further and seeks to secure in the only practicable mode its absolute equality with every other industry and pursuit? It is not for me to advise gentlemen or to warn them. But I may say without impropriety that if the bill of the Committee on Agriculture shall fail to become a law, and if for years, awaiting the slow progress of legislation, the great interests intrusted to their care do not obtain the recognition they seek, and more positive difficulties and complications ensue and increase in measure because of the undetermined relations of which I have spoken, the responsibility will not rest upon those who support the substitute of my colleague.

It will be theirs, however, who will not realize the necessities of the present or comprehend the demands of the future; who assert antipathies which do not exist; who protest against a union which the wisdom of all countries has approved; who, in a word, separate commerce and agriculture, and deny to the country the rich fruition of results which must follow from a sympathy as natural and accordant as that which would organize these great interests into one consistent and exhaustless source of national wealth and progress.

APPENDIX.

Substitute to House bill No. 4429 proposed by Mr. KENNA, of West Virginia.

Be it enacted, &c., That there shall be at the seat of Government an executive department to be known as the department of industries, and a secretary of industries, who shall be the head thereof.

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

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

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

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

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

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

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

SEC. 6. That all divisions and subdivisions, bureaus or parts thereof, heretofore attaching to the Treasury Department by virtue of the provisions of chapter 10 of title 7 of the Revised Statutes, relating to the Bureau of Statistics, which shall hereafter be known as the bureau of external commerce; title 48, relating to commerce and navigation; title 49, relating to the regulation of vessels in foreign commerce; title 50, relating to the regulation of vessels in domestic commerce; title 52, relating to the regulation of steam-vessels; title 56, relating to the coast survey; title 55, relating to lights and buoys; sections 4801, 4802, 4803, 4804, 4805, and 4806 of chapter 1, title 59, relating to hospital relief for seamen; and chapter 265 of the acts of the Forty-fifth Congress, second session, relating to the Life-Saving Service, or by virtue of any law amendatory of said several provisions or regulations in pursuance thereof, shall, from and after the passage of this act, be parts of the division of commerce in the department of industries; and the secretary of industries shall establish in said division of commerce a bureau of internal commerce, to be organized and governed as other bureaus in said division.

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

SEC. 8. That section 158, title 4, of the Revised Statutes is hereby amended by adding at the end thereof the words: "Eighth. The department of industries."

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

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

Rivers and Harbors.

The Mississippi River: Congress has the constitutional power to make appropriations for the threefold object of improving its navigation, affording ease and safety to commerce, and protecting its alluvial basin from destructive floods.

SPEECH

OF

HON. NEWTON C. BLANCHARD,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 6, 1882,

On the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. BLANCHARD said:

Mr. SPEAKER: It is my purpose at this time to confine myself to a discussion of that part of the bill under consideration which relates to the Mississippi River and appropriates for its improvement the sum of $4,923,000, to be "expended by the Secretary of War in accordance with the plans, specifications, and estimates, and under the supervision of the Mississippi River commission."

In view, sir, of the bitter experience through which the people, or a large number of the people, of the State which I have the honor to represent in part on the floor of this House have just passed, in respect to the inundation which recently swept over their country—a calamity as appalling in contemplation of the human and animal suffering, woe, and death which it entailed, as it was potential in the destruction of property estimated and considered in the sense of a diminution of the aggregate of national wealth—in view, I say, of this experience, of the mournful array of incontestable facts constituting it, and considering the deep interest which the people of my State might naturally be expected to take in the question under consideration, I trust I will be pardoned for asking the indulgence and

attention of the House while I submit some observations in support of the appropriation alluded to.

> The wisdom of Congress should be invoked to devise some plan by which that great river shall cease to be a terror to those who dwell upon its banks, and by which its shipping may safely carry the industrial products of twenty-five millions of people.

So spoke James A. Garfield, late President of the United States, in his letter of July 10, 1880, accepting the nomination for the Presidency conferred upon him by the Republican party. He reminded the country that in order to secure to the nation the control of the Mississippi and its tributaries, President Jefferson had negotiated the purchase of a vast territory extending from the Gulf of Mexico to the Pacific Ocean.

Prior to that utterance, from his place as a Representative upon this floor, he had declared that he believed that one of the grandest of our material national interests, one that is national in the largest material sense of that word, is this great river and its tributaries. His broad and liberal comprehension enabled him to grasp the mighty subject, for he pronounced it "the most gigantic single natural feature of our continent, far transcending the glory of the ancient Nile, or of any other river on the earth." With prophetic vision he foresaw that its vast and growing interests would make themselves heard and felt, for he realized in anticipation that "the statesmanship of America must grapple the problem of this mighty stream;" that "it is too vast for any State to handle; too much for any authority less than that of the nation itself to manage."

Sirs, in view of the recent bitter experience in the valley of the great stream, the time has come when the liberal-minded statesmanship of the country must rise equal to the emergencies of the hour, and "devise a wise and comprehensive system that will harness the powers of this great river" to the preservation and development of the material interests of the country, and no longer permit the same, in unrestrained fury and wilder license, to spread havoc, ruin, desolation, destruction, and despair over one of the very fairest portions of this boasted land of freedom and progress.

President Hayes, in his message of December, 1880, speaking of the Mississippi and its tributaries, said:

> These channels of communication and interchange are the property of the nation. Its jurisdiction is paramount over their waters, and the plainest principles of public interest require their intelligent and careful supervision, with the view to their protection, improvement, and the enhancement of their usefulness.

Here, then, are presented the opinions on this subject of the two Presidents of the Republic who immediately preceded the present occupant of that chair. Both avowedly went beyond the mere question of the improvement of the navigation of the river. Both had in their minds, when giving utterance to the sentiments quoted, the ultimate idea of affording protection to those who dwell upon its banks, as well as offering greater facilities to the immense commerce borne upon its bosom.

The present Executive, in his message of April 17, 1882, went yet a step further, and openly and expressly proclaimed the duty of Congress in the premises, when he said:

> The immense loss and widespread suffering of the people dwelling near the river induce me to urge upon Congress the propriety of not only making an appropriation to close the gaps in the levees occasioned by the recent floods, as recommended by the commission, but that Congress should inaugurate measures for the permanent improvement of the navigation of the river and security of the valley.

Mr. Speaker, these utterances of three successive Executives of the Union evidence the progress of the public opinion of the country in regard to this matter. That any considerable portion of the people of the Union are willing to indifferently witness the spectacle of the periodical overflow of the Mississippi, the suffering and woe entailed thereby, and the destruction of values, present and prospective, resultant therefrom, is not to be entertained for an instant. The affirmance of the proposition would be an insult to the civilization, the development, the progress, the conservatism of the country.

This great nation, with its fifty millions of people, its wonderful history, its immense wealth, its unparalleled resources, its prodigious enterprise, its onward march in all that constitutes greatness, glory, and power, cannot afford to permit the devastation of its fairest and most productive provinces by the great stream which God intended as a blessing, but which has often, and but too recently, shown its potency as an engine of destruction, and this because of man's failure to use the means at his command for the restraining of its fury.

NON-SECTIONAL IN CHARACTER—NATIONAL IN EXTENT.

When, in 1803, Napoleon Bonaparte consented, on behalf of France, to Mr. Jefferson's proposition for the purchase of the Louisiana territory, he is said to have remarked:

> To emancipate nations from the commercial tyranny of England it is necessary to balance her influence by a maritime power that may one day become her rival; that power is the United States. The English aspire to dispose of all the riches of the world. I shall be useful to the whole universe if I can prevent their ruling America as they rule Asia. They shall not have the Mississippi which they covet.

And when informed that the treaty of sale to the United States was consummated, he said:

> This accession of territory strengthens forever the power of the United States, and I have just given to England a maritime rival that will sooner or later humble her pride.

He foresaw that the nation which controlled the territory drained by the Mississippi and its tributaries would hold the key to America, and discerned that the immense possibilities offering in the development of that wonderful country must, when realized, make its possessor rich, great, and powerful. We have, as a nation, relatively reached that point already, but nothing compared to what we shall as, in the providence of God, the great work of development goes on.

An important step in that work of development is the protection of the richest portion of the great country acquired by the treaty with France from the angry floods of the mighty river whose outlet into the Gulf we gained control of by the acquisition aforesaid.

Mr. Calhoun, in 1845, likened the Mississippi and its tributaries to an inland sea. Said he:

> Regarding it as such, I am prepared to place it on the same footing with the Gulf and Atlantic coasts, the Chesapeake and Delaware Bays, and the lakes, in reference to the superintendence of the General Government over its navigation. It is manifest that it is far beyond the power of individuals or of separate States to supervise it.

Who doubts, if he were here to-day, he would raise his voice in advocacy of the General Government taking that step, germane to the improvement of the navigation of the river, and certainly essential to the development of its great interests, namely, the protection of the adjacent country from the periodical overflows of a national highway. Individuals and separate States can no more handle this question of the prevention of inundation than they can the supervision and effectuation of systematic works of improvement of the navigation of the river.

As has been well said, "the legitimate sphere of the Mississippi is the field of national commerce." So it is that the improvement of its navigation and the construction of works needful to restrain its floods within its channel are the province of the National Government.

Nineteen States, Mr. Speaker, and three Territories have a direct business interest in the river system formed by the Mississippi and its tributaries, and all the other States and Territories have an indirect interest. This system furnishes a connecting link between internal and international commerce. Considered as a drainage system, it extends through nearly the whole length of the United States, from Canada to the Gulf, and across more than half its width, or from the summit of the Rocky Mountains to the summit of the Alleghanies. Of the many divisions and subdivisions of the river, two hundred and forty are considered of sufficient importance to be named upon the river map in Walker's Statistical Atlas of the United States; and probably as many more streams of minor importance are omitted from the map.

Steamers can now transport freight in unbroken bulk from Saint Anthony's Falls to the Gulf of Mexico, a distance of 2,161 miles, and from Pittsburgh to Fort Benton, Montana, 4,333 miles. Lighter craft can ascend the Alleghany, an extension of the Ohio River, to Olean, New York, 325 miles above Pittsburgh, and up the Missouri to Great Falls, near where that river leaves the Rocky Mountains. The total present navigation of these rivers is about sixteen thousand miles, more than four times the length of the ocean line from New York to Liverpool, and more than four times the distance by rail across the continent from New York to San Francisco.*

Estimating the length of the numerous non-navigable streams which flow into the Mississippi and its tributaries—including that portion of the navigable streams above the highest point of navigation attainable—as equal to the total navigable length of the rivers, and we have an aggregate length of water-way of 32,000 miles, draining, gathering, receiving, concentrating, pouring its accumulation of floods through the parent trunk into the Gulf.

Should we wonder, then, that in seasons of high water the great river labors and travails and groans under the effort imposed upon it by nature of discharging this superabundance of water into the sea? Should we be surprised that it often finds itself unable to do this with safety to the millions of dwellers upon its alluvial banks? Should we hesitate to assist nature in the performance of the great work?

The skillful physician, when called to treat the maladies afflicting the human system, directs his remedies to enabling nature to throw off that which occasions the trouble, to reassert its normal sway over the functions of the body, that they may perform, unclogged, undisturbed, their regular duties so essential to health and life.

Should we not treat this great river system in the same way? Should we not aid it in the performance of its double duty, namely, affording a safe highway to the commerce of the country, and discharging safely the waters drained into it from the territory comprising more than half the Union?

But we are told, Mr. Speaker, that this great nation, with its fifty millions of people, its resources, its wealth, its enterprise, can only aid the rivers in the performance of the first-named duty; that the power given Congress to regulate commerce among the States justifies only appropriations made solely for the improvement of navigation; that it does not warrant appropriations made to assist the great rivers in the performance of their other great function, the safe discharge of floods.

We are told we must stop short with appropriations—meager at best—for the first purpose; that Congress should not, must not, cannot, dare not rise equal to the occasion and appropriate large

* The Mississippi and Tributaries, a statistical and commercial review, by Alex. D. Anderson.

sums to prevent the pauperizing of millions of the inhabitants of the country; to prevent the scenes of suffering, woe, desolation, destruction, and death lately witnessed in the overflowed sections; to assist in the great work of development of that section and keeping it abreast with the progress of the other sections—in other words, to protect the alluvial valleys from periodical overflow.

Sir, I scout such an idea. It is the offspring of a halting, narrow-minded, and illiberal policy. It is antagonistic to the spirit of progress which is gradually pushing this Republic ahead of the most enlightened and powerful nations of the Eastern Hemisphere. It is not in accord with our vaunted civilization and the advanced views held by us on all the great questions affecting the human race, its advancement, development, welfare, prosperity, and happiness. It is inconsistent with the treatment accorded by the Government to other sections and other industrial interests of the country.

Here are great valleys subject to inundation, and actually threatened by that danger with relegation to the primeval condition of swamps and wildernesses. With proper protection and development these valleys are capable of becoming the granaries of the world, for they have scarcely an equal and no superior for the production of corn, rice, wheat, oats, cotton, and sugar. The interest affected is an agricultural one, and accordingly the relief asked, if granted, would be a protection to the agricultural interests of the country.

And yet, sir, there are gentlemen on this floor who are unwilling to extend this protection, others who are in doubt as to how they should vote on this question; but, sir, when it comes to extending protection to that other great interest of the country, to wit, the manufacturing interest, by a high tariff upon imports of manufactures from abroad, their duty lies clearly before them, and no harassing doubts arise to vex or disturb their minds. Let a proposition be submitted here for the repeal of the tariff laws, and the consequent striking down of the protection now and for years enjoyed by the manufacturing interests, and a hundred eloquent tongues would sound, and have during this session sounded, in trumpet tones, the key of alarm. The changes would be rung upon it, the refrain would be caught up by the protectionist press of the country, it would be re-echoed from ten thousand hill and mountain tops and go reverberating down the valleys and over the plains of the country.

How many millions of dollars have gone to swell the coffers and fill the vaults of the manufacturing interests of the country by this system, building them up and making them great and strong! Sir, if the amount were to be stated, so enormous would it be that to believe it would be honoring a large draft on one's credulity. It is true that this money has not gone directly out of the Government Treasury to the building up of the manufacturing interest, but it has been paid to that interest by the people of the country—who are the Government, at last, in the sense that in them is vested the sovereignty—in the shape of increased prices on the products of manufacture. The difference is but small. Indeed, it is a distinction almost without a difference to say that the Government did not pay it, but, forced by the protective-tariff laws, the people did.

Mr. Speaker, I voice the agricultural interest of the valleys of the great river and its tributaries when I implore this Congress to do equal and exact justice to all. That interest—the agricultural interest—pointing to what has been done by the Government for the manufacturing interest, may well ask what of a compensating or equivalent nature has been done for it. Where the benefit (speaking for the whole country) anything like equal, conferred upon it? Sirs, it does not exist.

Every country, Mr. Speaker, having any pretensions to agriculture at all can have no greater interest. It is a great civilizer. In proportion as agriculture has advanced and developed in the universe, in like ratio has mankind become progressive, civilized, enlightened. It seems to furnish that occupation producing the conditions best adapted for advancement in civilization.

Already has this Government delayed too long in furnishing a greater degree of fostering care to that industry. And now that it has the best of pretexts for so doing, if pretext were needed; now that the urgency upon it is so great; now that the full details of the late terrible scenes of suffering and destruction are fresh before it, let it not withhold its hand. Let it put it forth with sufficient might and power to result in the construction of such works of improvement and protection as will suffice to control the rising floods of angry waters, and thus, in humble and reverential imitation of the Divine Teacher of Galilee, say to them, "Peace, be still."

INVASION OF AN ENEMY.

An enemy invades us. Our people fly to arms. Points of defense are strengthened. The eye of strategy selects other points to be fortified and defended. Congress votes the money, and immediately long lines of breastworks guard our frontier where attack is apprehended.

But, sir, here is an enemy who comes in the form of raging waters, sweeping down in resistless might from the North upon the sunny valleys of the West and South, bringing devastation, destruction, death. He raids through the country, rioting in ruin, and millions, panic-stricken, flee at his approach, leaving their all to be swallowed up in the wild vortex of destruction. The wasting presence lasts but a couple of months, but in that time there has been a destruction of property, present and prospective, estimated by competent authority to equal in value fifty millions of dollars. In other words, the aggregate of our national wealth has suffered diminution to that extent by one overflow.

But that is not all. Worse than the destruction of property is the effect left upon the people of that unhappy section by the flood. They are rendered in a manner spiritless; have no heart to go back to their old homes and attempt the sad task of building them up again, of once more putting their houses in order, of making glad again the waste places. They know not how soon the destroying presence may be again upon them, how soon they may be again called upon to witness the sad spectacle of the destruction of their hopes, their firesides, their all, and placed in that condition of mind to exclaim, with the wise man of old, "All is vanity, vanity!" Dread, apprehension, anxiety, doubt distract them, blighting their energies, relaxing their nerves, disheartening them, staying their hands, retarding their enterprise, clogging their progress.

This, Mr. Speaker, is their condition, and must continue to be unless the voice of hope, of reassurance, of aid, issues forth from this Congress to them, infusing renewed life, vigor, buoyancy, spirit in them by sounding the end of their troubles in the decree that the National Government will undertake the great work of protecting their country from the invasion of waters, of rebuilding their levees, ay, more, of perfecting the levee system so as to restrain the floods within their natural channels.

This do, Mr. Speaker, and once more will that lovely country—but for the floods fit to have been selected as the original Garden of Eden—blossom again as the rose; again will its soil of wonderful fertility bring forth seeds sown in its bosom "an hundred-fold;" again will teeming, busy millions find secure and happy homes there; and again will thousands of sturdy immigrants, fleeing from the overcrowded provinces and marts of the Old World, seek settlements within its borders.

Let Congress say to these people that even as we would erect breastworks on our frontier to repel the threatened invasion of a warlike foe, so will we build levees along the great river to beat back its surging waters, threatening destruction well-nigh equal to what a human enemy could inflict.

But, it may be argued, the delegation of power to Congress to "repel invasions," "to protect the States against invasion," has reference to a human foe. I grant that that is the usual and ordinary meaning or significance given to the term, and it is likely that the framers of the Constitution had in contemplation a human foe when they inserted that clause. The connection, too, in which it is used gives additional weight to that argument. But still, the power conferred by the words "repel invasions," by the clause, "The United States" "shall protect each of them (the States) against invasion," is a general one, and might well and reasonably include defending the country against danger or harm of any kind.

Suppose, sir, some monster, like the fabled dragon of ancient times, were to rise up out of the deep and invade the land, spreading devastation, destruction, pestilence, and death around him. Does any one doubt the constitutional power and duty of Congress to "repel" his invasion, to bring the strong arm of the Government to bear against him, to make war upon, and kill and destroy him? I think not. And yet, sir, there are gentlemen on this floor who deny to Congress the power to "repel" the invasion of waters, to throttle this monster of inundation whose periodical visitation of the fairest portion of our country is but the recurring occasion for a perfect carnival of waste, ruin, rapine.

It is the duty of Congress to protect the States, or any one of them, against invasion. By "invasion" is meant against harm or danger to the government, the people, the country, threatened by an enemy. An enemy is only to be dreaded because of the suffering, destruction, death he may inflict. Judged by that standard, was not the recent great overflow in the alluvial basin of the Mississippi "an enemy?" None will deny its potency as an engine of suffering, destruction, and death. Why, then, cannot Congress under this clause of the Constitution protect the Valley States against a recurrence of this "invasion" of waters?

Again, it is made the constitutional duty of Congress to protect each of the States, under certain conditions, against "domestic violence." Why not against the violence of domestic waters? I say "domestic waters" for the reason that it is a fact that all the water which seeks an outlet to the sea through the Mississippi is the drainage of the territory of the United States, and in that sense is domestic, as pertaining to home; not foreign.

REGULATING THE PROPERTY OF THE UNITED STATES.

The Constitution (article 4, section 3) provides:

> That Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

In the Gratiot case (14 Peters, 537) the Supreme Court of the United States, construing the above clause, said:

> The term territory, as here used, is merely descriptive of one kind of property, and is equivalent to the word lands. And Congress has the same power over it as over any other property belonging to the United States; and this power is vested in Congress without limitation.

In the case of McCulloch *vs.* Maryland (4 Wheaton, 422) the Chief-Justice, as the organ of the court, speaking of this clause of the Constitution and the powers of Congress growing out of it, applies

it to Territorial governments, and says all admit their constitutionality. Story says, (volume 2, page 228:)

No one has ever doubted the authority of Congress to erect Territorial governments within the territory of the United States, under the general language of the clause, "to make all needful rules and regulations."

He continues:

The power is not confined to the territory of the United States, but extends to "other property belonging to the United States;" so that it may be applied to the due regulation of all other personal and real property rightfully belonging to the United States. And so it has been constantly understood and acted on.

Now, then, if the Mississippi is the property of the General Government, it is as much subject to "regulation" as the landed property or territory of the United States. And this power to regulate includes curbing, controlling, restraining the river within its own proper metes and bounds by means of levees, dikes, or other works, as Congress may, in its discretion, see proper to adopt; for, in the language of the Gratiot case, "this power is vested in Congress without limitation."

But it may be denied that the Mississippi River is the property of the United States in the sense that Congress may, under the power to regulate, direct the construction of works to restrain its waters within their proper channel. Mr. Speaker, the Mississippi River is a great

NATIONAL HIGHWAY.

It belongs as much to the United States as would a great trunk line of railroad that had been constructed, stocked, and was being operated by the Government. In the act of Congress enabling the people of Louisiana to form a constitution there is a provision that the State convention shall "pass an ordinance providing that the river Mississippi and the navigable rivers and waters leading into the same, or into the Gulf of Mexico shall be common highways, and forever free, as well to the inhabitants of the said State as to other citizens of the United States." And in the act for the admission of Louisiana, the above provision as to the navigation of the Mississippi is made one of the fundamental conditions of the admission. Similar conditions were likewise imposed upon the admission of the States of Mississippi, Missouri, and Arkansas.

In the case of The United States *vs.* The New Bedford Bridge (1 Woodbury & Minot's Reports, 421) Mr. Justice Woodbury used the following language:

For purposes of foreign commerce, and of that from State to State, the navigable rivers of the whole country seem to me to be within the jurisdiction of the General Government, with all the powers over them for such purposes (whenever they choose to exercise them) which existed previously in the States, or now exist with Parliament in England.

In the case of Corfield *vs.* Coryell (4 Washington Circuit Court Reports, 379) Mr. Justice Washington said:

The grant to Congress to regulate commerce on the navigable waters belonging to the several States renders those waters the public property of the United States for all purposes of navigation and commercial intercourse, subject only to Congressional regulation.

And in the case of Gilman *vs.* Philadelphia (3 Wallace, 724) it was said:

The power to regulate commerce comprehends the control for that purpose, and to the extent necessary, of all the navigable waters of the United States which are accessible from a State other than those in which they lie. For this purpose they are the public property of the nation, and subject to all the requisite legislation of Congress. This necessarily includes the power to keep them open and free from any obstruction to their navigation, interposed by the States or otherwise; to remove such obstructions when they exist, and to provide by such sanctions as they may deem proper against the recurrence of the evil, and for the punishment of offenders. For these purposes Congress possesses all the powers which existed in the States before the adoption of the national Constitution, and which have always existed in the Parliament in England. It is for Congress to determine when its full power shall be brought into activity, and as to the regulations and sanctions which shall be provided.

It cannot, therefore, be doubted that the river, for all practical purposes, is the property of the General Government, and subject to its "regulation," whether as respects prescribing rules for governing the commerce and traffic which make use of it as a highway or as respects controlling it in the sense of denying the dominion and jurisdiction of the States or other powers, or as respects preventing the river from rising up out of its customary channel and spreading over the country. It is true, the banks of the river and the soil under the river belong respectively to the owners of the soil adjacent to the river, but no one will deny to the General Government the right to make use of the banks and soil in the erection of the works requisite to the proper "regulation" of the river for all useful purposes. Should, however, this right be questioned, there can be no doubt of the power of the Government, in the exercise of the prerogative of eminent domain, to expropriate whatever may be needed for the proper "regulation" of the river. The law on this subject is universally recognized as laid down by Bynkershoek, that "this eminent domain may be lawfully exercised whenever public necessity or public utility requires it."

It may be objected by some, Mr. Speaker, that should the Federal Government provide the ways and means for the construction of a levee system for the protection of the alluvial valley of the river, and as an adjunct to the improvement of its navigation, inasmuch as these levees will have to be constructed on the banks over which the jurisdiction of the States respectively extend, contention may arise between the State government and the National Government on this point; that the State government might deny the right of the National Government to control the levees, to protect them after constructing them, and that the question thus raised may become a fruitful source of trouble between the sovereignty vested in the State and that reposing in the Federal Government.

I am not one of those who apprehend that any trouble on this score would ever arise, but as a precautionary measure Congress might, if it sees fit, after having determined upon a levee system, enact that there should be no expenditure of money for such purpose within the territorial limits of a State until the State shall have ceded to the National Government the right to control and protect the public works to be constructed.

The State, Mr. Speaker, which I have the honor to represent in part on the floor of this House, has already led off in that direction. In the constitutional convention of Louisiana which convened in 1879, and which framed the organic law under which that State is now governed, I, as a member of the convention and as chairman of its committee on federal relations, acting on the suggestion of my colleague from the sixth district of Louisiana, [Mr. ROBERTSON,] then chairman of the Committee on Levees and Improvements of the Mississippi of this House, reported to the convention the following ordinance, which was adopted and now stands as part of article 215 of the constitution of 1879 of Louisiana, to wit:

The Federal Government is authorized to make such geological, topographical, hydrographical, and hydrometrical surveys and investigations within the State as may be necessary to carry into effect the act of Congress to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes near its mouth to the headwaters, and to construct and protect such public works and improvements as may be ordered by Congress under the provisions of said act.

Under this article full authority is given the National Government to construct such public works along the Mississippi as Congress may see fit to order, and the control of same, after their construction, is ceded to the National Government.

Sir, the State of Louisiana, in incorporating this grant of authority in her organic law, recognized what is now generally conceded, namely, that there is no power competent to handle the questions presented by this great river except that of the Federal Government. No State can do it:

First. Because the work is too vast, too costly for any State through which the river runs to undertake it.

Second. Because any State attempting it would be circumscribed by its own territorial limits.

Third. Because the river, being the property of the United States, Congress alone has power under the grant to "make all needful rules and regulations respecting the territory or other property belonging to the United States," to say what works shall be done or plans adopted for its regularization.

Let us see as to this last proposition. Suppose the people living along the river, or the States, were to take in hand this matter of protecting the alluvial lands from overflow, and were to determine that the best mode of affording protection would be to create outlets. Could they construct these outlets in the sense of having the legal or constitutional right or power to do so? Might they not thereby effectually destroy the great stream for navigable purposes? The admission of the right to create one outlet carries with it the right to create a thousand, which might so dissipate and scatter the waters of the river as to leave no navigable channel at all.

Has any individual, or association of individuals, or State, or States, the right to destroy that river for navigable purposes? Or rather is it not the property of the nation to that extent that its navigation cannot be interfered with, much less destroyed? Could not and would not the General Government, therefore, stop such attempts, such works as might destroy, or at least endanger the navigation of the river? But could it, with any show of right or reason, do so without itself undertaking to protect the property and lives of the people from the dangers of overflow?

If you admit the right of the people, or States, to do acts looking to protecting the country from inundation, you must admit also their right to adjudge what is best to be done to so protect the country. And, as heretofore shown, the admission of this right might involve the destruction of the navigation of the great river. Now, if the people or States have not this right, or are restrained from exercising it, it would appear *ex necessitate rei* that not only is this right vested in the Government of the United States but that it is likewise its plain duty to exercise it.

It has often been held, and for years considered settled, that the power to regulate commerce includes the regulation of navigation. Now, the power to regulate navigation includes just as logically the power to prevent the destruction of navigation. Says Mr. Justice Curtis, in Cooley *vs.* Board of Wardens of Philadelphia (12 Howard, 319:)

Whatever subjects of this power are in their nature national, or admit only of one uniform system or plan of regulation, may justly be said to be of such a nature as to require exclusive legislation by Congress.

And in Gibbons *vs.* Ogden (9 Wheaton, 209) the court held that the power to regulate implies in its nature full power over the thing to be regulated, and excludes necessarily the action of all others that would perform the same operation on the same thing.

POST-OFFICES AND POST-ROADS.

Under the authority "to establish post-offices and post-roads" the Government of the United States has established thousands of the

former in the alluvial valleys of the Mississippi and its tributaries, and provided a perfect net-work of the latter. Daily over thousands of miles of roadway and railway and water-way in the great valley is the United States mail carried, supplying innumerable post-offices and affording facilities indispensable for the dissemination of intelligence, for the diffusion of the market reports, the weather reports, the crop and commercial reports, and the news generally, so absolutely needed for the welfare, the happiness, and the prosperity of the people, and the country.

Millions of money, besides great labor and much valuable time have been expended in building up and perfecting this system, which, in the normal state of the country, moves with the precision, ease, and regularity of well-ordered machinery. But periodically the great river swells up out of its banks and becomes a great inland sea, producing an abnormal condition of affairs, and disarranging, stopping, destroying for the time being the postal service, the transportation and delivery of the mails.

On our statute-books, as the enactments of Congress, stand stringent penal laws denouncing penalties against any and all who shall willfully impede, interfere with, or stop the mails; and the courts of the United States hold sittings all over the valley to enforce these laws. But here is a great convulsion of nature, as it were, that stops not one mail but a thousand; that breaks up not one post-office but hundreds; and against which the courts and the criminal laws for the protection and security of the mails avail nothing. But to prevent a recurrence of this is the strong arm of the Government powerless? No. Scientific, wise, experienced men, who have made a study of the river and its phenomena, of the laws of its currents, and of the conditions that affect it, say no! They have pointed out how these destructive floods can be avoided, and thus how the mails of the United States, their carriage and delivery, can be protected.

Now, then, does any one doubt that from the authority "to establish post-offices and post-roads" flows not only the power but the duty to protect them? No reasonable man can doubt it. No lawyer will hesitate for an instant to declare that the power to protect is incidental to the power to establish. The constitutionality of the laws denouncing penalties against the stoppage of or interference with the mails has never been doubted. Yet they were enacted for the protection of the mails, and depend for their validity upon the power to protect being incidental to the power to establish. Says the Supreme Court of the United States, in 4 Wheaton, 417:

To establish post-offices and post-roads:

This power is executed by the single act of making the establishment. But from this has been inferred the power and duty of carrying the mail along the post-road from one post-office to another. And from this implied power has again been inferred the right to punish those who steal letters from the post-office or rob the mail. It may be said with some plausibility that the right to carry the mail and to punish those who rob it is not indispensably necessary to the establishment of a post-office and post-road. This right is indeed essential to the beneficial exercise of the power, but not indispensably necessary to its existence.

Yet no one doubts or denies the right or power of the Government to punish the robber of the mails. Now, then, is it not just as legitimate, just as constitutional, to protect against the ravages of the waters as against the knavery of the robber?

TO REGULATE COMMERCE.

The power of Congress to regulate commerce includes the regulation of intercourse and navigation.—18 *Howard*, 421.

Says Story, (volume 2, page 4:)

Commerce undoubtedly is traffic; but it is something more. It is intercourse. It describes the commercial intercourse between nations and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse.

This power to regulate commerce is a very general one, and a wide latitude of construction has been given it. If a levee system tends in any appreciable degree to afford ease and safety to commerce, to intercourse which is essential to the carrying on of commerce, then an appropriation of money by Congress to construct such a system finds abundant justification in this grant of power.

The Mississippi River commission, in their report of February 17, 1880, say regarding levees:

There is no doubt that the levees exert a direct action in deepening the channel and enlarging the bed of the river during those periods of "rise" or "flood" when, by preventing the dispersion of the flood waters over the adjacent low lands, either over the river banks or through bayous and other openings, they actually cause the river to rise to a higher level within the river bed than it would attain if not thus restrained.

* * * * * * *

They give safety and ease to navigation and promote and facilitate commerce and trade by establishing banks or landing places above the reach of floods, upon which produce can be placed while awaiting shipment, and where steamboats and other craft can land in time of high water. * * * In a larger sense, as embracing not only beneficial effects upon the channel but a protection against destructive floods, a levee system is essential; and such a system also promotes and facilitates commerce, trade, and the postal service.

To the same effect are the subsequent reports of the commission and the statements of the individual members thereof before the committees of this House.

Prior to the act creating this commission a board of engineers was appointed on the improvement of the low-water navigation of the river below Cairo, Illinois. In their report to the Chief of Engineers, dated January 25, 1879, on the "effect of a permanent levee system on the Mississippi below the mouth of the Ohio River," they say:

To deal with the question whether there is any connection between levees and facilities for shipping, commerce, and navigation at high stages, we refer to the actual condition of things. We find that throughout all the extension of the Mississippi along which the levee system is practically efficient, and where the marginal lands are generally cleared and cultivated, the levees have been an important aid to commerce. * * * Below the mouth of the Arkansas, as far down as the forts below New Orleans, the levees have been long enough in existence to give evidence of their effect, direct and indirect. Immediately behind them are the cultivated lands—the plantations—whence come sugar, cotton, and other valuable staples. To each one of these plantations not only is the levee the protecting agent which renders their cultivation practicable but it is during floods the landing place of the steamboats, barges, or flat-boats which bring their supplies and carry their productions away. * * *

In the lower river, through the regions where the margins are under cultivation, the levees are generally laid close to these margins and afford, as has already been stated, useful facilities for commerce in making practicable the coming alongside of steamers and the receiving of the products of the plantations and discharging freights for the use of the same, or for the back country. In ordinary rises the natural banks are not overflowed, but when that happens in "flood" years, they (the levees) serve a purpose in still defining the channel.

From testimony like this, it cannot be doubted that levees aid not only in improving the navigation of the river but are themselves factors in the giving of ease and safety to commercial intercourse.

If the Federal Government can legitimately spend millions in affording facilities to commerce by improving the low-water navigation of rivers, by parity of reasoning it may just as legitimately spend millions in improving the high-water navigation of rivers like the Mississippi liable to overflow their banks. And the weight of evidence ten times over is that, for the Mississippi and its tributaries, a levee system is the most efficient method of improving their high-water navigation.

By the navigation of rivers is meant not alone the passage of steamers and other craft up and down but in a larger sense it includes likewise facilities for landing along the rivers, for the loading and unloading of cargoes, the taking on and putting off of passengers, &c. In other words, it embraces the affording of all needful facilities for intercourse, trade, traffic, and commerce, besides the width, depth, and extent of water requisite for the safe and easy passage of boats.

Again, navigation is only one of the elements of commerce. It is an element of commerce because it affords the means of transporting merchandise and the products of the country, the interchange of which is commerce itself. The river is but an instrument of commerce.

The power to regulate commerce is a power to regulate the instruments of commerce.—*Gray vs. Clinton Bridge*, 16 *Am. Law Register*, 152.

It extends to the persons who conduct it, as well as to the instruments used.—*Cooley vs. Board of Wardens*, 12 *Howard*, 316.

The commerce of the river and the commerce across the river, are both commerce among the States, and may be regulated by Congress, and should be regulated by that body when any regulation is necessary.—16 *Am. Law Register*, 154.

It is now conceded that Congress, under the commercial clause, may regulate railroads. May it not also regulate the Mississippi, a national highway and an instrument which commerce makes use of, so as to prevent it disturbing the commerce and intercourse going on by rail and by land in its valley?

The term "to regulate commerce" gives the power to restrain the destructive force of the thing used by commerce in its transactions. It is an incongruity to say that Congress, in the exercise of that power, may deepen or enlarge a river, but cannot curb its force or exercise restraint over it.

The power "to regulate commerce" necessarily includes protection to commerce. This idea has been acted on from the commencement of the Government. The construction and maintenance all along our coasts of light-houses, beacon-lights, fog-signals, sea-walls, and breakwaters attest this. All are for the protection and convenience of commerce.

The laws of the United States require steam-vessels to pay for the license or privilege to navigate; and the officers manning such vessels are required to pay for the license or privilege of pursuing their respective calling or vocation, such as master, pilot, mate, &c. These vessels engage in the coasting trade as well as in the carrying trade, and Congress is as much under obligations to afford the needful facilities for the transaction of this coasting trade as it is for the transportation of through freights. One of the facilities needed along the Mississippi for the coasting trade is convenient landing places at all times.

In seasons of flood, these landing places are supplied by the levees, and, in this sense, levees are but continuing piers or quays. A quay is defined to be a space of ground appropriated to the public use—such use as the convenience of commerce requires. Now, while the levees perform this service, while they furnish these needed conveniences to commerce, should it be objected that at the same time they protect the country behind them from overflow? Suppose they do protect private property while performing a public service, should they not be commended all the more for that? Should not that circumstance really be an additional inducement or argument for their construction? Should not broad and liberal statesmanship, in considering a question of this sort, rather approve of a system which, while subserving the public interests, at the same time affords needed protection to the life and property of the individual? "*Salus populi suprema lex.*" Sir, protection to private property, in some way, results from nearly every work of public import. If a street in a town or city be graded, paved, macadamized, the property belonging to individuals on that street experience an enhancement of value as the result of such improvement.

Every railroad constructed through a country increases the value

of the lands adjacent thereto. Every grand, imposing public building erected in this city, (Washington,) and every park laid out, beautified, adorned, adds something to the worth of neighboring private estates.

POLICE POWER OF THE GOVERNMENT.

This question of regulating the Mississippi certainly comes within the general police power of the Government, under which power "persons and property are subjected to all kinds of restraint and burdens in order to secure the general comfort, health, and prosperity of the State." (27 Vt., 149; quoted approvingly in 5 Otto, 471.) In the latter case the Supreme Court, speaking of the deposit in Congress of the power to regulate commerce, say:

What that power is, it is difficult to define with sharp precision. It is generally said to extend to making regulations promotive of domestic order, morals, health, and safety. As was said in Thorp *vs.* The Rutland and Burlington Railroad Company, (27 V. 149,) it extends to the protection of the lives, limbs, health, comfort, and quiet of all persons, and the protection of all property within the State. According to the maxim, *sic utere tuo ut alienum non lædas*, which, being of universal application, it must of course be within the range of legislative action to define the mode and manner in which every one may so use his own as not to injure others.

If the Government fails to exercise its police powers to control its property, and this property, like a great river, rises and inundates the country, and great damage to individuals results, the Government is or ought to be responsible.

Take the case of an Indian tribe placed by the Government upon a reservation and over which it exercises jurisdiction and surveillance. From some cause an outbreak occurs. The Indians throw off the restraint they are under, band themselves together, commence hostilities, and raid the surrounding country. For the damage and loss occasioned individuals by such an outbreak, the Government has repeatedly acknowledged its liability, and Congress has over and over again appropriated money to make good such losses.

Now, why should it not be equally responsible for losses occasioned by the Mississippi, when it in time of flood raids the adjacent country? The Government not only assumes paramount jurisdiction over the river but asserts a proprietary interest in and to it. Why, then, should it not be under obligations to restrain and control it, equal to the restraint and control it admits it should exercise over an Indian tribe placed by it upon a reservation?

If a railroad train kills the stock of a man, a suit lies to enforce payment of the value of the stock from the company. But the great Mississippi rises, and, by the neglect of the Government to protect its banks by dikes, overflows, causing the destruction of millions in value of property. No suit against the Government can be filed, for this great and free Republic does not permit what the veriest despotisms of foreign lands allow, namely, the general right to its citizens to sue the Government in any court of competent jurisdiction for injuries sustained by the act of commission or omission of the Government.

THE GENERAL WELFARE.

The first clause of section 8, article 1, of the Constitution prescribes that "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States."

I agree with the interpretation that the above clause was not intended to invest Congress with the independent and general power "to provide for the general welfare;" and that the latter part of the clause, to wit, "to pay the debts and provide for the common defense and general welfare," is but a modification or qualification of the preceding part, namely, "Congress shall have power to lay and collect taxes," &c.

Nothing more was granted by that part ("to pay the debts and provide for the common defense and general welfare") than a power to appropriate the public money raised under the other part, ("to lay taxes," &c.) Said Thomas Jefferson:

To lay taxes to provide for the general welfare of the United States is to lay taxes for the purpose of providing for the general welfare. For the laying of taxes is the power and the general welfare the purpose for which the power is to be exercised. Congress are not to lay taxes *ad libitum* for any purpose they please; but only to pay debts, or provide for the welfare of the Union.

Under this interpretation, while a general power to legislate for the "general welfare" is excluded, Congress is still authorized to provide money for the common defense and general welfare, and this is quite broad enough for the practical purpose we have in view. Indeed, the power to lay taxes is in express terms given to provide for the common defense and general welfare. And, as laid down by Story—

It is not pretended that when the tax is laid the specific objects for which it is laid are to be specified, or that it is to be solely applied to those objects.

It suffices that all taxes must generally be laid for one or all of three purposes, namely, to pay the debts, to provide for the common defense, or the general welfare. And when the money has accumulated in the Treasury, from taxes laid for any or all of these purposes, as said by President Monroe, in his message of May 4, 1822:

The power of appropriation of the moneys (by Congress) is coextensive; that is, it may be appropriated to any purpose of the common defense and general welfare.

In other words, if operating under the latter clause, the taxes laid must be applied to some particular measure conducive to the general welfare. Or, as laid down by Story (volume 2, page 162:)

The only limitations upon the power (to appropriate money in aid of internal improvements) are those prescribed by the terms of the Constitution, that the objects shall be for the common defense, or the general welfare of the Union. The true test—

He continues—

is whether the object be of a local character and local use, or whether it be of general benefit to the States. If it be purely local Congress cannot constitutionally appropriate money for the object. But if the benefit be general, it matters not whether in point of locality it be in one State or several, whether it be of large or of small extent; its nature and character determine the right, and Congress may appropriate money in aid of it, for it is then, in a just sense, for the general welfare.

It was not only the right but the bounden and solemn duty of Congress to advance the safety, happiness, and prosperity of the people and to provide for the general welfare by any and every act of legislation within constitutional limits, which it may deem to be conducive to those ends. No one, Mr. Speaker, will have the temerity to question the proposition, that the protection of the extensive alluvial valley of the Mississippi from destructive floods will be, in the national sense of that term, conducive to the general welfare. Not one State but a dozen; not a few thousand people but millions are directly interested and affected for weal or woe according as this protection is extended or withheld. One overflow, as hereinbefore stated, has caused the destruction of fifty million dollars' worth of property, without taking into consideration the human and animal suffering and death inflicted by it. Does any sane man doubt that providing against the recurrence of such a public calamity is promoting the general welfare?

But it is unnecessary, Mr. Speaker, to dwell upon this. The point is conceded. No man of reflection will gainsay that if it were to the general welfare that we should acquire this territory as we did from France, it is equally conducive to the general welfare to preserve it as a habitable, cultivatable country; to protect it against relegation to its primeval condition of jungles and swamps. The words of Chief-Justice Bigelow, of Massachusetts, in the case of Talbot *vs.* Hudson, (24 Law Reports, 228,) are here singularly appropriate:

In a broad and comprehensive view, * * * everything which tends to enlarge the resources, increase the industrial energies and promote the productive power of any considerable number of the inhabitants of a section of the State, (Union,) or which leads to the growth of towns and the creation of new sources for the employment of private capital and labor, indirectly contributes to the general welfare and to the prosperity of the whole community.

Congress has exercised, not without question, it is true, but long enough for acquiescence to take place, the power to lay taxes to protect and encourage domestic manufactures. This has been and is being done on the ground that it is conducive to the general welfare to protect and encourage domestic manufactures. But it is not one whit more conducive to the general welfare, if as much so, than protecting the finest portion of our country for cultivatable purposes is.

Indeed, sir, there are millions of our people who believe that it is not to the general welfare to continue longer the tariff laws for the protection of domestic manufactures. But there are few, if any, who do not admit that it is directly in the line of the public welfare to protect from inundation the magnificent sugar, cotton, corn, and wheat lands of the great Mississippi basin.

All must admit, Mr. Speaker, that the powers of the Government are limited and that its limits are not to be transcended. But, as was observed by the Supreme Court of the United States, in 4 Wheaton, 421, the sound construction of the Constitution must allow the national Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people.

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.—*Ib.*

In McCulloch *vs.* Maryland (4 Wheaton, 415) Chief-Justice Marshall aptly referred to the Constitution as "intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs." And in Hunter *vs.* Martin (1 Wheaton, 304) it was said:

The instrument [Constitution] was not intended to provide merely for the exigencies of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be indispensable to effectuate the general objects of the charter. * * * Hence its powers are expressed in general terms, leaving the Legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mold and model the exercise of its powers as its own wisdom and the public interests should require.

Mr. Speaker, when the great Father of Waters, unhindered by an adequate levee system, rises out of its banks and sweeps with resistless might over the valley, a more than crisis, a sad realization of the worst, is upon the people of that unhappy section; and this grievous affliction of one of the members of the body-politic, in more or less degree, disastrously affects the whole. Sir, against the recurrence of the like calamity, national in its effect, we ask the aid of the National Government. We ask it because we believe and hold that the powers delegated in general terms in the Constitution are broad and comprehensive enough to justify it; that the granting of national aid for such purpose is directly in the line of the effectuation of the legitimate objects of the charter.

"Constitutions of government," says Story, (volume 1, page 655,) "are not to be framed upon a calculation of existing exigencies, but upon a combination of these with the probable exigencies of ages, according to the natural and tried course of human affairs. There

ought to be a capacity to provide for future contingencies as they may happen." That this capacity exists in the Federal Constitution no one will deny. The trials it has undergone, the tests it has been put to and triumphantly emerged from, in the hundred years of its existence, abundantly attest it. Let this Congress, Mr. Speaker, give another evidence of this capacity by providing against the contingency of another great overflow; let this provision be ample and unrestricted; let it meet the case.

WHAT OTHER COUNTRIES HAVE DONE.

It wil be instructive, Mr. Speaker, to glance at what has been done by other countries in the way of undertaking and prosecuting great works of public improvement. From it we may derive encouragement to expend a small part, at least, of our surplus revenues in protecting the property and lives of our brothers dwelling in the valley of the great river from its periodical floods.

The greater part of the Netherlands has been formed of deposits of rivers in the same manner as the Egyptian delta is formed by the Nile, or the delta of the Mississippi by that great river. The principal rivers which have so formed it are the Rhine, including its different branches, the Meuse and its branches and confluents, and the Scheldt.

To establish a firm footing amid so many rivers the inhabitants have kept them as far as possible within prescribed channels by embankments and have formed innumerable canals to receive the surperflous waters and to serve as means of internal communication. "The system of drainage," says a writer in the Encyclopædia Britannica, "of what would otherwise have been an immense mud bank, well deserves to be ranked among the wonders of the world. The land thus rescued from the rivers is nowhere much elevated above the sea, and in many places is even below the sea-level, so as to require still more wonderful defenses against the ocean. These defenses are in part supplied by the operation of nature, casting up sand hills along great part of the coast; but where these have not been formed their place is supplied by dikes of vast extent, built in the course of ages, partly of huge blocks of granite brought from Norway and partly of bundles formed of young trees reared expressly for the purpose. These dikes stretch for hundreds of miles along the coast, and with those which line the rivers and canals, and with the requisite sluices, drawbridge, and hydraulic works of every kind are estimated to have cost not less than £300,000,000." (Equivalent to about $1,500,000,000.) "They form in so small a country a most astonishing monument of human industry. Yet they are not greater than the situation requires. They are barely sufficient to preserve the country from the dominion of the waters. The motto on the arms of one of the provinces, '*Luctor et Emergo*,' still describes the struggles of the invincible Hollanders requisite for maintaining the ground they stand upon." The highways or roads often run for miles in a straight line along the summits of these dikes, and are thus at once dry and elevated, commanding extensive views.

Not only have the Hollanders done this but they have also drained and reclaimed Lake Haarlem, containing 42,000 acres. As early as A. D. 1643, a proposition to endyke and drain the lake was made; and similar schemes, notably in 1742 and 1821, were brought forward from time to time. But it was not until 1836, when one furious hurricane, on the 9th of November, drove the waters as far as the gates of Amsterdam, and another on the 25th of December sent them in the opposite direction to submerge the streets of Leyden, that the mind of the nation was turned seriously to the matter. In August, 1837, the King appointed a royal commission of inquiry; the scheme proposed by the commission received the sanction of the second chamber in March 1839, and in the following May the necessary law was passed and the work commenced. The lake covered an area of about seventy square miles, and had an average depth of more than thirteen feet. As it had no natural outfall it was calculated that probably one thousand million tons of water would have to be raised by mechanical means.

Pumping commenced in 1848, and the lake was dry by the 1st of July, 1852. The cost of reclaiming this 42,000 acres was £1,080,000, or about $5,400,000. The government, however, sold lands to the amount of £780,000, so that the actual cost to the nation was only £300,000, or $1,500,000.*

But it will be observed the reclamation of this land was not the sole purpose of the work. Indeed, the main incentive was the protection of the adjacent country from occasional or periodical submergence by the lake. It was judged that the best way to do this was to drain the lake, and accordingly it was done. Thus two beneficial purposes were effected: the protection of the surrounding country and the opening up to cultivation 42,000 acres of land.

Sir, a greater argument presents itself why this Government should undertake the construction of an adequate levee system on the Mississippi, for the beneficial ends to be attained thereby are threefold, namely, the improvement of the navigation of the river; the protection of the cultivated lands in its valley and the lives and property of the dwellers therein from destructive floods; and the opening up to cultivation millions of acres of the finest lands in the world.

Now, sir, let us see what the condition of Holland was about the time of the completion of the aforesaid gigantic works of internal improvement. According to the census of that country of 1853, the eleven provinces constituting Holland contained a population of only 3,203,232; and according to the budget of receipts and expenditures of the national revenue for 1856, the total revenue from all sources of the government was £6,099,255, or about $30,500,000.

Mr. Speaker, when we consider the small number of inhabitants of that country, and the small revenue of the government at the time of the completion of these works, we do not wonder that what they have performed in the way of protection against the mad waters should excite the marvel and admiration of mankind. In the language of another:

> The inhabitants of this little storm-beaten republic, with matchless courage and constancy, have literally raised their country from the bed of the ocean, through centuries of toil, and advanced it to the foremost position in Europe in commerce, agriculture, manufactures, opulence, and arts. All this has been done amid the storms of a frozen ocean by a handful of people, through the instrumentality of their government.*

To this what says this great Republic with its 50,000,000 of people and its annual revenues of $400,000,000? Does it begrudge the five or six millions which the bill under consideration proposes for the Mississippi? I do not believe it. Mr. Speaker, the amount ought to be trebled, and a like amount annually appropriated until the great valley is secured beyond peradventure against the floods of which it is now the prey.

Besides the Rhine, the Meuse, and the Scheldt, the rivers Po and Vistula, in Europe, are also diked. The average height of the dikes on the latter river are twenty feet.

The Nile is also leveed, front and cross levees. The latter, from three to five feet high, cut the land into a succession of basins, which are flooded at will in seasons of high water by sluices opening from a system of main canals. (Warren's report in 1875.)

The British and Canadian Governments have about completed works which cost over $30,000,000, in addition to earlier improvements on which $24,000,000 were expended, making a total of over $54,000,000 spent in order to control as far as possible the carrying trade of our grain-raising States.†

Besides this, the English Government has greatly encouraged the cultivation of cotton all over its colonies, and in other countries has greatly stimulated interest in the matter. France, Greece, Turkey, Morocco, Egypt, Portugal, Japan, and even Russia have been appealed to, and all have aided by exemption from taxation, by land grants and bounties, the growth of cotton in their dominions.‡

Cotton production in India rose from 445,000 bales in 1860 to 1,500,000 bales in 1866.‡

In 1861, continues this report—

> Lord Dalhousie inaugurated the railway system for India, projecting 4,600 miles of railroad, to be constructed at the expense of $440,000,000. The government engaged to pay the interest on all sums invested in these India roads, in the belief that, with these works of internal improvement, all obstacles to a full supply of cheap cotton would be removed. It is not out of place to remark in this connection that if England can afford to take such risks to wrest from America its monopoly of the cotton-plant, surely our Government should make some expenditure to preserve it.*

In 1878, for one river alone—the Rhone—the French Government appropriated $15,000,000, to be expended in works of improvement between Lyons and the sea. The total length of the Rhone from where it enters France on the Swiss frontier is only three hundred and twenty-four miles, and yet this large expenditure was authorized; while we, for the thousands of miles of water-way presented by the Mississippi, hesitate at an expenditure of a few millions. Claudius, one of the Roman emperors, is said to have employed 30,000 men for twelve years upon a single canal. But this was before the Christian era, and our orthodox members might object to going back to pagan Rome for an example.

WHAT THE FEDERAL GOVERNMENT HAS DONE.

Now let us see what has been done in the past by our own Government in the way of appropriations and expenditures for the acquisition of territory and the development of the country. Let us look at this for the reason that if precedent were needed for the appropriation which the bill under consideration makes for the improvement of the Mississippi and the protection of its alluvial valley from destructive floods, it can be found in the array of figures which follow.

There is not one word in the Federal Constitution relating to the acquisition of territory nor directly authorizing the appropriation and expenditure of money therefor; yet who doubts the constitutionality of the proceedings by which the original area of the United States has been quadrupled? It was not necessary for the Constitution to directly authorize the acquisition of territory any more than it was for it to directly authorize the expenditure of public money to protect great sections of our common country from destructive floods. The authority for both exists just as effectually as incidents to one or more of the general powers granted. The acquisition of territory finds its justification in the war-making and treaty-making power which the Constitution vests in Congress. The authority to add to the public domain is incidental to the power to declare war and to enter into treaties.

This fully justifies the expenditure of $88,157,389.98 made by this

*Encyclopædia.

*Wm. M. Burrell, New Orleans.
†The Mississippi and its Tributaries, by A. D. Anderson.
‡A. D. Banks's report on statistics of cotton, &c., of the Mississippi basin.

Government up to this time in the acquisition of territory. These acquisitions are as follows:

The Louisiana purchase, 1803 (this includes the principal and interest and claims of citizens of the United States due from France paid by the United States as part of bargain)	$27,267,621 98
The Florida purchase of 1819	6,489,768 00
The Mexican acquisition, by treaty of Guadalupe Hidalgo, 1848	15,000,000 00
The purchase from the State of Texas, by acts of September 9, 1850, and February 28, 1855, (principal and interest)	16,000,000 00
The purchase from Mexico, (Gadsden,) 1853	10,000,000 00
The purchase from Russia, (Alaska,) 1867	7,200,000 00
The purchase from Georgia, her cession, 1802, and Yazoo scrip claims	6,200,000 00
Total	*88,157,389 98

Congress acted wisely and well in acquiring this immense territory. It, too, has been liberal—we will not say wise—in disposing of it, as will be seen from the following:

LAND GRANTS.

The estimated area of the grants of land made by Congress to States and Territories and to corporations, mainly railroad corporations, from the year 1850 to June 30, 1880, is as follows:

	Acres.		Acres.
In Illinois	2,595,053	In Nevada	4,000,000
In Mississippi	1,137,130	In California	16,387,000
In Alabama	2,807,648	In Oregon	5,800,000
In Florida	1,760,467	In Dakota	8,000,000
In Louisiana	1,256,430	In Wyoming	4,500,000
In Arkansas	2,613,631	In Montana	17,000,000
In Missouri	2,605,251	In Idaho	1,500,000
In Iowa	4,181,929	In Washington	11,700,000
In Michigan	3,355,943	In Utah	1,850,000
In Wisconsin	3,553,865	In New Mexico	11,500,000
In Minnesota	9,830,450	In Arizona	18,500,000
In Kansas	8,223,380		
In Nebraska	6,409,376	Total	†154,067,553
In Colorado	3,000,000		

This enormous quantity of land at the Government price of $1.25 per acre would yield the princely sum of $192,584,441. Besides these land grants, the United States Government has expended in money, on account of railroads, canals, and wagon-roads, from 1789 to 1873 (have not the figures since 1873) the following sums, namely: ‡

Maine	$137,008 92
New Hampshire	----------
Vermont	----------
Massachusetts	----------
Rhode Island	----------
Connecticut	----------
New York	3,500 00
New Jersey	----------
Pennsylvania	----------
Delaware	450,000 00
Maryland	1,051,990 00
District of Columbia	697,418 83
Virginia	57,538 27
West Virginia	----------
North Carolina	205,000 00
South Carolina	9,961 92
Georgia	----------
Florida	230,013 43
Alabama	873,872 88
Mississippi	994,936 14
Louisiana	296,968 04
Texas	----------
Arkansas	573,390 84
Missouri	1,049,800 38
Kentucky	1,183,511 00
Tennessee	5,000 00
Ohio	2,102,888 38
Indiana	1,751,271 52
Illinois	747,879 99
Michigan	1,330,024 26
Wisconsin	422,508 36
Iowa	84,226 66
Minnesota	562,775 51
Kansas	2,422,564 52
Nebraska	174,826 15
Nevada	3,399 87
California	2,506,533 96
Oregon	191,292 91
Arizona	246,415 20
Colorado	13,826 76
Idaho	36,500 00
Indian Territory	7,920 00
New Mexico	217,072 42
Montana	----------
Utah	7,943 70
Washington	148,989 68
Wyoming	40,000 00
Utah, Nevada, and California	34,267,704 49
Utah, Nebraska, and Wyoming	34,350,703 70
Kansas and Colorado	7,766,212 11
Iowa and Nebraska	2,182,703 38
Miscellaneous	5,299,069 25
Total	104,705,163 43

This enormous expenditure was made, presumably, mainly under the "commercial clause" of the Constitution, on the plea, doubtless, of affording greater facilities to commerce and intercourse; and also under the "general-welfare clause" as contributing to the common defense and general welfare. All I have to say is that it is a pretty big *incident* to those powers. An appropriation of a few millions to protect the alluvial basin of the Mississippi from inundation would not be as much a strain on the Constitution as were these appropriations. If the authority to make the same were legitimately derivable as incidental to the "commercial clause" and the "common-defense and general-welfare clause," surely an appropriation for the Mississippi, to build levees as well as deepen the channel, is likewise legitimately incidental to those powers.

Besides the aforesaid expenditures on account of railroads, canals, and wagon-roads, the Federal Government expended in public works in the respective States and Territories, from 1865 to 1873—a period of nine years—the following incredible amounts, namely:

Maine	$3,030,500 71
New Hampshire	1,285,212 34
Vermont	209,256 35
Massachusetts	6,071,197 65
Rhode Island	880,211 29
Connecticut	676,724 19
New York	15,688,222 32
New Jersey	374,595 82
Pennsylvania	3,574,564 23
Delaware	794,731 85
Maryland	757,204 02
District of Columbia	14,822,805 27
Virginia	1,898,039 23
West Virginia	5,094 25
North Carolina	693,413 52
South Carolina	782,054 06
Georgia	264,178 08
Florida	1,977,442 98
Alabama	$304,874 32
Mississippi	136,505 81
Louisiana	2,466,976 00
Texas	240,209 09
Arkansas	49,103 25
Missouri	495,370 73
Kentucky	24,417 90
Tennessee	446,826 29
Ohio	1,080,975 12
Indiana	647,354 98
Illinois	8,638,177 24
Michigan	3,681,997 60
Wisconsin	1,788,165 22
Iowa	2,544,566 53
Minnesota	810,481 49
Kansas	60,497 40
Nebraska	245,000 00
Nevada	419,281 36
California	5,873,461 38
Oregon	868,876 23
Colorado	39,400 09
Idaho	49,733 15
Montana	41,575 00
New Mexico	17,996 52
Washington	65,112 45
Wyoming	37,454 92
Maine and Massachusetts	10,000 00
Connecticut and New Jersey	23,499 79
Maryland and Virginia	180,645 18
Louisiana and Arkansas	95,000 00
Wisconsin and Michigan	50,000 00
Miscellaneous	18,082,524 14
Total	*103,294,501 34

If to this be added the sums spent on public works since 1873, the above total would be increased many more millions.

Mr. Speaker, comment on this array of figures is unnecessary. Additional precedents will hardly be asked even by the most exacting. The only authority in the Constitution to be found for the expenditure of the greater part of these vast sums is derivable by implication only from the general delegation of powers contained in that instrument. Yet that is sufficient; has been held so repeatedly by the Supreme Court of the United States; and has been acquiesced in by the American people. It is too late now to question its legitimacy or sufficiency.

Shall we suddenly call a halt in this policy, and that, too, on the great Mississippi, and on that section of our common country which has received by far the least of the benefits and munificence of the Government? God forbid! The President of the United States has lately called attention to the fact that a war tax of nearly $70,000,000, of very doubtful propriety, to say the least for it, was collected on cotton from 1863 to 1868—a measure which failed to receive the sanction of the Supreme Court of the United States when brought before that high tribunal.

The greater part, perhaps, of this tax was wrung from the people immediately contiguous to the Mississippi and its lower tributaries. As suggested by the President, it would be but a measure of common justice to return at least a portion of this tax in the way of appropriations to protect the people of that section from the periodical floods of the great river.

On the point of the general aquiescence of the country as to the power of Congress to make appropriations in aid of works of internal improvement, it would not be amiss to cite the words of President Jackson in one of his messages to Congress. Said he:

For, although it is the duty of all to look to that sacred instrument instead of the statute-book; to repudiate at all times encroachments upon its spirit, which

*Executive Document 47, part 4, page 18, House of Representatives, Forty-sixth Congress, third session.

†Executive Document 47, part 4, page 287, House of Representatives, Forty-Sixth Congress, third session.

‡Senate Executive Document No. 12, Forty-third Congress, first session.

*Senate Executive Document No. 12, Forty-third Congress, first session.

are too apt to be affected by the conjecture of peculiar and facilitating circumstances; it is not less true that the public good and the nature of our political institutions require that individual differences should yield to a well-settled acquiescence of the people and confederated authorities in particular constructions of the Constitution on doubtful points. Not to concede this much to the spirit of our institutions would impair their stability and defeat the objects of the Constitution itself.—*Elliott's Debates*, vol. 4, page 552.

WHAT PLAN SHOULD BE ADOPTED.

To protect the alluvial basin of the Mississippi from destructive floods, as well as contributing directly or indirectly to the improvement of the navigation of the river, a complete levee system is requisite. This is the judgment of the Mississippi River commission; it is the judgment of the great majority of the people living in the valley, and, therefore, directly interested; and it is the judgment of the Senators and Representatives in Congress from the section of country liable to these floods. Says the report of G. K. Warren, and others, in 1875:

The existing system of levees on the Mississippi was begun a century and a half ago near New Orleans, and has gradually extended upward. The crops of cotton, sugar, corn, and rice, heretofore gathered from the alluvial region, with all the existing wealth represented by lands under cultivation, cities, villages, plantations, and stock, are the direct fruits of this method of protecting the country against overflow.

The report continues:

It is claimed by some that the effect of embanking a river and thus confining its sedimentary matter to the channel is to cause the deposit formerly made on the banks to settle on the bottom, and thus ultimately raise the bed, and with it the high-water mark. This idea is usually defended by appealing to the example of the Po, which is asserted to have thus raised its bed several feet. This error regarding the Po was first promulgated by De Prony in the early part of this century. But the great Italian hydraulic engineer, Lombardini, has since refuted it in the most conclusive manner, by proving that there is no ground whatever to believe that levees have produced the slightest elevation of the bed of the Po. It is said that observations upon the Rhine, extending over a period of eighty years, demonstrate the same truth for that river.

These are the words of scientific men, eminent in their profession, uninterested, except as citizens of the Republic, in the development of the valley of the Mississippi, in the service of the Government, and made prior to the creation of the Mississippi River commission. The last-named body, composed of equally eminent, honorable, and scientific men, follow in the same line.

THE FLOOD OF 1882.

The great urgency for immediate action by Congress is taught by the lesson of the flood of the present year. Says an exchange:

It is only by consulting statistics that an idea can be had of the magnitude of the losses sustained by the destructive and prolonged flood in this part of the Mississippi Valley. The value of the products raised in the submerged country in 1881 were about $63,000,000—$33,000,000 worth of cotton, $22,000,000 of sugar, $5,000,000 of molasses, and about $3,000,000 worth of rice. More than one hundred thousand people have been rendered destitute. Houses and farms have been swept away; thousands of cattle have been drowned, and there have been hundreds of human victims to the angry waters. Were it not for the levees this wide-spread calamity would be repeated every year until the alluvial bottoms would be depopulated.

Says the New Orleans Times-Democrat:

One hundred thousand square miles of territory, comprising 64,000,000 acres of as fertile and productive farm land as can be found on the planet, is devastated and desolated by the surging waters of the Mississippi and its tributaries. Thousands of plantations, farms, and gardens have been entirely or partially destroyed, while innumerable horses, cattle, and other farm stock have been hurried to destruction by the raging flood.

And a correspondent of the latter paper, writing from Yazoo City, under date of March 25, 1882, draws the following sad picture of the overflow:

The outlook at this writing, as regards the high water, is indeed chilling and gloomy, although a decline of the flood seems to have commenced. But when one estimates, even crudely, the probable loss that this dire affliction will entail upon an already sorely aggrieved and heavily burdened people, it presents a picture which, correctly delineated, is sufficient to excite every sentiment of human sympathy and every emotion of genuine sorrow and commiseration. It is a picture where physical suffering goes hand-in-hand with death, where homes are broken up, lives lost, property wrecked, destroyed, and washed away, and over all and above all rises the grim figure of a present woe, a pinching poverty, a lamentable helplessness that forbode ill of all power for recuperation and rehabilitation when these wild wastes of water shall return to their proper metes and bounds. It is an epoch in a century, a memorable scene for a life-time, a grandly gloomy panorama of suffering, danger, deprivation, and agony, is this incursion of the waters upon the lands and houses and cities of ours and adjacent people.

Mr. Speaker, it is useless to dwell upon this. The details of the recent great calamity which visited that unhappy section of the country are too fresh in the minds of the country and of this House to need repetition here. And, sir, the flood of 1882 is but one of the many which have visited that country, as the appendix to this will show. Sir, invoking the judgment of the American people on this subject of protection to this magnificent portion of our country, through their Representatives on this floor, I thank the House for the courtesy it has extended me.

APPENDIX.

[From the New Orleans States.]

Former floods—Great crevasses of the past—What the Mississippi Valley has experienced within a hundred years.

From the report upon the physics and hydraulics of the Mississippi River prepared by Captain A. A. Humphreys and Lieutenant H. S. Abbot, Corps of Topographical Engineers, United States Army, some interesting statistics relating to the great floods since 1798 are gathered.

The report says: Great care has been taken to collect information from all reliable sources. For the more recent floods this has been comparatively easy, but for those of former times it has been found impossible to determine even the most essential particulars. The list of floods, however, is complete for the present century; for in 1798 a regular record was begun at Natchez by Governor Winthrop Sargent, and continued by him till 1819.

From that date until 1814 observations at the same place were made by Mr. Samuel Davis. They were continued by Professor Forshey until 1848, when he removed to Carrollton and began a new series there. The latter, together with the records kept at

THE MEMPHIS NAVY-YARD,

render the information complete up to the date of the commencement of the present survey in 1851.

Prior to 1798 we have only occasional notes preserved among the papers of the colonies. Governor Sargent, however, states that according to tradition there was no very high water between 1750 and 1770, and that from 1770 to 1798 there was no general overflow. The latter statement is contradicted by the records respecting the flood of 1782.

FLOOD OF 1718.

An extraordinary rise of the Mississippi this year. Bienville had selected a site for a city, but the colony not having means to build dikes or levees the idea was for the present abandoned.

FLOOD OF 1735.

Gayarre states that in this year the waters were so high that many levees were broken, and much damage was done. New Orleans itself was inundated. The flood continued from the latter part of December to the latter part of June. When the river fell it reached a lower point than ever before noted, the range at New Orleans being fifteen feet.

FLOOD OF 1770.

A great flood, according to the tradition recorded by Governor Sargent. It is uncertain whether this flood was equal to that of 1811.

FLOOD OF 1782.

This year the Mississippi rose to a greater height than was remembered by the oldest inhabitant. In the Attakapas and Opelousas the inundation was extreme. The few spots which the water did not reach were covered with deer.

FLOOD OF 1785.

A great flood at Saint Louis in April, said to have been equal to that of 1844. Professor J. L. Riddle, of New Orleans, states on the authority of the l'Amides Lois and Evening Journal, May 25, 1816, that New Orleans was flooded by crevasses.

FLOOD OF 1791.

Same remarks at New Orleans as for flood of 1785.

FLOOD OF 1796.

The Teche overflowed its banks for some sixty miles above New Iberia and poured into Grand Lake in a smooth sheet of water. The lake at this date attained the highest level record, being 2.5 feet higher than in 1828, 6.8 feet higher than 1850, and 1.4 feet higher than the ordinary Gulf level.

FLOOD OF 1799.

Same remarks at New Orleans as for the flood of 1785.

FLOOD OF 1809.

A disastrous flood which, according to Governor Sargent's notes, inundated all the plantations near Natchez and destroyed the crops. It was imagined by the sufferers that the Northern lakes had found a channel to the river.

FLOOD OF 1811.

There was a great flood this year. Much damage was done.

FLOOD OF 1813

was 6 to 8 inches higher than 1811. In 1813 when the Pointe Coupée levee was broken the water (in the lower part of Atchafalaya basin—Grand Lake) rose 4 to 5 feet above any elevation it had attained since 1780.

FLOOD IN 1815.

A very great flood. At the mouth of the Ohio it attained the highest point ever recorded, *i. e.*, 2 feet above the high water of 1858.

It was due to the general coincidence of freshet in the Ohio, the Upper Mississippi, the Missouri, the Cumberland, and the Tennessee. Red River must have been low enough to allow Bayou Atchafalaya to do good service as an outlet, for at Morganza the flood was 0.6 of a foot lower than that of 1828, and no damage below Red River Landing is recorded.

FLOOD OF 1816.

Same remarks at New Orleans as for flood of 1785.

FLOOD OF 1823.

This was a great flood, which was highest at Napoleon on June 1, and at Natchez on May 23. It was caused by a flood within Arkansas, which occurred when the Mississippi was high. A great number of crevasses occurred below Red River on both banks of the river.

FLOOD OF 1824.

This flood was 0.7 of a foot below the high water of 1815, or 1.2 feet below that of 1859 at Natchez.

Between 1824 and 1860 the only great flood years were 1828, 1844, 1849, 1850, 1851, 1858, 1859. It is true that the river was quite high at certain localities in some of the intermediate years, as in 1832, 1836, and 1847, but the floods were of so secondary a character, in general point of view, that they do not require discussion.

FLOOD OF 1828.

This flood occurred before the country above Red River Landing was much settled, and it is probable that its marks have been confounded with those of 1815 in many localities. The Saint Francis and Yazoo bottoms were deeply inundated, being entirely unprotected by levees.

Relative to this flood in the Tensas bottom, it was the highest of which we have even traditions. The whole region was under water. In the western part of the Atchafalaya basin the flood was the greatest of which we have record, there being no levees for several miles below the mouth of Red River. The overflow extended to the extreme western limit of the alluvial formation, instead of only six to eight miles from Bayou Atchafalaya, as in ordinary floods. The plantations along the upper part of the Teche were not flooded, but the crops were lost on those within the influence of the backwater from the Atchafalaya overflow.

The eastern part of the Atchafalaya basin, indeed the whole region bordering upon the Mississippi below the head of this basin, seems to have nearly escaped damage, the only exception being the Grossetete region, which was deeply flooded by backwater from the Atchafalaya overflow, and by a break in the Grand levee of the parish of Pointe Coupée, near Morganza.

FLOOD OF 1844.

A considerable rise occurred in April from a freshet in Arkansas River. In May, however, before the lower river had subsided, another and much greater flood in the Arkansas occurred. Above the mouth of the Red River the country was more or less flooded, but, Red River being fortunately low, the Atchafalaya carried off enough water to protect the plantations below the mouth of that stream

from serious damage. This was the condition of the river in June when the great combined flood of the Upper Mississippi and the Missouri, which has rendered this year memorable in river annals, occurred.

The country above the mouth of the Red River was generally flooded. The Saint Francis and Yazoo bottoms were nearly unprotected by levees, and the water had free entrance. The Tensas bottom was badly inundated through breaks in the levees. Below the Red River Landing the country escaped with but little injury, owing to the very low stage of the Red River, which allowed the Atchafalaya to carry off the greater part of the surplus discharge of the Mississippi.

FLOOD OF 1849.

The gauge at Carrollton indicates that the river rose nearly to high-water mark in the latter part of January, and remained there with occasional oscillations until the middle of May.

Above Red River Landing the ravages occasioned by this flood were comparatively slight.

The Saint Francis and Yazoo bottoms were inundated, but to an extent not unusual for great flood years. Below Red River Landing the injury done was so immense that the flood is justly classed among the most destructive ever known. On April 7 a crevasse broke on the west bank, about fifteen miles above New Orleans, at Fortier's plantation.

This flooded the country between the Mississippi and Bayou La Fourche to a depth of about four feet, and this submerged the rear of many rich sugar plantations. The effect of this crevasse upon the bed of the river has been much discussed. On the left bank a crevasse occurred on May 3, at Sauve's plantation, seventeen miles above New Orleans, by which the city was inundated. The break remained open forty-eight days and did an immense amount of damage.

FLOOD OF 1850.

It appears that there were four principal rises, of which the first and second produced very little, if any, damage. The third was the highest in the latter part of March, and the fourth in the middle of May. The damage occasioned by this flood was immense. The Saint Francis and Yazoo bottoms were not protected by levees, and both were deeply flooded. The Tensas bottom was submerged more effectually than in any year subsequent to 1828. The principal breaks were above the Louisiana line, which flooded Bayou Macon.

The water rose steadily until March 15, then declined slowly until early in April, then rose again until the middle of May, when it attained its highest point, and then rapidly subsided. At the mouth of Black River the flood was three feet above that of 1814 and five feet below that of 1828. It is needless to add that nearly the whole region was submerged and the crops destroyed. Below Red River Landing the country fared but little better.

The water pouring from Red River exceeded the discharging capacity of Bayou Atchafalaya, and the surplus forced its way into the Mississippi by both of the mouths of Old River. The flood from above, augmented by this new supply, maintained an elevation sufficient to keep the numerous crevasses below Red River Landing actively discharging for more than four months. The basin between La Fourche and the Mississippi escaped nearly uninjured.

The crops upon the left bank above New Orleans were much injured by the celebrated Bonnet Carré crevasse, which attained a width of nearly seven thousand feet, and continued flowing for more than six months.

FLOOD OF 1851.

There were three principal rises at the head of the alluvial region. The first occurred in December, 1850, but exercised very little, if any, influence upon the succeeding overflow. The second rise, so far as can be ascertained, was caused mainly by the Ohio. At Memphis it was highest on March 11. From February 10 to February 21, inclusive, there was a total rise of twenty-eight feet.

The third rise of 1851 was caused by a combination of great floods on the Upper Mississippi and Missouri. The rise began in the latter part of May and continued till June 20. The Yazoo bottom was partially flooded by the second rise, and the Saint Francis by both the second and third rises of this flood. The Tensas bottom escaped with little injury, the natural drains being sufficient to carry off the crevasse water.

Below Red River Landing there were several crevasses. The damage occasioned by them was local. The Atchafalaya basin escaped unharmed. It may be said that this was a very unusual flood in the Mississippi, above the mouth of the Ohio and below the mouth of Red River, but that between those points it cannot be so classed.

FLOOD OF 1858.

In the flood of 1858 there were four great rises. The first, caused mainly by a flood in the Ohio, occurred in December, 1857. The second rise occurred in the latter part of March and the first part of April, 1858, and was caused by a general swelling of the lower tributaries of the Missouri, Upper Mississippi, and Ohio. The third great rise occurred in the latter part of April. The Tennessee was unusually high.

The last and greatest rise in the flood of 1858 occurred at the head of the alluvial regions in June. It inundated the city of Cairo. It washed away miles of levees along the Saint Francis front, and poured rapidly into the bottom lands of that river. In the White River swamps the same condition existed. The Yazoo and Tensas bottoms, on the contrary, were comparatively empty. The June rise terminated the flood.

FLOOD OF 1859.

This flood was characterized by two principal rises at the head of the alluvial region. The first occurred in December, 1858, and was due entirely to a general swelling of the Ohio tributaries. The second rise occurred earlier and remained longer than usual. The rise at Louisville began on February 15, and continued to oscillate till the latter part of June and the first part of July. Only a small quantity of water escaped from the river into the Saint Francis bottom above Columbus.

Between Helena and Napoleon the crevasses were less dangerous than in 1858. Between Napoleon and Lake Providence and Vicksburgh the crevasses were about the same as in 1858. Red River was low; during this entire flood it is probable that Bayou Atchafalaya, besides conveying off the river and crevasse drainage from the Tensas bottom lands, relieved the Mississippi by the channel of Old River of some part of its surplus discharge.

The Saint Francis bottoms were overflowed, but to a much less extent than in 1858. Above the mouth of the White the Yazoo Bottoms escaped with comparatively trifling damage, but below that point it was deeply flooded. The White River bottom lands were submerged. The Tensas bottom lands above Columbia escaped uninjured, but below that town they were badly overflowed.

Below Red River Landing no serious damage was done except on the left bank, in the vicinity of Bonnet Carré, where the country was flooded by a crevasse which occurred at the lower end of the site of the celebrated break in 1850.

From the report of the board of commissioners, appointed under act of Congress, June 22, 1874, made in 1875, upon the reclamation of the alluvial basin of the Mississippi River subject to inundation, the following extracts are made:

FLOOD OF 1862.

Beyond doubt this was one of the greatest floods which ever occurred upon the Mississippi, but the war raging at the time has so obliterated all records that it must always remain classed with the traditional overflows of 1815 and 1825.

We know that there was a great flood in the Ohio River at Cincinnati, and also in the Cumberland, some time in the spring of 1862, and a destructive overflow in the Wabash in February.

At Cairo the highest water occurred May 2, and was 1.2 feet above the high water of 1858. It is believed that there was no flood in the Yazoo or Red Rivers at date of high water in 1862, (except water returning from the swamps,) but the records are too defective to render this certain.

FLOOD OF 1865.

Occurring just at the close of the war, no facts have been preserved upon which to base a close analysis of this flood. Rising to a less level than that of 1858 at Cairo by sixteen feet, there is no probability that the flood of 1865 equaled that, or even the flood of 1867 in maximum discharge into the alluvial regions. The daily oscillations at Cairo and New Orleans give a good general idea of the flood, which seems to be remarkable for duration rather than for extreme volume of maximum discharge.

It probably received relatively small contributions from the Wabash, the Cumberland, and Tennessee. It is uncertain that no flood occurred in the Arkansas or White Rivers. The fact is recorded that at the mouth of Bayou Tensas the flood rose 1.8 feet above all previous marks, a circumstance no doubt explained by the immense crevasses in Carroll and Madison Parishes. It is also a matter of record that the Bayou Teche overflowed its banks in low places as far up as Franklin. In fine, then, we may confidently place the overflow of 1865 in maximum discharge far short of the quantity in 1858 or even in 1867.

FLOOD OF 1867.

In some respects its origin was peculiar. The heavy downfall of snow and rain in the Ohio Valley, a sudden thaw caused moderate floods in the Alleghany and Monongahela Rivers and a great flood in the Wabash, the combined effects of which caused a sand rise in the Ohio.

At Helena the first rise culminated March 14, standing one foot above high water of 1858 and 0.8 of a foot below that of 1862.

The river then subsided about 0.3 of a foot, but again swelled to the highest point on April 1, being 0.2 of a foot above first rise. There was a moderate freshet in both the Arkansas and White Rivers; the Yazoo discharged a considerable volume; in the Red River there was a considerable flood in June, due chiefly from the Ouachita.

The Atchafalaya basin was deeply flooded through a break in the Grand levee near Morganza. The Teche country was under water. The actual water-mark of 1867 was, in general, a little higher than that of 1858.

FLOOD OF 1874.

In February the rain-fall throughout the alluvial regions was not unusual, and the river was generally about at mid-stage.

In March heavy rains prevailed throughout the lowland below Cairo, thus filling the swamps and swamp rivers, and rapidly raising the Mississippi. In April these rains became excessive and extended eastward over the valley of the Tennessee and Cumberland Rivers. In Missouri the breaks were very numerous. Between Commerce, Missouri, and the Louisiana line there were 136.5 miles of crevasses and breaks.

The flood of 1874 rose 1.2 feet higher at Helena than in 1858. There was no great flood, properly speaking, in the Arkansas River in 1874. In the White River there was a destructive overflow. In the Yazoo there was the largest freshet on record, due to rain-water alone. The combined rain and crevasse water in the Yazoo raised the Mississippi at Vicksburgh 3 feet during the last three weeks of April. At Alexandria the Red River rose 23 feet between February 1 and April 4.

In the Wachita the greatest flood on record occurred. Bolivar County, Mississippi, suffered severely from a rise in the Arkansas and White Rivers in March. The bottom lands of the Tensas were flooded through the crevasses in Carroll Parish. The overflow of the Atchafalaya basin was extreme in this flood. Bayou Teche was deeply inundated from Saint Martinsville down. The Bonnet Carré crevasse raised Lake Pontchartrain suddenly about two feet.

Rivers and Harbors.

SPEECH

OF

HON. MARTIN L. CLARDY,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 7, 1882.

On the bill (H. R. No. 6184) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. CLARDY said:

Mr. SPEAKER: I regret that the House has not been allowed to consider the bill reported by the Committee on Levees and Improvement of the Mississippi River providing for a separate appropriation for the improvement of that river. That bill, under the rules of the House, was referred to the Committee on Commerce, and this committee has not seen proper to report it, but has embodied in the general river and harbor bill certain appropriations for the improvement of the Mississippi.

The committee seems not to have understood the necessity or propriety of segregating the Mississippi River from the other rivers of the country in making provision for its improvement. I beg leave to remind the members of the Committee on Commerce and the House that there is no other river in this country or in the world to which so many millions of producers and shippers and consumers look as a vehicle of cheap and stable transportation. When improved in accordance with the plans of the Mississippi River commission, that royal river will be the great regulator of interstate commerce, and will exert an appreciable influence on rates of freight from our own ports to those of foreign countries.

Congress has already recognized its claim to separate consideration in the creation of a commission especially charged with the making of plans for its permanent improvement. No such action has been taken in respect to any other of our rivers; no such action has been sought in behalf of any other. The Mississippi is without a rival among the rivers. Candidates for the Presidency in their letters accepting the nominations tendered to them by their parties, Presidents of the United States in their messages to Congress, have expressed and emphasized their devotion to the Mississippi. In fact its right to distinctive recognition has never been challenged save by the Committee on Commerce of this House.

The Senate at the present session has given expression to a sentiment that has been thoroughly crystallized in the minds of the people of the Mississippi Valley, by passing a separate bill appropriating $5,000,000 for the improvement of the Mississippi River, and $1,000,000 for the Missouri, one of its principal tributaries. I admit that its provisions are amenable to some objections, but its underlying principle, to wit, that separate appropriations should be made for the Mississippi system of rivers, I regard as a correct one, and I am glad that the other House of Congress at least has shown its loyalty to the people by undertaking to carry out their wishes as voiced by all the chambers of commerce in the Mississippi Valley and by the several conventions held in the interest of this great improvement. It has remained for this House, whose members are the immediate representatives of the people, to ignore their wishes and to frustrate the effort of the Senate to divorce the appropriation for the Mississippi from the river and harbor bill. Whatever appropriation, therefore, is obtained must be through the bill pending before us. I am glad the Committee on Commerce has abandoned the design of pressing the passage of the bill under a suspension of the rules, for while I should have voted for it, my judgment is that it should be considered in Committee of the Whole and amended in the particulars which I shall hereafter indicate.

In view of the fact that whatever appropriation is made for the Mississippi must be in conjunction with the other rivers, great and small, of the country, I insist that the amount appropriated for its improvement should not be graduated by the amounts allotted to smaller and less important rivers, or that it should be affected by the fact that a maximum sum has been arbitrarily fixed by a committee as the sum which should be expended on our rivers and harbors, but that an appropriation adequate to the execution of the plans formulated for the improvement and in some measure commensurate with the commercial importance of that great river should be made.

I shall not consume the time of the House in complaining that the Committee on Commerce has exercised an unwarranted spirit of liberality in regard to the improvement of rivers of minor importance. I simply call attention to the fact that the amount appropriated by the river and harbor bill for the fiscal year ending June 30, 1881, was $8,976,500, and that the aggregate of the last river and harbor bill was $11,451,308 as against $12,419,875, which it is proposed to appropriate by the present bill independent of the appropriation for the Mississippi River. In 1880-'81 the total appropriations for the Mississippi River were $733,000, and in 1881-'82, $1,921,000 inclusive of $1,000,000 solely appropriated for the prosecution of the work of the Mississippi River commission. While this latter appropriation was the largest which the Mississippi has ever received, it was by no means adequate to its requirements or its commercial importance, nor did it represent a proper proportion of the entire river and harbor appropriations for that year.

The pending bill proposes to appropriate the sum of $4,123,000 for the improvement of the river from the head of the passes to Cairo. This item is a just and proper one, but the amounts which the bill proposes for the river north of Cairo are too small, and in comparison with the millions drowned in rivers, rivulets, and creeks, of the existence of which the world at large will ever remain ignorant, they appear insignificant. I repeat, I do not wish to be understood as complaining of the rather profuse liberality of the committee in its treatment of other improvements, for I favor substantial appropriations in the interest of good navigation and in the promotion of commerce for all the rivers and harbors in whatsoever part of the country they may be. I am certain the committee intended to frame a bill which would be just in its provisions to all parts of the country. I appreciate the difficulties and embarrassments which attend the preparation of a river and harbor bill, and how utterly impossible it is to satisfy all sections of the country. But, Mr. Speaker, I am fully impressed with the belief that an effort to conciliate a multitude of supposed divergent and antagonistic interests, or a disposition to solve the doubt in favor of the merit of the claim presented by every river and harbor in the land where such doubt existed, has resulted in a denial of complete justice to the Mississippi.

Up to the year 1875 the whole amount appropriated for the Mississippi River was insignificant. Determined and well-concerted efforts in its behalf have only been put forth by the people of the Mississippi Valley States within the last seven years; but now the people of these States, who constitute more than one-half of the entire population of the United States, demand that the Government render their great inland sea subservient to the requirements of their great and rapidly growing commerce. And the voice of twenty-eight million people, speaking in behalf of themselves and of breadless multitudes in foreign lands, should certainly be potential.

Some gentlemen seem to regard the demands of the valley States as extravagant, but, Mr. Speaker, they appear modest indeed in view of their material and political power. Endowed with inexhaustible riches of soil and favored by nature in every conceivable manner and settled by a thrifty population, these States have now a representation of one hundred and thirty-seven of the two hundred and ninety-two members of this House, and in the next Congress they will have one hundred and fifty-seven out of a total membership of three hundred and twenty-five. And in this calculation I omit Texas, which will have a representation of eleven members in the next House and which is essentially a Mississippi Valley State.

Nearly all the cotton and sugar and tobacco produced in the United States are grown in the Mississippi Valley. I have been furnished by the Agricultural Department with a comparative statement of the production of corn, wheat, and oats, constituting about 99 per cent of the cereals of this region, for the years 1869, 1879, 1880, and 1881. I call attention first to the production of 1869. The total amount of corn grown in the United States in that year was 760,944,549 bushels, and of this amount the Mississippi Valley States produced 575,360,379 bushels. The production of wheat for the same year was 287,745,626 bushels, of which these same States produced 210,191,162 bushels, or 73 per cent. of the entire crop. The yield of oats, furthermore, was 282,107,157 bushels, of which 174,198,806 bushels were the product of the Mississippi Valley.

Without giving the details of the production of corn, wheat, and oats for the years 1880 and 1881, as furnished by the Department of Agriculture, I mention merely the total production of these cereals in the United States and the Mississippi Valley States. For the year 1880 it was 1,717,434,543 bushels of corn for the United States and 1,366,363,949 bushels for the Mississippi Valley States; 498,549,863 bushels of wheat for the United States and 371,593,859 bushels for the Mississippi Valley States; and 417,885,380 bushels of oats for the United States against 282,121,789 bushels for the Mississippi Valley States. In 1881 the production of corn was again for the United States 1,194,916,000 bushels and for the Mississippi Valley States 954,322,000 bushels; of wheat it was for the United States 380,280,090 bushels and for the Mississippi Valley States 264,915,350 bushels; and of oats it reached for the United States 416,481,000 bushels as against 281,026,000 bushels produced in the Mississippi Valley. Another factor of importance in the commerce of the country is the production and shipping of hogs, and the extent of this industry is best exhibited by a few figures taken from Mr. Spofford's almanac for the last four years. The total production of hogs in the United States during this period was, for 1876-'77, 10,265,413, of which 7,409,174 were produced in the Mississippi Valley States, 2,551,239 in the Eastern States, and 305,000 in the Pacific States; for 1877-'78, 12,620,236, of which the West produced 9,048,566, the East 2,703,670, and the Pacific slope 310,000; for 1878-'79, 14,480,703, of which the Western States produced 10,858,692, and the Eastern States 3,222,011; for 1879-'80, 14,896,245, of which the West produced 11,001,699, the East 3,524,546, and the Pacific States 370,000.

With regard to the agricultural production of the United States, and especially of that of the Mississippi Valley States for the year 1879—a decade later—I append here the following statement of the statistician of the Agricultural Department:

TABLE A.—*Crops of* 1881.

States.	Corn.	Wheat.	Oats.
	Bushels.	*Bushels.*	*Bushels.*
West Virginia	12, 980, 000	4, 413, 000	2, 098, 000
Kentucky	51, 624, 000	8, 625, 000	6, 534, 000
Ohio	79, 760, 000	38, 520, 000	25, 009, 000
Michigan	25, 068, 000	21, 220, 000	18, 057, 000
Indiana	76, 618, 000	31, 353, 000	15, 711, 000
Illinois	176, 733, 000	26, 822, 000	66, 094, 000
Wisconsin	29, 040, 000	17, 987, 000	31, 204, 000
Minnesota	16, 252, 000	35, 952, 000	23, 760, 000
Iowa	173, 289, 000	18, 248, 000	42, 434, 000
Nebraska	58, 913, 000	13, 840, 000	6, 976, 000
Kansas	76, 377, 000	19, 909, 000	8, 754, 000
Missouri	93, 069, 000	20, 399, 000	22, 783, 000
Arkansas	21, 028, 000	1, 017, 000	2, 337, 000
Tennessee	36, 232, 000	6, 408, 000	6, 726, 000
Mississippi	17, 646, 000	197, 000	2, 185, 000
Louisiana	9, 693, 000	5, 350	364, 000
Total	954, 322, 000	264, 915, 350	231, 026, 000
Aggregate for the United States	1, 194, 916, 000	380, 280, 090	416, 481, 000
Per cent., Mississippi Valley States	79. 9	69. 6	67. 5

This, however, is but an incomplete statement of the enormous production of the farms of the Mississippi Valley. Its mines of iron, lead, nickel, and copper make, besides, annually their contribution of millions of dollars to the wealth of the country.

The iron mines of Iron Mountain, Pilot Knob, and the lead mines of Mine La Motte, Saint Joe, Desloge, Old Mines, and Joplin, in Missouri, and the iron and lead mines in Michigan, Illinois, Kentucky, Tennessee, and West Virginia are known throughout the world. Its manufactures, too, although they are as yet in their infancy, begin to obtain an unexpected prominence, and they already swell largely the volume of its commerce. A few years ago the East

had almost a monopoly of the manufactures of the country. But now it has a formidable rival in the rapidly-increasing net of factories in the West in the manufacture of cotton fabrics, and in that of steel, iron, and other metals, and even in that of plate-glass. The plate-glass works at Crystal City, thirty miles below Saint Louis, at the confluence of Platin Creek with the Mississippi River, surpass in extent and the capital invested in them any similar establishment in the United States. Their yearly production reaches several millions of dollars, and to more than a thousand workmen they give constant and remunerative employment. The iron works of Carondelet and numerous other manufacturing establishments are well known throughout the country. The industries of the cities of Saint Louis, Chicago, Cincinnati, Louisville, Milwaukee, and New Orleans furnish to-day employment for 231,706 laborers.

In the absence of unfriendly legislation there can be no reasonable doubt that within a few years manufactories of the west will rival any similar establishments in the world in the quantity and number of products.

I do not wish to unnecessarily detain the House, but I wish to mention another reason why the demands of the Mississippi Valley States should be acceded to. And this reason relates exclusively to their character as tax-payers. The whole amount of internal revenue collected of the people of the United States for the years 1879, 1880, and 1881 reaches the grand sum of $341,233,222, of which $106,933,367 were collected in 1879, $116,848,220 in 1880, and $127,450,635 in 1881. Of this amount the Mississippi Valley States paid in 1879 $58,766,417, in 1880 $69,032,405, and in 1881 $75,668,681. If ever figures possess the power of speech, these figures must proclaim the exceptional importance of that grand zone of States which stretches from the confines of British America to the Gulf of Mexico. Of comparatively recent growth, they surpass to-day in the wealth of their productions the older States of this Republic, and they furnish far more than one-half of our immense governmental revenues.

The annals of our customs service demonstrate only too clearly that the bulk of our export trade has its source in the Mississippi Valley, and that of our foreign importations this very valley consumes a share far surpassing that of the old colonial States. The taxation to which the Mississippi Valley States are annually subjected for national, State, and local purposes, directly and indirectly, develops figures which thirty years ago would have been looked upon as beyond the reach of human possibilities. The internal-revenue system alone—and I may be pardoned for expressing here my abhorrence of that system—that detestable tax system of which, while advocating its abolishment, the gentleman from New York, [Mr. COX,] whose unfaltering devotion to the cause of the people and whose intrepid and heroic defense of the principles of pure government have illustrated his long and brilliant service in this House, said only recently with that fervid eloquence for which he is so distinguished:

I favor openly and boldly the entire abolition of the cumbrous, corrupt, and spying system of the internal revenue. It is not necessary to say that its officers are corrupt; it is the system. Its officers pursue the voter into his cigar and tobacco shops and into stills, breweries, and factories with threats; and it has its army of 5,000. Worse than the janizary or the mameluke, it undertakes by its occult machinery to intimidate and defraud. Away with it! Every speck of it on our body-politic is a cancer. I am willing to meet this issue at the polls; and woe be to that member who upholds it to overfill our Treasury that the greedy may riot in the people's hard-earned means collected by its officials!

That vicious system which has so forcibly been denounced by the gentleman from Pennsylvania [Mr. KELLEY] as unworthy a free people in the time of peace and as in violation of the spirit and intentions of the framers of our Constitution; that "infernal system," to use the words of my friend from Georgia, [Mr. SPEER,] which has bred countless numbers of spies, informers, and office-holders, who have so often rendered themselves odious to the people by their tyrannies and their disregard of individual rights, if not by open perjury and other iniquities; that worst of all systems of taxation by which the citizen is subjected to burdens in an indirect way to which he would never openly submit, and for the extirpation of which I shall never cease to labor—that system alone secures to the Government a revenue from the valley States equal to two-fifths of its yearly expenditures.

In view of these facts, does any gentleman think our demand for the permanent improvement of our great water-way unreasonable?

Mr. Speaker, as I have stated no measures for the radical improvement of the river were adopted until 1875. Congress then, forced by public sentiment, recognized its claims to systematic and permanent improvement by passing the jetty bill. By that bill and the $5,500,000 which it appropriated a system of gigantic improvements was inaugurated at its mouth at the head of the passes, and under the direction of Captain James B. Eads, one of the ablest of modern engineers, it was in a few years successfully completed. The sand-bars which formerly obstructed the navigation in the delta of the Mississippi have by a grand system of dredging been permanently removed, and the port of New Orleans possesses now a channel of a depth in every way sufficient for the requirements of the largest sea-going vessels. Grand as was this achievement it was, however, by no means the only important improvement of which the Mississippi stood in need. It was and could only be the beginning of a chain of improvements along its whole course. Numerous were the impediments to its navigation between New Orleans and Cairo, and not less dangerous was its bed between Cairo and Grand Rapids and the Falls of Saint Anthony. To remove these obstacles to its navigation, obstacles which had caused the loss of thousands of lives and the destruction of millions of property, could only be the work of experts who were thoroughly familiar with the river's topography and invested with ample authority for the enforcement of a uniform, harmonious system of improvements; and it was this necessity which led in 1879 to the enactment of a law for the survey of the Mississippi River and the appointment of a commission of experts charged especially with the duty of determining and devising a comprehensive plan for its improvement. This commission was to consist of seven members, to be appointed by the President, of whom one should be selected from the Coast and Geodetic Survey and three each from the Engineer Corps of the Army and from civil life. Section 3 of the act creating this commission provides that—

It shall be the duty of said commission to direct and complete such surveys of said river, between the head of the passes near its mouth to its headwaters, as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of this act.

And section 4 of the same act reads as follows:

It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him transmitted to Congress: *Provided*, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

The President, in pursuance of the authority vested in him, appointed a board of experts, composed of the most distinguished engineers in the country. These experts met for the first time on the 19th of August, 1879, and immediately took into consideration the survey of the river "already in progress." On the 6th of March, 1880, the commission, through its president, General Q. A. Gilmore, transmitted to the Secretary of War a preliminary or partial report, in which it stated that it was found that the portion of the river lying above the mouth of the Ohio had been essentially covered by the several shore-line surveys already completed, or drawing to a close, so that its attention was directed more especially to the lower river between Cairo and the head of the passes. For this section of the Mississippi the commission conceived the plan to which it has since adhered of causing the river to scour out and maintain a channel through the shoals and bars existing on those of its parts where its width is excessive, and to build up new banks and develop new shore lines, so as to establish, as far as practicable, the requisite conditions of uniform velocity for all its stages of high and low water, the theory of the commission being, that "uniformity of width, secured by the contraction of the channel, would produce increased velocity and thereby also increased erosion of the bed of the river at its shoal places, accompanied by a corresponding deposit of silt at its deep places, and consequently by a greater uniformity of depth." The design of the commission, as appears from that report, and from its subsequent reports, tends to the contraction of the low-water channel-way of the Mississippi to a width of three thousand feet, by means of hydraulic contrivances, and to the effective scouring out and deepening of this channel.

In its reports the commission discussed also the theory of levee improvements, and with regard to their utility and effect upon the navigation of the Mississippi it uses the following language:

In a restricted sense, as auxiliary to a plan of channel improvement only, the construction and maintenance of a levee system is not demanded. But in a larger sense, as embracing not only beneficial effects upon the channel but as a protection against destructive floods, a levee system is essential; and such system also promotes and facilitates commerce, trade, and the postal service.

The corrective system proposed by the commission for the Mississippi looks to a conservation of the flood waters of the river and their concentration into one channel, which shall have a uniformity of width, and hence conflicts with that other system mentioned in connection with the Mississippi correction—the so-called outlet system.

The commission considered this latter system in all its bearings, as the act of its creation required it to do, and it rejects it. I do not believe that there is any considerable opposition in either House of Congress, or indeed in the country, to the theory enunciated by the commission as to the effect of the outlet system. I shall cause to be inserted here as a part of my remarks the report of the commission on this system, which has been with so much earnestness and persistency pressed upon the attention of certain committees of the House during the present session. I regard this report as the best reply that can be made to the arguments advanced by the advocates of the system:

It has been supposed by many persons that, because the immediate effect of a crevasse during a flood is the reduction of the height of the river's service in the vicinity of the crevasse and below it, lateral outlets, either natural or artificial,

by which the flood waters of the river are drawn off and conveyed through a shorter route to the sea, tend to prevent the recurrence of destructive floods by supplying additional avenues for their escape. This method would undoubtedly be effective if the flood waters of the Mississippi were not highly charged with sedimentary matters, which are held in suspension in the water by the current. To support this immense mass of earth and sand in suspension, and thus insure its transportation to the Gulf, the velocity of the current must be sustained.

Without stopping to determine, or even discuss, the character of the relation which exists between the various velocities of current, and the proportionate quantities of sediment which such velocities are capable of carrying in suspension, the fact seems to be established that, when the current is checked in its natural flow during floods, a deposit of sediment will occur. Shoals are found in the river immediately below crevasses, which it is difficult to refer to any other cause than the loss of current velocity which takes place below the crevasse. As a portion of the volume of the river is drawn off by the crevasse when it is first made, it is impossible that the current below the crevasse can then be as rapid as it was before its occurrence. Being less rapid, it is unable to sustain the whole quantity of matter held in suspension by the more rapid current above the outlet, and consequently its surplus sediment falls to the bottom below the crevasse. This deposition continues until the size of the river below the crevasse has been so reduced by the shoaling that the current is again restored through the short distance in which the bottom of the river has been thus raised, and the channel diminished. If the crevasse remained open, however, for several years, it is evident that the shoal will continue to extend down the stream, for the reduced velocity will still exist in the river below the shoal. If the crevasse be kept open indefinitely, the shoaling will continue to extend down the stream until certain other injurious effects are produced, which will be presently referred to.

It is a well-established law of hydraulics that the ratio of frictional resistance per unit of volume increases if the sectional area be diminished. Thus, if the volume of the river were suddenly divided by an island into two channels, the water flowing in them would encounter more frictional resistance than it met with while flowing in a single channel. Hence the currents through these channels would be more sluggish. As the water is charged with sediment the sluggish current would cause a deposit in the channels which would first begin at their upper ends, and would continue until the bottoms of the two channels would be so steepened that the current would attain a velocity capable of carrying the suspended sediment through them without further deposit. If the two channels were of nearly equal length and size they would probably remain permanent, and the slope of the river's surface in flood time would be found to be steeper through them than above and below, where the volume flows in a single channel. If one of the two channels were materially longer than the other, the effort of the river to increase the steepness of the longer channel would be abortive, because its slope would be controlled by the shorter one. A shoal in the upper end of the long channel would, however, be built up to such height by the depositing action of the sluggish water in it, as finally to shut it off altogether from any connection with the river, while the still water at the lower end of such channel would promote the deposition of sediment at that end to such an extent as to build it up also, and thus completely separate the long channel from the main body of the river; in the mean time the shorter channel would have enlarged so as to accommodate the entire river. The longer channel would, in this event, constitute a lake, like one of the many lakes which are seen on a map of the alluvial basin of the river. Being removed from the influence of overflows, these lakes remain deep and clear for many centuries. The phenomenon just described invariably accompanies the formation of a cut-off. When one of these occurs, the volume of the river is at first divided into two channels of unequal length, an island being left between them.

In the case of a crevasse an island is also formed, having the main body of the river on the one side of it, and the crevasse channel on the other side. As the volume flowing in the main channel below a crevasse has been decreased by the amount drawn off through it, a steeper slope in the main river, if the crevasse be kept permanently open, becomes inevitable; because the shoal below the outlet, as it grows in length down stream from the deposition of successive floods, gradually increases the frictional resistance of the volume flowing through that diminished channel, and this tends to check the current of the river above the crevasse, and thus the shoaling of the river bed and the raising of the flood line *above* the site of the outlet ensue as a secondary and *permanent* effect.

It is in this way that silt-bearing streams flowing through alluvial deposits have the ability to increase or steepen their surface slopes, and thus recover the velocity of their currents and adjust them to the work of transporting the sedimentary matter with which the flood-waters are charged so that this matter may be carried without loss or gain. In proof of the correctness of these views, and of their full accordance with well-established hydraulic laws, we have the evidence of this relation between slope and volume presented in the phenomena of silt-bearing streams all over the world. Wherever such streams flow through alluvial deposits, other conditions being the same, the slope is least where the volume is greatest; and, conversely, the slope is found to be invariably increased as the volume is diminished. The Mississippi throughout its alluvial basin, not only in its main trunk but in all of its outlets, presents no exception to this peculiar feature. Among numerous illustrations of this law the following examples may be cited.

The fall of the Atchafalaya is about six inches per mile from its head to the Gulf level, while the fall of the Mississippi from the same point is less than two inches per mile. The volume of the Atchafalaya is only about one-twelfth as great as that of the Mississippi where they separate. The fall of the South Pass is three inches per mile, while that of the Southwest Pass is but two inches per mile. The volume of the South Pass is only about one quarter as large as that of the Southwest Pass.

As water selects the line of least resistance in flowing from a higher to a lower level, it follows that inasmuch as that portion of the Mississippi floods which enters the Atchafalaya seeks the Gulf level through a route not half so long as that which follows the main river, and as it has a descent threefold greater than the portion that flows in the main river, the resistance in the shorter and steeper route of the Atchafalaya must be so much greater that these elements which tend to increase the current are so far neutralized as to produce in both routes to the sea that rate of current which is capable of transporting the sediment without loss or gain to the Gulf level, and thus a condition of equilibrium is established between these two routes to the sea.

It seems unnecessary to state that the ratio of frictional resistance to the volume of water resulting from the smaller size of the Atchafalaya is so much greater than that in the main river that this condition of equilibrium or regimen of the two channels is the result. Anything which will tend to increase the flow permanently through either route would, if unchecked, have a tendency to cause the entire river to find its way, ultimately, through that route to the sea, by lessening in it, as it enlarged, the ratio of frictional resistance to the volume of water flowing in it. The sub-delta-building ability of the smaller passes, by which they prolong their length and thus flatten their slopes, will invariably tend to cause their extinction. This explanation of the relation between slope and volume is, of course, applicable to the other existing outlets referred to in this connection. For this reason the commission believes that no surer method of ultimately raising the flood surface of the river can be adopted than by making lateral outlets for the escape of its flood waters. The raising of the flood surface necessitates an increase in the height of the levees and leaves shallower channels for navigation.

Mr. Speaker, I trust that hereafter Congress will not have forced upon its attention nor be urged to adopt the peculiar views of gentlemen who believe that a plan different from that of the commission should be followed.

On this question I believe we are all in substantial accord with the commission. The only opposition which its plans are likely to meet will doubtless arise from a diversity of opinion as to the utility of levees. But the bill pending before us expresses in every way the sentiment of those who are opposed to the construction of levees because incidentally some riparian proprietors may be benefited by them. It directs that "no portion of this appropriation shall be expended to repair or build levees for the sole and exclusive purpose of reclaiming lands and preventing injury to lands by overflows, provided, however, that the commission is authorized to repair and build levees, if in its judgment it should be done as a part of its plan to afford ease and safety to the navigation and commerce of the river and to deepen its channel." It would seem that these provisions ought to satisfy the most fastidious among the objectors to levees as a part of the plan for the general improvement of the Mississippi River.

We have already given an earnest of our faith in the methods presented by this able board of engineers, and nothing less than prosecution to its completion of the work designed by it will satisfy the country.

The commission finding, as stated, that the portion of the Mississippi lying above the mouth of the Ohio had already been surveyed by the United States Engineer Corps, directed its attention in the first instance to the river below Cairo; but later it extended its observations also to the Upper Mississippi. In its second report to the Secretary of War the commission approves the operations conducted by Major O. H. Ernst, than whom, as regards the execution of difficult problems of hydraulic engineering, no more competent expert could be found in the country, and to whom the work of improving the Mississippi between the mouths of the Ohio and the Missouri is intrusted; and in an equal manner it also commends those of Captain A. Mackenzie, who has charge of the Mississippi correction between the Falls of Saint Anthony and the mouth of the Missouri.

The phenomena of caving banks and changes of the river-bed found in the Lower Mississippi are also found in that portion of it which extends from the mouth of the Missouri to that of the Ohio, and the commission reports Major Ernst as putting into practical operation its theory of channel improvement, as especially devised for the lower portion of the river. No doubt is entertained by the commission that the operations of Major Ernst will result in giving to the Mississippi River a low-water depth of at least ten feet between Saint Louis and Cairo—the depth originally designed—and it recommends liberal appropriations for the rapid completion of this work.

The last river and harbor bill (act of March 3, 1881) allotted $600,000 for channel improvement, $10,000 for extra work at Cape Girardeau, besides reappropriating the sum of $33,354.70 for the improvement of the harbor at Alton. The bill now under consideration provides $600,000 for this section of the river. It will be seen that while the lower river has its appropriation increased fourfold, this part of the river has not by some $43,000 as much as it received under the act of last year. The engineer in charge estimates the amount necessary to carry on the work during the ensuing fiscal year to be $1,000,000. This estimate has received the sanction of the Chief of Engineers; but the committee, thinking perhaps that somebody might be surprised at the size of the river and harbor bill if all parts of the Mississippi were provided for in accordance with the estimates of the engineers and as the commercial importance of the river demands, has recommended less than 60 per cent. of the amount of the estimates. Thousands of dollars have already been absolutely wasted by the failure of Congress, prompted by false ideas of economy, to appropriate annually sufficient amounts for the prosecution of work on the Mississippi. The original estimate of the cost of this improvement was $7,684,200, but this estimate was based upon the supposition that funds would be provided as rapidly as they could be judiciously expended. The work ought to be completed in eight years from its inauguration. But, in the language of the engineer in his report for 1879—

> With annual appropriations of only a few hundred thousand dollars this improvement will be the work of a century, and will cost fully $20,000,000.

I say, Mr. Speaker, there is no economy in doling out the money for this great work in such a way as to prevent the employment by the engineer of all his resources for carrying out his plans. I wish the committee had read the following in the report of Major Ernst for 1880:

> Leaving out of account the immense financial advantages to the Government and the public which will result annually from securing cheap through transportation at the earliest possible moment, it may be stated that the work will be accomplished with least outlay by six annual appropriations of $1,000,000 each. The less the annual appropriation the greater the final cost.

He states further that the forces which have imperiled the navigation of this portion of the river are constantly at work, and that the question involved is not simply whether better navigation shall

be secured but whether such as now exists shall be preserved. He says:

The works required to accomplish the one object may be made to accomplish the other. The longer the execution of them is postponed the more there will be to do, and the slower the progress the more they will cost.

It is a well-known fact that the navigation between Saint Louis and Cairo is worse than it is below; and I say there is no apology for cutting down the estimate. Major Ernst says in a letter to me that $1,000,000 expended above Cairo during the coming year will be of more general benefit to the entire navigation interest of the whole river than the same amount, or even one considerably greater, would be if expended below.

The people of the Mississippi States demand adequate appropriations for their great river, not at one point on the river but from its source to its mouth. I intend at the proper time to offer an amendment increasing this appropriation from $600,000 to $1,000,000. I also regard $200,000, the amount in the bill for the improvement of the river from the mouth of the Illinois to Des Moines Rapids, as entirely too small. It seems upon its face to be larger than the appropriation of last year, but it is not.

There was allotted in the last river and harbor bill the sum of $175,000 for the improvement of the general navigation of the river between the points indicated, but the following additional appropriations were made for channel improvement at special points: at Alexandria, Missouri, $6,000; at Guttenberg, $5,000; at Hannibal, Missouri, $20,000, and at Quincy, $10,000. The engineer, Captain McKenzie, in charge of this work recommends an annual appropriation of $500,000, and the Committee on Commerce proposes to give $200,000, or 40 per cent. only of the amount actually needed for general channel improvement, and nothing on the estimates for channel rectification at particular points. The work to be done and the magnitude of the interests involved called for more liberal action on the part of the committee. This item ought to be increased to the full amount of the estimate.

I say, then, Mr. Speaker, while the committee has done well for the river south of Cairo, for some reason, I know not what, it has not come up to the height of this great argument and dealt with the entire river with that profuse liberality which, without meaning to be offensive, I must say has characterized its treatment of some of the unknown rivers of the country. I intend, also, to submit an amendment increasing the item for continuing the survey of the Missouri River from its mouth to Fort Benton, Montana, from $25,000 to $50,000. Twenty-five thousand dollars is less by $5,000 than has ever been appropriated for this work, and the engineer in charge of it informs me that $30,000 is too small a sum with which to prosecute the survey economically, this being a topographical and hydrographical survey of the entire valley of the river, checked and connected by a system of triangulation from one end to the other, as the report shows, it is necessary to keep employed a number of skilled assistants, the expense of which, together with that required for maintaining and keeping in repair a steamboat and other paraphernalia for transporting and subsisting, at times, a large party of men, when subtracted from an appropriation of $25,000, leaves a very small sum for the prosecution of work in the field. In a letter which I received from D. W. Wellman, United States assistant engineer in charge of the survey, he presents this matter in a very strong light. He says:

The economical way to carry on this work is to have funds enough at one time to keep a party in the field from the beginning to the end of the season. A party will then attain the highest efficiency in the work, and can accomplish much more in a given time, and the expense of preparation and organization will be no greater for six months' field work than for two.

I also propose to offer an amendment, striking out $800,000 and inserting $1,000,000 for the improvement of the Missouri River from its mouth to Sioux City, Iowa, and I am sure it will meet with favorable consideration. It is only necessary to get gentlemen to examine the exhaustive and very able report submitted by Major Charles R. Suter, of the United States Engineer Corps, and to consider the immensity of the commerce to be benefited by the judicious expenditure of a few millions of dollars, to induce them to vote the full amount of the engineer's estimate for this work. For the first time a plan has been devised for the rectification and permanent improvement of the channel of the Missouri River. It is not creditable to Congress that it has never recognized the superior claims of this one of the grandest rivers on the continent, or indeed in the world, to governmental aid.

Streams whose geographical position cannot be determined by an examination of any map have been liberally provided for; artificial water-ways have been lavishly cared for, but the great and majestic Missouri, susceptible of an improvement which can be made at a moderate cost, that will give it a low-water depth of twelve feet from its confluence with the Mississippi to the mouth of the Yellowstone, a distance of 1,682 miles, and a depth of six feet 600 miles beyond, has heretofore been, strange to say, left without any provision.

The plan adopted by the engineer looks to a decrease of the high-water width of the upper river and to the bringing of it within certain limits, which limits are to be increased as the volume of water is increased on the lower river, and which will result in also contracting the low-water channel and causing the water to remove the obstructions to its passage. The channel will thus become uniform in width and depth, and its location will be permanent at all stages of the river. The estimated cost of improving the river from its mouth to Sioux City, a distance of seven hundred and eighty-one miles, is $7,810,000, or $10,000 a mile—a trifling amount, indeed, when we consider the splendid results which are to be wrought by its expenditure. The improvement, when effected, will be of such incalculable benefit to so many millions of people whose surplus products await some avenue of escape to the markets of the world; it will reclaim so many miles of the most fertile land on the earth, and make so many thousands of farmers owners of the soil without condition and not tenants at the will of a capricious river, that we ought not to delay the completion of the glorious work planned by the engineer.

Mr. Speaker, let me impress one fact upon this House. This estimate is based upon the presumption that some attention will be paid to the annual recommendations of the engineer, and that the amount which he believes can be advantageously and with economy expended in any one year will be appropriated. This work can be completed and ought to be completed in eight years, and the Congress of the United States must screw its courage up and provide, not within a few hundred thousand dollars of the annual estimates, but the whole amount which in the judgment of the engineer is needed for the prosecution of the work in any one year.

There is no economy in any other course. If the river and harbor bill must be kept within a prescribed sum, let us go to the less important rivers, for which Congress has already with a lavish hand provided, and make the deduction from the estimates for their improvement, and not take from the Missouri, which, for the first time in the history of the country, has received the recognition of a survey to determine a plan for the improvement of its navigation. Let us not deny justice to a people from whom justice has been so long withheld. And now, at the hazard of wearying the House, I shall say a few words on the practical benefits to follow the permanent improvements of the Mississippi and its tributaries, although I know this subject has been so often and so thoroughly discussed that it is not possible to suggest any new thought upon it.

That water routes afford the cheapest and best means of transportation for all heavy and bulky commodities, and that they are the natural competitors of railways, and hence the regulators of railway freights, is universally admitted. The Mississippi River and its tributaries, in their unimproved condition, and with their imperfect facilities for handling commerce, exemplify the truth of this statement, and the greatest commercial nations of Europe also attest its truth.

In a report made by the Senate committee on transportation to the seaboard it is stated that the railway companies now carry wheat from the trans-Mississippi States to the seaboard, each car averaging about twelve round trips and delivering one hundred and twenty tons of grain in one year; that the same car can make fifty trips to the nearest river ports and deliver five hundred tons of grain in the same time. With the barge system the surplus grain and other commerce can be carried down the Mississippi River to the Gulf of Mexico cheaper than at ocean rates, thus making the grand railway system of the Mississippi Valley five times as efficient in local traffic and practically five times as profitable.

I read from the report of the Senate committee:

The railway system of our country has accomplished gigantic results of incalculable value and benefits; that the improvements proposed will not affect the great trunk railway lines unfavorably from the Mississippi River to the seaboard, as they now have and always will have all the business they can do to make the capital in their construction remunerative and very profitable.

In a circular issued by the Board of Transportation of the city of New York dated May, 1881, it is stated that the rate per bushel for freighting from Saint Louis to New Orleans by barge is 5 cents, while the pool rate by rail to New York from Saint Louis is 20 cents per bushel. The average of freight from New Orleans to Liverpool is about 6 pence per bushel; from New York to Liverpool, 4¼ pence; so it appears that grain is carried from Saint Louis to Liverpool via New Orleans for 17 cents per bushel, while it costs to transport via New York 29½ cents. From Saint Paul the rate through to Liverpool via New Orleans is 27 cents, while via New York it is 42½ cents.

This showing is very encouraging to the friends of river improvements, but the freight from Saint Louis to Liverpool instead of being 17 cents is only about 14 cents per bushel, as shown by the report of the secretary of the Merchants' Exchange of Saint Louis, made December 31, 1881. It thus appears that a bushel of grain is carried to Liverpool from Saint Louis by the way of New Orleans for 15½ cents less than it can be carried to the same place by the way of New York, and that in fact it is carried to Liverpool for 6 cents less than it costs to take it to New York City.

But, Mr. Speaker, it is not necessary to elaborate this argument. The House and the country understand the benefits which will result to the people by promoting a healthy competition between the railroads and the water-ways of the country. In order to effect this, navigation must be rendered less expensive and less precarious by improving the channels of our great water highways.

The farmer in his field, the laboring-man in the mine and at the forge, the merchant and the manufacturer, are alike interested in cheap transportation, and with one voice they demand it.

Justice to the Mississippi River—Protection to the people on its borders.

SPEECH

OF

HON. CHESTER B. DARRALL,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 9, 1882,

On the levees and improvement of the Mississippi River.

Mr. DARRALL said:

Mr. SPEAKER: The Committee on Levees and Improvements of the Mississippi River, of which I have the honor to be a member, have given to the subjects committed to their charge the most careful investigation and consideration.

Under the rules of the House, and by direction of the Speaker, the report of the Mississippi River commission for the last year, various bills for rebuilding levees, making outlets, and improving the great river, bills making appropriations in accordance with the recommendations of that commission, and finally the special message of the President of the United States recommending an appropriation for closing the gaps in and repairing the levees have all been referred to that committee and have been fully considered. More than this, the committee, feeling the importance of the matter confided to their care, and the immense interests at stake, decided early in the session to go outside of the printed reports and opinions laid before them. They therefore asked the several members of the Mississippi River commission to come before them and explain fully what had been accomplished thus far, and what were their ideas and plans for further carrying out the provisions of the law creating the commission under which they are acting.

The committee have also heard the statements of other gentlemen eminent as engineers and having large experience and observation of the river and its condition and needs, some of whom differed widely from the members of the commission as to the best methods to be pursued in order to carry out the objects sought for, that is, to improve and give ease and safety to the navigation of the river, and to deepen and permanently locate its channel, protect its banks, and prevent destructive floods. To the latter proposition, that is, the prevention of destructive floods, the special attention of the committee, owing to the overflow this year, has been directed, and on this branch of the subject their investigation has been thorough and complete, and I am glad to say that after this thorough investigation, and after examining the reports and hearing the evidence of advocates of both the levee and outlet systems, they have unanimously concluded that the only practical method to prevent the fearful and destructive floods, such as we have just witnessed, is by closing up the gaps and strengthening the whole system of levees from the passes near the mouths of the river to Cairo, or above, if necessary, and by preventing the washing and caving in of the natural banks; this to be accomplished in the manner so successful at points on the upper river by piling and filling in, and using a wire and brush netting placed over the caving portions of banks.

In other words, the committee, after studying carefully the reports of the commission; after hearing the members of the commission and questioning them as to their plans and methods, have come to the unanimous conclusion that the only safe thing for Congress to do is to follow the recommendations of the commission, to appropriate the money they ask for, and allow them, without any restrictions on the part of Congress, to expend it in accordance with their plans and methods.

The commission in their estimates specified the amount required for different reaches or portions of the river where there are shoals and bad low-water navigation, and the amount required for closing the gaps and strengthening the levees. The committee believe the better plan is to make the appropriation for the year in bulk, to be expended by the commission, for the reason that owing to the unprecedented floods of the present year and the many breaks in the levees and the experimental character of much of the work of protecting banks, the moneys to be used had best be left entirely in the hands and at the discretion of the commission. The committee felt the utmost confidence in the engineering skill, the wisdom, and patriotism of the commission, and desired, and so recommend to the House, that they should be left free to use their own judgment. With this view the committee adopted and the chairman reported to the House on the 24th of March the following bill:

A bill making an appropriation for the improvement of the navigation and commerce of the Mississippi River in accordance with the recommendations, plans, specifications, and estimates of the Mississippi River commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be expended by and under the direction of the Secretary of War, for the improvement of the navigation and commerce of the Mississippi River:

For the construction, repair, completion, and preservation of certain works on the Mississippi River between the mouth of the Ohio River and the head of the passes of the Mississippi River in accordance with the recommendations, plans, specifications, and estimates of the Mississippi River commission, $4,613,000.

For improving the Mississippi River between the mouths of the Ohio River and the Illinois River, in Illinois and Missouri, (continuing improvements,) $1,000,000.

For improving the Mississippi River between the mouth of the Illinois River and Des Moines Rapids, in Illinois and Missouri, (continuing improvements,) $500,000.

This bill was reported as long ago as the 24th of March, and it was the desire of the committee that some two or three days for its debate and consideration should be allowed in the House. But the pressure of other business and the fact that under our rules the "Committee on Levees and Improvement of the Mississippi River" has not the right to report an appropriation at any time, has, up to this late date, prevented this discussion. In order, therefore, to obtain certain action our committee have gone before the Committee on Commerce of the House and asked that the appropriation for improvement of the Mississippi River be incorporated in the harbor and river bill now before the House. This has been done as to the full amount asked for, but coupled with it are certain provisos, which, while not hampering or interfering with the duties or work of the commission, are entirely unnecessary. I quote from the harbor and river bill the clause making the appropriation for the Lower Mississippi, and also the provisos annexed, first saying, however, that the Committee on Commerce also have examined and indorsed the plans of the commission:

Improving the Mississippi River: That the sum of $4,123,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Mississippi River from the head of the passes to Cairo: *Provided*, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands by overflows: *Provided, however*, That the commission is authorized to repair and build levees if in their judgment it should be done as a part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel.

It is difficult at first sight to see the object in these two provisos, if object they have; and only the wisdom of a superabundant caution would have inserted them—the wisdom that would provide that no one could have any fault to find with the appropriation. The second proviso leaves the repairing and building of levees to the discretion of the commission if they consider it necessary to do so in order to deepen the channel and give ease and safety to the navigation and commerce of the river. This is done while it is known to probably every member of the House that the commission have said in their printed reports, both to this and the Forty-sixth Congress, that the building of levees and the closing up of the gaps in those built was the first thing to be done, in order not only to deepen the channel but to prevent destructive floods; the latter object of fully equal if not greater importance than the first.

It is to be presumed that the intention of the Committee of Commerce is to leave the whole matter to the judgment and discretion of the commission, as was done by the Committee on Improvement of Mississippi River, acting with no restrictions except that of the law creating their body. This is to be inferred because of the use of the second proviso, and because the committee in their report to the House use the following language:

For the improvement of the Mississippi River from the head of the passes up to Cairo the bill appropriates all that the commission ask for, the committee believing that this is a work of such vast national importance and of such a peculiar and intricate character that the commission should not only be left unhampered by conditions of any character whatsoever but that it should also have abundant means for the completion of this great work at the earliest possible period.

And with this we of the lower valley are well content. The appropriation of last year of $1,000,000 remains for the most part unexpended, and, with what is appropriated by this bill, will give the commission sufficient means to close up all or most of the gaps in the levees, as they propose to do, and as is recommended in the special message of the President transmitted to both Houses of Congress April 17, 1882, and will also probably give them all the money they can profitably expend in the work of contracting and deepening the channel as proposed at the several reaches above.

The commission have ready now an extensive plant of all necessary boats and appliances, and are ready, as soon as the water in the river falls, to begin this work of channel improvement. Then, if the suggestion of Captain Eads is followed, and the work of closing the breaks in the levees be at once begun, under the direction of the Secretary of War, from below up, we may expect to see much progress made not only in the improvement of the channel but, by the time of another high water, (by March of next year,) have the levees of the river in such repair as to prevent another destructive flood next year such as we have just witnessed. Unless this be done, and the work energetically pushed, we will have, with all the levees down, a repetition next year of the flood of this. The people of the submerged region will lose what was left them from this year's flood, will lose what little they can make of a crop after the water leaves their lands, and Congress will be called on not to appropriate two or three hundred thousand as was done this year, but that many millions to save life, to prevent starvation; because then, with two floods in succession, they will indeed be utterly destitute.

Before, Mr. Speaker, going into the details of the plans of the commission in their great work, I desire to call the attention of the House to an imperfect and brief description of the great delta of

the Mississippi, the difficulties to be overcome in its protection, and the reasons why this is one of the most important works the nation has to perform. And in giving this description I use information from reports made to Congress, and especially use the statistics compiled by a colleague of mine in a former Congress, Hon. B. H. Lewis, of Tennessee.

According to the census of 1880 the population living immediately on the lands exposed to the floods was 1,884,000. And the question of the protection of these lands from overflow and destructive floods is one of vital importance; I may even say of life and death to these people. Besides this, it is a vital question to the citizens generally of six or seven States which extend into that region, while its direct and ultimate consequences deeply concern the prosperity of all the people of the Mississippi Valley, that immense area embracing twenty-one States, and several Territories soon to be States, and comprising more than one million and a quarter square miles of territory. It is also of the greatest importance to the whole nation, and merits the early and earnest consideration of the National Government, and of Congress especially. It directly affects the interests and prosperity of my constituents, and I feel it to be my duty to ask the attention of the House to some of the reasons why this immense territory should be redeemed and protected. The delta or alluvial lands of the Mississippi, according to the best authorities, comprise an area of 38,706 square miles, or 24,771,840 acres of the most fertile soil on the globe. This is an extent of territory three times as large as the kingdom of the Netherlands; twice as large as Switzerland or Denmark, larger than many other historic States in Europe, and is larger than the combined area of the six States of Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, and Delaware. Its vast capabilities will be recognized at once when it is mentioned that, with a soil equal in fertility to that of the valley of the Nile, it is seven times as great in area as all the arable lands of Egypt now or at any former period of its history.

In 1860 this region lately submerged by the disastrous floods produced 688,254 bales of cotton, worth $41,295,240, and 460,000,000 pounds of sugar, worth $32,200,000. Humphreys and Abbot's survey estimates the yearly capacity of this region for cotton alone, at 10 cents per pound, to be equal to $315,000,000. At the prices that have prevailed since the war this would amount to about $500,000,000 annually. Add to this the capabilities for the production of sugar and rice in the lower portion of the delta, south of 31° 31′, and the total amount would be almost fabulous and nearly equal to the value of the cereal crop of the entire United States. This immense delta region, besides the grain lands in its northern portion, contains at least 10,000,000 acres of the best cotton lands in the world and 5,000,000 acres of the richest sugar and rice lands. These estimates of the delta of course do not include the alluvial lands of the tributaries of the Mississippi that are subject to overflow, which would greatly increase the area already mentioned. Should this region be thoroughly protected, it would soon produce for our country at least half the sugar it now consumes, and for which we pay annually to other countries $45,000,000 in gold, besides the exports we send them would produce all the rice we consume, and would also give us a monopoly of cotton production for the world. All that is required for the amplest development of its vast resources is secure protection from disastrous floods, which carry ruin and desolation and death with them. The million and a half of planters and laborers there must be protected from their dreadful ravages, or forever retire before them.

The question now is, can this vast region be thoroughly protected? In the past, levees have been almost exclusively relied on. Cut-offs and outlets have been sometimes suggested, and have been ably advocated by writers of eminence and distinction, but have not received much favor, while thousands of miles of levees have been hopefully and confidingly constructed. They have sometimes failed to answer all the expectations of the builders, especially where unwisely located, but in the main have done immense good and accomplished great results. They have reclaimed millions of acres of the richest lands in the world and have increased their value immensely. In 1860 the farm lands and plantations of the great delta, which from Cairo to the Gulf is nearly 600 miles long and 30 to 120 wide, were computed to be worth, for agricultural purposes alone, without levees, about nine and a half million dollars, but with levees $339,718,440. Levees had increased the agricultural value of the lands of the delta more than $330,000,000, which of course does not include its numerous cities, towns, and villages, nor even the houses and other buildings on the plantations. It was the mere naked value of the soil for the plow and hoe.

In 1860 there were in this region over 2,000 miles of levees, with an average height of 8 to 10 feet and a breadth at the base of 50 to 75 feet, their width at the top being usually equal to their height. A few of the levees were of immense size. That of the Yazoo Pass, about 100 miles below Memphis, was cut by the Union forces during the war at a point where it was 38 feet high. For a distance of 1,200 feet it was on an average 28 feet high, and in places nearly or quite 300 feet broad at its base. This was and is the largest levee on the river.

The National Government has done nothing as yet for the protection of the delta from the floods except merely to make surveys and observations and to donate the swamp lands reclaimed to the States. Individual planters, towns, parishes, cities, counties, and States, the direct sufferers, have thus far borne the heavy burdens of building the levees, and have expended immense sums on them.

Louisiana before the war had expended more than $24,000,000, Mississippi more than $14,000,000, Missouri over $1,640,000, and Arkansas near $1,000,000; in all about $41,000,000.

Since the war Louisiana has spent about $13,000,000 and Mississippi some $7,000,000, making up to this time over $60,000,000 expended since about 1830, or in the last fifty years, for levees. It is beyond the power of impoverished and desolated communities to continue this work. Since the overflow of 1874, or during the last eight years, the States of Louisiana and Mississippi have made every effort in their power. They have taxed the lands and the products of the soil both to the fullest extent they could bear, but the flood of this year, the most destructive ever known, has shown how futile are their efforts, and that only by the strong arm of the Government can this great work of importance to the whole nation be accomplished. To-day, when hundreds of thousands of our people there are destitute, their all excepting their lands swept away by the devouring flood, their cattle, their horses, and working animals drowned or starved, hunger and famine staring them in the face, their lives only saved by the rations sent them by a beneficent Government, the question arises with thrilling interest, what can be done to save and protect this vast region? What reliable and comprehensive plans can be sought out and adopted that will in future rescue it from floods and desolation?

This is a mighty problem that challenges the most earnest attention of the patriot and the statesman. It demands anxious and deliberate thought, profound study, and, after all that, vigorous action. It cannot be ignored. It cannot longer be evaded or trifled with. It must and will have some solution. The question is, shall the vast delta, with all its enormous gifts of nature, with all its magnificent capabilities, be for countless ages to come the home of man or of the alligator? Shall it be the happy abode of millions of our people in the far-coming future, or shall it be abandoned to malaria and miasma, to waste and solitude and gloom? Shall this immense region be a living fountain of wealth to our country, the glowing Eden of production on the vastest scale of the great staples of the world's commerce, its cotton, its sugar, and rice, or shall it lie wallowing in the ooze and floods for centuries, the eye-sore of the nation, the gloomy sepulcher of its honor and its statesmanship?

The difficulties to be overcome are confessedly great, but by no means insurmountable. I will briefly mention a few of them. The first is the immense amount of the water. Twenty trillion cubic feet of rain water fall on an average each year in the immense Valley of the Mississippi. This is equal to a lake 720 miles long, 100 wide, and 50 feet deep. Three-fourths of this immense quantity is absorbed by the earth, or disposed of by evaporation, &c., so that nineteen and a half trillions is the average amount carried to the Gulf by the great river. The quantity varies greatly, however. Sometimes, in a low-water year, it is only eleven trillions, while in one of very high floods it has risen to twenty-seven trillion cubic feet. The vast quantity of this "rushing inland sea" in itself constitutes a most formidable obstacle. Its discharge is larger than that of all the noted rivers of Europe combined, and is equaled by only two on the globe, being a little more than two-thirds that of the La Plata, and only something more than a quarter that of the Amazon.*

The enormous volume of water that comes rushing down the river with tremendous force in time of floods can never be realized by one who has not seen it.

The *variability* in the volume of water from season to season and from year to year is a great difficulty, for were the amount always the same it would be vastly easier to calculate for and provide the forces necessary to confine it within the bed of the river.

The winding course of the river and the soft and yielding nature of its banks constitute another great difficulty. If the Mississippi ran straight and could remain so (which with its soft and friable banks it could not do) there would never be any overflow. It would only have half as far to go as now, and would run at least twice or thrice as fast. So it could easily carry off five or six times as much water as it now does. From the mouth of the Missouri to the Gulf on a straight line is about 675 miles, with an average descent of about 8 inches to the mile, but the Mississippi winds and curves so much that it runs 1,300 miles in that distance, and thus reduces its average rate of descent to about 4 inches to the mile. Sometimes in running 25 miles round a bend it has not advanced forward a single mile. The traveler on a steamboat descending the river, and therefore of course going south, will often discover with surprise that for miles at a time he is going north. Half the time he

* The proportional quantity of water discharged by some of the principal rivers has been estimated as follows:

Thames	1	Indus	133
Rhine	13	Ganges	148
Loire	10	Yang-tse-Kiang	258
Po	6	Amoor	166
Elbe	8	Lena	125
Vistula	12	Obi	179
Danube	65	Nile	250
Dnieper	36	Saint Lawrence	112
Don	38	Mississippi	338
Volga	80	Plata	490
Euphrates	60	Amazon	1,280

is moving east or west. He becomes sadly bewildered, but tries to have faith that the river knows where it is going, and at least will not run up hill.

It is a strange peculiarity of the wonderful river that as it proceeds downward in its course toward the Gulf, instead of growing wider as you would expect, it actually becomes much narrower. From the mouth of the Ohio, 1,080 miles above the passes, which are only a few miles above the Gulf, to the mouth of the Arkansas, 670 miles above them, the average width in time of high water is 4,470 feet, the depth 87. From there to the mouth of Red River, 300 miles from the passes, the width is 4,080 feet, the depth 96. From Red River down to Bayou La Fourche, which is 170 miles above them, the width is 3,000 feet, the depth 113. From there to the passes, or for the last 170 miles that the river flows in a single channel, the width is 2,470 feet, and the depth 129. It will be observed that as the river becomes narrower it grows deeper as a compensation. The reduction of its width, however, from 4,470 to 2,470 feet is very striking. It has actually lost 2,000 feet in width. I may mention that the river loses at least one-tenth of its mean width as the season of low water sets in. At such times its mean width from the mouth of Red River to Bayou La Fourche is 2,750 feet, and from there to the passes only 2,250.

The rise and fall of the waters of the river, or the difference between the highest and lowest waters, is another and the greatest difficulty in controlling the Mississippi. At Cairo, and also at Natchez, 360 miles from the Gulf, it is 51 feet; at Memphis, 40; at mouth of Red River, 44; at Bayou La Fourche, 24; at New Orleans, nearly 15; at Fort Saint Philip, 4½; at the passes, where the river forks into several channels, only some 10 or 12 miles from the Gulf, it is about 2½ feet, and at the Gulf of course nothing.

The immense amount of mud and sediment suspended in the waters of the rivers, especially during the floods, is another difficulty. Able engineers have computed that it annually carries into the Gulf in suspension enough precious soil to form a solid mass 1 mile square and 241 feet high. Others think it carries far more. The best authorities estimate the weight of the sediment so carried at more than 406,000,000 tons. But besides this immense amount it deposits vast quantities on its banks and all over the country overflowed in time of floods. Rushing along at such times at the rate of 6 miles an hour, and in the middle of its current on the surface more than 7, its madly whirling waters are loaded with sediment. But as soon as the waters pour over its banks they begin to move much more slowly and drop a large portion of their solid matter at once on or near the banks, and thence in diminishing quantities for miles till they reach the swamps. In this way it comes to be a fact that the land, as you go back from the river, slopes downward for miles. The banks become in time much higher than the land farther back, the slope in the first mile being from 3 to 12 feet, and on an average fully 7. Hence the river runs, as it were, in the center of a vast ridge a few miles wide and as long as the river's course. In time of highest waters it rises as high as the top of this great ridge and higher, but the mass of its waters remains in its bed, which is from 100 to 150 feet deep.

But the undermining and constant caving in of its banks is the great and most serious trouble in regard to the Mississippi. Deep down below the 20 or 30 feet of surface soil deposited at some time by the river are vast beds of clay. Beneath them are immense layers of sand, often 60 or 80 or even 100 feet below the top of the banks. The two, however, are often strangely intermixed and interspersed the one with the other. The current of the river washes out the sand, and the banks, thus left without support, sooner or later give way and tumble into the waters, which speedily transport them elsewhere in the form of sediment, or oftener roll and push and whirl them along for a mile or two, or less, until they aid to form sand-bars or islands or new banks lower down. Niagara River works its way during the slow centuries in a somewhat similar manner up toward Lake Erie; only there it is an under stratum of soft rock of shale instead of sand a hundred feet beneath the bed of the river, that by degrees is washed away and leaves the hard superincumbent rocks to fall by their own weight. Whenever the current is turned or deflected toward either bank, as often occurs, and always in concave bends, the bank assailed, if of soft and yielding material, as sand or loam, is washed away like a snow-bank before an April sun. Houses, farms, forests, and sometimes towns are swallowed up.

The village of Napoleon, Arkansas, so noted in former days, has thus been swept away. Waterproof, once a flourishing town, 400 miles up the river, has been entirely washed away since 1850, but has been again rebuilt nearly a mile further back, where it is again in danger. In its former location it only required a levee 3 or 4 feet high, because being then on the old bank it was on higher land than it now is. To-day it is in peril behind a levee 9 feet high. When the banks give way far enough back to reach the levees they fall in, of course, and the new levees have to be built much higher, (because on lower ground and farther back,) and wider in proportion, and costing vastly more. If, for instance, the new levee be built on land 10 feet lower than the former one was, it must be raised to a greater height by 10 feet, and will be at least 70 feet broader at its base; for the higher a levee rises the greater must be its foundation and its cross-section throughout.

The solid contents of levees are, in fact, in strict proportion to the squares of their height. Men have seen, in certain localities, in a single life-time, three or four levees thus built, one after another, each succeeding one necessarily higher and broader and more costly than its predecessor. This process cannot go on always. Something better than such a system must be adopted. Some plan to prevent the caving of the banks becomes an absolute necessity. The injudicious location of levees has often exposed them to destruction. Planters living near the river insist on their being built in front of their improvements, to protect them at all events, and thus they are often placed too near the crumbling, caving banks. A great central power like the National Government is needed, with absolute authority to determine where the levees shall be located, and how they shall be built to make them secure and lasting.

But place them where you will, it will be found we can never rely on levees alone. Experience of over a hundred years has shown that the natural banks must be protected in order to prevent caving. In cases where the river has for ages perhaps cut away the bank on one side, making a bend of twenty or thirty miles, shaped like an enormous horseshoe, sometimes in a great flood it cuts across and makes a new channel, through which it tears its way and rushes down, a mad torrent, with fearful speed and violent turmoil. Such "cut-offs," as they are called, for a time lower the water above them, as it now has to run only a mile, perhaps, or less, where it used to run twenty-five. But they make an awful destruction of the banks on one side or the other, both below and above, and ingulf whole plantations, until finally they create other and new bends. Even the clearing out of the channel of the river by removing snags and other obstructions may change the current and cause valuable plantations to be washed away.

As the river tears away the land on one side it builds up elsewhere. Plantations sometimes advance their fronts for miles, and towns that once were on the river's banks find it receding from them until they are left far inland high and dry. Providence and Saint Joseph are examples. They are now left far away from their own landings. Natchitoches was once on the banks of Red River. Now the stream is three or four miles away from it at the nearest point on the north, and eight or nine on the east. The same thing has happened to cities in the Old World. The Vistula, the Po, and the Rhine have deserted cities once located on their banks and the seats of a flourishing river commerce. Saint Louis was once threatened with such a disaster, but the vigilance and energy and public spirit of her citizens by proper action at great expense averted the imminent danger.

And of late years the historic city of Vicksburgh is in danger of being left an inland town by the river cutting across the neck above, and near where General Grant's army tried to cut the canal during the war.

To prevent this danger Captain Eads recommends a restoration of the river to its old channel by extending Delta Point, thus throwing the channel over and against the Vicksburgh shore.

Having spoken of the difficulties to be overcome, let us consider whether they are as great as they appear; whether they be as great or equal to works of a similar nature in the Old World, where, for hundreds of years, the governments of many of the countries there have been successfully carrying out works of this nature on their rivers and harbors. And, in comparing their works of river improvement and land reclamation with ours, let us consider how those nations and states compare in population, territory, and resources with this great nation of ours, with our population of over fifty millions, and our territory extending from ocean to ocean, from tropic to polar climate, and possessing natural resources of agricultural and mineral wealth greater than any other portion of the globe.

Each nation in Europe large enough to have any rivers has expended vastly more. France has spent hundreds of millions upon the Rhone, the Loire, the Garonne, and her other streams. The Adige and the Po, in Italy, have cost from ten to twenty times what the Mississippi requires. Those rivers have been diked and leveed for many centuries. The difficulties to be overcome in the Old World, where rivers come rushing down the lofty slopes of the Alps with the force and the fury of the avalanche, were in some respects far greater than those which the civil engineer has to encounter in the valley of the Mississippi. The average height of all the dikes on the Vistula is twenty feet; the highest are twenty-eight, but the average height is double that of the levees of the Mississippi. The embankments on the Rhine are far higher than any dreamed of in America. In Holland, Friesland, and Zealand, the dikes are from twenty-five to thirty-five feet high.

We may learn much in this connection from the example of a little state in Europe which in spite of nature has carved for itself a great name in history. Holland is a land lower than the sea, and reclaimed by the labor and skill and courage of man from the dominion of the waters. For many centuries its people have battled with their rivers, the Scheldt, the Rhine, the Maas, the Waal, the Lech, &c., and have fought back the sea. Countless levees, which have splendid well-paved roads on their tops, confine the waters of the rivers and the lakes. Enormous dikes keep out the sea. Innumerable canals furnish drainage and navigation. The finest pastures and meadows in Europe are the Dutch polders, so called, the bottoms of former lakes that were first leveed around and then pumped into the ocean. The great lake of Haarlem, ages ago, was thirteen miles long and six wide. But from time to time the sea broke in with its vast waves and raging storms, extending its bounds and devouring the land till Amsterdam and other cities were in danger. Then the spirit of the

Dutch was roused as that of our people should be to-day. They grappled with the floods, shut out the sea by mighty barriers, and then pumped the famous old historic lake dry. And where once famous naval battles were fought between the Spaniards and the Dutch centuries ago, you now behold green pastures, smiling fields, herds of cattle, and homes of men.

Amsterdam and a hundred other cities of Holland stand where once rolled the sea, and on lands that were mere marshes for ages afterward, until man thoroughly reclaimed and beautified them. Holland in the course of centuries has expended on her dikes and levees and in the reclamation of her soil £300,000,000, a sum, allowing for the difference in the value of money in former days and now, larger than our national debt. And all Holland, its highlands as well as its lowlands, the whole kingdom of the Netherlands, in fact, is not one-hundredth part as large as the valley of the Mississippi, and only one-third the size of its delta. It is the manly qualities of her people that constitute her greatness, not the extent of her territory. She has suffered floods far more terrible than any our country has ever known, but she has conquered them. One of them, four and a half centuries ago, drowned one hundred thousand persons in a single night, but still she was undismayed. Each hour she is at work driving back the sea, and every day she adds seven more acres to her lands year after year. If little Holland, a mere speck on the world's map, a land poor and desolate by nature, without a bed of coal, without a quarry of stone, without a single mine, without forests, without the rich staples of the commerce of the world on her own soil, could achieve results so gigantic and so stupendous, the American must have but the soul of a mouse who cries out that our country, with its vast extent of most valuable territory, with its rich mines in every mineral and richer soil, reaching from ocean to ocean and grasping the unlimited wealth of half a continent, with all its grand and magnificent resources, cannot do the little that is needed for the drowning delta of the Mississippi. Have we sunk so low as that?

Mr. Speaker, during my early service in Congress the right of Congress to reclaim and protect these lands under the provisions of the Constitution was questioned, and still occasionally a faint suggestion is ventured that the action proposed is unconstitutional; but surely the objection cannot be made in earnest. Floods in the great delta not only desolate that portion of our land, paralyzing its industries, blighting all its prospects, and utterly ruining its people, but they inflict vast injuries upon the whole country. Every section and every State feels the shock. The farmers of the West lose by it a valuable customer for their crops. Every man in the nation will pay more for his sugar and his cotton in consequence. The floods for a long period break up the railroads and the post-routes over a vast and valuable region of our country, and make it worse than a wilderness. Post-offices fail to receive their mails for weeks. Communication by land ceases. No railroad there can ever be a success so long as its bridges and its track can be washed away by every flood. The Post-Office Department of the nation is drowned out in that region by every great overflow, and yet gentlemen tell us that it is unconstitutional for the Government to stay the floods and save its own mails, its own post-offices and post-roads.

This question of the constitutionality of this great work deserves, in my opinion, no further notice. If Congress has the right to order surveys of the river, to place lights and buoys to guide the commerce on its waters, it also has the right to build levees or embankments to confine the waters to the channel, and thereby deepen the channel for purposes of navigation.

But, Mr. Speaker, another view of this question. Of what, let me ask, does the commerce of this great river consist? Surely not simply of the products raised on its immediate banks and shippedon its waters; nor does it consist of the products of the great States on its borders alone; nor even of the great Northwest seeking the sea. This great river has been likened to and called "an inland sea," and the name is well chosen. It may be said to divide our great country in two halves, extending from the Gulf to our utmost northern border. And its banks are the shores of that sea on and from which are received and shipped not only the products of the immediate border but with our great system of transcontinental railroads, to these banks of the mighty river, "the inland sea," are brought the products of other and remote States, even from California on the Pacific, whence comes its wheat, and from Pennsylvania and Massachusetts on the Atlantic, whence comes their manufactured goods and products of iron, all being brought by our system of railroads there to its banks to be shipped up or down its mighty current to supply our own and foreign lands.

This, then, constitutes the commerce of the river; and if Congress has the right to protect and improve the harbors and shores of our Atlantic, Pacific, and Gulf coasts, it surely has the same right to improve the shores of this other great sea situated in the heart of the continent and having a commerce, counting that of the railroads tributary to its waters, many times more than all of our foreign commerce. But how is it with this tributary commerce of railroads in times of overflows and floods? For weeks and months at a time it is absolutely suspended, and the roads themselves are under water, their embankments, bridges, and tracks injured and washed away, and the commerce of the whole country, from ocean to ocean, to and across the river, is obstructed and suspended. During the flood of this year not a railroad approaching or crossing the river from either side but that was compelled to stop the running of trains and the carrying of freight, passengers, and the Government mails for weeks, and some of them for months. Trains, Mr. Speaker, bearing the wheat and precious products of distant California, bringing their burdens to New Orleans to be there shipped abroad through the jetties, after coming thousands of miles, were compelled to stop eighty miles from their destination because there were the waters of the great "inland sea." Trains, too, bearing the rich burdens of manufactured goods and railroad materials for Texas and Mexico, and coming from distant States on the Atlantic were there stayed for months, because they could not cross this mighty sea spread out over lands, railroad tracks, and all to a width of from thirty to eighty miles.

Will any one, when these immense interests involving the commerce of the whole country are at stake, doubt the right of Congress under the Constitution, or their duty to their constituents, to at once apply the remedy—their right and duty to at once not only protect the people of the delta from destructive floods but protect the commerce of distant States from this almost annual obstruction and suspension for months at a time?

And now, Mr. Speaker, I come to speak of the Mississippi River commission, their plans and methods for performing the great work intrusted to their care. And on this I can well be brief, because no member of this House but has without doubt given sufficient attention to the subject to be well informed as to these plans and methods.

This commission was created by act of Congress in 1879, and the law creating the commission specified what their duties should be, as follows:

SEC. 3. It shall be the duty of said commission to direct and complete such surveys of said river, between the head of the passes near its mouth to its headwaters, as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of this act.

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SEC. 4. It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purpose aforesaid, to be by him transmitted to Congress: *Provided*, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

In pursuance of the requirements of this act, the commission began and have carried on their work. They made a full and complete report to the last Congress of their work so far as then completed; but from that Congress received only the sum of $1,000,000 for work last year, and this amount was hampered with a proviso that no part of it should be used for the purpose of closing the gaps in or building levees. The early rise of the river last fall prevented any work of channel contraction, and so about all that has been accomplished has been to get ready for active work this year by securing an extensive plant of boats and other appliances. The general plan of the commission can be stated to be one which will confine the river to its proper channel, and thus secure its full scouring and sediment-carrying capacity. And in this manner the channel will be deepened and destructive floods prevented. As I said, not only the reports of the commission in print have been examined but the individual members have been called on to explain their plans and methods before both the committee of improvement of the river and the Committee on Commerce, who report this bill; and from this evidence and their reports I beg to quote, as it will show better than any explanation I am able to give what these experienced and able engineers propose to do. I quote first from page 17 of the printed report:

The bad navigation of the river is produced by the caving and erosion of its banks, and the excessive widths and the bars and shoals resulting directly therefrom.

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Uniform depth joined to uniform width, that is to say, uniformity of effective cross-section, implies uniform velocity, and this means that there will be no violent eddies and cross-currents and no great and sudden fluctuations in the silt-transporting power of the current. There will, therefore, be less erosion from oblique currents and eddies, and no formation of shoals and bars produced by silt taken up from one part of the channel and dropped in another. As the friction of the bed retards the flow of the water, any diminution of the friction will promote the discharge of floods. The frictional surface is greater in proportion to volume of discharge where the river is wide and shoal than where it is narrow and deep. It follows, therefore, that after the wide shoal places are suitably narrowed, and the normal sectional area is restored by deepening the channel, the friction will be less than it was before. This will result in a more easy and rapid discharge of the flowing water, and consequently in a lowering of the flood-surface. It would seem, therefore, that the plan of improvement must comprise as its essential features the contraction of the water-way of the river to a comparatively uniform width, and the protection of caving banks, and this is presumed to be the plan referred to in the act as the "jetty system." It is known from observation of the river below Cairo, not only that shoals and bars, producing insufficient depth and bad navigation, are always accompanied by a low-water width exceeding 3,000 feet, but that wherever the river does not exceed that width there is a good channel. In other words, bad navigation invariably accompanies a wide low-river waterway, and good navigation a narrow one.

The work to be done, therefore, is to scour out and maintain a channel through the shoals and bars existing in those portions of the river where the width is excessive, and to build up new banks and develop new shore-lines, so as to establish as far as practicable the requisite conditions of uniform velocity for all stages of the river.

It is believed that this improvement can be accomplished below Cairo by contracting the low-water channel-way to an approximately uniform width of about three thousand feet, for the purpose of scouring out a channel through the shoals and bars, and by causing, through the action of appropriate works constructed at suitable localities, the deposition of sand and other earthy materials transported by the water upon the dry bars and other portions of the present bed not embraced within the limits of the proposed low-water channel. The ultimate effect sought to be produced by such deposits is a comparative uniformity in the width of the high-water channel of the river.

It is believed that the works estimated for in this report will create and establish a depth of at least ten feet at extreme low stages of the river over all the bars below Cairo, where they are located.

It is the opinion of this commission that, as a general rule, the channel should be fixed and maintained in its present location, and that no attempt should be made to straighten the river or to shorten it by cut-offs.

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Experience, as well in this country as in Europe, justifies the belief that the requisite correction and equalization of the transverse profile of the stream, by developing new shore-lines and building up new banks, may be made chiefly through the instrumentalities of light, flexible, and comparatively inexpensive constructions of poles and brush, and materials of like character. These constructions will commonly be open or permeable to such a degree that, without too violently arresting the flow of water, thereby unduly increasing the head and causing dangerous underscour, they will sufficiently check the current to induce a deposit of silt in selected localities.

The works which have been used in similar improvements are of various forms and devices, such as the hurdle, composed of a line of stakes or light piles, with brush interlaced; the open dike, formed of stakes with waling strips on both sides filled in loosely with brush; the continuous brush mattress, built or woven on fixed or floating ways and launched as fast as completed, as a revetment to a caving bank, the mattress used as a vertical or inclined curtain, placed in the stream to check the current, the same laid flat on the bottom as the foundation for such a curtain or as an anchorage for other brush devices; curtains of wire or brush netting, placed vertically or inclined in the stream; and various other forms of permeable brush dikes, jetties, or revetments. Some of these methods of construction have been used on the Mississippi and Missouri Rivers with increasing satisfaction and success, although they cannot yet be regarded as entirely beyond the experimental stage. In some, perhaps in many, localities, works of a much more solid character than those above indicated may be necessary.

The closure of deep channels or low-water chutes, with a view of confining the flow to a single passage, may require substantial dams of brush and riprap stone or gravel, but it is believed the lighter and less costly works will generally suffice.

By a permeable dike located upon the new shore-line to be developed, connected with the old bank at suitable intervals by cross-lines of like character, or by jetties or hurdles or other permeable works projecting from the bank with their channel ends terminating on the margin of the proposed water-way, or by any other equivalent works, the area to be reclaimed and raised will be converted into a series of silting basins, from which the water, flowing through the barriers with diminished velocity, will, after depositing its heavier material, pass off and give place to a new supply. In this manner the accretion will go on continuously through the high-water season, or through two or more seasons if necessary, the works being renewed on the higher level as occasion requires.

Wherever necessary, the new bank must be protected by a mattress, revetment, or some equivalent device.

That these methods of improvement are practicable is shown by the works already executed on the Mississippi and Missouri Rivers.

The commission, as I have shown, by the organic act creating them were directed to thoroughly examine and report on the levee and outlet systems; and while there was some doubt and dissenting opinions originally on the part of one or two members as to the necessity of a levee system for purposes of navigation and commerce, as well as preventing destructive floods, the commission now all agree, and I quote from their first report:

The work to be done, therefore, is to scour out and maintain a channel through the shoals and bars existing in those portions of the river where the width is excessive, and to build up new banks and develop new shore-lines, so as to establish as far as practicable the requisite conditions of uniform velocity for all stages of the river.

It is obvious that levees are, upon a large portion of the river, essential to prevent destruction to life and property by overflow. They give safety and ease to navigation and promote and facilitate commerce and trade by establishing banks or landing places above the reach of floods, upon which produce can be placed while awaiting shipment, and where steamboats and other river craft can land in times of high water.

In a restricted sense, as auxiliary to a plan of channel improvement only, the construction and maintenance of a levee system is not demanded. But in a larger sense, as embracing not only beneficial effects upon the channel but as a protection against destructive floods, a levee system is essential; and such system also promotes and facilitates commerce, trade, and the postal service.

A levee system aids and facilitates the postal service by protecting from injury and destruction by freshets and floods the various common roads and railways upon which that service is conducted to and from the river bank, and generally within that portion of the alluvial region subject to overflow. Moreover, the permanent maintenance below Cairo of a connected levee system, a system of sufficient strength to inspire confidence in its efficiency, or the demonstration, by the achieved results of an improved river, that overflow need no longer be seriously apprehended, would act as a prompt and powerful stimulant in rapidly developing a largely increased trade and commerce in all the products of agricultural industry indigenous to that region, and in those branches of manufacturing enterprise related thereto.

The outlet system, after an examination, is condemned, as follows:

As the system of improvement proposed by the commission is based upon a conservation of the flood-waters of the river, and their concentration into one channel of an approximately uniform width, it would seem scarcely necessary further to consider a system based upon theories and arguments so diametrically opposed to it as the outlet system is thus shown to be.

And from the last report of the commission the following is a part of the report of a sub-committee on levees and outlets, consisting of Messrs. Suter and Harrod:

We beg leave to submit the following conclusions:

1. That bayous and overflows afford no permanent or uniform relief, but produce changes of regimen detrimental to navigation, and cause destructive floods.

2. That the direct influence of a levee system is to improve navigation and prevent destructive floods by the establishment of a regimen, and the elimination of varying and abnormal local conditions.

3. That the conservation of flood-waters by artificial embankments is becoming of greater importance every year, both in preserving navigation and in preventing destructive floods from the recession of the banks to lower levels, and has already, in many parts of the river, become essential.

4. That the act under which we serve contemplates the preparation by this commission of a complete plan for the regulation of the river and its banks. Any such plan must include the control and uniform maintenance of such conditions of the river banks as are consistent with the principles controlling the works already recommended by us. The present provision for such maintenance, by the States and riparian owners, is inadequate and hazardous.

In the evidence given before the committee Major Harrod stated as follows:

Mr. HARROD. The conclusion, I believe, from the observations made in Europe covering the last two hundred years, is that the progress of clearing and occupying the adjoining country does deteriorate rivers in perhaps three ways: by making floods more rapid and excessive and disturbing; by decreasing the low-water discharge; and by filling up the river bed, owing to the greater quantity of sand and gravel carried down.

Mr. JONES. And the only way such influences can be counteracted on the Mississippi, in your judgment, is by building levees—the only salvation for that country is to hold the water between banks and force it to scour a way for itself down to the ocean?

Mr. HARROD. Yes, sir; that is my opinion.

Mr. KING. You were at one time chief of engineers of the Louisiana State board of engineers on levees?

Mr. HARROD. Yes, sir; for some years.

Mr. KING. In the course of your study of the general subject of levees, have you observed any necessity for levees as a means of giving safety and ease to navigation during seasons of flood?

Mr. HARROD. Yes, sir; that subject has been presented to us. Levees do give such ease and safety, but probably the extremest cases are presented by this recent flood. I am informed that almost all the light-houses upon the river are swept away. I am also informed that the Memphis Anchor Line of boats (a very large line, as some of you gentlemen know) were withdrawn from the trade two or three weeks ago, because they could not make their landings, and the majority of the railroads that extend from the river westward are under water. There are one or two, I think, in the Saint Francis bottom. The road from Arkansas City west is under water and stopped running some time ago; the road from Vicksburgh west is about four feet under water. The Baton Rouge road, a local road, has ceased running, and I have very little doubt from the news in the papers this morning of the breaking of the La Fourche and Point Coupé crevasses that Morgan's Louisiana and Texas Road, which is a Pacific road, will go under water.

Captain Eads stated before the committee:

I believe that this will be the result of the works of improvement projected by the Mississippi commission; that a beneficial condition of affairs for navigation and for agriculture will result so much quicker to the country if we close these gaps in the levees and get all of the force of the river to help this good work. I do not think that $2,000,000 can be better employed than in having these gaps closed. That work can be done without any interference whatever with the work of the commission. If Congress will authorize the closure of them by the Secretary of War he can have the work contracted for, and it can go on without interrupting at all any of those works of improvement which the commission have recommended, and it will bring the deep channel so much the quicker.

Lieutenant-Colonel Comstock, of the commission, answered as follows:

Mr. JONES. Therefore the only permanent relief, you think, is to be obtained by confining the waters, and so cutting a channel down to the sea which will afford a sufficient outlet for the water? All other reliefs would be temporary, and would be like doctoring the symptoms instead of attacking the disease, wouldn't they?

Lieutenant-Colonel COMSTOCK. If you are speaking of overflows, I think the only permanent relief is to make big levees.

Mr. JONES. So as to confine the water and compel it to cut itself a channel out to the ocean instead of spreading over the country?

Lieutenant-Colonel COMSTOCK. Yes.

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Mr. MOORE. In connection with your jetty or levee plan would or would not two or three outlets wisely located to take off the surplus water tend to improve the navigation?

Lieutenant-Colonel COMSTOCK. No, sir; I do not think you can ever improve the navigation in that way.

Professor Mitchell, of the commission, said:

"I am just fresh from a little study of the Delaware, which is a minute stream compared with the Mississippi, but which has all the characteristics of the larger river. Some portions of the Delaware have been leveed for a hundred years, and, as far as I can observe, the response of the river to the process proposed by the Mississippi River commission has been prompt and satisfactory, and excellent results have come from a systematic procedure upon substantially the principles and the method proposed by the commission. The stream has been leveed, then it has had its shores occupied by wharves and other structures, and the bottom has given away just about so fast. The Delaware is a stream which is subject to floods. I have not the figures to show the size or extent of those floods, but, so far as I know, they have not increased. The bottom has given way about as rapidly as the shores have been raised, so that the stream is in as good condition now as it ever was in respect to floods, and in a great deal better condition as to navigation, having twelve or fifteen feet more water."

Mr. DARRALL. What kind of material has been used in the construction of the levees on the Delaware?

Mr. MITCHELL. Substantially the same as on the Mississippi—heaps of sand or earth.

Mr. DARRALL. Can you give us any information as to their size or height?

Mr. MITCHELL. I cannot give you anything definite. They appear to be about the same height as those along the Mississippi—4 or 5 feet high.

And General Gilmore, the president of the commission, made the following statement before the Committee on Commerce:

The volume of flow, and therefore the velocity and the scouring power in the bed of the stream, are all increased by levees during periods of overflow. Moreover levees are, upon a very large portion of the Mississippi River, absolutely necessary to prevent widespread destruction to life and property by overflow, and any one who has witnessed the sublime spectacle of such a flood as now prevails throughout the entire valley of the Mississippi, submerging the banks to a depth of many feet and spreading out over the entire alluvial section to widths varying from forty to sixty miles, cannot avoid the conclusion that an adequate system of carefully maintained levees is required to make navigation reasonably safe and easy and to render the carrying on of trade, commerce, and the postal service possible, in the sense of ordinary economic feasibility. I believe the fallacy that levees will cause a permanent raising of the flood surface has been abandoned by all who formerly entertained it.

* * * * * * *

Mr. GIBSON. Are the parts of your plan, namely, the improvement of the reaches and the re-establishment of the banks by levees, so closely connected as to be inde-

pendent, the one operating in low water, the other operating in high water, and both contributing to channel improvement?

General GILLMORE. Certainly.

Mr. GIBSON. Both essential, therefore, to the general scheme which you have explained to the committee?

General GILLMORE. Exactly; but in my judgment levees built specially for channel improvement might be better located than they generally are. You cut across necks and points of land in building a levee to prevent overflow, whereas if you were building it merely for the purpose of improving the channel you would follow the bends. But even as they are located, the levees are an essential part of the system of improvement that we have projected.

And finally, I quote from the supplemental or minority report made by Captain Eads recently; and while not detracting from the great learning and engineering skill of other members of the commission, it must be said that in experience with this great problem of the improvement of the Mississippi he has the advantage of any of them:

My views regarding the important agency of the levees in improving the low water channel of the Mississippi were not expressed in that report with the degree of emphasis which I then desired, and I am unwilling to commit myself now to any expression in the present report which, in the slightest degree, tends to throw a doubt upon the necessity of, or to justify any further delay in the closing of these outlets. On the contrary, I deem it proper to urge with redoubled force the absolute necessity of their immediate closure.

From quotations hereinafter made from the previous report of the commission, it will be seen that it relies upon the increased volume of discharge for scouring more deeply the bed of the river and lowering its floods. The loss of its volume through outlets or crevasses is fully recognized in that report, as the cause of the deposition of sedimentary matters in the bed of the river, by which its flood surface is raised from year to year.

Observations made by the commission plainly show that the effect of the present gaps in the levees has been to raise the flood-line of the river many inches above any heights previously attained within the seven hundred miles in which they exist most numerously, between Natchez and the mouth of the Ohio River. Within this distance there have occurred during the last eighteen years innumerable crevasses, aggregating, in 1875, a length of about one hundred miles, and throughout this part of the river the deposits have raised its bed so much as to greatly injure navigation, and to cause smaller floods to rise to heights never before attained.

This question is of such vast importance, and in view of my dissenting from the report of the commission, I trust that I will be pardoned for explaining at some length the general principles underlying the plan of improvement recommended by the commission, and the relation which the levees have to that plan. It should be borne in mind that this plan is only applicable to the rectification of a sediment-bearing river, and not to rivers flowing through rocky beds, and whose waters are clear. It should be especially noted, also, that this plan, when fully executed, will render the further use of levees almost, if not entirely, unnecessary.

I think these extracts are sufficient to show in what manner and by what methods the commission propose to do their work, and that nothing further need be said than to repeat that these plans and methods have been indorsed by the two committees of this House who have examined them with the greatest possible care, and I trust the House will further indorse them by passing this bill.

Before closing on this branch of the subject let me state what the commission expect to accomplish for the river's improvement, and what they estimate it will cost, so that we may each of us judge whether the outlay is commensurate with the objects to be attained. The commission expect on the completion of their work to have a low-water channel clear of sand-bars and obstructions all the way from Cairo to the mouth of the river, and to have the millions of acres of fertile lands of the great delta absolutely safe from all destructive floods. And this at a total cost of not over $37,000,000; $4,000,000 for levees and $33,000,000 for improvement of the channel and protection of the banks from caving. Will any one say that this paltry sum is too much for such a work? The loss by the flood of this year, direct and indirect, is very nearly double this sum. And the yearly loss to the commerce of the river during low water is surely at least half what is expected to be expended annually in this work. The cost, Mr. Speaker, does not compare with the results to be obtained, and I feel safe to say that no great work of public improvement ever attempted or completed in the history of the world promises results as grand as this. Let this appropriation be made and the good work once be inaugurated, and I venture to say no one will ever say stop till it is completed.

The Republican party, now in power in all branches of the Government, is committed to this great work. In a Republican Congress, the Forty-second, an appropriation for rebuilding the levees of $3,000,000 was passed by the House, and only failed by one vote in the Senate. Each of our three last Presidents, Grant, Hayes, and Garfield, in messages or speeches favored this improvement. And on the 17th of April of this year, when the last great flood was at its height, when the suffering, starving people of the great valley were cowering in terror before their dreadful enemy, the water, the present Republican Chief Executive sent to each House of Congress a message on this subject, which I append to my remarks, and which needs no comment from me. May I hope that Congress will come up to the same high stand on this subject that marks the wisdom and statesmanship of President Arthur?

The Republican party, in the twenty years and more they have been in power, have made a record in the history of our country of which the patriot may well be proud. They have saved the life of the nation from assaults within. They have saved her honor and her credit from assaults without before the whole world. They have connected the shores of our two great oceans and the thousands of miles between by the grandest system of transcontinental railroads on the globe. They have given to our manufacturing, agricultural, and mining interests such protection as has made our country the greatest workshop of the world, and our laborers the best paid. They have improved the navigation of our rivers and streams. They have built costly works to improve our harbors and protect our shipping. And they have opened the mouth of the great Mississippi, obstructed for centuries, free to the commerce of the world. But greater and grander than all these achievements, save alone that of fighting out the war of the rebellion, will be this work of redeeming and protecting the great delta of the Mississippi.

APPENDIX.

PRESIDENT ARTHUR'S MESSAGE ON THE PROTECTION OF THE VALLEY.

To the Senate and House of Representatives:

I transmit herewith a letter dated the 29th ultimo, from the Secretary of War, inclosing copy of a communication from the Mississippi River commission, in which the commission recommends that an appropriation may be made of $1,010,000 for "closing existing gaps in levees," in addition to the like sum for which an estimate has already been submitted.

The subject is one of such importance that I deem it proper to recommend early and favorable consideration of the recommendation of the commission. Having possession of and jurisdiction over the river, Congress, with a view of improving its navigation and protecting the people of the valley from floods, has for years caused surveys of the river to be made for the purpose of acquiring knowledge of the laws that control it, and of its phenomena. By act approved June 28, 1879, the Mississippi River commission was created, composed of able engineers. Section 4 of the act provides that "it shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River, improve and give safety and ease to the navigation thereof, prevent destructive floods, promote and facilitate commerce, trade, and the postal service."

The constitutionality of a law making appropriations in aid of these objects cannot be questioned. While the report of the commission submitted and the plans proposed for the river's improvement seem justified as well on scientific principles as by experience and the approval of the people most interested, I desire to leave it to the judgment of Congress to decide upon the best plan for the permanent and complete improvement of the navigation of the river and for the protection of the valley.

The immense losses and the widespread suffering of the people dwelling near the river induce me to urge upon Congress the propriety of not only making an appropriation to close the gaps in the levees occasioned by the recent floods, as recommended by the commission, but that Congress should inaugurate measures for the permanent improvement of the navigation of the river and security of the valley. It may be that such a system of improvement would as it progressed require the appropriation of twenty or thirty millions of dollars. Even such an expenditure, extending as it must over several years, cannot be regarded as extravagant in view of the immense interests involved. The safe and convenient navigation of the Mississippi is a matter of concern to all sections of the country, but to the Northwest, with its immense harvests needing cheap transportation to the sea, and to the inhabitants of the river valley whose lives and property depend upon the proper construction of the safeguards which protect them from the floods, it is of vital importance that a well-matured and comprehensive plan for improvement should be put into operation with as little delay as possible. The cotton product of the region subject to the devastating floods is a source of wealth to the nation and of great importance in keeping the balances of trade in our favor.

It may not be inopportune to mention that this Government has imposed and collected some seventy millions of dollars by a tax on cotton, in the production of which the population of the Lower Mississippi is largely engaged, and it does not seem inequitable to return a portion of this tax to those who contributed it, particularly as such an action will also result in an important gain to the country at large, and especially so to the great and rich States of the Northwest and the Mississippi Valley.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April* 17, 1882.

London Fishery Exhibition of 1883.

SPEECH

OF

HON. PETER V. DEUSTER,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 19, 1882,

On the joint resolution (H. R. No. 237) concerning an international fishery exhibition to be held at London in May, 1883.

Mr. DEUSTER said:

Mr. SPEAKER: The joint resolution recommended by the Committee on Foreign Affairs deserves the hearty support of every member of this House. It provides the means of keeping before the eyes of the world, through the coming grand international exhibition at London, our wonderful successes in enriching our extensive rivers and waters with inexhaustible supplies of the poor man's food and the rich man's luxury, fish. The propagation of fish has by this time well become understood as a source of national wealth, and we have the satisfaction of seeing our efforts in that direction more than amply repaid; while, on the other hand, the destruction of some of the finny tribes peculiarly American would, but for these efforts, have been unavoidable, and a direct loss to the large part of our population dependent upon fish for sustenance and industrial employment.

We have already won great triumph upon this new and profitable field of contest for supremacy. In 1875 Congress made an appropriation for expenditure by the Smithsonian Institution and the United States Fish Commission of over $100,000 for the preparation of an exhibit of the animal and mineral resources of the United States at the

centennial exhibition at Philadelphia in 1876. Of this sum about $30,000 was expended in connection with the fisheries branch of the subject. The display made in consequence was complete and satisfactory.

At the close of the exhibition these specimens were boxed up and transferred to Washington, where they remained stored in the Armory Building until 1880. In that year Congress passed an act for participation by the United States in the fisheries display at Berlin, and appropriated $20,000 for the purpose. This amount would have been entirely inadequate but for the fact that the greater part of the display was already prepared, leaving comparatively little additional matter to be procured.

There were also in readiness a series of portable cases which had been constructed at an additional cost of some $6,000, and which were forwarded to Germany with the exhibits, and used in the installation and display of the collection. Owing to the great liberality of the Bremen Steamship Company, the collection of boxes, occupying some twelve thousand cubic feet of capacity, was taken to Bremen and brought back again free of charge. The railroad companies between Washington, New York, and Boston acted in a similarly liberal spirit.

It will be impossible to use any considerable portion of the articles exhibited at Philadelphia and Berlin for the London display. Many of them were ruined by the transfer so as to require renovation, and the collection generally has become so well known by its double exhibition as to be what may be called shop-worn. For this reason an entirely new series of presentations will be required; also the fisheries industries have been greatly extended since 1880. The packing-boxes in which the collections were sent to Berlin and back have been destroyed; and the same may be said of the greater part of the cases. The expenditures therefore necessary will be as follows:

1. The preparation of the new exhibit in all its details, and of the most perfect character.
2. The preparation of the specimens, and mounting them on suitable boards or tablets.
3. The construction of cases in which they may be exhibited on reaching London.
4. The construction of packing-boxes necessary for holding the exhibit.
5. The freight charges to London and back on not less than twenty thousand cubic feet of packages.
6. The salaries, traveling expenses, and subsistence in London of the party necessary to take charge of the display.

The following schedule of expenditures is given as an approximate estimate:

1. The collection of the materials for the exhibit, $8,000.
2. The general preparation for exhibition, $5,000.
3. The construction of cases for exhibition, $8,000.
4. The construction of packing-boxes for an estimated bulk of 20,000 cubic feet, $3,000.
5. The freights on 20,000 cubic feet from Washington to London and back, $20,000.
6. Expenses of party in charge of display, $6,000.

A total of $50,000, allowing nothing for incidentals, nothing for unexpected expenses, and nothing for acquiring articles of economical value to the United States by the National Museum.

The sum mentioned is the very lowest with which the work can be done to any advantage. It will indeed require a great deal of economy to bring a suitable outlay within the figure mentioned.

The Berlin fishery exhibition, besides calling the attention of foreign countries to the cheapness and excellence of the various fishery products of the United States, had a very marked effect in impressing the people of Germany, and indeed those of Western Europe, with the general wealth and abundant resources of this country. The display made by our Government—though on account of the late passage of the appropriation bill it was necessarily prepared in less than a month's notice, and, consequently, much less complete and impressive than it would have been under circumstances ordinarily favorable—was by far the most imposing of any in the whole exhibition.

The exhibition itself was in Germany considered to be of much greater importance than we are likely to realize, and attracted almost as much attention as did the exhibition of 1876 in this country. Week after week excursion trains from all parts of Germany brought throngs of that class of people which furnish the best element for emigrants. One hundred thousand visitors in a day were not an unusual number. An examination of the statistics of the emigration from Germany for 1880 indicates a remarkable increase in the number of emigrants during the months following the date of the opening of the Berlin exhibition.

The London Times, commenting on the exhibition at the time of its opening, asked the question, "How can the German Government dare to allow such an imposing display of the resources of the United States?"

The high tariff on foreign food-products collected by the German Government has prevented our fish merchants from succeeding as well as might have been expected in the introduction of their wares into this country. By reason of this tariff, food substances which otherwise might be sold in Germany at a price very far below that of the cheapest of their home productions of a similar nature have their prices increased about threefold.

Notwithstanding this fact, we are informed that American boneless codfish has been adopted as a standard article of food by some seventeen or more of the regiments of the German army; while its introduction into the commissary departments of the navies of Germany and Russia is seriously contemplated. As a direct result of the exhibition, agencies have been established for the sale of American fish products in nearly every country in Europe, and if our fishery capitalists fail to make use of the markets now open to them it is solely because the home demand for their products is so great that they are unable at present to meet any call from abroad.

The total value of the products of the fisheries of the United States in the census year was about $45,000,000—the value being estimated at the price paid to the producer, and at wholesale rates the value of the same product is not less than $90,000,000. The annual export of fishery products in the same year, 1880, amounted to $5,744,580. This marked disproportion between production and exportation is due partly to two causes. In the first place the local demand for the products of the fisheries is very extensive, and to supply it occupies a very large share of the attention of our fishery capitalists. The resources of the waters of the United States, especially since the evil effects of overfishing have been neutralized by the results of fish culture, (as perfected by the United States Fish Commission,) are sufficient to allow the production of a quantity of useful products at least ten times as great as that now actually obtained.

Many millions of pounds of our most valuable fishes are allowed to waste every year because there is no suitable market for them, or rather because our fishermen have not yet learned how to utilize them by sending them to foreign countries. In our fishing towns unlimited quantities of fine fish can be bought for less than two cents per pound, and many choice varieties may be bought, salted and dried, for the same price or less. Our fishermen, who spend their lives at sea in the laborious and dangerous pursuit of the off-shore fisheries, often realize but one or two hundred dollars at the end of the year as a result of their labors.

It is doubtless possible to increase extensively the quantity of fishery products exported from the United States to Europe. The immense demand for cheap food in the thickly-settled countries of the Old World is only partly met and chiefly from other sources of supply. Norway and Sweden export annually into Germany a fishery product to the value of $3,000,000, and into Europe generally at least nine or ten millions of dollars. The Dominion of Canada also sends fish to many countries where the United States has no market whatever.

Much more satisfactory results, from a commercial stand-point, may be expected from a participation in the fishery exhibition at London than could have been anticipated from that in Berlin, for our exports into Germany have rarely amounted to more than four or five thousand dollars a year, while in 1880 there was sent to England a fishery product of $2,601,017.

The following statistics of the exportation of oysters to England will serve to show to what extent this market is capable of development. The value of this business was—

In 1875	$38,661
In 1876	99,012
In 1877	118,634
In 1878	252,999
In 1879	304,473
In 1880	363,790
In 1881	403,629

The demand in Europe for American dried and smoked fish is practically none. The United States excel all other countries in the preparation of the cheapest and best qualities of dried cod and pollack, with skins and bones removed, and packed in neat boxes for transportation; and yet this process has never been introduced into the Old World. We have also an almost unlimited production of fine grades of smoked herring, sturgeon, halibut, and mullet, all of which would be sure to meet with favor if properly placed upon foreign markets.

There is likewise no foreign demand for American pickled fish, although the consumption of fish prepared in this manner in Europe is known to be immense, and at the same time the production of pickled fish in the United States was greater last year than ever before, 117,500,000 pounds of mackerel having been salted down as one of the products of the New England mackerel fishery.

It is, however, in the preparation of canned fish that our country particularly excels, and the demand for the various daintily manipulated and ingeniously packed articles of this class could without doubt be much increased, especially in France, England, and Italy. To this class belong the various kinds of cooked and canned fish, such as salmon, lobsters, clams, oysters, crabs, shrimps, codfish balls, and the numerous grades of pickled and spiced fishes, American sardines and caviares.

As has been stated, France, Germany, and England consume an immense and constantly increasing quantity of these articles, while there is an almost untouched field in other countries of Europe, as well as in its Eastern dependencies, to whose climates these preparations are especially well adapted. In 1868 there was no export of this class recorded; in 1869, England only received them, taking them to the value of $184,783. Nine years later the exports to Great Britain amounted to $1,919,703; but since that date there have been some indications of a decrease, the quantity sent in 1879 being valued at $1,832,948, and in 1880 to $1,496,365. These goods were first sent to

Germany in 1871, to the value of $184, while in 1878, the exports to this country amounted to $97,319, since which time there have been indications of a tendency to decline.

France in 1872 took $12,991 worth; in 1878, $20,381; in 1879, owing doubtless to the exhibition of 1878, $69,364; while in 1880–'81 a marked tendency to a decrease of exports has been manifested. The aggregates exported to Europe of this class of goods for a period of thirteen years, are as follows:

1869	$184,783
1870	253,882
1871	254,426
1872	317,082
1873	344,677
1874	602,490
1875	1,070,703
1876	1,221,497
1877	1,710,063
1878	2,039,204
1879	1,982,644
1880	1,596,007
1881	1,902,100

Ought not the Government of the United States to take every possible measure to secure a permanence and further increase for this branch of commerce which has sprung up so briskly and in such a promising manner?

There are many minor products of the fisheries which are produced in great excellence in the United States and which should be introduced into foreign countries. For instance, the supply of sponges is practically inexhaustible on our Southern coasts. The American sponges are equal to any, with the exception of the finest grade produced in the Mediterranean; yet there is no record of their exportation. American glues and isinglass are surpassed by none and can be produced in enormous quantities and at a trifling outlay, utilizing now an almost worthless waste product.

The medicinal and lubricating oils—the former from the cod and candle-fish, and the latter from the heads of the smaller species of whales and porpoises—also deserve attention, as well as the Irish moss. The various kinds of mother-of-pearl produced in our Western rivers and on the Pacific coast; the seal skins of our Alaskan Territory, and the alligator, porpoise, and sturgeon leather may be also considered in this connection. The domestic sales of these different products are large, and they would, many of them, meet with favor abroad.

In addition to the commercial advantages which might accrue to the United States from the participation in this exhibition, much knowledge might be gained to this country by a careful study, on the part of experts, of the display made by other nations; though there can be but little doubt that the United States has more to show than it has to learn, yet substantial profit will very probably result from an examination of the implements and products, as well as the methods and processes, shown by the various representative countries, the results of centuries of experience on the part of their fishermen.

The value of the fishery products of the United States is equal to that of all the countries of Europe combined, being four times as great as that of Norway, the great fish-producing country of that continent. In view of this fact, and taking into consideration the undeveloped resources of this country, the United States may take part in the proposed exhibition with a feeling of certainty that it has much to gain by such an undertaking, and a just feeling of pride that the country which has been the most recent in introducing this new branch of industry is also the most successful.

Election Contest—Mackey vs. O'Connor.

SPEECH

OF

HON. SAMUEL DIBBLE,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, May 31, 1882.

The House having under consideration the South Carolina contested-election case, Mackey *vs.* O'Connor—

Mr. DIBBLE said:

Mr. SPEAKER: I presume it will be admitted on this floor that in the matter of the right of a member to his seat two interests are involved, the private right of the individual, and the right of the people of the district to such representation as they are entitled to and as they have designated. So far as the first of these is concerned, and if that only were concerned, I would care little about your verdict to-day. I came here to an office which I did not seek, an office which I had publicly declined, and which afterward I accepted because a constituency demanded representation, and I thought it my duty to come here and speak for their rights; for their rights I propose to speak to-day.

I have made certain assertions in relation to the conduct of this case, and I wish to remark now that in what I may say in relation to its conduct I do not propose to cast upon any member of this House any insinuation of improper motive, but merely to show from a statement of facts that the charge which I have made against this testimony has never been legally investigated. Let me relate its history.

I confess, Mr. Speaker, that while I might have expected of such a party as the Republican party in South Carolina (I mean the part of it which controls the party there)—while I might have expected almost anything from its past history and its present conduct, I had no suspicion that this manuscript was not the testimony as originally taken until a very recent period. On the fourth day of January of the present year, after I had been seated in this Congress for one month, the contestant in the case of Mackey *vs.* O'Connor served me with a notice (the first notice I had ever received from his hands) that before the Committee on Elections, on the record of that case, he intended to contest my seat. Advising with counsel it was thought proper that I should answer that notice. I had been informed, and I knew it only from information, (because I had to do with this record of Mackey and O'Connor the little matter of examining some seven or eight witnessess at the request of Mr. O'Connor's local counsel in my county, and I knew nothing of the papers)—I had been informed by Mr. O'Connor's general counsel in Charleston that a portion of the testimony had been taken after Mr. O'Connor's death. In order personally to verify this fact before I put it in an answer, (the testimony then being in the hands of the Public Printer,) I went to the Printing Office and there asked to inspect the written sheets, for the purpose of ascertaining by the dates of depositions to what extent such was the fact, so as to know it to my own knowledge. That was some time in the month of January last; I do not remember the day. In looking over those depositions to see whether they were taken in Mr. O'Connor's life-time or after his death, in Mr. O'Connor's own testimony——

A MEMBER. In Mr. Mackey's testimony.

Mr. DIBBLE. No; Mr. O'Connor's testimony. Mr. O'Connor's testimony was incomplete when he died, and never has been completed. I found interspersed in Mr. O'Connor's testimony, while I was looking for the dates of the depositions, numerous changes and interlineations which were in the handwriting of the contestant, whose handwriting I knew. That circumstance first directed my attention to the fact that something was wrong with that record. That was some time in the month of January last. I mentioned it to my counsel, who were General Paine (formerly a member of this House and a member of the Committee on Elections) and Mr. Earle, of South Carolina, who practices at the Washington bar. Upon their advice, and with one of them, I examined this testimony, and while we were engaged in that examination, in looking over the testimony of the contestant, the handwriting of C. Smith was recognized by Mr. Earle as the handwriting of some of the depositions, Mr. Earle having been a practitioner in South Carolina, and at one time having had some copying done by Mr. Smith. We also observed that a portion of the contestant's testimony was in the contestant's own handwriting, and another portion in the handwriting of somebody else known to neither one of us. That was some time about the last of January or the 1st of February. It was as soon as the testimony had come from the Printer. On that my counsel instituted inquiries; and in answer to the inquiries thus instituted the facts were developed, which were afterward set forth in affidavits, two of which are as follows:

AFFIDAVIT OF E. H. HOGARTH.

THE STATE OF GEORGIA, *Richmond County:*

Personally appeared before me, a notary public in and for the county of Richmond, E. H. Hogarth, who, being sworn, says: That he was a resident of the city of Charleston, State of South Carolina, during the year 1881, up to the 30th September; that deponent held the office of notary public during said time, and was a stenographer by profession; that he was employed by E. W. M. Mackey, esq., as stenographer and notary public in the contest between E. W. M. Mackey and M. P. O'Connor for a seat in the Forty-seventh Congress of the United States, and that deponent acted as stenographer, and sometimes notary public, in Orangeburgh County, in behalf of the Hon. M. P. O'Connor; that deponent took the testimony on the part of E. W. M. Mackey, esq., in the counties of Charleston, Orangeburgh, and Clarendon, with the exception of one or two depositions; that all of the testimony so taken by deponent as stenographer was transcribed from his stenographic notes in deponent's own handwriting, and testimony taken on behalf of E. W. M. Mackey, esq., was turned over to him in deponent's own handwriting, and such taken on behalf of the Hon. M. P. O'Connor was turned over in deponent's own handwriting to Robert Chisolm, jr., esq.

This ended his (deponent's) connection with said testimony, except that afterward at various times he (deponent) signed certificates which were tendered to deponent by E. W. M. Mackey, esq., and also jurats at the foot of depositions; these deponent signed without comparison with his said stenographic notes, taking it for granted that said testimony was the same as furnished by deponent to said E. W. M. Mackey, esq.; that the said certificates were often presented to deponent for signature by said E. W. M. Mackey, esq., when deponent was otherwise employed, and that deponent did not have his stenographic notes at hand when he so certified said testimony; that deponent also certified the testimony taken on behalf of Hon. M. P. O'Connor in instances where deponent acted as notary public; that deponent did not forward any of said testimony to the Clerk of the House of Representatives, but turned same over to the respective parties named above; and deponent knows nothing of his personal knowledge concerning the forwarding of the same.

E. H. HOGARTH.

Sworn to and subscribed before me this 17th day of February, 1882.

[SEAL.] WM. M. MILLER,

Notary Public, Richmond County, Georgia.

AFFIDAVIT OF C. SMITH.

STATE OF SOUTH CAROLINA, *Charleston County:*

Before me personally came C. Smith, in response to a summons to testify as to certain matters in a contest entitled E. W. M. Mackey *vs.* M. P. O'Connor, and who, being duly sworn, says: "I was employed by E. W. M. Mackey to write out the testimony taken in his behalf in the contest between himself and Mr. O'Connor for a seat in the Forty-seventh Congress; this writing was done at the house of Colonel Mackey, and at the United States court-house, and at my room. The body of testimony was in the handwriting of E. H. Hogarth, stenographer and notary public, and there were interlineations, erasures, and portions of the original sheets were cut out and other sheets substituted, and sometimes left out entirely; that sometimes nearly a whole page was struck out by drawing a line across it; that the interlineations were in the handwriting of E. W. M. Mackey; that the copy made by me omitted the erasures and inserted the interlineations; that sometimes whole pages of this testimony in the handwriting of Colonel E. W. M. Mackey would be inserted, and of which there was no original in the handwriting of Mr. Hogarth, the notary public, that I saw; that sometimes when I returned the originals and my copy of the same, Colonel Mackey destroyed the originals by placing them in a stove, or destroying them by tearing them up; that in some instances the copy made by me was returned interlined, and I made fresh copy with such corrections; the interlineations last mentioned were also in the handwriting of Colonel E. W. M. Mackey; that the notary public, Mr. Hogarth, placed his seal and signature to the testimony as it was handed to him without making any comparison with the originals, as in many instances, as before stated, the originals had been destroyed, and also without making any comparison with his short-hand notes; that is, in every case in which I was present, my impression is that I saw him sign nearly all of the testimony, certainly more than half of it; that in the case of W. A. Zimmerman the testimony as copied by this deponent was submitted to him for his signature, that he declined to sign the same until certain corrections were made in it, that the testimony as submitted was not correct, and that unless the corrections were made he would not sign the same; that this testimony of Zimmerman's I returned to Mr. Mackey and I never recopied it; and it was not signed by Mr. Zimmerman when I returned it to Mr. Mackey; that in the case of Major T. A. Haguenin the testimony as copied by me was handed to him; he glanced over it and said, "I suppose it is all right," and signed it; that I may have submitted other testimony but cannot now recall the other cases where I submitted them for signatures; that Mr. Hogarth in certifying these papers would certify a number of them at one time and without comparison as aforesaid; that I took a number of packages of the testimony to the express office and shipped them in the name of Mr. Hogarth to the Clerk of the House of Representatives; that the statements herein apply only to the testimony taken in Mr. Mackey's behalf. I know nothing about the testimony taken for Mr. O'Connor; that from the early part of January, 1881, and off and on during the summer months, and nearly up to the time that the last package of Mr. Mackey's testimony was sent off, I was copying. That the packages hereinbefore mentioned as shipped by me were given to me by E. W. M. Mackey, and I handed to him the receipt for the same, the said receipt being in the name of E. H. Hogarth.

C. SMITH.

Sworn to before me this 16th day of February, 1882.
[SEAL.] H. L. P. BOLGER, *Notary Public.*

And my own statement and that of Mr. Earle show (and his statement is under oath) that on the 21st of February, when my communication was filed with the committee, we had proceeded with as much expedition as possible, with the view of getting it to the committee at an early period, and that there was nothing in this matter intended as a dilatory proceeding.

I ask the Clerk to read two portions of the communication which I sent to the committee and which will show the request I made of them on the 21st of February.

The Clerk read as follows:

These matters have come to my knowledge very recently, and the affidavits accompanying this communication will show that the charges I make are not without foundation; and an inspection of the manuscript testimony on file will corroborate the affidavits, while additional testimony can be obtained, as I am informed and believe, equally damaging to the character of the contestant and his testimony, should time be allowed for the purpose.

* * * * * * *

And I therefore request this committee to make due investigation of these matters, and to ask leave of the House of Representatives to summon the witnesses whose depositions accompany this communication, together with such other witnesses as may be named by the said contestant and myself, respectively, to testify touching the truth of the charges aforesaid, in case the contestant deny the said charges, or to take such other means as may be just, fair, and lawful to ascertain the same; and that the testimony on file in the said case of E. W. M. Mackey against M. P. O'Connor be stricken out, and declared to be fictitious, unreliable, and void.

Mr. DIBBLE. Now, Mr. Speaker, a good deal has been said in this debate about Mr. Hogarth not having been summoned here with his stenographic notes as the original testimony; and it has been said by at least two of those who have spoken on the other side of this case that such was not my demand. There it is, Mr. Speaker, "to ask leave of the House of Representatives to summon the witnesses whose depositions accompany this communication." Who were these witnesses that I asked to be summoned? Hogarth, the stenographer, was one of the witnesses, and C. Smith was another. I asked that they be summoned, and I asked that the matter be investigated. Now, how much delay would it have caused to have granted that simple request?

But that is not all. There was filed also at the same time by my counsel a separate motion on a point of law to suppress the affidavit. All lawyers in this House on both sides will appreciate that this is a matter for fair argument, at the least. I will say that my counsel, who has been justly credited with great acumen in election cases, said that the position was invincible. The point made was that the notary had not certified, as the law requires, that the depositions were written out in his presence. The authorities which he cited were principally authorities from the Supreme and circuit courts of the United States. That motion was filed at the same time.

A meeting of the sub-committee was called—I have it from the records—for the 26th day of February to consider my request and to hear this legal motion. On the 23d of February—I have the letter here—I was notified that that meeting was postponed by order of the chairman of the sub-committee until the 1st day of March, when the sub-committee met.

Now, what did that sub-committee have before them that day? They had a motion to suppress the depositions on a legal ground, and they had before them my request that they should investigate this matter and summon witnesses in regard to it. I had stated in my communication that by inspection this testimony would furnish sufficient grounds to lead them to inquire further.

I said to the sub-committee that day that I could not ask them to pass on so grave a charge on the *ex parte* affidavits of Hogarth and Smith; that I had put in those *ex parte* affidavits to show that I had foundation for making the charge; but that the contestant in this case was entitled to cross-examine the witnesses, that it would be but fair to him to give him that opportunity; and I said also that it would not be fair to me unless I had the privilege of cross-examining such witnesses as the contestant might produce in defense against this charge.

Apart from those principles of law which lawyers will appreciate, I had for that assertion direct authority from a precedent of this House, a report made by the Committee on Elections of this House, which I send to the Clerk's desk. I ask him to read the portion I have marked on page 2 of that report.

The Clerk read as follows:

As no authority in either case was given to the committee to take testimony, the sole authority of the committee rests on these references, on the rules of the House, and on the laws of the United States. There is no law, and no practice of the Committee on Elections, as we understand it, authorizing the use by the committee of *ex parte* affidavits to determine questions of facts in deciding the merits of an election case.

The power of the House to judge of the elections, returns, and qualifications of its members is ample, and it can proceed in its own way; a committee of the House has such power as is given it.

The importance of election cases demands that the testimony should be taken on notice to all persons interested, with the right on their part to cross-examine witnesses and to exhibit testimony in reply, so far as their rights may be affected by the inquiry.

This may be done under or after the analogy of the statute relating to contested elections, or by summoning witnesses before the committee, or in any other manner the House may direct.

None of the certificates or affidavits found in the papers in a judicial court would prove themselves or be judicially recognized, except the certificates of the sitting members.

Mr. DIBBLE. I now ask the Clerk to read from page 3 of that report.

The Clerk read as follows:

In determining what should be done with the petitions, the undersigned were of the opinion that the affidavits and certificates accompanying the petitions should be regarded as offers of proof; that is, statements by the petitioners of the facts which they propose to prove, and that the committee should consider whether, if all these statements of facts were taken to be true, the petitions could be maintained.

Mr. DIBBLE. I now ask the Clerk to turn to page 18 of the report and read the names of the members of the committee signing that report, and I ask the attention of the House to the distinguished signatures annexed to that report.

The Clerk read as follows:

W. A. Field, J. WARREN KEIFER, W. H. CALKINS, JOHN H. CAMP, J. B. Weaver, E. Overton, jr.

Mr. DIBBLE. I have made these citations from the prevailing report of the Committee on Elections on the Iowa contested-election cases. That is good law. I would have no right to demand of the Committee on Elections that they should condemn that testimony on *ex parte* affidavits. Those affidavits were only offers to prove the charge I had made. I asked for an inspection of the testimony and for the summoning of witnesses. That was denied.

What was done by the committee? I had the testimony before me on the table and I told the committee that I wished to show them some alterations, so that they might judge themselves then and there about it. They cleared the room, and passed a resolution that all affidavits on my part should be filed that day; that the contestant should have two days longer, and that on the next Monday there should be argument on the two motions, each side to be limited to one-half hour. That is all the opportunity that was ever offered to me to put in proof to sustain this charge.

I devoted the rest of the day to calling attention by my own affidavit to some alterations. I would say that they were not the alterations upon which the distinguished gentleman from Massachusetts [Mr. RANNEY] commented, and whose comments seemed to create some pleasantry on that side of the House. They were material alterations to which I invoked their attention. One of the gentlemen has said that those alterations did not affect the polls referred to by fourteen affidavits. Allow me to say that one of them was in relation to one of those very polls. The gentleman has not carefully inspected the record. Had he done so, he would not have stated in his argument that every one of the fourteen depositions affecting those precincts is unchallenged.

But I must pass on. As to the affidavit filed on that day I added by affidavit what I had already stated before the sub-committee, that the only testimony I could procure to sustain my charge was the testimony of friends of the contestant himself; that I could not get their testimony without the power of the House, which I asked the committee to invoke. In my affidavit filed that day I made that statement under oath. The next morning before the contestant's time for filing affidavits had expired, and before any of his affidavits

had been put on file, I received an affidavit stating in so many words that the party making the affidavit had seen Mr. Mackey scratching out the testimony, and Mr. C. Smith writing it over; that he had seen Mr. C. Smith hand to Mr. Mackey written sheets which he believed were the original testimony, and that Mr. Mackey tore them up and placed the pieces in a stove. He named three persons whom he swore he had seen reading the original sheets for C. Smith to copy from their reading. This affidavit was received the next morning.

Mr. RANNEY. Did you not know that the party making that affidavit could neither read nor write?

Mr. DIBBLE. I did not know him at all; but I did know (and I now challenge any man to prove the contrary) that that affidavit was properly taken; the notary was the peer of any one on this floor in reputation for official integrity, and his signature is genuine.

Mr. RANNEY. But if the witness could not read and write, he could not tell what the paper which was destroyed was.

Mr. DIBBLE. There is no proof that he could not read or write. There is, of course, the allegation of the contestant to that effect as to the affiant's signature, which I challenged him on the spot to put in the form of an affidavit; and if he has ever done so I have not seen it. [Applause on the Democratic side.]

Mr. RANNEY. There were filed with the committee three affidavits—by the clerk of the court and others—saying that the witness could neither read nor write.

Mr. DIBBLE. Not so, Mr. Speaker; that affidavit signed by a reputable notary was refused on the ground that it was too late. I had had my "day in court"—from twelve o'clock until the expiration of the same day! This affidavit coming the next morning, served on the contestant at the suggestion of the chairman of the sub-committee and filed with the committee on the same morning—served on the contestant a day before his time was out—was excluded because it was too late. This is all the opportunity that the committee ever gave to me to sustain this charge.

On the 1st of March the sub-committee met and allowed half an hour to a side. General Paine, after having occupied most of his time in an able legal argument, citing authorities for the legal points, was proceeding to discuss the other questions, when, having been granted the grace of five minutes, he was rapped down at the expiration of thirty-five minutes and given leave to print! I stated to the committee that I had somewhat to say in regard to the facts connected with this charge of forgery. Did they give me time? They said my time was exhausted. I then said to them that I would like to print. They gave me leave to print. That is what they call investigation of this case!

Now, as to the other side. The contestant filed on Friday evening a number of affidavits, some eighty or more; and they were sent to the Printer. We saw them Saturday evening. On Monday morning we had to argue the question. There was barely time to read those affidavits. There was no chance for rebuttal or cross-examination; and on one of the affidavits filed that day, the affidavit of the notary sustaining the accuracy of fourteen depositions, gentlemen of this House are told the whole case is to hang. I say, first, this is not what the committee say in their report. I will read the resolution of the committee. After such opportunity for investigation as I have explained, the committee, ignoring entirely the request to summon witnesses, adopted by a vote of 3 to 2 this resolution:

Resolved, That the motion of Mr. Dibble to strike from the record all depositions heretofore taken in the case of Mackey *vs.* Dibble be overruled and that Mr. Dibble be forthwith required to file his brief on the facts of the case, and that Monday next, the 20th instant, be fixed for final argument.

With this record before them, on which the charge of fraud is made, the committee, on such investigation as I have explained, adopted this resolution, and when they now come to this House and say that they discard all but fourteen of the depositions in this volume I say that they have put me to trial on the whole as to my right to the seat.

But, Mr. Speaker, my time is rapidly passing; and I must devote a little to the legal propositions involved here. I suppose that no lawyer on the other side will gainsay the proposition that if a claimant to a seat came here with *ex parte* affidavits to sustain his claim the committee would reject such evidence as not taken under the statute.

Now it is admitted that the written, evidence here is not the evidence which the notary transcribed from his stenographic notes in the first instance. Neither is it the stenographic notes themselves. But it is said this affidavit of the notary taken *ex parte* makes that good testimony. That is, that an *ex parte* affidavit can make testimony out of that which in the original case would not be testimony, and which, under the distinguished authority I have cited, is expressly repudiated as testimony.

The alterations of this testimony, Mr. Speaker, were made principally after the death of Mr. O'Connor, and the alterations in his testimony were made after my election and without notice to me.

Now, I pay a fitting tribute to Mr. Charles O'Connor when I say that his intentions are not to be questioned; but I say that if I was to be affected by this testimony (and that is the position taken by the committee) after my election not one particle of correction ought to have been made in that testimony without notice to me. Mr. O'Connor did not represent me. The proceeding was entirely *ex parte*. A young man not a lawyer, not one of the attorneys of Mr. O'Connor, without any bad intention, but still in contact with the superior experience of the contestant, who is an able lawyer and has had much practice in cases of this kind—I say, if this testimony was to be used in my case it was an injustice to me that it should be corrected *ex parte*.

And I will say to the distinguished lawyer from Massachusetts, [Mr. RANNEY,] who talks about his familiarity with stenographic testimony, that he would not in any case undertake *ex parte* to correct testimony.

Mr. Speaker, how much of my time have I remaining?

The SPEAKER. Twenty-three minutes.

Mr. DIBBLE. Something has been said, Mr. Speaker, about elections in South Carolina. Great exhibition has been made of some tickets by the member from Pennsylvania on the other side, a member of the Elections Committee—some of the tickets of Charleston, and perhaps of Clarendon County, which he calls tissue ballots.

I will also show to the House the tickets which were used in that election in my own county by both sides, by Democrats and Republicans. And now I will send to the Clerk's desk a certain ticket to be read, and ask the House to look at it and they will see the genuine tissue ballot.

The Clerk read as follows:

UNION REPUBLICAN TICKET!

For 46th Congress—2d District.

EDMUND W M MACKEY

For Senator.

JAMES B CAMPBELL

For House of Representatives.

Andrew Simonds	C G Memminger
Francis S Holmes	Edward McCrady Jr
John H Thiele	Stephen H Hare
William J Brodie	James A Williams
Joseph J Lesesne	James Hutchinson
Nathaniel Morant	Frank Ladson
William G Pinckney	Renty K Washington
Andrew Singleton	Warren N Bunch

James Singleton

For County Commissioners.

Louis Dunnemann	William H Thompson

Richard Bryan

For School Commissioner.

Michael M McLaughlin

For Judge of Probate.

Charles W Buttz

Mr. DIBBLE. I commend to the members of the House on the other side that genuine specimen of the original tissue ballot, and I would like them to compare it with the tickets exhibited by the member from Pennsylvania. I think they will find it is thinner and smaller.

Mr. SPRINGER. Where does it come from?

Mr. CAMP. I would like to compare it with one voted two years before, when O'Connor was returned.

Mr. DIBBLE. Now, something as to the duty of county canvassers in South Carolina. It has been proclaimed on the floor of this House that canvassers in South Carolina are merely ministerial officers, and a great deal has been said, because they refused to count certain boxes, that it was in manifest violation of the law. I will read an extract from the opinion of the supreme court of South Carolina in the case of the State *ex rel.* Walker, in which Mr. Justice Willard, an eminent lawyer and a Republican judge, one whose ability is unquestioned and unchallenged, where he uses the following language in relation to county canvassers in South Carolina:

Under our laws there are two bodies intrusted with the power to ascertain and fix the fact of an election for State and county purposes, one acting as a primary tribunal, the other as a revisory body. The board of county canvassers is the primary body, and the board of State canvassers is the revisory body. To say the election fails unless a proper declaration is made by a board of State canvassers is to destroy entirely the functions of the county board.

And the same opinion of the supreme court which has been alluded to in the argument of counsel on the other side of this House states that down to 1868 the law in force undoubtedly gave the board of managers quasi-judicial powers to hear and determine the validity of the election. And the opinion of the supreme court in this very case affirms that power in the county canvassers.

At the time of the election, November, 1880, all the judicial authorities in South Carolina, both Republican and Democratic, had affirmed, without variation, the power of boards of county canvassers to hear and determine judicially the facts of the election at every poll in the county. The ticket of South Carolina at that election was a general ticket. Every office from Presidential elector down to the lowest

office in the county was on one general ticket; and as to that ticket, in November, 1880, names for all State and county offices were upon it.

The county board had certainly, as to all State and county officers, the right judicially to determine the question whether a box ought or ought not to be counted, and when they exercised that judgment they exercised it in compliance with the terms of the law as it had been declared by the highest tribunals in the State; and I say here, Mr. Speaker, that so far as it was within the range of my knowledge, so far as that portion of the field of the election is concerned, of which I know as county chairman of the county of Orangeburgh, the circumstances connected with the polls which were thrown out would render it a disgrace for them to be counted in any of the States of this Union from Maine to the Pacific coast. I say to you, gentlemen from New England, that such a poll would have been thrown out in any part of New England. I will print in connection with my remarks a portion of the testimony in support of this statement, as I have not time now to read it:

Extracts from illegal instructions issued to deputy United States marshals unlawfully appointed at country precincts.

Instructions to United States deputy marshals; their duties in connection with the Congressional and Presidential election on 2d November, 1880.

UNITED STATES MARSHAL'S OFFICE,
DISTRICT OF SOUTH CAROLINA, *November* 1, 1880.

To ——— ———, esq.,
Deputy United States Marshal:

SIR: You will report at 5.30 a. m. on the morning of the election to the deputy marshal who may be designated chief deputy at your voting precinct. You will remain subject to his orders during the election, and until all the votes regularly cast are counted and necessary returns are made up and signed by the managers of the election and copied by the supervisors. The said chief deputy is authorized to suspend you from office for any official or personal misconduct.

Every deputy marshal and special deputy marshal will be provided with a badge and commission, signed by the United States marshal.

The laws of the United States (sec. 5522, U. S. Rev. Stat.) authorize you to have free access to and from the room in which the election is held and the ballot-box is situated, and authorize you to remain sufficiently near the box to observe the manner in which the election is conducted and how the votes are counted.

* * * * * * *

You are authorized (sec. 2022, U. S. Rev. Stat.) to arrest without a warrant any officer, manager, or person who may, in your presence, or the presence of the supervisor, commit, or offer to commit, any of the following offenses:

1. The refusal of any officer or manager of election on any pretext to receive and count the vote of any qualified voter of the county and State who is willing to take the prescribed oath.

* * * * * * *

3. The reception by any officer or manager of election of the vote of any person not entited to vote, or who has already voted, after proper challenge of the said vote. (Printed record, page 663.)

Opinion of Hon. George S. Bryan, United States district judge, delivered at United States court-house, at Charleston, South Carolina, November 1, 1880:

There is one point so definitely made that I feel at liberty to declare myself upon it. It is my judgment that the marshal has no right or authority to appoint special deputy marshals outside of cities with 20,000 inhabitants and upward, and that he has no right in a different form and method to appoint general deputies for a special purpose. The law denies that power to him expressly. The function of the supervisor in the country is simply that of a witness. All those things which are proper to the discharge of that function he has a right to do. He has the right to see the vote and canvass the vote. He has the right to do all those things which would make him a proper and efficient witness for the candidates for Congress, who rely upon him to protect their rights and to see that they have an equal chance. This is the duty of the county supervisor. That, and no more.

Decision of United States circuit court in case of United States *vs.* Gitma, 3 Hughes, C. C. Rep., page 552.

The following is, therefore, the ruling of the court:

Unless it is shown that a disturbance of the peace has actually occurred, or violence is committed, or that one or the other is threatened, or that actual fraud is attempted, or that the supervisor is in actual need of protection in the room of the judges of election, the deputy marshals of election have no right to be in the said room against the orders of the judges of election during the progress of the voting. But if there be actual disturbance of the peace or other actual violence committed or threatened, or if the supervisors be in actual need of protection, or fraud be attempted in the said room, then the deputy marshal may enter the room for the purpose of discharging the duties imposed upon him by section 2022.

LEWISVILLE (OR SAINT MATTHEW'S) PRECINCT.

Part of testimony of Captain F. M. Wannamaker, (printed record, pages 605 and 606:)

Question. What was the conduct of the five United States deputy marshals on the day of election?

Answer. They claimed, in the beginning, extraordinary powers; they asserted their right of arresting the managers and superintending the election, and they claimed free egress and ingress into the house where the election was held; they produced instructions which purported to come from Wallace, which allowed them to arrest the managers. Upon my remonstrating with them they agreed to remain outside; subsequently one of them forced himself into the room, and refused to go out even upon the demand of the United States supervisors; he was under the influence of liquor, and others of the five marshals were presumably under the influence of liquor. On the persons of two of those marshals I saw weapons, so as to be visible—pistols.

Q. Did any of these United States marshals say anything to you in relation to their being backed by force?

A. Yes, sir; one of the United States marshals, and another one of their partisans that was with him, said that each of these United States marshals was in command of not less than one hundred armed men.

Q. Did you see around and about the poll anything corroborating that statement?

A. The night preceding the election I arrived here on the eight o'clock train, and already parties of armed colored Republicans were arriving in the town to such an extent as to alarm the citizens. I was requested to stay here and organize some party for the protection of the town. At the poll on the day of election, I saw quite a number of armed Republicans. I walked up to a man named Joseph Mitchell and showed him how he was exposing his pistol. Another one I caught hold and showed him how he was laying himself under the law. One told me he was doing nothing but what all were doing, that they all had arms.

Q. How many do you estimate were here?

A. During the day there was on an average about eight hundred to a thousand; during the evening they were re-enforced by every boy from twelve years and upward; they came here in parties and by concert; I estimate the body that was here during the evening at the poll was from twelve to fifteen hundred. The crowd was much larger after the poll closed than during the day; they were boys brought here organized; they were brought here for the purpose. As to a number of arms being here there can be no doubt, because the firing was done immediately after the poll closed; from five hundred to a thousand discharges immediately after the close of the poll and immediately in the vicinity of the poll, and in going home (I live not more than a mile and a half from here) I passed not less than one hundred armed colored men between here and my home. Further than that, I know from my own personal observation and from information that a very large amount of ammunition was bought by colored Republicans before the election, and reports were made to me of the danger in consequence of it. I noticed the sales of a caliber of pistol shooting a number thirty-two cartridge were bought almost universally.

* * * * * * *

Q. Do you know, from your observation, instances of colored persons who desired to vote the Democratic ticket and were prevented by this system of open voting and intimidation?

A. I know from what they told me that they would vote the Democratic ticket if they would not be exposed. The system adopted they recognized was to bring them under the ban of their race, and they could not do so without being exposed; in every instance when they told me so I advised them not to vote it if it cost that much; I told two that myself.

Q. Were any colored persons in the neighborhood who were known to have the intention of voting the Democratic ticket and were interfered with in any way?

A. I know one man named Israel Jamison, who lived here; he gave me the information personally of having been arrested before the election on account of his avowed intention of voting the Democratic ticket, and has since left the place on account of the persecution he has suffered. I know on the day of election that a long line was formed of Republicans, from here to Dr. Fair's corner, and that any man that came along in the company of a white Democrat, or was known to be of Democratic proclivities, he was exposed to the jeers and scoffs of the crowd.

Q. Did those deputy marshals take any part in distributing tickets?

A. I cannot say positively I saw them giving out tickets; I did not observe that.

Q. Did they do anything toward influencing voters?

A. Yes, sir; they were rallying the negroes; they would catch hold of them and demand their tickets.

Q. You say you saw them demand to see the tickets of the voters?

A. Yes, sir; I saw them take the tickets out of the hands of voters.

Q. All five?

A. I cannot say all; some of them did.

Q. Which one?

A. I saw Jack Philips do it, and Henry Johnson did it repeatedly.

* * * * * * *

Q. Do you not know that the object of the Republicans in voting an open ticket was that the managers might see that each Republican voted a single ticket?

A. I think nothing of the kind was designed by it; on the contrary, I am fully convinced that it was done to force the colored men who would have voted a secret Democratic ticket to vote an open Republican ticket.

Q. Did not the Republicans approach the poll with their tickets open, hold them up in their hands, and fold them after they were sworn?

A. Quite a number of them came up; I don't know whether they had them concealed; they would call out, "Hold up your ticket," and he was made then to hold up his ticket.

Q. In all cases they held up their tickets before being sworn, and folded them after being sworn?

A. I cannot say in all cases.

Q. I mean in all cases you saw.

A. I did not observe them particularly; I knew what their plan was; I heard some of the leaders say that some of the damned rascals—they would take note of them that voted the Democratic ticket.

Q. What marshal was it that told you that each marshal was in command of an armed body of not less than one hundred men?

A. Curley Major told me, in the presence of Jack Philips; he made the statement in his presence.

Part of the testimony of John M. Payne, (printed record, pages 613, 614:)

Question. Where do you live?
Answer. In this county.
Q. Near this place?
A. Yes, sir; within three miles.
Q. Is this your polling precinct?
A. This is.
Q. Were you present at this poll at the last general election?
A. I was here about one hour and a half in the morning.
Q. State what was the condition of the poll when you were there.
A. I heard the poll was going to be taken possession of, and when I got here there was a mass of colored Republicans blocked up here, so that it was impossible for a man to get in; I staid here one hour and a half, and I went away myself, and Dr. Shiver, he said he could not get to the poll, and he was not going to make trouble over it.
Q. You are positive when the Republican voters voted that by apparent concert they would take possession and block the avenue to the poll?
A. I believe that from what I heard.
Q. And from what you saw?
A. Yes, sir.
Q. Did you vote at all?
A. No, sir.
Q. Was the obstructions created by the block the only reason you did not vote?
A. I heard others say that they were going to carry the poll if they had to fight.
Q. Will you state the threats and what they were that you heard?
A. I heard them say they were instructed by Mr. Mackey and Bolivar that if they lost this election they would be sold into slavery; I heard this a number of times; I could not tell how many; that they had guns, and they had more guns coming, through the marshals here in Lewisville, and they were determined to carry that election if they had to kill every man, woman, and child in South Carolina.
Q. You left, then, in consequence of your fear of a riot?
A. Yes, sir; I believed they were going to have it, too, but they got scared afterward; they had their preparation made, but they changed their intention.
Q. What time you left the poll?
A. It was early, perhaps about 8 o'clock, and staid one and a half hours. I got home before 12 o'clock; I walked moderately.
Q. What was your connection with the last war?
A. I was in the Federal Army from the beginning to the end of the war. (Objected to by counsel for contestant, on the ground of irrelevancy.)

Printed record, page 615, (same witness:)

Question. Who did you say went away with you?
Answer. Dr. Shiver. Four men overtook me in the road and said they left on the same ground I did; they could not get in.
Q. Were you present during the voting any time?
A. About one and a half hours.

Part of testimony of Captain Henry Davis, jr., (printed record, page 617:)

Question. Did you see any persons present claiming to be United States deputy marshals?
Answer. Yes, sir.
Q. How many?
A. I think there were five.
Q. Were they white or colored?
A. All colored.
Q. Were they Republicans or Democrats?
A. I think they claimed to be Republicans; I took them to be such.
Q. State the conduct of those deputy marshals on that day; anything that came under your observation.
A. The United States marshals acted as if they had authority to control the election, and even when the voting was going on they took charge. (Objected to by counsel for contestant.) I will state during the day one of the marshals went into the room occupied by the managers and supervisors without the consent of the managers and supervisors.

Part of testimony of H. A. Rayson, (printed record, pages 620, 621:)

Question. Did or not any of those parties claiming to be deputy United States marshals interfere with the managers of election?
Answer. One did; Henry Johnson. He forced his way into the room against the protest of the managers and supervisors.
Q. State how it interfered with the managers.
A. It interfered so much that the poll was closed for a half hour, or the voting was stopped. This Henry Johnson displayed his papers to the managers and supervisors, which said that he was allowed the privilege of staying there, and managers and supervisors read it and told him to leave the room, contending he had no right there. After some words passed, they got some instructions from the commissioner of election that he was not allowed in there; that he had no legal business in there, and he was persuaded to leave by the supervisors of both parties and his friends outside.
Q. During the time he was in there the election was entirely suspended?
A. Yes, sir; for a half hour or more.
Q. What occurred immediately after you completed the canvass, and when, as Mr. Clark said, you accompanied him home?
A. When the votes were canvassed and the returns put in the box, and the box sealed up, we were going out with the box, and in going out of the room Mr. Clark, Mr. Davis, and myself, amid jeers and threats, and at times were very nearly run over by persons on horses, who wished to see the box in Orangeburgh or do us personal harm, I don't know which.
Q. By whom—you mean to say you were molested on the way?
A. Yes, sir; by colored Republicans.
Q. What occurred at the end of the lane?
A. After we turned the corner, by Dr. Fair's store, Mr. Clark asked them what they intended to do. They said they wanted to see the box carried off that night. When we got opposite Mr. Clark's store the crowd got demonstrative, and Mr. Clark told them if they wanted the box he would give it to them. They said they were not after the box; they were after Mr. Clark, personally. We then crossed the railroad and deposited the box at Mr. Clark's store. Immediately after the box was deposited firing was heard all over the town.
Q. Do you know by whom those arms were discharged?
A. By colored persons who voted the Republican ticket.
Q. How near to the polling precinct and how near the closing of the count?
A. Ten or fifteen minutes before the polls closed, and about one hundred and fifty or two hundred yards from the room where the poll was held.
Q. Within the corporate limits?
A. Yes, sir; on the principal street in the town.
Q. Have you ever heard any threats made in regard to this election by anybody before or since the election?
A. Not before.
Q. Did you hear any since or at any time?
A. Yes, sir; I heard one Sam Middleton state that if this poll had gone Democratic, and that if there had been one pistol fired, there would have been not one house left in town, and they were all prepared for any emergency.
Q. How soon after the election was that?
A. One day after the election.
Q. Did you observe whether or not the Republican voters left the precinct after voting?
A. They did not; that is, the majority remained.
Q. Give some estimate of the crowd that remained here and were present here at the counting of the votes?
A. I don't know how many were here when the counting of the votes was going on; at the close, when we came out, there were about eight hundred colored persons here; I saw no white persons except those that came out with us.

Part of testimony of W. C. Clark, (printed record, page 625:)

Question. Were there any persons present claiming to be deputy marshals?
Answer. Yes, sir.
Q. How many?
A. Four or five, I think.
Q. Did they assert any right of interference or control of the managers? (Objected to by counsel for contestant as leading.)
A. Yes, sir.
Q. Did they interfere with the managers?
A. Yes, sir; they did. Henry Johnson came in; he forced his way into the house by climbing over the railing, and stopped the voting over one hour. We tried every way to get him out; he would not go out until some of his own party persuaded him out.
Q. Were both of the United States supervisors present?
A. Yes, sir; I think they were.
Q. Did they or not object to his being in there, and told him to go out?
A. Yes, sir; they did, or one of them did, after awhile, after we read the law, and saw he did not have any right there.
Q. Did he go out right away on their request?
A. No, sir; he refused.

Printed record, page 670:

THE STATE OF SOUTH CAROLINA, *County of Orangeburgh:*

Before me personally came Charles F. Zeigler, who, being sworn, made oath that he is a citizen of Saint Matthews, in said county, where the Lewisville poll was held at the election of November 2, 1880, and that during the night, after the count of the vote, a large mob of negroes passed by deponent's house in the said town, yelling and firing off pistols, and that such yelling and firing of pistols was general in different directions in the said town at that time, although it is contrary to the town ordinances to discharge any fire-arms in the streets of the said town, and that the said pistols were loaded with balls as deponent knows from the fact that a number of the pistol-balls struck deponent's house, where deponent and his family resides, and that the firing of pistols continued for at least twenty minutes, and deponent estimates that at least five hundred shots were fired in the streets of the said town, and on the roads leading out of said town, by negroes going from the polls at the time above mentioned.

C. F. ZEIGLER.

Sworn to before me this 8 November, 1880.

W. H. HINNON, *Trial Justice.*

Printed record, pages 670, 671:

THE STATE OF SOUTH CAROLINA, *County of Orangeburgh:*

Before me personally came Saxby Chaplain and made oath that he is a citizen of the town of Saint Matthews, in the said county, where the Lewisville poll was held at the election of November 2, 1880, and that on the day after the election deponent was told by Sam Middleton, a colored Republican of the said precinct, in answer to an inquiry by deponent as to the reason that the negroes went off shooting their weapons, that they (the negroes) were prepared for us, (the white men,) and that if there had been a pistol fired by any of the whites there would not have been a house left in Lewisville.

S. CHAPLIN.

Sworn to before me this 8th November, 1880.

W. H. HINNON, *Trial Justice.*

FOGLE'S PRECINCT.

Part of testimony of W. L. Glaze, (printed record, pages 590, 591:)

Question. Go on and state what occurred there at that poll?
Answer. About half past six Mr. Shiver came with the box—between six and half past six—and proceeded to open the poll, and there was some disturbance arose about that time, which delayed it.
Q. What was the cause of that interference?
A. The interference of some of the pretended deputy marshals.
Q. Do you know any of them?
A. Yes, sir.
Q. State who they were?
A. There were three of them, Israel Brown—he seemed to be the leading spirit—Benjamin Esau, and another man named Caleb Barden.
Q. Did they all claim to be United States deputy marshals?
A. They did, and wore badges.
Q. What was the manner of their interference?
A. They wanted to come inside with the managers, and the managers told them they would not allow it. I think Mr. Mack, and perhaps Mr. Shiver, told them they had no right to come in, and they would leave the ballot-box, and would not conduct the election if they were interfered with as they intended to do.
Q. And this delayed the opening of the poll?
A. They went off, and the poll was opened, they left the ballot-box about two minutes. I am certain it delayed the opening of the poll, and when Brown insisted upon coming in some parties had voted, but I am not certain about that. Brown and his crowd came out of the room where the managers were holding the poll. I was well acquainted with him and advised him that he had no right to be in there; he said he had his instructions, and he did not intend to come out until the votes were counted, and that he was going in by all means.
Q. By this interference was the voting impeded?
A. It was.
Q. How long did this interruption last?
A. It did not last very long; as soon as they left the house they proceeded with the election; I don't know how long; I suppose a half hour, perhaps longer.
Q. Are you well acquainted in that section?
A. I am pretty well. I lived there two years. I taught school there.
Q. Know the voters in that section?
A. A great many of them. I know all the whites and a great many colored.
Q. Did any white voters leave the poll in consequence of these interruptions?
A. They did.
Q. And did not vote?
A. They did not vote. I think there were not more than ten or twelve whites who remained there, perhaps fifteen.

Part of testimony of J. W. Mack, (printed record, page 570:)

Question. Were you one of the managers at Fogle's precinct?
Answer. I was.
Q. At the last general election—2d November, 1880?
A. Yes, sir.
Q. Was there or not any interference by the so-called Republican marshals on that day?
A. There was.
Q. Was the election interrupted or not on that occasion by this interference?
A. It was.
Q. What caused this interruption?
A. It arose from the interference of the so-called deputy marshals, or some sort of marshals; they claimed to be marshals.
Q. What did they do?
A. They wanted to take the room from the managers; they tried to do it; in fact they wanted to be with us, and I would not submit to it.
Q. Did it interrupt the opening of the poll?
A. It did.
Q. How long were you delayed?
A. I don't know, I did not have any time-piece; I suppose a half hour.
Q. By their interference?
A. Yes, sir.
Q. Were you interrupted so much as to have to leave the box at any time?
A. I was.
Q. Do you know, of your knowledge, that any Democratic voter that came to that poll had to leave or did leave without voting?
A. Yes, sir; there were several; I don't know that I could particularly call their names, but I know several left—a good many.
Q. At the close of the election was there any further interference?
A. Yes, sir; there was.
Q. What did that interference consist of?
A. They appeared as if they wanted to count the votes or have a hand in it; I left the box once on that account myself.
Q. Who was this party who interfered with the counting of the votes?
A. Benjamin Esaw was one and Israel Brown was another; I think the other man's name was Barden.
Q. How many men did you see the deputy marshals make show their tickets?
A. Every one, I think.
Q. Are you sure this was a deputy marshal?
A. I think he had a hand in it.
Q. Which one had a hand in it?
A. He made them show their ticket before voting.

Q. How do you know he had his instructions to make people show their tickets?
A. He showed it by his actions.
Q. You judged he was so instructed because of his actions?
A. It appeared so to me.
Q. You did not see his instructions, or he did not tell you what his instructions were?
A. It was not my business to ask him about that.
Q. Did you leave the box any time during the day because of the interference of the deputy marshals?
A. Yes, sir.
Q. What time in the day?
A. I don't know; I did not have any watch.
Q. From the time the voting began until the poll closed did you have to leave the box because of the interference of the deputy marshals?
A. I think I did.
Q. In what way did they interfere?
A. By making confusion.
Q. What was the confusion?
A. They interfered where they had no right to.
Q. Will you please state how they interfered where they had no right?
A. I did not think they had the right to stop the men and make them show their tickets, and talk so much.
Q. How many deputy marshals were there?
A. Three.

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Q. At the close of the poll when the votes were counted, did you and the other managers make out a protest and put it in the ballot-box?
A. Yes, sir.
Q. Are you absolutely certain of that?
A. Yes, sir; we sent our protest.
Q. To whom did you send your protest?
A. We put it in the box with the tickets.
Q. Who was it addressed to?
A. It was addressed to the commissioners of election.

Part of testimony of James H. Shirer, (printed record, page 579:)

Question. Did the marshals in any way participate in the counting of the votes?
Answer. I could not say that they did. Only one had the handling of the votes.
Q. You say one had the handling of the votes?
A. I did.
Q. How many did he handle?
A. I did not count them.
Q. Did he handle them against the wishes of the managers?
A. He did. The managers did not submit to it peaceably.
Q. Will you please state what he did in regard to the handling of the votes?
A. He put his hand in the box among the votes.

Part of testimony of T. N. Slawson, (printed record, page 583:)

Question. This man Green, was he a white man?
Answer. He was a colored Republican.
Q. Who called him in there?
A. Israel Brown.
Q. You say the paper he read was the instructions from Wallace to the deputy marshals?
A. Yes, sir.
Q. And it contained a clause that they had the power to arrest the managers?
A. Yes, sir; to arrest the managers.
Q. At the close of the poll, were there many Democrats there?
A. I don't think there were over a dozen. I think there were 250 or 300 Republicans, and they were all well armed.
Q. Do you know of any of them discharging their arms shortly after?
A. Yes, sir; as soon as I got out of the house. I told Brown, who was a prominent man among them, that I wanted them to behave and go home quiet; he had said that day that he expected a row, and they were going to be prepared for it.

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Q. The firing was done by whom?
A. By the Republicans.
Q. As they left the poll, going off?
A. Yes, sir; going off.
Q. You say the United States deputy marshals assumed authority to arrest the managers?
A. They claimed that right if we did not do what they wanted us to do.
Q. When did they first make that claim?
A. After they came in the room. We had no objection to their coming in the room. It was on account of the noise. It was so much that we could not count the votes properly. After talking with them some time, I suppose one hour, they refused to go out; then this man Green was called in, and he read this paper from Wallace, that they could arrest us if we did not do what they said. I told them I heard what the judge had to say on that question, and I did not pay any attention to Mr. Wallace.

Part of testimony of J. E. Jones, (printed record, page 587:)

Question. Were there any persons that came there to vote and went away, and did not vote at that poll?
Answer. Some Democrats went off.
Q. Do you know them?
A. Yes, sir; Rev. W. J. H. Worth was one, Johnnie Weeks, J. C. Stoutenmeyer, and J. C. Keller; those to my knowledge; I don't recollect any more right now.
Q. Did you hear any firing of guns there at all?
A. Yes, sir; I did.
Q. A large number?
A. Between fifty and one hundred, may be over, pistols and guns.
Q. What time were they fired?
A. I suppose about a quarter of an hour after they got through counting the votes.
Q. About the time the votes were counted, and at the end of the count, were there many Democrats there, or only a few?
A. Very few.
Q. A large number of Republican voters?
A. Yes, sir.

FORT MOTTE PRECINCT.

Part of testimony of James A. Peterkin, (printed record, page 590:)

Question. Were you present at the general election on the 2d of November last, at Fort Motte polling precinct?
Answer. Yes, sir.
Q. Were there any persons there claiming to be United States deputy marshals?
A. Yes, sir.
Q. Who were they?
A. A colored man by the name of Joe Young.
Q. You know his politics; whether he is a Democrat or Republican?
A. He claimed to be a Republican.
Q. What did he do at the poll—what position did he take?
A. He stood outside the door, and as the Republican voters came up, he caused them to open their votes, that is, the ballots, and show them to him before they put them in the box.
Q. Did he do that to the white voters or colored voters?
A. Colored voters only.
Q. Did he require all colored men that came to vote to show their tickets?
A. Yes, sir.
Q. Was there a large crowd of colored men about him at the poll?
A. They staid right around the poll; the entrance was entirely surrounded by colored men.
Q. Did any of them take any part in compelling colored voters to vote open tickets?
A. Yes, sir; a good many of them there had an interest in that; an old man named Sam. Duncan, Dick Duncan's father, and several others; I did not know all of them.
Q. Did they make any exclamations when the voters came up with their ballots closed?
A. They told them to open them, and turn them around to this marshal so he could see them.
Q. These negroes would tell them?
A. Yes, sir; when one came up with his vote closed.
Q. What position did you occupy at the poll that day?
A. I was a manager.
Q. Did you do or say anything to Young in relation to this conduct of his?
A. I told him it was illegal.
Q. What did he say about it?
A. He said it was the instructions from Mr. Mackey, and that he had to carry them out; I told him the box would be thrown out on account of it.
Q. What did he then say to you?
A. That Mr. Mackey would have to be responsible for it, not him.
Q. Did he express any opinion as to the legality or illegality of that mode of voting?
A. When I told him, he said he thought it was illegal and ought not to have been done.
Q. Did he continue to do it nevertheless?
A. Yes, sir; he said it was his instructions and he had to go by it.

* * * * * * *

Recross-examination by E. W. M. Mackey, contestant:

Q. You say you know some colored men who wanted to vote the Democratic ticket, but were prevented from doing so because of the feeling you describe?
A. Yes, sir.
Q. Do you know more than one instance of that kind?
A. Yes, sir.
Q. Can you give the names of any colored men who wanted to vote the Democratic ticket and were prevented from doing so on account of this feeling?
A. Yes, sir.
Q. Will you give their names?
A. If it was actually necessary I would possibly do it, but I don't want to do it.
Q. In my opinion it is absolutely necessary.
A. Yes; and you would warn the negroes in my neighborhood, and they would run them off, and that is why I won't give it.

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Q. Did not some colored men vote the Democratic ticket at your poll?
A. Yes, sir.
Q. Have you heard of any of those who did vote it being interfered with by the other colored people?
A. Yes, sir.
Q. In what way?
A. I heard of one that was met on the road and whipped before he got home.

Part of testimony of Thomas K. Legaré, (printed record, page 594:)

Question. Do you know the state of feeling among the colored people—whether it was such as would countenance voting the Democratic ticket if they knew it?
Answer. The feeling against any colored Democrat was very bitter. There were quite a number of colored men that wished to vote the Democratic ticket. It was thought this making them vote their ticket open was done to keep them from doing so. A few days before the election several colored men came to me and said they wished to vote the Democratic ticket but were afraid to do so, because it would be at the risk of all they were worth; that they would be ostracised by their families, the church, and most every colored man, and would have no peace of their life. One went on to state that he intended to vote it anyhow; but I advised them not to do so at such a risk as that. I told them they better not risk that. One of those same men voted the Republican ticket who told me a few days before he would vote the Democratic ticket.

* * * * * * *

Q. You say it is a very unpopular thing for a colored man to vote the Democratic ticket?
A. Yes, sir; it is unpopular among the negroes.
Q. Is it not equally as unpopular among the white people for a white man to vote the Republican ticket?
A. No, sir; a man could be respected who voted for the national Republican ticket, but not if he voted the State and county ticket.

BOOKHARDT'S PRECINCT.

Part of testimony of O. L. Strock, (printed record, pages 643, 644, 645:)

Question. Were there any deputy United States marshals there?
Answer. There were four that claimed to be United States marshals; I think there were four.
Q. Who were they?
A. Samuel Lewis, William Green, Pell Pauling, Shadrick Jamison, sr.
Q. Who was the Republican supervisor?
A. George E. Hart.
Q. What was the conduct of these marshals and supervisors during the day?
A. The conduct of these marshals, in my judgment, was very overbearing. They acted, I thought, in a very ungentlemanly manner, a good many of them, and they were bolstered up by a big crowd outside.

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Q. Did they have anything to say to the managers about the counting?
A. Yes sir; they had more to say than the managers.
Q. In what way?
A. First they contended that George E. Hart should attend to everything.
Q. That was these marshals?
A. Yes, sir; during the count there happened to be several tickets that were folded up separately and slipped inside in the box; they happened to be Democratic tickets; these marshals contended these tickets should be thrown out and not counted; the managers after talking awhile saw it was best to throw them away.
Q. Did they say why?
A. The reasons were clear; there was a big crowd around the house hallooing "The box is ours," and they thought it best to throw them out.

Q. How many tickets were thrown out?
A. Three; after that two Republican tickets were folded in the same way and slipped in each other, and they contended that those should be counted.
Q. Were they counted?
A. They were; about that time the Republican supervisors said to these pretended marshals, "Draw to the box, boys."
Q. About what time was that?
A. About the time these Republican tickets were counted; they drew up there and pushed one of the managers away, and he could not see the box at all unless he looked over their shoulders.
Q. What manager was that?
A. Mr. J K. Irick, I think.
Q. Were there any other instances you can remember now of interference by the marshals?
A. Not until the votes were counted and the box closed.
Q. What transpired then?
A. The votes were counted and the box sealed up, and the question arose among the managers who should take the box up to Orangeburgh, and George Hart said he would take the box; the managers said one of them should take it; the managers thought, hearing the hurrahs made outside, that it was best to give the box up. (Objected to by counsel for contestant upon the ground of hearsay.)
Q. Who were the marshals then in the room?
A. Pell Pauling and William Grant; I think those were the two.
Q. Did they have anything to say about who should take the box?
A. They said George Hart was the man they thought should take it.
Q. What became of the box then?
A. It was delivered in George Hart's hands; he carried it from the house; I don't know what he did with it after that.
Q. Why did the managers give it up? (Objected to by counsel for contestant.)
A. They gave it up because if the Democratic managers had carried that box they would have been mobbed on the road; that was their belief.
Q. How many colored men you suppose were about the poll?
A. When the box was delivered?
Q. Yes.
A. Not less than two hundred.
Q. How many white men?
A. About fifteen.
Q. What was the conduct of this crowd—these colored men?
A. It was not becoming at all; there was a good many armed, and they fired off several volleys as the box was taken from the house, using all kind of language which was not becoming in any crowd to use.
Q. Did any one accompany Hart?
A. When he left the house with the box the two marshals accompanied him.

Part of testimony of Abial Lathrop, attorney for E. W. M. Mackey, (printed record, pages 265, 266, 269, 270:)

Question. Have you in your possession the box used at Bookhardt's voting precinct, in this county; and, if so, state how it came into your possession?
Answer. I have in my possession what I suppose is the box used at that poll. I received the box from George E. Hart, one of the supervisors of the Bookhardt's poll. He put in my possession the box which I now have here, and which he told me was the Bookhardt box.
Q. You say that box was delivered to you by George E. Hart, one of the supervisors at Bookhardt's poll.
A. Yes, sir.
* * * * * * *
Q. Did you act as one of the counsel for the Republican candidates before the board of county canvassers at the late election?
A. I did for some of them.
Q. Were you present during the canvass of the votes by the county canvassers?
A. Yes, sir.
* * * * * * *
Q. During the canvass of the vote of the county, was Bookhardt's poll called?
A. I think the name of Bookhardt's was called. The chairman had a list of the different polls in the county, and before he began he allowed us to copy the order in which the boxes would be called. My impression is that Bookhardt's was on that list, and when it was called the commissioner who had charge of the boxes said he had none from Bookhardt's poll.
Q. You were present then when that occurred?
A. Yes, sir; that is what I think occurred.
Q. Did you have this box, which you have opened this evening, in your possession at that time?
A. I did.
Q. You were there representing the Republican candidates?
A. Yes, sir; but I did not have the box there.
* * * * * * *
Q. Has it been on any other travels?
A. I took it to Columbia when I went to the meeting of the State board of canvassers.
Q. Now state where you had it in Columbia?
A. I had it in my room at the hotel, and I had it at the state-house in the secretary of state's office, and I had it around with me at different places in Columbia.
Q. Name the other places where you had it.
A. I don't recollect; I did not carry it everywhere where I went; I had previously taken it out of the safe and sealed it with a private seal so I could tell if anybody tampered with it; when I took it to Columbia I carried it myself from the cars and went to the hotel. After registering my name I carried the box to the state-house with me. After that I carried it back to the hotel and left the box there and went to dinner.
Q. Did you take the box to dinner with you?
A. No, sir: I did not; I left it in my room when I went to dinner.
Q. Did you bring it back to Orangeburgh with you?
A. I did.
* * * * * * *
Q. Did the question of the Bookhardt's poll come up before the State board of canvassers?
A. I don't recollect now whether it did or not.
Q. What counsel represented the Republicans before the State board of canvassers?
A. Mr. Taft, Mr. Elliott, and myself.
Q. Didn't you go before the State board of canvassers with testimony in relation to the different polls?
A. Yes, sir.
Q. Was not Bookhardt's one?
A. I don't think so.
Q. You made no question before the State board of canvassers as to Bookhardt's poll?
A. I don't think there was any such question before the board.
Q. You did not make any question about Bookhardt's poll?
A. I don't recollect whether anything was mentioned about the Bookhardt's poll; it might have been, or might not have been. I don't remember whether we had any affidavits in regard to it or not.
Q. But you had the box there?
A. Yes, sir.
Q. Did you have an opportunity of offering testimony before the State board of canvassers?
A. Yes, sir.
Q. Didn't they give you ample opportunity of putting in testimony?
A. We had time to put in the testimony we had, or which we thought they would be likely to take cognizance of.
Q. You had this identical box there?
A. Yes, sir.
Q. Did you offer it?
A. No, sir.
Q. Carried it to the room?
A. Yes, sir.
Q. And brought it back on the cars from Columbia?
A. Yes, sir; I brought it back.

Part of testimony of F. M. Wannamaker, (printed record, page 607:)

Question. When the votes of the county were canvassed by the board of canvassers where was the canvass held?
Answer. In the court-house of Orangeburgh, in the presence of a large number of persons, publicly.
Q. Were both parties—the Republican and the Democratic parties—represented by counsel?
A. Yes, sir; both parties were represented by counsel.
Q. Do you remember what occurred, whether in the call of precincts Bookhardt's precinct was called?
A. I remember when Bookhardt's precinct was called no box was found; I although subsequently learned from Mr. Lathrop that it was in his possession; it was not tendered to the board of canvassers.

[Memorandum: The foregoing are precincts in the county of Orangeburgh. The testimony concerning the precincts in Charleston County had not been completed when Mr. O'Connor died, and has never been completed.]

The member from Pennsylvania talks about intimidation of Democrats by Republicans and invokes the shade of Calhoun! I say to you that there are colored Democrats in South Carolina, and I say to you that the conduct at these polls rendered it dangerous to their lives, to their little cabins, and to their persons on the day of the election to cast their honest votes.

Now, Mr. Speaker, a little as to the election in South Carolina. It has been the policy of the Democratic party ever since 1876 (for we claim credit for some little portion of the intelligence of this country) to gain to their ranks accessions from the colored people of the South. In what way have we done it? I have not the time to give you a very elaborate statement of what we have done, but will cite a few facts by way of illustration.

We have said to the colored people of South Carolina: "Form your colored Democratic clubs; send your delegates to our county conventions; do so, and we will give you representation on our tickets." In that way we have a colored Democracy, not as numerous as the colored Republicans, but vastly more intelligent. [Derisive laughter on the Republican side.] We have a Democracy of colored people embracing the property-holders among them and as staunch Democrats as there are anywhere else, and I say to you and to that side of the House that when you gave the colored man the ballot you then by the law of nature made the white man of the South, who is his friend, his leader, and those ballots we will control.

Mr. Speaker, we control them not by force, but by the honest legislation of South Carolina. We control them by their personal interests, which are identical with those of our white people. From the three counties which compose my district in that State there are four colored Democratic members of the Legislature in the South Carolina house of representatives, elected by the joint white and colored Democratic votes of that district.

In my county there are three county commissioners; one of them is a colored Democrat. In my county there are fifty-two school districts, and in every one of these school districts there are three school trustees, two of them white and one colored; and there are two schools, one white and one colored school; and the property-holders of South Carolina—the white people of that State, the Democratic party in South Carolina, in its Legislature—though suffering under the wrongs resulting from Republican misrule, when they got the control of the government decided by a two-thirds vote that the colored man should be educated. They determined that he should have every advantage of education, although we had to pay the taxes. We believe that intelligence is the very foundation and basis of popular liberty; and with our humble means, impoverished by disaster, our property gone, we are doing with those means the best that we can; and that action and the course we are taking has created the colored Democratic party in South Carolina.

I will state another circumstance. In my district, in the city of Charleston, there is one journal, and only one, published by the colored people as their special organ, and edited by an educated colored man, and that journal, independent in its politics, possibly in the Presidential election advocating the Republican Presidential candidates, in its columns advocates the Democratic State, Congressional, and local tickets.

Now, Mr. Speaker, I say that secrecy is the essence of the ballot; and that when a conspiracy is formed against the laws of the United States and against the laws of South Carolina, a conspiracy to compel every man to show his vote, not for the purpose of preventing double voting, (because this testimony, tampered with as it is, shows numerous boxes where they claim this open voting took place with Republican double tickets in them when the box was

opened, as is testified sometimes by Republican witnesses,) not for that purpose, but because the colored men could thus be "spotted" for intimidation, for ostracism, for personal violence, who would dare to vote the Democratic ticket in some barbarous sections. When that is the case, I say that I stand here by the last voice of the people of that district; and standing here, feeling that in the action which I anticipate this evening a gross wrong is to be inflicted upon my people, I have the right to say that I have not had the opportunity afforded me to show this state of facts which every litigant is afforded by the law. And in this high tribunal, this tribunal which, under the Constitution, is the judge in this case; this tribunal which ought, of all others, to act according to the rules of law and precedent—I say that in this case—is preordained a precedent which future Congresses will disclaim, as this Congress may well look back with shame upon some of the partisan decisions of the past.

I had thought, Mr. Speaker, that day was over. I know there have been some issues that were unpleasant, but I had thought that they were dead. I know that I represent a people who are as loyal to that flag which waves over the Speaker's desk as any member upon this floor; a people who would maintain the decision rendered by the arbitrament of arms as fairly and in as good faith as if it had been rendered in a court; and I say for that people now, that this action you have determined upon will be a wrong, but that this wrong will not affect that feeling, and that I speak their voice when I say that we still claim that this is our common country, and that we are a part of it, and as much a part of it as anybody in this broad land. [Applause.]

I have nothing to ask of grace or favor. I have only asked what I believed to be right; and I expect it to be denied. I say that my constituency are entitled to a proper representation here. And if this House, under its high powers, shall grant this seat to the contestant and permit them to be misrepresented by one whose record of the past comes up and culminates now in forgery, it is the majority of this House which assumes the responsibility, and to its behest we have to bow. [Applause on the Democratic side.]

Improvement of Mississippi River.

SPEECH

OF

HON. THOMAS M. GUNTER,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 7, 1882,

On the bill (H. R. No. 5393) making an appropriation for the improvement of the navigation and commerce of the Mississippi River in accordance with the recommendations, plans, specifications, and estimates of the Mississippi River commission.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be expended by and under the direction of the Secretary of War, for the improvement of the navigation and commerce of the Mississippi River:

For the construction, repair, completion, and preservation of certain works on the Mississippi River between the mouth of the Ohio River and the head of the passes of the Mississippi River, in accordance with the recommendations, plans, specifications, and estimates of the Mississippi River commission, $4,613,000.

For improving the Mississippi River between the mouths of the Ohio River and the Illinois River, in Illinois and Missouri, (continuing improvements,) $1,000,000.

For improving the Mississippi River between the mouth of the Illinois River and Des Moines Rapids, in Illinois and Missouri, (continuing improvements,) $500,000.

For improving the Mississippi River between Des Moines Rapids and Saint Paul, in Minnesota, Iowa, Missouri, Illinois, and Wisconsin, (continuing improvements,) $750,000.

Amount appropriated, $6,863,000.

Mr. GUNTER said:

Mr. SPEAKER: Questions of grave importance have been discussed in either branch of Congress for many days, questions affecting varied interests and demanding and receiving grave consideration; such, for instance, as that to determine whether a distinguished citizen of the Republic shall be pensioned for life at the rate of $13,500 per annum, or be allowed to exist on the private income of half a million dollars; and whether we should enter the households of a certain class of people in the Territories and prescribe the number and class of inmates; and whether we should deny to the citizens of a nation with which we are on friendly terms the privilege of habitation in our country. All these have been discussed, and I have not taken any part in the debates, because I did not care to do so; did not feel the necessity of adding any words of mine to the wisdom evolved by those who were so earnestly engaged in these matters.

But now, Mr. Speaker, there is a question before the House, before the country, which my work-a-day mind can understand; one in which of the fifty million inhabitants of this country more than twenty-five millions are directly interested; one which is not for to-day alone, but for all time; one which, when properly viewed, is a question whether we shall redeem an empire, before the coming splendors of which all that is past, either in history or tradition, is as naught; or whether through error upon our part we shall delay, instead of hasten the day, when the Mississippi Valley shall be the center of the world's power and riches.

The bill under consideration is "for the improvement of the navigation of the Mississippi River, and to *prevent destructive floods.*" How vast, Mr. Speaker, are the interests involved when compared with those to which I have alluded. Those only affected certain confined localities or specified individuals, but these affect not only the twenty-five million people who live in the watershed of the Mississippi but all, all the people, not of this country alone but of the civilized world.

Mr. Speaker, let us imagine ourselves advanced to that period of time when the air will be navigated as the water is, and seating ourselves in the palace-car of an air-train, let us start from the mouth of the great river, follow it to its source, and report what we see.

At the mouth and thence for three hundred miles, to the entrance of Red River, upon our northward trip, the elevation we take will have to be considerable, and the telescopes we use powerful, for we must look over a country averaging over one hundred miles in width. What do we see? Below us lies thirty thousand square miles, nineteen million two hundred thousand acres of the richest alluvial land in the world. Through it rolls the mighty flood of the Mississippi River. Everywhere the silver threads mark where bayous, lagoons, and streams, connecting with each other, with the great Father of Waters, and with the Gulf of Mexico, present the most perfect system, if utilized, of water communication that could be devised by man—yes, Mr. Speaker, more perfect than could be devised by man, for it is the work of the great Creator of the universe.

An almost tropical sun warms the soil, when air and light have been let in upon it and man has made his habitation, making it bring forth the most valuable of agricultural products. Sugar, cotton, rice, fruits, and vegetables without number, incomparable in quality and unstinted in yield, burden the earth. But, sir, only a fraction and a very small fraction of this thirty thousand miles, of these millions of acres, have been reclaimed from the virgin forest. For every acre that shows the tillage of man there are ten that are still given up to the stately live oak, the mighty cypress, or the unsightly gum tree. Why? Why is it that these lands which repay every year more than the cost of the land and the cultivation are left untouched? Why is it that this virginal forest remains, when the genial sun, the air, and the rich soil all proclaim to the children of men, "Here is the home for you. Here you can easily acquire the necessities of life and provide for your old age a time of ease and rest." Ah, sir, it is because the mighty flood of waters that rolls down from lake and mountain to the Gulf has not been controlled, and even those who have rescued homes from the wilderness have annually to fight the floods.

But, sir, to pass on in our voyage for another three hundred miles, to the southern border of the State which I have the honor in part to represent. Over this distance we find an average width of seventy miles within the valley of lands as rich as those already viewed, but with somewhat different characteristics of soil and climate. The sun does not shine so warmly and the vegetation changes; the sugar-cane will not ripen, because the breezes that come from the frozen North bring early frosts and congeal the unripe juice. But here the cotton grows, and with it corn, the former more luxuriantly than in its native home upon the banks of the Indus, and the latter as grandly as when the first grain was planted for the benefit of Hiawatha. Here are 21,000 square miles—13,500,000 acres of land, "rich as the sun shines on," with only the same proportion and for the same reasons in cultivation.

But let us hasten onward. From the southern line of Arkansas, to Cairo, Illinois, is six hundred miles, and the average width of the land affected by the overflow is about forty miles, that is 24,000 square miles, 15,500,000 acres. This land is no less rich than that of the two preceding sections spoken of. But again the soil and climate changes. Cotton still grows as luxuriantly as in the second space mentioned, until we near the northern boundary; corn even better than farther south, while wheat, oats, and other small grains are added to the products.

I shall not attempt at present to follow the river farther north. I have reached the line which some years ago, in company with some friends of mine, I attempted to cross, and having failed, out of deference to the feelings of the gentlemen who then objected to my crossing, and many of whom I see here, I shall pause at Cairo for the present.

But what have we seen? A vast delta or valley twelve hundred miles long, varying in width from forty to one hundred miles, containing over 75,000 square miles—over 50,000,000 acres—of rich, alluvial soil, not one-tenth of which is in cultivation, and which, if it were reclaimed from the wasting floods, would produce wheat, oats, corn, cotton, sugar, and rice enough to feed the world.

I do not conceive, Mr. Speaker, that there is much difference of opinion as to the necessity of improving this great channel of commerce, this grand highway which was constructed by the Almighty, this mighty inland sea. There may be a few men, both in and

out of Congress, but there are very few, (and that is so much the better,) who dispute the power of Congress to enter upon this work; but if there are any such left they are in the condition of the Irishman's chicken. He broke an egg and took the contents in his mouth without looking at it; as he closed his mouth the "peep" of a chicken was heard. "You spake too late," said he, as he swallowed the morsel. And so with the few who oppose the improvement of the Mississippi River; they "spake too late." Congress has fully committed itself, and the people have indorsed it in doing so, to the policy of spending *whatever money may be needed, no matter how great the sum*, to redeem the valley of the Mississippi River from overflow, and to make it a highway of commerce that can be used at all times. Spasmodic efforts had been made before, but in June, 1879, when the act was passed "to provide for the appointment of a 'Mississippi River commission' for the improvement of said river from the head of the passes, near its mouth, to the headwaters," Congress definitely declared its future intentions to be, "that a settled plan of improvement should be adopted and carried out."

In pursuance of that act, the "Mississippi River commission" has been appointed, has entered upon the discharge of *its duties;* entered upon them intelligently, as was to be expected from the class of men selected.

General Gilmore, president of the commission, in his report dated February 17, 1880, (Ex. Doc. 58, Forty-sixth Congress, second session,) places the duties of the commission under three heads, thus:

> The work assigned to the commission was—
> First. To direct and complete such surveys of the Mississippi River between the head of the passes, near its mouth and its headwaters as were then in progress; and to make such additional surveys and examinations of said river and its tributaries as might by it be deemed necessary.
> Second. To take into consideration and mature such plan or plans as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent *destructive floods* and promote and facilitate commerce and the postal service; and with such plans to prepare and submit estimates of the cost of executing the work.
> Third. To report specifically upon the practicability, feasibility, and probable cost of the plans known as the jetty system, the levee system, and the outlet system.

Having defined its work as laid down in the creative act, the commission proceeded to perform its first duties. The examinations and surveys, directed under the first subdivision, were simply to enable the commission to proceed upon proper data "to mature such plan or plans as will correct, permanently locate, and deepen the channel," &c., and then to submit estimates of the cost of executing the "plan or plans" selected. All this has been done; the plans have been matured, which, in the opinion of the commission, will do all that the act creating that commission contemplated.

What did we expect, what did we desire when we made the law creating the commission? Let us revert to the law and see. Section 4 says:

> It shall be the duty of said commission to take into consideration and mature such plan or plans *and estimates* as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; *prevent destructive floods;* promote and facilitate commerce, trade, and the postal service.

It was "to take into consideration and mature such plan or plans;" that was all. As would do what? What we, the representatives of the people of the United States, wanted. Did we tell the commission? Very plainly. We wanted "to correct, permanently locate, and deepen the channel" of the Mississippi River. The commission has told us how, in its judgment, that should be done, and I entirely and heartily agree with and indorse the plan of the commission. But that was not all it was to do. It was to "protect the banks of the Mississippi River." If it can—and I believe it can, under the plan proposed—"correct, permanently locate, and deepen the channel," the banks would be "protected," so that the one direction includes the other, and the plan proposed is sufficient.

To "improve and give safety and ease to the navigation" of the Mississippi River is the next thing we desired, and would be a logical sequence of the first, for if we "correct, permanently locate, and deepen the channel" of the river, at the same time "protecting its banks," we certainly "improve and give safety and ease to the navigation." The one follows the other as certainly as night follows day; as death follows life. So, too, we desired such plans as would "promote and facilitate commerce, trade, and the postal service." But what I said about giving "ease and safety to navigation" is equally applicable to this clause. If we "correct, permanently locate, and deepen the channel" and "protect the banks" of the Mississippi River, we at once "facilitate commerce, trade, and the postal service," because we give "safety and ease to the navigation" of the river. So that what we wanted the commission to do was to "mature such plan or plans as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River." That is all. The other things of which I have spoken in the law are simply *the results we desired from the work that was to be done.* They were surplusage, so far as anything the commission was to do. They were simply instructions to show to the commission why we wanted the channel "deepened and permanently located and the banks protected."

Mr. Speaker, we give this commission a most important work. How important it is I shall not now attempt to show, except to say that every producer of grain, coal, iron, wool, furniture, of anything in fact from Pittsburgh, Pennsylvania, clear across the great States of Ohio, Indiana, Illinois, Michigan, Minnesota, Wisconsin, Iowa, Nebraska, Missouri, Kansas, West Virginia, Kentucky, Tennessee, Arkansas, and the territory of the Northwest, has an immediate and vital interest in securing "safety and ease in the navigation of the Mississippi River," and that can only be done by doing what we, in the act I have quoted, directed this commission to "consider and mature plans" for doing, that is, "to permanently locate and deepen the channel" and "protect the banks of the river."

Every producer in these sections has, as I said, a vital interest in this; every "worker in brass and iron," like Tubal Cain of old; every shepherd like Abel; every husbandman like Adam; every man, whether he is one of those who "earns his bread by the sweat of his brow" or is of those who have accumulated labor in the shape of capital, all are alike interested, because with "safety and ease" in the navigation of the Mississippi River, the products of these sections, be they what they may or in what quantities they may, can be transported more cheaply to the consumer, 50 per cent. more cheaply, and the producer will receive, not all the difference, but a fair and just proportion of it, and he will receive it in more ways than one; he will receive it in increased prices, for prices will be increased, and also in the decreased prices he will have to pay for what is brought from other sections to him.

But it is not only the people of the section I have named that will reap the benefit of "safety and ease" in the navigation of the Mississippi River that is to be produced by giving it a "deepened and permanently located channel and protected banks." The dwellers in the Southern and Gulf States; on the Atlantic seaboard, from Florida to Maine; the people of the great Middle States, through which pass the lines of railways from the West to the East; the toilers in the cities; the workmen in the factories will all be benefited. They will receive some of the benefits that accrue from cheapened transportation; what they have to buy will be cheaper; what they have to sell will bring more, because the cost of carrying will be lessened each way, for though lines of railway may combine to keep up prices, they cannot combine with the Mississippi River nor against it, and their rates will have to be lowered.

So then, Mr. Speaker, I believe, and my belief is founded upon reason and logic, that every one of the fifty million people of this country will be benefited by the securing of "safety and ease" in the navigation of the Mississippi River, with the possible exception of the owners of some railroad stocks.

But, sir, when this commission was constituted we directed it to do something else besides "correct, permanently locate, deepen the channel," and "protect the banks of the Mississippi River," that "safety and ease" should be given "to the navigation thereof." Yes, sir, they had another and, I honestly believe, a still more important duty to perform, and that was "*to prevent destructive floods.*" I say it is more important, and it is undoubtedly more difficult. In that grand epic poem, the grandest in any language or of any time, the book of Job, we find the question "Who hath divided a watercourse for the overflowing of water," but even more than that, is what the Mississippi River commission was called upon to do, when we directed it to "consider and mature such plan or plans as will" "prevent destructive floods."

"Who hath divided a water-course for the overflowing of waters," and who hath confined a mighty flood such as that which flows down the valley of the Mississippi? To "dam the Nile with bulrushes" would seem to be easy in comparison with *this* work we have directed our commission to "mature" plans for, and yet I believe it can accomplish that work, always provided we give it the necessary aid. I believe it can be done, because I am not prepared to say that human intelligence is bounded by any limit except that of money, and I am prepared to say that he who would deny money for the purpose of accomplishing the work which this commission was created for is unfit to be a representative of the American people.

I have carefully examined the reports of the commission and the plans recommended. General Gilmore says in his report, (page 14:)

> While it is not claimed that levees in themselves are necessary as a means of securing ultimately a deep channel for navigation, it is believed that the repair and maintenance of the extensive lines already existing will hasten the work of channel improvement through the increased scour and depth of river-bed which they would produce during the high-river stages. They are regarded as a *desirable*, though not a necessary, *adjunct* in the *general system* of *improvement submitted.*
> It is obvious that levees are, upon a large portion of the river, essential to prevent destruction to life and property by overflow. *They give safety* and *ease* to *navigation* and *promote* and *facilitate commerce and trade* by *establishing banks* or *landing places above* the *reach of floods* upon which *produce* can be *placed* while *awaiting shipment*, and where steamboats and other river craft can *land* in *times* of *high water.*
> In a restricted sense, as auxiliary to a plan of channel improvement only, the construction and maintenance of a levee system is not demanded. But in a larger sense, as embracing not only beneficial effects upon the channel but as a protection against destructive floods, a levee system is essential; and such system also promotes and facilitates commerce, trade, and the postal service.

With that statement I entirely agree; it is based upon sound reasoning, but I cannot fully indorse what General Gillmore says anterior to this in relation to outlets, and I think further, that his own argument, his own statement of facts, on pages 9 and 10, as to the Atchafalaya, refute the conclusions at which he arrives. I do not claim to be a civil engineer, or to have a scientific knowledge which would enable me to confute what General Gilmore says, but I think

facts—facts stated by him as well as by others—are more powerful than theories, and I cannot therefore indorse the commission when it declares that "outlets" are not and will not be useful in disposing of the mighty floods, such as that which is now devastating the valley, when they come upon it. The plan for the improvement of the navigation, for deepening the channel and permanently locating it, I consider good. The report says, (pages 16 and 17:)

It would seem, therefore, that the plan of improvement must comprise as its essential features the contraction of the water-way of the river to a comparatively uniform width, and the protection of caving banks, and this is presumed to be the plan referred to in the act as the "jetty system." It is known, from observation of the river below Cairo, not only that shoals and bars, producing insufficient depth and bad navigation, are always accompanied by a low-water width exceeding three thousand feet, but that wherever the river does not exceed that width there is a good channel. In other words, bad navigation invariably accompanies a wide low-river water-way, and good navigation a narrow one.

The work to be done, therefore, is to scour out and maintain a channel through the shoals and bars existing in those portions of the river where the width is excessive, and to build up new banks and develop new shore lines, so as to establish as far as practicable the requisite conditions of uniform velocity for all stages of the river.

It is believed that this improvement can be accomplished below Cairo by contracting the low-water channel-way to an approximately uniform width of about three thousand feet for the purpose of scouring out a channel through the shoals and bars, and by causing, through the action of appropriate works constructed at suitable localities, the deposition of sand and other earthy materials transported by the water upon the dry bars and other portions of the present bed not embraced within the limits of the proposed low-water channel. The ultimate effect sought to be produced by such deposits is a comparative uniformity in the width of the high-water channel of the river.

It is believed that the works estimated for in this report will create and establish a depth of at least ten feet at extreme low stages of the river over all the bars below Cairo where they are located.

It is the opinion of this commission that, as a general rule, the channel should be fixed and maintained in its present location; and that no attempt should be made to straighten the river or to shorten it by cut-offs.

So let it be. I am satisfied with that so far as it goes, and care not what it costs. But something else is wanted, and that is a reduction of the "flood level." Two members of the commission, one of them now a Senator of the United States, and the other an accomplished engineer, differed with the majority, as I have differed with them, as to the advisability of outlets, agreeing substantially to the necessity for levees, and the narrowing of the channels to produce a greater depth at low water, and to "permanently locate" it. General Comstock and Senator HARRISON say, (page 22, minority report:)

A reduction of the flood-level is very desirable, but where on other rivers this has been effected, cut-offs have usually played an essential part. For this reason we are not prepared to absolutely reject their use, after the banks of the river have been thoroughly protected for considerable distances above and below the sites where they are about to occur.

It is undisputed that the "flood-level" is now being lowered by the cut-off, (outlet if you please,) of the Atchafalaya, through which an immense body of water from the Mississippi is now pouring, reaching the Gulf by a route three hundred miles shorter than that by the river, and over an incline three times as great to the mile. This cut-off, outlet, or whatever you may choose to call it, is giving relief below where it opens from the river from a "destructive flood," and one such fact is worth all the theories evolved by the metaphysicians. If that "outlet," carrying 10 or 20 per cent. of the flood tide, is relieving the country below it from the utter destruction that has come upon that above it, I would to God that it left the river five hundred miles above where it does and carried off double the amount it does, for then there would be no overflow, and we would not be listening to the cries of distress that come to us from every quarter of the great valley between Cairo and the head of the Atchafalaya. But some one will say, "The floods you send off through your outlets will overflow their banks and create the distress and damage in that section from which you secure another section."

Not so, Mr. Speaker, one million cubic feet of water each second of recorded time flows past New Orleans, within the banks of the Mississippi River. What power can restrain this within bounds? Divide into a number of small streams and it would be easy. The water flowing through the Atchafalaya, with its swifter current, can be easily controlled by levees, when it would be a physical impossibility to restrain that which flows through the Mississippi. That this result—that is the deepening of the channel and the control of the water—can be obtained in small rivers is proven by the reports on Red River, and on the Atchafalaya, contained in the supplementary report of the commission to this Congress. So that the only real objection that could be made to the outlet system in connection with the levees and the narrowing of the channel proves to be no objection. "Divide and conquer" has been the motto of the world. If we cannot conquer this flood of waters, if we cannot bind in bonds that cannot be broken—cannot build a prison-house strong enough to hold it, then let us divide it so that we can conquer.

Mr. Speaker, I do not believe that all the knowledge of the world is confined to that very estimable body of men known as army and civil engineers. They have a technical education, and most of them travel in the ruts made for them by former engineers, very few, not of engineers alone, but of any class of men who are technically educated, being able to break the trammels which necessarily bind the man who receives a technical education. Nor do I conceive that an education at West Point, or as a civil engineer, necessarily makes a man competent to tell what should be done for the prevention of "destructive floods" in the Mississippi River. There are no precedents to guide us, for there is no other such river as the Mississippi. Experience on the river—a knowledge acquired by contact with it—its previous history since the settlement, all these should be considered by us, as well as what the commission says, when we endeavor to prevent "destructive floods."

Congress did not surrender its right to consider and act when it created the commission and directed it to "consider and mature such plan or plans" as would, if carried out, effect the desired end. It asked, it directed this creature of its own creation to "consider and mature" and to "submit" its "plan or plans" for approval. For my part I am ready, as I said before, to approve the plan submitted for the purpose of correcting, permanently locating, deepening the channel, and protecting the banks of the river, so that safety and ease would be given to the navigation. But to prevent "destructive floods," I want them to enlarge their ideas; I want to see the outlet system tried. General Gilmore, in his report, more than once speaks of the proposed works as "an experiment." Let the commission add another experiment and test the theory of outlets, if that can be called a theory which has been of benefit in past years, and which is now doing vast good.

I spoke of the necessity that existed of consulting on this subject men of experience on the river, men whose knowledge came from personal observation. Captain T. P. Leathers has lived on the Mississippi River more years than most of us have seen, and he said on the 7th of this month, at Vicksburgh, in the center of this great sea of waters now surging down in the Mississippi Valley:

If the Government does not take immediate steps toward relieving the valley, or, in other words, to provide substantially for the complete riddance of this superabundance of water by an effectual outlet system, the inhabitants of this immense tract of the richest lands in the world will be compelled to abandon their own homes and flee to the hills for protection. It is a plain proposition, and I assert it without fear of successful contradiction, that the river is higher at the present time below New Orleans than ever known before, and as the water cannot be carried away in its regular channel, (the mouth below having been impeded by artificial methods,) it is bound to have recourse to other means than those furnished by nature for its exit to the Gulf, and unless there occur several serious breaks in the levees above New Orleans, that city will experience a most disastrous overflow this year. It is a most notorious fact that the Mississippi River has never been so sluggish as it is just now, and this also may be accounted for in the obstructions at its mouth. If Lake Borgne is made the outlet, the Father of Waters will need no levees except at extremely low points, and as the present crevasses at Bonnet Carré and Morganza are fast closing up, it will necessitate the river channel in seeking another outflow.

The views of such a man as Captain Leathers should command respectful attention, should be considered carefully, for they are the result of fifty years' observation by a man of sense, whose entire business is upon the river. Captain John Cowdon is another old river man, who has studied the river for years, and who has a wonderful fund of information upon it, a fund which would be more generally drawn upon but for the severity with which Captain Cowdon comments upon the opinions and views of others. He believes that outlets only are needed, not only to prevent "destructive floods" but to "correct, permanently locate, and improve" the banks of the river, and give "safety and ease to the navigation thereof." There are many others who think as he does, and I want to do anything, everything, that might help to prevent "destructive floods" such as that now destroying the country.

I said, Mr. Speaker, that this branch of the commission's work was more important than the other. I think it is. I have endeavored to show the importance of giving "safety and ease" to the navigation and how it would affect all the people of this country. Now, sir, permit me briefly to demonstrate the result that would follow the prevention of "destructive floods." Let us suppose the work to have been done and a generation to have passed away, and enter once more the "air-line railway" that passes from the mouth of the Mississippi River to its headwaters. What do we see? All along the Gulf coast, where now the fish-hawk and the alligator are the only inhabitants, are stately residences and smiling cottages, fields of golden oranges and lemons, of plantains, bananas, and figs, vast areas of waving cane, that will yield enough sugar to supply America and send a large surplus abroad, with sugar-mills converting it; a busy hive, teeming with a dense population, living in health and plenty where now there are but a few scattered dwellers, fighting in the summer and fall the miasma that comes from overflowed lands, and in the winter and spring the overflowing waters that make the miasma.

This is the sight that greets us for the first section of our previous voyage, and then comes the cotton-fields, broad as the alluvial lands wherein the cotton attains such perfection, while the open bolls tell of an abundant yield. We hear the ceaseless whir of the gin, see the fires of the oil-factories and the cotton-presses, the houses of the inhabitants, embowered in vines that *yield the richest of wines*, surrounded by orchards of luscious peaches. Further on in the third section the cotton covers only a portion of the earth; corn first, and then corn and wheat divide the empire; the orchards have been re-enforced by the apple, while the grape and peach remain. In the broad valley containing its *seventy-five thousand square miles reclaimed from the overflow* every acre is productive and every acre is made to produce. The value of the timber alone that has been removed from this reclaimed land has ten times over repaid the cost of reclamation,

and now, year after year, for generation after generation, without the intervention of any Shipherds or guano kings, the rich soil returns a hundred fold the care and money that have been bestowed upon it. The mighty river, with its inflowing branches and its outflowing "outlets," glides peacefully along between its restraining walls like a well-broken and harnessed courser, and on its bosom bears the commerce of a world.

Sir, the picture is not overdrawn. The valley of the Mississippi, within the limits of overflow, is the largest body of alluvial land in the world, and it is the richest. It is our heritage to give to future generations, and we must determine whether we will give it to them in a condition to support a population as dense as that of Belgium, or whether we will leave it as it is. That is what we are considering in this bill.

I regret, sir, to see among some members (fortunately only a few) a disposition to oppose granting the sums asked for by the Mississippi River Commission. This opposition comes from more than one reason, or rather pretext. One says, "Too much money is required." Too much cannot be expended on this work.

Mr. Speaker, within the last thirty years the Congress of the United States has given $100,000,000 for the improvement of rivers and harbors to benefit local trade and commerce. During the same period of time it has given over *one hundred and thirty millions of acres of land*, valued at over *three hundred and fifty millions of dollars*, in aid of railroads to give "safety and ease" to travel, and to "facilitate commerce, trade, travel, and the postal service." Here are nearly five hundred millions of dollars voted by Congress for *one* of the purposes for which this appropriation is asked, and the benefits derived from that sum, compared to those that will arise from this, "giving safety and ease to the navigation of the Mississippi River," are as but a drop of water to an ocean, without considering the benefits that would be gained from the prevention of "destructive floods;" and yet gentlemen talk of "the cost" of these proposed improvements.

Another says, "The plan is not perfect." Neither is anything else conceived by the finite mind of man; but it is the best we have. Still another echoes the growl from the hungry vampires in the lobby, "There is a job in it." So there is, and a grand one—the grandest ever attempted by man—"the job" of reclaiming an empire. I want to be in that "job."

Mr. Speaker, it seems to me that our duty is plain. We directed a commission to examine into and report a plan to improve the navigation of the Mississippi River. It has made its examination and reported its plan, and it asks us for the money—*not to be expended by it*—to carry out the plan. If we believe that the object desired can be accomplished by the means suggested then we should at once vote the money; for, as I have said before, no question of cost should be permitted to enter into this subject. The Mississippi River must *be made* navigable at all times, its overflow restrained, and its valley reclaimed, let the cost be what it may. This is a duty we owe to the world.

Jefferson's Granddaughter.

SPEECH

OF

HON. WILLIAM E. ROBINSON,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 5, 1882,

On House bill No. 6304, granting a pension to Septimia Randolph Meikleham, only surviving grandchild of Thomas Jefferson.

Mr. ROBINSON, of New York, said:

Mr. SPEAKER: In an humble cottage, rented at twenty dollars a month, in a secluded part of Georgetown, in this District, lives Septimia Randolph Meikleham, widow of Dr. Meikleham, daughter of Martha Jefferson and only surviving grandchild of Thomas Jefferson, with her three children, depending mostly upon the exertions of a delicate and dutiful daughter for their support. She was born at Monticello, beneath her illustrious grandfather's roof, on the 3d day of January, 1814. She was the seventh daughter, and hence called Septimia, and, I believe, the youngest child but one of Governor Thomas Mann Randolph and Martha Jefferson. They had twelve children, five sons and seven daughters, all born in Jefferson's home at Monticello except Mary Jefferson and Benjamin Franklin, who were born at Edge Hill, and James Madison, who was born at the White House, in the city of Washington, when her mother was the mistress of that establishment.

Thomas Jefferson was the prophet and founder of American republicanism, the father of the University of Virginia, the author of the statute of Virginia for religious freedom, and of the Declaration of American Independence. A few minutes past noon on the 4th of July, 1826, just half a century after the adoption of his immortal Declaration, he and his great compeer, John Adams, one the second and the other the third President of the United States, of whose independence they had been among the stoutest champions, winged their flight to another world on the same day, in the term of the sixth President, the son of the second, John Quincy Adams, each supposing that the other survived him, leaving the country whose liberties they so largely contributed to establish trebled in population, with all the signers of her independence dead but one, the first gentleman of the world, Charles Carroll of Carrollton, who for six years longer lived to enjoy the homage of the entire country, and then to pass away and follow them to the starry home of the good and great.

Jefferson had five children. His wife was five years younger than he. They were married on the 1st day of January, 1772; he at twenty-nine, she at twenty-four years of age. Ten years after they married, and four months after the birth of their fifth child, she died. No dying wife ever received such attention or was followed to the grave with such anguish from her husband. Their children were:

Martha Jefferson, born September 27, 1772, at one o'clock a. m.; married Thomas Mann Randolph, jr., February 23, 1790; died October 10, 1836.

Jane Randolph Jefferson, born April 3, 1774, at eleven o'clock a. m.; died in September, 1775.

A son, (nameless,) born May 28, 1777, at ten o'clock a. m.; died June 14, the same year, at ten o'clock p. m.

Mary Jefferson, born August 1, 1778, at half past one o'clock a. m.; married John Wayles Eppes October 13, 1797; died April 17, 1804, between eight and nine o'clock a. m.

A daughter, (nameless,) born in Richmond, November 3, 1780, at a quarter before eleven o'clock p. m.; died April 15, 1781, at ten o'clock a. m.

Lucy Elizabeth, born May 8, 1782, at one o'clock a. m.; died 1784.

Martha's husband, who was afterward member of Congress and governor of the State, died in 1828; Mary's husband in 1825, (Lanman says 1823.) Mr. Eppes was a distinguished Representative and Senator in Congress. Their son Francis was their only child living at Jefferson's death, but is long since dead. His descendants now reside in Florida.

Martha had twelve children, whom I shall here name in the order, I believe, of their birth: Ann Cary Randolph married Charles Bankhead, of Virginia, and died the same year with her grandfather; Thomas Jefferson Randolph died in 1875; Eleonora Wayles Randolph died in 1795; Eleonora Wayles Randolph (second) married Joseph Coolidge, of Boston, and died in 1876, a year after her father; Cornelia Jefferson Randolph died in 1871; Mary Jefferson Randolph died in 1876; Virginia Jefferson Randolph married Nicholas P. Trist and died in Washington during the present year; James Madison Randolph died in 1834; Benjamin Franklin Randolph died in 1871; Merriwether Lewis Randolph died in 1839; Septimia Randolph married Dr. David Scott Meikleham, of Glasgow, Scotland, now deceased; and George Wythe Randolph died in 1867.

Jefferson's daughter Martha, Mrs. Meikleham's mother, and her children received the particular care and love of her father. When she was only eleven years of age, a year younger than Mrs. Meikleham was at Jefferson's death, and one year after the death of her mother, he left her at school in Philadelphia with Mrs. Hopkinson while he journeyed to Annapolis. November 28, 1783, he wrote her a letter informing her that he had arrived at Annapolis safely "after four days' journey." He tells her to improve her opportunity for education, as that would console him for having to part with her and would prevent the diminution of his love; it could not be increased. He asks her to consider her teacher as her mother, with whose loss Heaven had been pleased to afflict her; that should she do anything to incur her teacher's disapprobation she should think no concession too much to regain her good will. He suggested the distribution of her time:

"From eight to ten, practice music.

"From ten to one, dance one day and draw another.

"From one to two, draw on the day you dance and write a letter next day.

"From three to four, read French.

"From four to five, exercise yourself in music.

"From five till bed-time, read English, write," &c.

He wanted her to write to him by every post, and to tell him what books she read, what tunes she learned, and to inclose to him her best copy of every lesson in drawing; to take care and never spell a word wrong. It is great praise for a lady to spell well. He had placed his happiness on seeing her good and accomplished; and no distress which this world could now bring would equal her disappointment of his hopes. A fortnight after, he wrote her a letter warning her to disregard rumors then prevalent about the end of the world. The Almighty had never told anybody when he would end it. The best way to be prepared for the end of the world or for death, which was a more certain event, was never to do or say a bad thing. Ten days later he wrote her on the subject of dress. He wanted her to have fine but not gay dresses. She should see that her clothes were clean, whole, and properly put on. She should, from the moment she rose till she went to bed, appear as cleanly and as properly dressed as at dinner or tea, so that she could at any time be seen by any gentleman without a pin being amiss.

On the 5th of July, 1784, Mr. Jefferson sailed on a diplomatic mission to Europe from Boston for Cowes, in England, taking with him his beloved Martha, leaving his two younger daughters, Mary and Lucy, six and two years of age, behind him, never more to see the latter, as she died during the year. They made the voyage in three weeks. Martha was then twelve years of age, and was placed at a convent school in Paris, L'Abbaye Royale de Panthémont, the most fashionable and select seminary in France. To this school many letters from him were directed to her. In one of them he says:

The more you learn the more I love you; and I rest the happiness of my life on seeing you beloved by all the world, which you will be sure to be if to a good heart you join those accomplishments so peculiarly pleasing in your sex. Adieu, my dear child. Lose no moment of improving your head nor any opportunity of exercising your heart in benevolence.

In another letter, when she was fifteen, he lectures her on the evils of idleness. In another he tells her that her sister "Polly," (Mary,) then nine years old, was coming, and that she must act the mother to her younger sister, then his only other surviving child:

Teach her above all things to be good, because without that we can neither be valued by others nor set any value on ourselves; teach her to be always true; no vice is so mean as the want of truth and at the same time so valueless; teach her never to be angry; anger only serves to torment ourselves, to divert others and alienate their esteem; and teach her industry and application to useful pursuits.

It was no wonder that Martha (his Patsy) grew up to be, as one of her eulogists described her:

The most dutiful of daughters, the most attentive of learners, possessing a solid understanding, a judgment ripe beyond her years, a most gentle and genial temper and an unassuming modesty of demeanor which neither the distinction of her position nor the flatteries that afterward surrounded her ever wore off in the least degree; she was the idol of her father and family and the delight of all who knew her.

These beautiful accomplishments of womanhood I may here say without fear of contradiction she transmitted in their full value to her now only surviving child, Mrs. Meikleham. Martha had now grown up to be a lady of seventeen; she had imbibed a strong love for the school in which she was secluded, and for the holy sisterhood of Panthémont. She wrote to her father in April, 1789, for his permission to remain in the convent and to dedicate herself to the duties of a religious life. To this letter she received no answer, but in a day or two afterward his carriage came to the door. He met his daughter with the kindest smile and warmest love. He had a private interview with the abbess, and a few minutes afterward the carriage with Mr. Jefferson and his two daughters drove away from the quiet seclusion of a home in which she had grown to young womanhood adorned with every virtue and accomplishment.

Neither Martha nor her father, then or ever afterward, referred to the subject, but in after years, when he was gone, she spoke of it to her children with approbation of her father's course. It should be observed that for several months before this request of his daughter he contemplated taking them from the convent to return to the United States. Indeed, in a letter to Mr. Francis Eppes, sr., he had fixed the date of his intended departure for the United States about the very day on which he took his children from the convent. He left Paris on the 26th of September, 1789, and on the 23d of October left England with his two daughters, and in due time arrived with them at Monticello, where they had a princely reception from his numerous servants, who took the horses from the carriage and drew their master and his daughters to their welcome mountain home.

While they were yet at sea Washington had written to Jefferson tendering him the appointment of Secretary of State.

On the 23d of February, 1790, three or four months after her return to the United States, Martha was married to Thomas Mann Randolph, jr., eldest son of Colonel Thomas Mann Randolph, of Tuckahoe, Virginia. It is worth noting that both Jefferson's daughters married their cousins, and that the husbands of both, while young men at college, and before contemplating such pleasant relationship, had written to Mr. Jefferson, at Paris, for advice as to their course of life. Young Randolph was a student at the University of Edinburgh, and visited Paris in 1780. I have already given a description of the mother of Mrs. Meikleham, a portrait of her father by the same hand will not be out of order:

He was tall, lean, with dark, expressive features, and a flashing eye, commanding in carriage, elastic as steel, and had that sudden sinewy strength which it would not be difficult to fancy he inherited from the forest monarchs of Virginia. (He was descended by several different strains of blood from Pocahontas.) He was brilliant, versatile, eloquent in conversation when he chose to be, impetuous and imperious in temper, chivalric in generosity, a knight-errant in courage, in calm moments a just and at all times a high-toned man. His education was a finished one; his reading was extensive and varied; his fortune was ample in prospect, and would have been immense but for the change effected in the Virginia statutes of descent by the efforts of his father-in-law.

In a week after the marriage Mr. Jefferson set out for New York to take his place in President Washington's Cabinet, and rented a house at No. 57 Maiden Lane. On the 9th of February, 1791, he writes to her and says:

Your last two letters are those which have given me the greatest pleasure of any I ever received from you. The one announced that you had become a notable housewife; the other, a mother. This last is undoubtedly the keystone of the arch of matrimonial happiness. Accept my sincere congratulations for yourself and Mr. Randolph.

Henceforth his letters contained frequent mention of his grandchild and requests that his daughter "kiss the little Anne for me." In one of his later letters (January 15, 1792) he expresses his desire to be at home with them, "and dear little Anne, with whom even Socrates might ride on a stick without being ridiculous." At a still later date, May 17, 1798, he anticipated much pleasure in carrying home to her children from Philadelphia to Monticello "the game of the goose."

One extract more of his letters to this beloved daughter is all I shall notice. It is dated at Monticello, March 27, 1797. He had reached home from the Vice-President's chair and found both his daughters absent on an estate of Colonel Randolph:

I value the enjoyments of this life only in proportion as you participate them with me. All other attachments are weakening, and I approach the state of mind when nothing will hold me here but my love for yourself and sister and the tender connections you have added to me, [his grandchildren.] I hope you will write to me, as nothing is so pleasing during your absence as these proofs of your love. Be assured, my dear daughter, that you possess mine in its utmost limits. Kiss the dear little ones for me; I wish we had one of them here.

And thus through many letters during his Vice-Presidency he expressed his longing to get away from the turmoil of politics to his quiet home, to enjoy the society of his two daughters, their husbands, and children. Mary he loved. She was like his departed wife, whose death so much affected him; but Martha was a Jefferson, and was like her father, as his only living grandchild is. Few women could have secured such a compliment as John Randolph paid her. When, notwithstanding his quarrel with her husband and father, her health was proposed at a table of gentlemen, among whom he was a guest, he rose with glass in hand and said: "I drink, gentleman, to her—to the sweetest woman in Virginia." During her brief presidency of the White House in her father's Presidency of the nation she had one child born, added to the seven born, all but one, at Monticello.

Two days before her father's death he handed her a little casket in which, on opening it after his death, she found some papers written by him, in one of which he says: "The last pang of life is in parting with you;" but he would bear her love to her mother and sister, "two seraphs long shrouded in death." On another paper were written the following lines from Thomas Moore:

It is not the tear at this moment we shed,
When the cold turf has just been laid o'er him,
That can tell how beloved was the friend that's fled,
Or how deep in our hearts we deplore him.
'Tis the tear through many a long day wept,
'Tis life's whole path o'ershaded;
'Tis the one remembrance, fondly kept,
When all lighter griefs have faded.

Thus his memory, like some holy light,
Kept alive in our hearts will improve them,
For worth shall look fairer, and truth more bright,
When we think how he lived but to love them.
And as fresher flowers the sod perfume,
Where buried saints are lying,
So our hearts shall borrow a sweetening bloom
From the image he left there in dying.

Jefferson was fond of Moore's poetry, notwithstanding the ridicule which the poet had heaped upon him in writing from Washington during Jefferson's Presidency. It is said that Mrs. Meikleham's mother shared with the President deep resentment at Moore's attack upon him, but upon the publication of his Irish Melodies, about the time of Mrs. Meikleham's birth, she showed him a copy. "Why," said Jefferson, "this is the little man that satirized me;" and on reading some of the melodies he exclaimed, "Why, he is a poet, after all!" From that till his death Moore's works were favorites at Monticello. Moore, in visiting this country, came across the ocean with a pompous British minister and his more pompous wife, Mr. and Mrs. Merry. The Federal party and the Republican party had been and were then in bitter hostility. The British minister sympathized with the Federalists. Moore fell in with the same set and lampooned the Republican party:

Which courts the rabble's smile, the rabble's nod,
And makes, like Egypt, every beast its god.

Jefferson had very decided republican ways with him, and he failed to make much demonstration on the reception of Mr. Merry and Mr. Moore, and the latter, in a letter to his mother, dated June 13, 1804, says:

I stopped at Washington with Mr. and Mrs. Merry for near a week. They have been treated with the most pointed incivility by the present Democratic President, Mr. Jefferson, and it is only the precarious situation of Great Britain which could possibly induce it to overlook such indecent, though at the same time petty, hostility.

It seems that Mr. and Mrs. Merry were invited to dine at the White House, and when dinner was announced the President gave his arm to Mrs. Madison, the elegant wife of his Secretary of State, when Mrs. Merry thought it should have been offered to her, and they were going to have war over the insult.

I have dwelt upon the love of Thomas Jefferson for his eldest daughter and her children to emphasize the confidence with which I appeal to this Congress for relief to the only living member of his family, now in our midst. She has made no appeal for assistance. An educated, high-minded representative of the Jeffersons and Randolphs of Virginia ought not to be allowed to wait till she appeals. Neither by her nor by any friend of hers, either directly or indirectly, was any suggestion made to me to introduce this bill. I happened to learn, through the great granddaughters of President Monroe, who live in

the same street where I reside in this city, that the granddaughter of the author of the Declaration was living in Georgetown, and without her knowledge, of my own sense of justice, propriety, and patriotism, I introduced this bill.

I have a pride in this Congress, and believe that on no page of its record will so proud a monument be perpetuated to its credit as that on which will be registered the passage of this bill. I have known personally every President of the United States since Monroe, save only Jackson, and highly as I esteem the privilege of having known as friends all our Presidents since then, including John Quincy Adams, who has frequently walked these streets leaning on my arm, I would count it higher honor to contribute to the comfort and independence by my single vote here, which is all that I can give, to save the only living descendant of Jefferson, who was born in his house and was the loved object of his affection, from poverty and want. I summon from his grave to plead for her the author of the Declaration, and the man who secured to us the undisputed possession of the Mississippi Valley and its exit to the sea.

Jefferson looked up from the depths of the gloom that was settling around him. He had justly hoped that his country would come to his rescue and clear away the cloud that was settling on his home and all that he loved dear. Or if too late to come to his rescue and save Monticello, they would not let his grandchildren beg bread or toil in old age through a country whose independence was the child of his own brain. Five months before his death he wrote to Mrs. Meikleham's brother this mournful message:

> For myself I should not regard a prostration of fortune, but I am overwhelmed at the prospect of the situation in which I may leave my family. My dear and beloved daughter, [Mrs. Meikleham's mother,] the cherished companion of my early life and nurse of my age, and her children, rendered as dear to me as if my own from having lived with me, left in a comfortless situation, hold up to me nothing but gloom.

Of all that family none remain but one, and his voice, which I summon from the grave, pleads now for her in tones which I think this Forty-seventh Congress cannot refuse to hear. When he wrote that gloomy message now addressed to you, my fellow-members, Mrs. Meikleham was beside him trying to lessen his grief by words of womanly sympathy from girlish lips that pressed their warm kisses on lips that first pronounced our Independence, then growing cold in the gloom of approaching death.

She was then twelve years of age. She was the pet and solace of his later years. She was as like him as a beautiful girl could be to one of the rougher sex. His head of gold had turned to silver and her wealth of sunny hair recalled the glory of his own in his earlier manhood, and the hand that penned the noblest instrument ever written by man loved to play among its tresses. She sat upon his knee; she climbed upon his chair to play with his whitening locks, and brought many a smile to chase away the gloom and many a solace to succor his sinking heart. Is there any Representative here who can read the message which I have just quoted from the brink of his grave and see his foreboding of the distress of the only living member of the family for whom he pleaded verified in yonder lonely cottage whose humble roof is kept above her, only by the toil of a devoted daughter? Who will hesitate to vote for this relief too long delayed, but still in time to save our honor if we act promptly and generously? It will take but little from the Treasury, for her life in the common course of things cannot be long.

You have within the last month or two given, by a nearly unanimous vote by both Houses, $10,000 to raise a monument to Jefferson's memory in the deserted ruins of Monticello. Think you that this pension which I ask from you for his grandchild who is living in our midst, and who deserves to have each member of Congress and the Cabinet and the President call upon her at least once a year while she lives—think you that this pension will not prove a more acceptable monument to his memory than shafts of marble or decorations over his grave? Think you if Thomas Jefferson's spirit can bend from the celestial abode of departed patriots and note what is occurring in this Capitol of his country that he would not a thousand times prefer to see that humble Georgetown cottage where dwells the only relative now living whom he ever saw on earth gilded by your munificence than all the marble you could pile upon his ashes at Monticello? You have during the present session given the same amount I ask for her to Mrs. Tyler, Mrs. Polk, Mrs. Lincoln, and Mrs. Garfield; none of them so well deserving as she deserves. Nor is there any danger of setting a precedent for other similar grants. We shall never have another living member to care for of that family circle which gathered around the dying couch of the author of the Declaration of Independence.

This sole surviving grandchild of our illustrious statesman and patriot, born in his house, fondled on his knee, carried in his arms, kissed by his lips, is now living in this District in straitened circumstances, a widow, with her delicate family, in an humble dwelling within sight of the White House, where her mother once shone as the first of American women; within the shadow of this Capitol which but for him would probably never have reared its majestic Dome above its assembled statesmen; within sight of that majestic column slowly mounting heavenward to perpetuate the fame of him who vindicated by his sword what his great compatriot had created by his pen. And shall she be permitted to feel no throb of patriotic pride pulsing around her humble home from the great heart of the American people represented in these Halls of Congress? Senators and Representatives, I call upon you to see that this grandchild shall not suffer for anything you can give her for the brief time that she may live to keep alive the memory of the heroic age of this Republic.

Representatives of the great West, living in the almost boundless empire drained by the Mississippi and its tributaries, secured by him for the mere trifle with which he made by the purchase of Louisiana, free exit of this empire's commerce to the sea, will you see this only living heir of your benefactor who ever looked into the wealth of love which slept within his tearful eyes as he wrote that paragraph about her for whom I plead to-day—will you see her suffer for want of the pittance for which I pray?

I have called him from his grave to plead for his favorite granddaughter, the solace of his age. I summon from the speaking canvas of Trumbull, from whose lips I have heard the history of every majestic figure in his immortal painting; I summon the four patriots, Sherman, Franklin, Adams, and Livingston, the committee that stand around him as he reads the immortal document; I summon Hancock from his chair and Charles Thompson from his desk; I invoke the representatives of a nation, listening to his words while he "proclaims the story of its birth;" I summon the members sitting around him in their grand simplicity to come from the silent sitting of the Continental Congress in the Rotunda into this Hall, to our Forty-seventh Congress, their successors, to urge the cause of the only living grandchild of the majestic figure in their midst. I summon a jury of thirteen from the embryo States, one from each Colony represented in Independence Hall—Thornton of New Hampshire, Hancock of Massachusetts, Ellery of Rhode Island, Sherman of Connecticut, Livingston of New York, Witherspoon of New Jersey, Franklin of Pennsylvania, McKean of Delaware, Carroll of Maryland, Lee of Virginia, Penn of North Carolina, Rutldege of South Carolina, and Walton of Georgia—to find a verdict for this grandchild of the Republic. I call upon old Virginia, the mother of Presidents and his mother; on young Ohio, Virginia's child and his daughter. I call upon every State and Territory whose mountain passes and hillsides and plains contribute their varying rills and rivers to the volume of the Mississippi which bears their commerce to the sea through territory secured by him to this Republic for a mere nominal sum; I summon every Representative here from every district in the Union, from the Saint Lawrence to the Rio Grande and from the Atlantic to the Pacific, to ratify their verdict by a unanimous vote in favor of this bill.

Tariff and Tax Commission.

SPEECH

OF

HON. JOHN W. SHACKELFORD,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, April 11, 1882,

On the bill (H. R. No. 5315) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. SHACKELFORD said:

Mr. CHAIRMAN: I shall not now endeavor to present an argument on the question of the tariff in detail. I shall address myself rather to the objections to the pending bill, and then to such general consideration of tariff taxation as my limited time may permit. The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created, to be called the tariff commission, to consist of nine members.

SEC. 2. That the President of the United States shall, by and with the advice and consent of the Senate, appoint nine commissioners from civil life, one of whom, the first named, shall be the president of the commission. The commissioners shall receive as compensation for their services, each at the rate of $10 per day when engaged in active duty, and actual traveling and other necessary expenses. The commission shall have power to employ a stenographer and a messenger; and the foregoing compensation and expenses to be audited and paid by the Secretary of the Treasury out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. That it shall be the duty of said commission to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff and the existing system of internal revenue laws, upon a scale of justice to all interests; and for the purpose of fully examining the matters which may come before it, said commission in the prosecution of its inquiries is empowered to visit such different portions and sections of the country as it may deem advisable.

SEC. 4. That the commission shall report to Congress the results of their investigation, and the testimony taken in the course of the same, from time to time, and make their final report not later than the first Monday in January, 1883.

Mr. Chairman, I am opposed to the bill, and shall vote against it for many reasons. In the first place, sir, the commission provided for in the bill, with powers therein granted, will, in my humble judgment, neither relieve the oppression of the people nor satisfy their complaints.

To every one who can read the Constitution—and there are few of our constituents that cannot—it seems to me that the duties of Congress in regard to this matter of taxation are therein clearly and sharply defined. The first clause of the eighth section of the first article of the Constitution reads as follows:

The Congress *shall* have power to lay and collect taxes, duties, imposts, and excises, to pay debts, and provide for the common defense and general welfare of the United States.

Now, sir, note particularly the imperative mood *shall;* the Congress shall, and yet, while the people are suffering from a high tariff taxation that is not paralleled under any known despotism in the world; while every trade and art within the length and breadth of this fair land is in distress; while the poor mechanic cannot school his children as he would and the poor farmer can barely make a living, much less save anything for a rainy day; while monopolies grow great and strong, and tower with brazen front toward heaven, and the poor victims of taxation and tyranny shrink and cower and grow powerless before their fearful fate; while all this little less than tragedy is being enacted we, "the Congress," propose to shirk our responsibility by delegating powers to a commission of nine. The Constitution says "Congress shall have power," yet every vote cast in favor of this bill will say Congress shall not have power, and certainly it will be powerless from the time this bill is passed until the commission make their report.

Now, Mr. Chairman, let us suppose the bill passed, and the commission of nine appointed, Congress is then without power to revise the existing tariff and the existing revenue laws. It has sent forth this commission "to thoroughly investigate all the various questions necessary to the revision of the present tariff, or the establishment of a judicious tariff, upon a scale of justice to all interests." Is it not evident that Congress will have sentenced itself to remain in ignominious silence on all questions relating to the tariff? Sir, this Morrill (immoral) tariff was engendered by the necessities of war, and now after seventeen years of peace its slimy folds encircle what Jefferson called the four great pillars of our prosperity: our agriculture, manufactures, our commerce, and navigation; with its serpent's trail in every house, over every farm, on the family Bible and within the picture book of the child; with its hurtful sting meeting us everywhere; with the memory of the broken promise hissing in our ears that it was to be repealed when the internal taxes were reduced on home manufactures; this bill to create a tariff commission is to be passed, and we, the Congress, relegated to silence. We must wait powerless until these nine irresponsibles return from their travels, their wining and dining, and make a report. No matter what exigencies may arise, what unforeseen strain be thrown upon the business interests of the country, no matter what the sudden need, how bitter or how loud the cry for help, it will be unavailing. Disrobed of its power, this House will stand confessed to the country and the world, that either through cowardly fear or inability it was unwilling to cope with questions that had been put into its keeping by the Constitution.

And so, sir, we must sit here from day to day listening to the mutterings of the coming storm of anger rising from those who are chafing restively beneath their burdens, and tell them that there is no relief. Pitiable spectacle! The sovereign power of fifty millions of people have empowered the President to send out a commission of nine, and can do nothing until they report.

Sir, this bill is but a subterfuge for delay. Indeed, the honorable Senator from Iowa, [Mr. ALLISON,] during its discussion in the Senate, gave this as one reason why the bill should receive his sanction and support. He said:

And if this bill is voted up or voted down, every Senator here must know that it is a practical impossibility to consider the tariff question at this session of Congress; and if it is a practical impossibility during the remainder of this session, it is equally impracticable to consider it during the next session, which lasts only three months, when we are pressed night and day for the consideration of appropriation bills.

Therefore we may just as well understand here and now that this proposition is a proposition to postpone until the next Congress the consideration of the tariff question, and I shall vote for it with that understanding.

This language of the honorable Senator from Iowa I find in the CONGRESSIONAL RECORD of March 29. It is to be commended in that it is frank, manly, and bold. With a courage worthy of a better cause, he first frankly admits that this bill is a proposition to postpone, and then boldy asserts that he shall vote for it with that understanding. This eminent advocate of protection has thus openly declared postponement and delay to be the object of the bill. Being a friend of the measure, he is an authority whom we can safely quote without incurring the possibility of becoming amenable to the charge of misrepresentation. Sir, I regard delay, when viewed in connection with the state of our finances, as little less than criminal. All admit the fact that we have a surplus revenue that is piling up at the rate of $150,000,000 per annum above the current expenses of the Government; that this tariff is extorting from the people this gigantic sum for which there is neither immediate use nor prospective need is also admitted.

Where, then, sir, I ask in the light of these facts, can be found the shadow of a reasonable excuse for prolonging the present tariff, supplemented as it is by an odious and obnoxious system of internal taxation.

Let us meet the issue of revision and readjustment here and now, without delay or postponement, without incurring the extra expense of creating an unconstitutional commission to discharge duties and perform functions of government for which we were elected and are paid, and upon which it is our sworn duty to legislate, and relieve the people from these burdens of excessive and unequal taxation.

Mr. Chairman, the bill under consideration originated with the Committee of Ways and Means. It is their offspring, and, to all appearances, is likely soon to become the adopted child of the Republican party. It is a most remarkable bill. It actually contains the admission that the present tariff and the existing revenue laws need revision.

I thank thee, Jew, for teaching me that word!

Need revision! And not only that these laws need revision but the bill further tells in what respect the revision is needed, namely, "on a scale of justice to all interests."

A second Daniel come to judgment.

Now, sir, these admissions are made freely, voluntarily, and without request; they admit that these laws ought to be changed—that injustice is being done, that oppression is doing its work in the guise of laws that are both unequal and unjust—all this they concede, and yet some of these gentlemen, protectionists and advocates of this bill, openly avow that they will give it their support, because it will delay and postpone the very relief which they themselves concede to be necessary.

Mr. Chairman, it is said that there is a reason for all things; and as I have listened to the gentlemen, many of whom have so strongly and eloquently urged the passage of this measure, I have asked myself what is the reason of all this? Why is it that those who having, as they tell us, been constrained by the necessities of war to devise and pass these laws—who now, in time of profound peace, admit the necessity of their repeal—why is it that by every means within their power they struggle against repeal and endeavor to prolong their existence?

Why is it that, with a surplus revenue of nearly half a million per day flowing like a mighty river into the national Treasury, that they are unwilling to relieve the people of their burdens? And if not unwilling to relieve them, why do these protectionists seek to put afar off the day of relief by transferring their duties and powers to a commission to be appointed by the President? Sir, men do not thus juggle with themselves unless for some real or fancied advantage. We have seen that the two ruling ideas in this movement of the protectionists are, first, delay and postponement of the revision of the present tariff, and, second, that certain powers vested by the people in Congress are to be transferred to the appointees of the Executive. Delay will give time, and time they hope will secure them a new lease of power.

"Time is money," and the old adage has an added significance when viewed in the light of our present revenue piling up its surplus of half a million a day. Irresistibly the question rises—and, like Banquo's ghost, it will not down at our bidding—for what purpose is this menacing accumulation of treasure permitted to increase? We know that money is power; that in politics it never produces patriots, but too often begins by arousing their cupidity, and ends by making them corrupt. So, sir, we see that delay gives time; time is money; money is power—a dangerous power in the hands of a government like ours. A power that too often breeds a species of corruption that is fatal to the liberties of the people.

Sir, if this bill becomes law, I believe that the future will show that the commission will be the President absolutely, that is, the majority if not all of its members will be his personal friends, in perfect accord with his opinions on the tariff, and their report will comport with his theory. Desiring a second term, or at least a continuance of power for his party, will not the report of this commission be so constructed that it may be used as a fitting plank in the platform upon which shall stand himself and the Republican party in the coming great political conflict of 1884? May he not wish to be the hero of that struggle? and if the hero, the victor? "Thy wish was father, Harry, to that thought," said England's dying king to the prince, who, during his father's sleep had dallied with the crown he expected so soon to wear.

So, sir, we say to the advocates of this bill. But mark! Prince Harry lifted only the symbol of power to his head, toyed with it a moment, and then replaced it within the sovereign's reach; but the advocates of this bill seek wrongfully and illegally to wrest the power itself from where the sovereign people have placed it, and that, too, with no assurance that having been misplaced it will ever again be replaced. The power is vested by the people in their representatives whom they have sent here. Not in the President. Not in a party. Not even in a commission of nine, but in Congress.

Sir, we may think the people sleep, as did the prince his father. We may take the power and with it crown a party or a President; but the people will awake, they will arouse from their lethargy, and the might of their protest, the biting scorn of their indignation will be felt by every supporter of this infamous bill when remanded, as he surely will be, to his political grave.

Sir, we are told that this element of danger to which we have alluded is a mere chimera of the mind; that it has no real existence; that delays are not dangerous; that a vast accumulation of treasure is not productive of partisan schemes of extravagance and

corruption; that in the transfer of power from Congress to the Executive there is no immediate danger. All of this I most emphatically deny. Yet for the moment, and for the sake of argument, let us admit that these assertions are true; admit, too—and this I am unwilling to do—that the present incumbent of the Presidential chair is too wise, too patriotic to misuse or abuse the powers intrusted to him; that the same moderation, the same delicate consideration that he displayed in all matters pertaining to the national bereavement, that the judicial calmness and fairness that he exhibited both immediately before and after the lamented death of his predecessor will, in the future as in the past, characterize and distinguish every official act of his administration. Admit all this, and much more were it possible, and I still regard it as most dangerous to establish this innovation as a precedent; an innovation, too, to the misleading influence of which there can be no definable limit when once it is lifted in defiance of the law into the dignity of a precedent.

It augurs ill, indeed, for the perpetuity of the constitutional forms of our Government, when the limitations defining the powers of any of the branches of the National Government can be thus lightly set aside or transferrred by one to the other. The fathers transmitted to us, their sons, the Constitution as a political law and guide, and whenever either the executive, judicial, or the legislative are permitted to transfer their constitutional powers, or any one of them, to usurp those of the others, then confusion, chaos, and anarchy are invited to sit in the high places of law, order, and liberty.

These, Mr. Chairman, comprise some of the objections to the passage of this bill, together with the principal reasons for my opposition to the appointment of a tariff commission.

As I stated in the beginning of my remarks, it is not within the scope of my present purpose to present an argument on the tariff question. It will be time enough to do that whenever the Committee of Ways and Means, in its almost infinite wisdom, shall see fit to report a bill containing a detailed schedule of rates for a new tariff or a revision of the one now in force.

Sir, I have alluded to this tariff and the internal-revenue laws as being unjust and unequal in the distribution of their burdens upon the people. I desire, as briefly as possible, to substantiate these statements.

The question which confronts us to-day is not as to the relative merits of free trade and protection; it is a question of taxation and taxation alone. True, as I have endeavored to show, this bill to create a commission seeks earnestly to continue the present high tariff for the purpose of protection. Its friends will support it, as we have seen, not because it continues this tariff as a means of raising revenue, but simply because it is forcing agriculturists and others to pay the manufacturers of this country the enormous sum of $300,000,000 per annum; this, too, in the face of the fact that it pays but $200,000,000 to the Government. This they call protection. The necessity for meeting the expenses incidental to a vast war called it into being. Framed to produce sufficient revenue to sustain the Government in its struggle for life, its high rates were imposed, inflicted, and most nobly and uncomplainingly borne, during a period when gloom and a darkness that could be felt filled the political heavens.

From 1861 until the present time this Morrill tariff has been in force. True, a few slight reductions have been made, as in duties on raw cotton, silk, dyes, and a few drugs; but with these exceptions, from that day to this we have made no revision or reduction of the tariff. Every reason that demanded its origin and existence has long since passed away.

For nearly eighteen years we have been at peace, and during that time nearly one-half of our national debt has been paid, two-thirds of its annual interest has been abated, and the revenues are now very largely in excess of the needs and demands of the Treasury. Created for revenue, we are now told it must be continued for protection! Protection for whom? Is it to protect the workers of every class, all, of high or low degree, who, by brain or muscle, mind or body, seek to develop and enlarge our revenues, our influence and wealth? Let us see. The detailed figures of the census for 1880 are not yet available, but the following table, prepared by the distinguished gentleman from New York, [Mr. COX,] will show the percentage of the working force of the nation engaged in agriculture and other vocations. He says:

In 1870 the census returns figured the number of the country's working force at 12,500,000. If the ratio of increase is the same as for the general population, our working force now numbers about 15,000,000. Now, suppose these working and business people to be distributed as they were ten years ago; we obtain this exhibit:

Vocation.	Per cent.	Number engaged.
Agriculture	47	7,050,000
Professions and personal services	22	3,300,000
Trade and transportation	9	1,355,000
Manufacturing, mechanical, and mining	22	3,300,000

This reduced to terms of tariff means that the protected workers are 3,300,000; unprotected workers, 11,700,000.

Why is it that this small proportion of our population should be thus favored, 22 per cent. of the workers only, a trifle over 3,000,000 of our whole population who are directly or indirectly benefited by the tariff, while 47,000,000 are taxed on nearly everything they consume or wear at the average rate of 45 per cent.?

Sir, this is living under a high protective tariff with a vengeance. Rather let us call it a high protected steal.

The theory of its advocates is that the industries of this country cannot prosper in competition with foreign labor, and so, to exclude cheap goods from our markets, we pay to these protective classes over $300,000,000 per annum. There would be at least a show of justice if this sum was equally divided among all the 15,000,000 workers, giving them each their legitimate share; but as it now is, the law puts its iron hand into the pockets of 78 per cent. of the workers, saying our great manufacturers cannot prosper unless you pay them a bonus, or royalty of 45 per cent. on all that you purchase.

The $200,000,000 of revenue realized by the Government is not included in this computation; neither are the vast amounts paid to customs officers as salaries, the cost of buildings, expenses of collection, &c., which will swell the aggregate to $750,000,000 per annum, as the total tax paid by consumers on protected goods. Thus we see that 78 per cent. of the workers are taxed, or rather robbed by the strong arm of the law, to protect and enrich the remaining 22 per cent.

Mr. Chairman, already we have heard protectionists claiming that this enormous tax is laid upon the people, not to produce revenue, but for the purpose of strengthening those who are weak, to benefit those who are most needy. Is this true?

Does this tariff benefit the class that delve from early morn until "the shades prevail," who earn their bread by the sweat of their brow, at hard and honest toil? Does it benefit the poor fisherman, who rides the angry waters and perils life and limb on the storm-riven coast of the Carolinas, to eke out what proves too often to be but a scanty subsistence for the loved ones sheltered in the rude cabin on the beach? Does this tariff benefit him who swings the ax, and day by day enlarges the little clearing, till sunshine and shower, together with the labor of himself and little ones, succeed in bringing the first golden crop of corn from the yet unplowed soil? If these be aided, if the honest, hard-working son of toil be helped, who will object?

Let us examine, then, some of the rates imposed on a few articles by this tariff. There are articles of food, of medicines, and of clothing, such as every poor man is compelled to purchase; these we will call articles of necessity.

There are other articles, such as wines, cut-glass, diamonds, jewelry, laces, embroideries, &c., these only the rich or well-to-do can indulge in; they are luxuries. Now, sir, I find these have been tabulated by Mr. J. S. Moor, and the figures show most conclusively that this tariff operates against the poor and in favor of the rich. Sir, when the rich purchase diamonds 10 per cent. ad valorem is added to their cost. The poor man buys a blanket; 89½ per cent. is the added favor extorted from him by this tariff. His child breaks a window-pane, and to replace it he pays from 58 to 73 per cent. either as a penalty for the child's mishap or his own extravagance in using window-glass instead of a board shutter. Remember the figures, oh, ye protectionists, that claim this tariff benefits the poor and the needy—58 to 73 per cent. (varying as to quality) on this poor man's window-pane! While over there, across the street—he can see it through the open window, ranged artistically on the elaborately carved sideboard—is a beautiful service of the richest cut-glass on which the wealthy owner paid but 40 per cent!

Rate of duties collected in 1880, *in ad valorem, taken from official returns.*

Articles of luxury:	Per cent.
Laces, cords, gimps, and braids	35
Diamonds	10
Embroideries	35
Fancy articles	35
Richest kind of cut-glass	40
Jewelry	25
Musical instruments	30
Champagne, in pints	47½
Champagne, in quarts, $6 per dozen	50
Still wines, in bottles	32½

Now let me place against the above what I deem articles of necessity, and see what duty they paid:

Duties paid in 1880, *calculated in ad valorem, taken from official returns.*

Articles of necessity:	Per cent.
Cleaned rice	95½
Epsom salts	78½
Chicory	102½
Spool thread	76⅔
Window glass, common	from 58½ to 73
Band and hoop iron	75
Boiler plates	69
Horseshoe nails	93
Locomotive tires	79½
Steel rails	99
Castor oil	148
Croton oil	136
Paris white	240
Balmoral alpaca	91
Blankets, valued at 36¾ cents per pound	89½
Woolen hosiery, valued at 60 cents per pound	100¾
Bunting, valued at 23 cents per pound	121

These, sir, are the actual figures taken from the official returns. I quote them that the people may see what this tariff is; how much it costs the poor; how little it costs the rich. Sir, in no phase of action is the Cartesian axiom, "Learn what is true that we may do what is right," more important, more imperatively necessary than in legislation touching the subject now under consideration.

Let us now look for a moment at the interest of the farmer, and endeavor to learn what is true of his position. Let us note the magnitude of his interests and their bearing on the prosperity of the country, and ask how are they protected, how sheltered, how fostered by this system?

We have seen that 47 per cent. of the workers of this country are engaged in agriculture. This, however, does not include all the workers in this vocation. In a majority of instances the farmer of small means is compelled to engage the assistance of every available member of his family to aid him in his business.

Either in house or barn, or field, the good wife and children are all busy workers with the farmer, and indeed it is no infrequent case that the wife is a better farmer than the husband. Yet, of the services of these, the census-taker makes no note; he counts one or two agriculturists (as perhaps the father and an elder son) in a family where there may be four or five.

With this fact in view it is safe to say that full 60 per cent. of our entire population are engaged in agriculture. The majority of our fifty million are farmers. How seldom is the fact alluded to; how still less rarely is its significance appreciated.

Monopolists and protectionists grow eloquent as they tell us of the value and magnitude of the great iron interests of Pennsylvania, and their need of protection. Rarely indeed do we hear of the farming interests of that State, and never of their need of protection. Yet the total value of the crude ore taken from her iron mines in 1880 was less by $8,571,449 than the value of her hay crop alone.

We are told of the marvelous richness and the untold wealth of the gold and silver mines of California. Her agricultural resources are dwarfed into littleness and made to appear inferior both in value and importance when viewed in the fascinating though deceptive light reflected by the brilliancy of her precious metals. Yet the following table, taken from the last census, will show that for the ten years ending in 1880 the total value of gold and silver produced by her mines was worth less than the value of her wheat crop by $131,272,797:

Product and value of wheat in California, 1871 *to* 1880, *against the value of her gold and silver mines for same time.*

Years.	Bushels.	Value.	Value of gold and silver produced in California.
1871	16,757,000	$23,627,370	$20,000,000
1872	25,600,000	28,416,000	19,049,098
1873	21,504,000	28,385,280	20,300,000
1874	28,380,000	28,096,200	17,753,151
1875	23,800,000	28,084,000	17,300,000
1876	30,000,000	34,200,000	16,000,000
1877	22,000,000	28,600,000	17,634,000
1878	41,990,000	43,249,700	20,000,000
1879	35,000,000	43,050,000	18,600,000
1880	33,877,600	32,522,496	19,870,000
Total		318,231,046	186,506,249

Sir, these facts and figures enable us to realize something of the value and magnitude of the agricultural interests of our country. The farmer produces 83 per cent. of all our exports; 70 per cent. of the 6,000,000 bales of cotton we raise and thousands of barrels of turpentine are sold in foreign markets. Thirty-four per cent. of all breadstuffs raised in this country are purchased by foreign nations. Their markets govern the price of cotton, turpentine, and the price of grain at the home mart in every town and at the farm. No one can dispute the fact that the London and Liverpool markets govern the price in New York. Thus all our agricultural products are forced to find sale in open competition with the world, whether sold at home or abroad. Who talks of protection for these? Sir, the farmer feeds, clothes, and employs nearly one-half the entire population. He creates three-fourths of all our wealth and supplies 83 per cent. of all that we send abroad for sale. He asks no protection; he only asks that the unjust taxation forced on him by a tariff to protect the manufacturer at his expense be abated.

In 1870 the census showed that the value of all the agricultural implements used by the people was $336,878,420. One-third of this cost is caused by the tariff, and is a dead loss to the farmer, inasmuch as it increased by that much the cost of producing the crops. Thus it is that the iron law of a protective tariff stabs his interest and robs him of his substance. On his plow, his harrow, his round-shave, and his hoe, he pays 50 per cent. ad valorem; on his ax 40 per cent.; when sick he takes down 148 per cent. tax with his castor oil; and, when dead, why, the very nails in his coffin are taxed 1½ cents per pound, and driven with a hammer on which 2½ cents per pound was paid. Let us not attempt to follow him beyond the verge of the grave. Let him rest in peace; he needs it. Nor political steal, nor infernal revenue laws, nor high tariff taxation, "nothing can touch him further."

Sir, is it not a self-evident truth that any system that inflicts injury on agriculture—that industry that produces three-fourths of our wealth—must be injurious to the whole country?

What right has the Government to take from the farmer to give to the manufacturer? It disturbs the equality of each before the law; it taxes the many for the benefit of the few; it make one poor and another rich by legislation.

Solon, on being asked what was the best government, answered, "That which considered an injury to the least of its citizens an insult to the community." Had he been asked what was the worst government, he might have answered, that which inflicts injuries on the majority of its citizens, and adds insult to injury by proclaiming that it is done to protect the minority.

Sir, I have no hostility to manufacturers. I wish to see them share in the prosperity of the whole country, to flourish under its liberties, to be protected by the same laws and the same flag; but I fail to perceive any good or sufficient reason that entitles them to receive special favors or peculiar privileges. There is neither reason nor justice in this system of laws for their protection. It is a system designed to elevate one interest in society to an undue influence and importance; it is a system intended to benefit one class of citizens at the expense of every other; it enriches one State to the injury of others. Against such a system, one in every respect partial, unequal, and unjust, I most emphatically, most solemnly protest.

And now, Mr. Chairman, how shall words of mine fitly portray the condition of my people, when we consider that in addition to these high-tariff burdens there is also that other system of internal-revenue taxation pressing like some mighty mailed hand upon their every interest. Odious in its very nature, it pries with inquisitorial meanness into their private affairs, disturbs the natural relation of buyer and seller, and employs at the expense of the people a vast horde of spies and informers who fatten on the exorbitant fees and emoluments wrung from the hard hands of honest toil.

The "woes unnumbered" suffered by Greece were not more hurtful to the countrymen of Homer than is the influence and presence of these spies and informers among the people of the South.

The dread and devastating march of the army-worm is not more destructive to our cotton and corn than is this army of internal-revenue officers and detectives to all those sentiments of patriotism, of respect, of confidence, and love of law and order, which it should be the concern of every enlightened government to foster and inspire, and without which the strongest must soon crumble into ruin.

Sir, in my district I have seen the poor man working among his turpentine boxes watch the passing stranger with a distrustful, critical eye, not daring to take a piece of "twisted fence lock" tobacco from his own pocket until the stranger had passed out of sight, lest he might be reported for using tobacco that had not been regularly stamped, and upon that information his little estate be assessed, and the whole of it taken to pay the fine and satisfy the cravings of the revenue officers.

Why should not these poor men be permitted to raise and manufacture a little tobacco and sell it or barter it to whomsoever they please, just as we do our cotton or corn? These men are brave, simple, honest toilers, often unlettered it is true, and for this reason are unable to see or understand why it should now be a penal offense for them to buy a plug of tobacco from a passing wagon as they used to do. But the law prohibits them from purchasing less than a box from the wagon, and being poor they are compelled to go to the merchant, who necessarily charges a higher price, and thus these men, these tillers of the soil and makers of our turpentine, have confused ideas in regard to our laws and our Government. They are led to look upon law as their enemy rather than their protector; upon Government and its officials as oppressors rather than their benefactors.

Mr. Chairman, I represent a farming district. I am in part a farmer myself. Through life my associations have been with those who have earned their livelihood by honest toil. My constituents are honest farmers, they pay their debts and their taxes too, and know too well what it costs them to meet the demands of this high tariff and internal-revenue taxation. These are the men, these are the interests that should be protected, and I know of no better way to protect them, no surer, no more effective way of relieving them, than at once to lift from their already bent and overburdened shoulders this overwhelming weight of taxation.

And now, sir, that I may not be misunderstood, let me state in conclusion that I am in favor of—

1. An immediate reduction of the revenue to the legitimate needs and proper expenditures of the Government.

2. An equal distribution of duties, so that none may be favored and none have just cause for complaint.

Sir, a tariff for revenue is beneficial in that it seeks to perpetuate the form of government most desired by the people. It is the cost of law and order. It is an equitable mode of meeting the expenses of the Government. The controlling object of a revenue tariff is to secure duties with the least burden—the largest revenue at the

smallest cost to the people. It seeks to fill the Treasury with the means whereby all legitimate expenses of the Government may be met. This it does smoothly, with the least possible friction and without a single principle involved that can antagonize or endanger our republican form of government.

A revenue tariff rightly adjusted infringes on no man's right, curtails no one's liberty; protecting as far as it prevents foreign competition, it will relieve the burdens of taxation by so equalizing the pressure that it will bear heavily on none. Founded on principles just and true, its duty and its glory will be to sustain and preserve this fabric of political freedom, this temple of liberty, founded by the patriots of the past, wherein the smallest right of the humblest citizen is held too sacred to be rudely shaken, too precious to be unworthy of preservation.

Reduction of the National Debt.

REMARKS

OF

HON. NELSON DINGLEY, JR.,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 1, 1882,

On the joint resolution (H. R. No. 250) to authorize an issue of bonds at a lower rate of interest.

Mr. DINGLEY said:

Mr. SPEAKER: In a debate in this Chamber on the 20th of March, 1880, my predecessor, Representative, and now Senator, FRYE, presented in an able and conclusive speech the wonderful success of the financial policy adopted by the Republican party to meet the gigantic expenditures of the war to preserve the life of the nation. In that speech it was clearly shown that the success of this policy was due to a rigid maintenance of the pledge of the Government made to those persons who advanced money to meet the expenses of the war, by the act of February 22, 1862, in the following terms:

The coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes (greenbacks) of the United States.

Second. To the creation of a sinking fund sufficient to pay at least 1 per cent. annually of the principal of the debt.

In that speech it was also shown that by the observance of this pledge of the nation to pay the interest and principal of the public debt in coin, unless otherwise specifically provided for, the United States Government, which, under the administration of President Buchanan, before the breaking out of the civil war, could not negotiate a loan of only $10,000,000 without paying 12 per cent. interest for half of it, was able to borrow nearly $2,800,000,000 at an average of 6.6 per cent. interest, in a time of a most terrible war, when the life of the nation was at stake.

The following table will show the ascertained interest-bearing and non-interest-bearing indebtedness of the nation August 31, 1865:

Debt bearing 4 per cent. interest	$618,128
Debt bearing 5 per cent. interest	269,175,727
Debt bearing 6 per cent. interest	1,281,736,439
Debt bearing 7.3 per cent. interest	830,000,000
Total debt bearing interest	2,381,530,294
Debt not bearing interest	463,119,332
Total national debt	2,844,649,626
Less cash in Treasury	88,218,055
Net debt	2,756,431,571
Annual interest on debt	150,977,698

He further showed that by pursuing this policy of good faith after the close of the war, in the face of most persistent opposition, the Republican administrations were able not only to rapidly pay off $786,439,682 of the principal of this debt up to February 1, 1880, but also to refund the balance from time to time at a lower rate of interest, and thereby at that date to reduce the annual interest to about $83,000,000; and to accomplish this, too, while at the same time at least $250,000,000 of war claims, not included in the statement of the ascertained debt of August 31, 1865, and a large amount of pensions to soldiers and sailors were paid off.

He showed also that while this rapid reduction of the principal and interest of the public debt was being made, the Republican party had reduced the annual internal-revenue taxation about $262,000,000 and the customs taxation about $75,000,000, or an annual total reduction of taxation of $337,000,000.

Since my predecessor presented what he aptly termed "the glorious financial record of the Republican party," the success of this policy has been still more marked. Resumption and a sacred maintenance of the faith of the nation have given the United States a credit never before vouchsafed to any people, and has secured not only a rapid reduction of the principal of the national debt but also a more rapid reduction of the interest, thus demonstrating that honesty and good faith are profitable to nations as well as individuals.

The Forty-sixth Congress expired on the 3d of March, 1881, without having enacted into law the bill which provided for funding maturing fives and sixes into $400,000,000 five-year 3 per cent. bonds, and $300,000,000 one-year notes. This failure was caused by an attempt of the majority to include in the funding bill provisions of law which the President regarded as unwise and improper. The successful manner in which Secretary of the Treasury Windom met the exigency soon demonstrated that it was fortunate for the Government that the funding bill proposed by the majority of the Forty-sixth Congress did not become a law, for if it had the Government would have been obliged to go into the market and purchase, at whatever premium holders might have seen fit to demand, a large part of the $151,000,000 of bonds called and paid during the past year, and would have found itself again, perhaps as early as December, 1883, with no portion of the debt subject to call for two years and a half.

When the Forty-sixth Congress adjourned there were outstanding $670,876,500 of bonds, bearing 5 and 6 per cent. interest, which would be subject to call and payment in May and June, 1881. As no means had been provided for their payment, the Government would be under the necessity of continuing to pay 5 and 6 per cent. interest for another year unless some arrangement could be made to reduce the interest. This was done by Secretary Windom, and an arrangement entered into with the bondholders by which they consented to the continuation of their bonds at the pleasure of the Government at 3½ per cent. interest. There was an attempt to criticise this wise and commendable action of Secretary Windom by Democratic organs and leaders, but the almost universal voice of approval which went up from the people soon stifled the voice of disapproval. By the policy of Secretary Windom over $10,000,000 was saved in annual interest; and, more important still, over $575,000,000 of the bonded debt was left subject to payment at the pleasure of this Government.

As the result of this wise treatment of the public debt there was a reduction in the principal of $151,684,351 during the fiscal year ending June 30, 1882, $284,337,286 since February 1, 1880, and $1,070,776,968 since August 31, 1865, the reductions of the several fiscal years being as follows:

1866	$120,395,407	1876	$29,115,830
1867	127,884,952	1877	41,649,909
1868	27,297,799	1878	19,893,151
1869	48,081,540	1879	2,967,375
1870	101,601,916	1880	74,650,600
1871	84,175,888	1881	84,425,350
1872	97,213,538	1882	151,684,351
1873	44,318,470		
1874	1,312,907	Total	1,070,776,968
1875	14,107,984		

The following official statement of the public debt June 30, 1882, will show its present character:

Debt bearing interest at 3 per cent., (Navy fund)	$14,000,000
Debt bearing interest at 3½ per cent., redeemable at pleasure of Government	460,461,050
Debt bearing interest at 4 per cent., redeemable July 1, 1907	739,349,350
Debt bearing interest at 4½ per cent., redeemable September 1, 1891.	250,000,000
Total interest-bearing debt	1,463,810,400
Debt bearing no interest	438,241,788
	1,902,052,188
Deduct cash balance in Treasury, (greenback redemption fund)	140,604,474
Net debt	1,751,447,714
Annual interest	54,777,805

A comparison of the debt statement of June 30, 1882, with the debt statement of August 31, 1865, will show at a glance the wonderful achievement of seventeen years of Republican policy. There has been a reduction in interest-bearing debt of $937,719,894, and in annual interest of $96,199,893. About $56,000,000 of this saving of interest has been in consequence of the reduction of the principal of the debt, and about $40,000,000 has been in consequence of the improved credit of the Government. The average interest on the debt at the close of the war was 6.6 per cent.; the average interest to-day is 3.8 per cent. The debt per capita at the close of the war was $78.25; the debt per capita to-day is about $30. The annual interest per capita was $4.29 at the close of the war; to-day it is about $1.

But this is not all. A provision in the bank-extension bill, which will soon be a law, authorizes the Secretary of the Treasury to exchange new bonds, payable at the pleasure of the Government, bearing only 3 per cent. interest, for the Windom's bearing 3½ per cent., on the sole condition that the new threes shall be called last of this series. There is scarcely a doubt that $400,000,000 of new threes will be taken in exchange for a similar amount of 3½ percents, and thus $2,000,000 more be saved in interest by this arrangement, an achievement which has been made possible by the good faith shown by the Government in its treatment of the public debt.

And now, the bill under consideration authorizes the Secretary of the Treasury to issue 2 per cent. bonds or certificates in exchange for the three-and-a-halfs or threes, payable at the pleasure of the Gov-

ernment, on the condition that they shall be called last in these series.

Whatever may come of this provision looking to a 2 per cent. bond, there can be no question that the 3 percents will be taken, and thus the Government of the United States will occupy the highest plane of credit of any nation in the world, and will be the first to place a large loan, payable at the pleasure of the Government, at the low rate of 3 per cent. England's consols, an interminable bond bearing 3 per cent. interest, are rarely at par; and a long bond would be readily taken at least half of 1 per cent. less than a bond payable at the pleasure of the issuer. The French 3 percents were sold at 15 per cent. discount.

The United States is almost the only nation in the world which has reduced her debt during the past fifteen years, and the only nation which has steadily reduced taxation and interest. The following table will show the debt and annual interest burden of the leading nations of the world:

Nations.	Debt.	Interest.
France	$3,829,982,399	$138,000,000
England	3,766,671,000	113,000,130
Russia	3,318,953,000	175,000,000
Spain	2,579,245,000	95,000,000
Italy	2,540,313,000	115,000,000
Austria	1,881,115,350	80,000,000
United States	1,751,447,714	54,777,805

It will thus be seen that the debt of the United States per capita is less than half of that of France and one-third that of England, and the annual interest of the debt of the United States per capita is one-third that of France and nearly one-fourth that of England.

It is to be borne in mind that the United States has within seventeen years paid not only the interest and more than $1,000,000,000 of her public debt but also at least $250,000,000 of war claims not included in the debt statement of 1865, and more than $500,000,000 of pensions to her soldiers and sailors, the annual pension payments being as follows:

1861	$1,034,599	1872	$28,533,402
1862	852,176	1873	29,359,426
1863	1,078,513	1874	29,038,414
1864	4,985,473	1875	29,456,216
1865	16,347,621	1876	28,257,395
1866	15,605,549	1877	27,963,752
1867	20,936,551	1878	27,137,019
1868	23,782,386	1879	35,121,482
1869	28,476,621	1880	56,777,174
1870	28,340,202	1881	50,059,279
1871	34,443,894	1882	65,000,000

When it is remembered that at least $1,000,000,000 was raised by current taxation and expended for war purposes during the four years of rebellion, and that $1,750,000,000, in addition to as much more for interest, has been paid since the suppression of the rebellion for war claims, reduction of the principal of the debt, and pensions, without seriously retarding the progress of the nation in population, wealth, and prosperity, it is no wonder that the distinguished English statesman, Premier Gladstone, should declare on the floor of the House of Commons that the wisdom and success of the financial administration of the Government of the United States challenged the admiration of the world.

Already we can clearly see that by a continuation of the Republican financial policy within twenty-five years every dollar of the immense expenditure necessitated to preserve the life of the nation can be paid. The average annual reduction of the principal of the national debt since the close of the war has been about $60,000,000, the largest reduction being in the fiscal year just closed, and the next in 1867; and this rate of reduction in the future will extinguish the interest-bearing debt by the time the last series of bonds become payable, in 1907.

Only one thing can prevent this welcome consummation, and that is the success of the movement to abolish the internal tax on tobacco and abolish or reduce the internal tax on liquors. There should be, there will be a reduction of several millions in the customs revenue by the revision of the tariff, the reduction coming mainly on necessaries of life, like sugar and molasses, where the home production is so small as to forbid the regulation of their cost by home competition, and where every cent of duty is necessarily added to their price.

The receipts and expenditures of the fiscal years ending June 30, 1881, and June 30, 1882, were as follows:

RECEIPTS.

Sources.	1881.	1882.
Customs	$198,159,676	$219,678,698
Internal revenue	135,264,385	*146,147,976
Miscellaneous	27,358,231	37,634,610
Total	360,782,292	403,460,284

*About $85,000,000 from liquors, and $47,000,000 from tobacco.

EXPENDITURES.

Sources.	1881.	1882.
Ordinary	$128,144,867	$122,630,000
Pensions	50,059,279	65,000,000
Interest on debt	82,508,742	71,256,000
Total	260,712,888	258,886,000

Leaving a surplus of over $151,000,000 for the last fiscal year which has been applied to a reduction of the public debt.

It is estimated that the expenditures for the present fiscal year ending June 30, 1883, will be about $300,000,000, an increase of over $40,000,000, of which $35,000,000 will be due to the increase of pensions.

The House has already passed a bill repealing the tax on bank deposits and all the internal taxes except those on liquors and tobacco and dealers therein, and making a small reduction on the tax on cigars, which will involve a reduction of $24,000,000 in the revenue for the present fiscal year. With a reduction of no more than an equal amount in customs duties it is inevitable that there will be a reduction in the revenue of the Government of nearly if not fully $50,000,000. This will reduce the surplus to $65,000,000 to be applied to the reduction of the debt.

All of the internal-revenue taxes except those on liquors and tobacco and dealers therein, involving with a few other items a reduction of about $24,000,000, have been repealed, so that the internal-revenue receipts for the fiscal year ending June 30, 1883, without further reduction will not exceed $120,000,000. With a reduction of $25,000,000 in the customs receipts, the revenue for the last half of the next fiscal year will not much exceed $180,000,000, leaving a semi-annual surplus of only $30,000,000 to be applied to the reduction of the principal of the debt.

If the proposition to abolish the tax on tobacco and fermented liquors, (from which the Government received about $62,000,000 the last fiscal year,) which proposition received the unanimous support of the Democratic side of the House, and which lacked only four votes of success when the internal-revenue bill was under consideration a few days ago, should be carried when Congress reassembles next December, it is certain that it would sweep away nearly all if not the whole surplus in the fiscal year ending June 30, 1884, and a large part of it in the fiscal year ending June 30, 1883.

I am correct, therefore, in saying that the proposed repeal of the remaining internal taxes, as earnestly advocated by so large a proportion of the Democratic side, or even the repeal of the tax on tobacco, as supported by nearly all the Democrats of the House, would inevitably result in an indefinite postponement of the payment of the public debt.

Believing this, I shall earnestly oppose every proposition of this kind, and shall insist, with nearly every other Republican member of the House, that it is our duty to continue to pay off the public debt as rapidly in the future as we have in the past.

APPENDIX.

Table showing the annual receipts of the Federal Government from internal revenue and customs, and the cost of collecting the revenue from each source.

Year ended June 30—	Internal revenue.		Customs revenue.	
	Revenue.	Expenses collecting, per cent.	Revenue.	Expenses collecting, per cent.
1858	.....	.....	$41,789,620	6.94
1859	.....	.....	49,565,824	6.85
1860	.....	.....	53,187,511	6.27
1861	.....	.....	39,582,125	7.18
1862	.....	.....	49,056,397	6.67
1863	$37,640,787	0.29	69,059,642	4.60
1864	109,741,134	0.23	102,316,152	4.09
1865	209,464,215	0.18	84,928,260	6.39
1866	309,226,813	1.87	179,046,651	2.98
1867	266,027,537	2.77	176,417,810	3.26
1868	191,087,589	4.55	164,464,599	4.65
1869	158,356,460	4.59	180,048,426	2.99
1870	184,899,756	3.92	194,538,374	3.20
1871	143,098,153	5.30	206,270,408	3.18
1872	130,642,177	4.36	216,370,286	3.21
1873	113,729,314	4.69	188,089,522	3.76
1874	102,409,784	4.40	163,103,833	4.49
1875	110,007,493	3.89	157,167,722	4.47
1876	116,700,732	3.38	148,071,984	4.53
1877	118,630,407	2.99	130,956,493	4.96
1878	110,581,624	2.96	130,170,680	4.47
1879	113,561,610	3.16	137,250,047	3.99
1880	124,009,385	2.95	186,522,064	3.23
1881	135,264,385	3.20	198,159,676	3.22
1882	146,147,976	.....	219,678,698	.....

Rivers and Harbors.

SPEECH

OF

HON. ROBERT T. VAN HORN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 15, 1882,

On the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. VAN HORN said:

Mr. CHAIRMAN: The question of the improvement of the internal navigable waters of the United States has assumed an importance in the extent and cost of the work required as to mark a new era in our policy in that direction. Once they were regarded as local, and only the tidal waters were treated as national. While the situation is not reversed, the former have assumed the leading place in magnitude and cost. The food supply as to surplus is now where, when Henry Clay inaugurated the American system, the wilderness was unbroken. The heart of the nation is now in the valley of the Mississippi, and the policy once adapted to the coast-line is no longer applicable.

Other changes have tended to transform our policy in regard to the sea-ports of the country. Steam has increased the size and draught of vessels until the deepening of our harbor entrances has become to them a vital question. We cannot longer legislate for sections in this respect. If we must have deep harbor approaches, we must have deeper rivers upon which to float to the great vessels cheap and abundant cargoes. Commerce always cheapens by abundance, and competition to be successful and desirable must be based upon cheap bread—not upon cheap labor. The economy which renders it impossible for labor to acquire independence at forty-five years is a false one, and in the end brings social disaster.

There is another view of this question, as affecting the right of the people of the West, the agricultural people, to demand legislation in this direction. We are met with the policy of protection to the industrial interests of the country engaged in manufactures, and skilled labor employed in the useful arts. Many of us in the West recognize the justice and policy of this demand, and for the last twenty years our tariff laws have given the home markets to this class of industry. The most efficient protection that can be given to the great agricultural interests of the West—the labor and capital employed in the development of the soil—is by cheap transportation. There is nothing offered for sale that represents more labor value in proportion to price than a bushel of wheat. It is nearly all labor. Cheap transportation, then, is one form of protection, because it enables us to secure the highest possible price for the labor bestowed upon the product. As now, it often costs two bushels of corn to get one to market. If by the improvement of our natural water-ways we can send two bushels at the cost of one, the situation is reversed; we get double the money for our corn. If this is not protection direct, it is the same in effect, and by means entirely in harmony with the fundamental methods of civilization—the development of natural facilities by the application of intelligent labor. And it is in harmony with the elementary duties of government—the improvement of natural resources for the uses of man.

Again, we have the right to demand it, because out of the common fund of all the people—the lands of the nation and taxes—vast sums have been expended in aid of capital in the construction of our interstate and transcontinental system of railways. In this way the agricultural interest has furnished the basis of credit for the immense loans that capital secured, and the fruits of which it now enjoys, to build these lines. I am not referring to these expenditures in any fault-finding sense. For many of these grants I have voted as a member of this House, and as a citizen I have given the full measure of effort and support wherever I could toward the construction of these lines of traffic, and am ready to do so again when necessary. Their influence has been for progress, and the results from their construction and operation are among the greatest of the great wonders of the last twenty years.

But I do not think we ought to stop here. Nor, strongly as I would deprecate hostile legislation, and little sympathy as I have with the crusades often preached against these greatest of all modern agents of material progress, yet they are not all that we require or all that we should foster in the way of transportation. Artificial as they are, they must be owned by corporate and private interests, controlled primarily for individual profit, and at times are felt as oppressive upon the interests of the people—as to the masses and very largely so against localities. The law of competition in their case acts unequally—where it is against rival lines to the benefit of competing points, but where free from this against the people having no other channel of transport. And always the rail is owned by a close corporation—its use paid for by the people.

But the river is free. Any man who chooses can launch his craft upon its waters and float to the sea or to the interior markets. Its dangers are removable, its obstacles avoidable, and its benefits accessible to all. It is a gift of nature, free of tolls, unvexed by management, and supplies transport at the lowest cost. If industry is protected by customs duties, if railroads have been built by grants of land and national, State, and municipal taxation for the benefit of mechanical and manufacturing industry and corporate capital, surely the improvement of the natural water-ways of the nation for the benefit of agricultural industry, general commerce, and the cheapening of food for all is not only a proper subject of legislation but a duty involving the most enlightened statesmanship. It is but meting out to the great agricultural interests of the nation the equal measure of favor it has in common with all others bestowed upon its sister interests. We ask nothing but what we concede; we require but a hundredth part of what has been given.

To-day we point to our national prosperity with a just and pardonable pride, and to the balance in exchanges upon which this prosperity is based. And, when we come to trace its course, we find them in the markets abroad for our agricultural products. While our manufacturing industries have thrived and grown vigorous and strong upon the home market; while the great railway lines have paid princely returns upon their traffic, and the national Treasury grown plethoric upon abundant revenues paid by the great consuming population of the nation, we all acknowledge that it has been due to the market abroad for our soil products, and upon their abundant supply to the world's markets. Yet amid all this prosperity of skilled labor, corporate wealth, and fat revenues, this interest has not shared in it as it should. The one interest upon which all others depend has alone fallen short of its just reward.

And why? Simply because of the absorption of so large a portion of products in the cost of carriage to market. It is not their fault, nor am I here to complain of oppression on the part of the management of transportation lines. One of the causes comes from the distance the products of the West have to be carried over these artificial lines. The corn of my constituents has to pass over 1,200 to 1,400 miles of rail to reach the chief seaboard markets. The cost of this comes out of the profits of the farmer and is paid by the buyer of his food products. Now, give to us unobstructed rivers and we can send this food to the Eastern market at from 100 to 200 per cent. less cost than now. And this reduction in cost will be shared, as the high price is now, by the farmer and the consumer. As the burden is now upon both, the benefit will be shared by both.

Again. For many years to come we must as now depend for the balance of trade in our favor upon the shipment of our agricultural product. To market it we have to compete with the farms of all the world. In seasons of abundant crops abroad the high price of transportation makes the foreign market unavailable. Reduce the cost and we can command the market to a larger degree. To-day we cannot command the British market from cost of transport. If we could deliver our crops at tide-water to-day at the rate possible by a full channel of water we could undersell our rivals. And because we cannot gold is going out of the country in a volume equal to the product of our mines. It is thus demonstrated that the cheapening of transportation is the most important factor in the prosperous movement of our foreign commerce and financial exchanges. It is not sectional, but in the highest sense national in its importance.

And now I come to another consideration. Your table, Mr. Chairman, is covered with bills and petitions looking to this revival and fostering of our ocean commerce. The demand is made for subsidies in the shape of mail pay and other means for steamship lines under our own flag upon the ocean. For one I recognize the force of these appeals, and will do all I may to advance their object. But when built, when placed upon the high seas, where are you to look for cargoes? The development of our manufactures forbids that they shall come from them. It is to attempt the opening of new markets for them that is the incentive to this policy. You must look to the soil products for these cargoes, so that our flour, our pork, our beef, and food products of all kinds shall go out by these proposed lines for introduction to the markets of the globe. And how can these be secured so well as by lessening their cost on shipboard? Give us unobstructed rivers, open out the Missouri, the Mississippi, the Ohio, and their great navigable tributaries, reduce, as it would, the cost of transport to the sea from 100 to 300 per cent., and your ocean steamers would not only have full and profitable cargoes but they would be multiplied in number beyond your most sanguine hopes.

The problem of the improvement of the navigation of the great rivers of the United States is one involving elements as various as the character of the rivers themselves. What is suited to one is not adapted to another, and the obstacles in one differ from those in another. For example, let us take the Mississippi and its two great tributaries—the Missouri and the Ohio. What is adapted for the Missouri is not applicable to the Upper Mississippi and the Ohio. And when I refer to the "Upper Mississippi" I mean above the mouth of the Ohio, and the "Lower Mississippi" that portion below that point. And what is practicable for the Upper Mississippi, the Missouri, and the Ohio is not so for the Lower Mississippi. In the former the difficulty is not enough water for continuous and permanent navigation; in the lower river there is too much water.

The different methods demanded is from the differing character of the rivers. In the Ohio and Upper Mississippi the beds of the rivers

are rocky and gravelly, the shoal places being unchangeable from that fact. The problem is to remove these rocky and gravelly shoals and to concentrate the water of the river in defined and permanent channels. The banks, too, are permanent, owing to the tenacity of the soil, and but little subject to abrasion. This is demonstrated in the navigation of those rivers by the fact that pilots run their boats by landmarks from year to year; while in the Missouri they run by the surface indications and bends of the river, landmarks being unknown. The Missouri, from the Yellowstone to the mouth, is an inclined plane of sand, not a rock or gravel shoal in the entire distance, nor a rapid. Its banks are for the entire distance alluvial and are abraded with the smallest force of current and rapidly dissolved. The problem from this fact is not to deepen the channel by removing bars, rocks, or deepening shoals after the method in the other rivers, but to prevent abrasion and confine the waters at given points to a narrower channel, when it deepens itself.

It is not my purpose to be tedious as to the characteristics of the river, only to state them broadly, so as to show the methods to be employed. The same plan of appropriations that is employed in the Ohio and Upper Mississippi is not, for this reason, applicable to the Missouri. In the former given points are selected and appropriations made. The same plan has been adopted heretofore in the Missouri, and no good results have followed. The present bill is the first that recognized the true method, and I take this occasion to thank the Committee on Commerce for its wise and statesmanlike action. The appropriation is in bulk, to be applied continuously, so as each year to complete a section of the river in a permanent manner.

Allow me, Mr. Chairman, to briefly sketch the character of the Missouri River. From its sandy bed and the alluvial character of the great valley through which it flows its course is serpentine, from bluff to bluff. When the current strikes a bluff, where it meets the rocky barriers that underlie all the bluff formations of that valley, it shoots off by a sharp curve across the alluvial bottom-lands until it impinges on the opposite bluff, to repeat the same indefinitely.

Now, the fact is, that where the river washes the base of a bluff it is narrow and deep, with abundance of water in the channel for the heaviest transportation possible to the business to be done. But when it leaves a bluff to cross the bottom to another bluff, by the abrasion of the banks it is widened, sometimes from 1,200 to 1,500 feet under the bluff to a mile and a half on bottoms. The enlargement of the channel retards the current, creates eddies by the friction interposed by the shoaling process, precipitating the sand and soil held in suspension, and bars and shallows are the result. It is a curious fact that this law of the river results in giving to the river one general feature that characterizes its entire course. This is a succession of pools along the bluffs, with shallower channels connecting these pools, the pools overlapping or extending uniformly above the point of connection with the cross channels.

Now, the problem is to prevent the excessive widening of these cross-channels, or to confine the abrasion within limits that will produce a depth of channel adequate to the demands of navigation. For example: if the pools have at low water a depth of 20 to 30 feet, as they have as a rule, with a width of 1,500 feet, by confining the cross-channel of a mile or a mile and a half with 4 feet water to half a mile, we have a channel of 12 feet—the problem is solved. I use these figures as comparative.

Now, can this be done? The engineering skill of the country says it can, and the practical experience and observation of river men agree with the engineers. In fact they see it done in detail every year.

The real facts which call for the improvement of the river arise from the irregular operation of the same principle. If the snags, steamboat wrecks, and other obstructions in the channel of the Missouri had been methodically deposited they would have solved the problem long ago, and to-day we would have had deep and permanent navigation in the river. That this is not overstating the case scores of examples exist along its course where a lodged tree or a sunken boat has radically changed the course and character of the river for miles, in instances improving the navigation of the river exactly as the engineers now propose to do; but when the elements were adverse, carrying destruction and devastation in their wake. In fact it is the accumulated evidence afforded by these accidental obstructions upon which the engineers have based their plan of improvement.

There is only one thing to do to prevent the unnecessary washing of the banks at these points of crossing referred to, and the river will take care of itself. If the banks of the Missouri were of the character of those of the Ohio, with its bed of sand, it would have always been the finest navigable river of the continent. Facts exist all along its course for a thousand miles that demonstrate that even its débris, where lodged favorably by accident, has done just what it is proposed to do under this appropriation. I cannot state it more simply or more forcibly than by saying that it is proposed to follow the example of the river itself in these improvements. There are places in the river to-day that if the snags in one bend were deposited systematically along a few hundred feet of cross-channel, boats for fifty miles would find at all seasons a depth of water ample for all purposes of navigation.

I think I have stated the elements of the problem involved in the improvement of the Missouri River sufficiently broad to give the House an idea of the plan, and why the appropriation asked for has been given in bulk to be expended, not in removing bars, rocks or shoals from the channel, but in controlling the vagaries of the current or the waters, and allow them to do at exceptional points exactly what they do in the general channel of the river. There is not a single feature of the river proper to be changed, no interference with its laws or any of its peculiar characteristics. It simply is proposed to leave it as nature would have it, if its banks had been less alluvial or capable of a little more resistance to the abrading force of its waters.

The problem, as an engineering one, is based upon the true principle of aiding nature, rather than resisting her forces. It is proposed to let the river take care of its own improvement. Its waters is the force employed. It is not proposed to provide new banks or confine its waters within mud walls—only to concentrate at the exceptional points its waters, that the volume may as elsewhere deepen their own channel.

It is not my purpose to burden the House with statistics, but as there should be well-grounded reasons of policy in all expenditures of public money, it may be proper to state that the valley drained by the Missouri is in extent and fertility the most important of the continent, and although new in development it now comprises nearly five millions of people, and increasing faster than ever in its brief history. Your census returns show that it grows nearly one-third of the grain product of the United States, its aggregate crop being over 600,000,000 bushels. It had 12,365,300 farm animals, and contributed to the internal revenues $10,000,000. Figures such as these are eloquent in argument for the policy of this expenditure, and the nearest portion of this vast productive area is a thousand miles from present seaboard markets by rail. This crop last year paid an average of 35 cents a bushel by rail to the seaboard. An experimental season of shipments by an average river sent it to sea at 15 cents, a difference in favor of the river transport of 115 per cent. If the Government can find justification in giving away in lands and bonds more than $500,000,000 to build railroads to carry these products to market at 35 to 50 cents, and return the products of industry to the farms at corresponding rates, how can it refuse to aid by the expenditure of $50,000,000 in all to insure the permanence of the 15 cent rates? And the western rivers can be permanently improved, all of them, for less than that sum, and in this I include the three great rivers and their important tributaries.

I present these facts as a sufficient argument against all the unconsidered objections made against the improvement of the river system. The West has a right to this expenditure, and having for forty years begged for it as a favor, proposes now and hereafter to take as a matter of right and by the power of votes at the ballot-box, and in this Hall. We hold the power, and are for all time the nation.

I now come to the second problem in the great river system—the Lower Mississippi. I favor the amendment providing for an outlet, and regret that the committee have not incorporated it in their bill.

I regret also, Mr. Speaker, that this question has been allowed to drift into an antagonism that demands the sacrifice of one or the other plan. There is no necessity for this, but on the contrary there is every reason why both should go together.

I have shown that the problem of the upper river was too little water; that of the lower is too much water. Is it not a common-sense proposition that you cannot treat these two problems by the one method? In the one case you have to control the water within the river banks so as to provide at shoal places a deeper channel. In the other it is to get the superabundant waters within the river banks. Will the plan of the one answer for the other? It is simply impossible, because the trouble is in the two cases directly opposite in character.

And this is well illustrated by the fact that although one year ago you appropriated $1,000,000 to improve the Lower Mississippi by the method proposed in the bill, the only money spent has been in preparation. The real work has not been prosecuted from the fact that the floods have prevented getting at the river within its banks at all. You cannot use your one million, because the high waters have prevented its expenditure. How long will it take to expend the additional four millions provided for in this bill? Taking average seasons, and you cannot do it in five years.

Now, I am not to be drawn into antagonism to the plan of the committee's bill, because in practical operations it is as yet an experiment; and in the sense of results the plan I favor is to be tested by trial. What I object to is that in any plan based upon scientific theory or practical trial it should be assumed that one contains only wisdom and all knowledge and that the other is the embodiment of all folly, when the truth is both have arguments in their favor. But, Mr. Chairman, the Mississippi River cannot be controlled by theories or by debate.

We know that the money already appropriated has not been expended because the flood-waters have been in the way. Now, we contend that if the river had have had more discharging capacity the waters would have been within the banks and that money have been expended for the use intended. And why not open more discharging capacity? What is the cause of the overflows of the Lower Mississippi? It is, stating it broadly, because the mouths of the river are not big enough. This fact comes from two causes, the slow current near the sea, and the consequent precipitation of sand and mud

held in suspension. These causes result in narrowing the channel as it approaches the sea. The fact that by actual measurement the inflow at average floods at Cairo is 1,475,000 cubic feet of water per second, and that after receiving the waters of all rivers below, the flow at New Orleans is only 1,100,000 cubic feet per second, tells the story of the disastrous annual overflows. This surplus water must go somewhere, and the only place for it is to overflow the adjacent country. To confine this immense flood of waters within artificial walls, built of the mud the river takes up and carries down to choke up its own discharge, is, I submit, one of those stupendous follies which sometimes fascinate men merely from the fact of their magnitude and from the vast sums of money involved.

That new mouths will draw off the water just in ratio with their capacity is as plain a proposition as that a barrel of water will be depleted by opening the bung-hole. The river below New Orleans, with a fall of 1½ inches to the mile, has a flow of 6 feet in a second. The proposed Lake Borgne outlet, with a fall of 2⅔ feet to the mile, would have a corresponding increase of current and consequent discharging capacity. But only calculating the flow at 10 feet per second, with a width of 1 mile and 10 feet deep, its discharge would be 528,210 cubic feet of water per second, or one-third of the whole inflow at Cairo. But the current would be more than 20 feet per second, or a capacity nearly equal to the whole river at Cairo. The mere statement of the figures shows the ample character of the proposed outlet for the drainage of the highest flood ever known.

Why then is this self-evident plan opposed? It is upon the assumption that if you let the water out through these new mouths the channel will be shoaled. No other objection having any practical bearing can be made, or can be urged to stand a moment, in view of the difference in cost—the outlet being estimated at $250,000, the other plan at $50,000,000. Is the objection a valid one?

I contend that it is not only without support in fact but is based upon a false assumption as to what the outlet plan is. These outlets only propose to drain the flood-waters, not to make new river channels. When the river is within its banks now, navigation is just as desired. All the outlets propose is to keep the water from overflowing the banks. How, then, when the river is within its banks, or bank-full, in October, and at its maximum excellence for navigation, can it be destructive to navigation when, in precisely the same condition, in March or July? That is all the outlets propose to do—to keep the river at this maximum at all seasons. They are not deep enough, and cannot be made deep enough, to affect the normal channel of the river, or the quantity of water in it. Or, in other words, the channel of the outlet is 10 feet deep, while the river channel at the outlet is 100 feet deep. How is this outlet to drain the river dry, or shoal it? It simply draws off the flood-waters, leaving the normal channel unaffected. But we are not left to theory. The United States topographical engineers by measurement at crevasses have demonstrated that the operation of these openings actually deepen the channel below the point of outlet. And this is exactly what is claimed for its effect—that the river confined within its banks by its increased current deepens its channel.

It is upon this theory that the Missouri River improvement is based, and I am not illogical enough to deny the operation of the same law in the Lower Mississippi that obtains in the Missouri. But it is upon this very fact that the improvement of the navigation of the Lower Mississippi is based. It is claimed that at points where bars interfere, that by works which will confine the waters to lesser space the channel will be deepened. Now, if the water confined to the normal width of the channel on a bar deepens the water, why not the channel be deepened and improved when the whole river is confined within its banks? The statement is the answer. It is the object of all our appropriations, of all our surveys, of all our plans, to keep the river within its banks, natural or artificial. If as is contended when we build the banks higher in order to confine the water, it will deepen the channel, will not the same effect result if the waters are confined within the natural banks? It needs no argument; its demonstration is a fact known to every practical navigator of the great rivers of the West.

But this is not all. It is too late to interpose this objection on the part of those who make it. The House and the country is aware that $5,000,000 have been appropriated and expended in deepening one of the mouths, or passes, of the Mississippi, by confining the flow of water within a narrower channel than existed at its entry into the sea. I was one that favored, as my position offered, that experiment and that expenditure, but I cannot now reverse the position I then assumed, or say that the law of hydraulics which drew five millions from the Treasury for the jetties at the mouth of the river is suspended when invoked for the main river itself.

I shall not detain the House by a repetition of facts so abundantly spread before it, nor weary it with details of facts, figures, measurements, and surveys scattered through the record of ten years of the most painstaking and exhaustive survey by the most eminent engineering ability ever undertaken in river investigation by any government in the world, but will cover it all by the broad statement that the outlet idea is supported by every observation and fact in the report of that river survey.

I beg the House to remember one fact, that the advocates of the outlet system have only assumed one thing—the mere cost of making it. Every other fact connected with it is from the highest engineering authority ever known in this country; is copied from the official report of the board of engineers of the Army of surveys and investigations made under the authority of Congress during a protrated; period of ten years, embracing everything connected with the river at high and low water, as to levees and embankments, navigation, currents, the bed of the river, its floods, and all phenomena. We assume nothing; we have no theories, no experiments, no hypotheses, simply the fact that water runs down hill, that it is not compressible; these re-enforced as to results by ascertained facts by the most thoroughly applied scientific methods.

And what is the plan here proposed? Let me state it simply. As now, the river has below New Orleans a current that moves over a bed with a fall of 1½ inches per mile. The distance is 120 miles. Ten miles below New Orleans the Gulf of Mexico approaches to within 5 miles of the Mississippi by an arm known as Lake Borgne. The river thus reaches the Gulf level at a point 110 miles less than now, or in 5 miles we reach the same level that the river now does in 110 miles. Gentlemen can discount the immense drainage capacity of 13 feet fall in 5 miles in the one case, and the same fall in 110 miles as now, in the discharge of these surplus waters. That is all there is to the proposed Lake Borgne outlet.

Now, the fact to be ascertained is, will it prevent overflow to be restrained or confined by artificial banks? The plan has been tried, and has failed. By both experience and theory it will require artificial banks to be constructed from four to ten feet high for a thousand miles. Is it practicable as to money cost? And if so, will it hold the water? Both must be answered in the negative. We have found that it is difficult to confine even canal waters by artificial banks. How, then, the mighty floods of the Mississippi?

Again, the experience of the ages is that just as you raise the banks of a river you decrease the force of its current, until, as in the case of the river Po, in Italy, the river bed is above the level of adjoining lands. That river, after centuries of leveeing, now runs across the low lands on a ridge. But by keeping a river within its natural banks deepens its channel, cutting out its bed to the proper angle of fall to the sea. It requires no science to know this; every wash-out in the farmer's field illustrates and demonstrates it. The only question of a practical nature in this connection is, can you get outlet enough? I have shown you can.

Mr. Chairman, the very last men who ought to object to the proposed outlet are those intrusted by Congress with the improvement of the Mississippi. They cannot oppose it and escape criticism. They tell us that they have not spent the money appropriated last year because the high waters prevented. How are they going to spend the four millions by this bill before next session, when four or five more will be asked? And if they cannot use it what is the need of appropriating it? Let the water out, or keep it within the banks, and they can then use the money and demonstrate their plan. Why refuse to let the water be drained off when they cannot work because it does not subside?

It has been shown by facts, in plain measured feet, that the proposed outlet cannot affect the river channel. Why not make it? It will be observed, Mr. Chairman, that these objections to the outlet are not made as formal engineering ones; they are the mere advocate arguments before the committee. There is another one used among members, but carefully kept from the record. This argument is that the outlet would injure the jetties. This is so new and novel that it is done in a whisper. The old soothsayers were said to laugh in each others faces when alone. The habit did not die with the soothsayers.

Now, I can speak on this subject without fear of criticism, for from the beginning I favored the jetties, and have not changed. They do not need this disingenuous argument, nor, even if they did, are they sacred or of more importance than the valley of the river. Let us look at this for a moment. It is shown that the river is a hundred feet deeper than the outlet at the point of junction. As the jetties are only twenty-four feet deep there is abundant water for them. We have shown that 1,100,000 cubic feet of water per second passes the point of the proposed outlet. The same high engineering authority tells us that only 83,000 cubic feet per second enters the pass in which the jetties are. So that there is all the jetty pass can carry and a million cubic feet to spare. No wonder this objection passes by a breath and is carefully kept from paper. It is not discourteous to say the objection is not an honest one. It either reflects upon the intelligence of the person to whom it is made, or upon the candor of the one who makes it. No friend of the jetties will put the objection on that ground, for it at once raises the question of good faith and of their utility.

To set this objection at rest, let us refer to the facts upon which the jetty legislation was based, and those alone upon which the annual drain for keeping them open is made upon the Treasury. The jetties are based upon the simple fact that water is incompressible; that if you confine a stream of flowing water, of say half a mile wide, so as to make it pass between walls a quarter of a mile apart, the water will find room for its volume by cutting down its bed. That is all there is to the jetties. If the bed is of soft material, like sand or mud, it will cut it out. If it is hard clay or rock it will not, and then it makes a dam. Now, the best advice I can give those who urge this objection against the outlet is to be very careful how they handle the subject, for if they once let go of the theory on which

they got the money to build the jetties, they turn them into a dam, and Congress may discover that a dam raises the flood-line of the river, and vote money for the outlet to carry off the surplus waters.

The truth is, Mr. Chairman, that were it not for the large appropriation to be expended under the present plan, the outlet would be urged as the very solution for the annual expenditure in dredging out the channel within the jetties. As an original and constant friend of the jetties I enter my protest against the covert way in which they are being assailed. Their only safety against future attack is in the opening of the proposed outlet at Lake Borgne.

Mr. Chairman, why should we hesitate over so plain a proposition as this? If the outlet is the useless thing claimed, why not dispose of it? By this amendment not one dollar is to be paid if it is a failure as an improvement of the river. To try it can do no harm, as has been shown. If it does what is claimed for it you have results for $250,000 that will cost, by friendly estimate, $50,000,000 by the other plan. Whatever men interested may wish or desire, surely Congress can have no hostility to that result. Why, then, not place the two together and definitely solve the problem one way or another for all time, so that hereafter we may stand on the solid ground of demonstrated fact? Doctors differ; so do engineers. If a problem that involves $50,000,000 and an annually devastated country can be solved for $250,000 if demonstrated one way, and not a single dollar if in another way, I submit Congress cannot afford to refuse the trial. It has not the information to decide adverse, and it cannot, in justice to the people or the Treasury, refuse to test it. That is all the amendment asks; but the country will sooner or later exact a better reason for refusal than has been given.

Rivers and Harbors.

SPEECH

OF

HON. THOMAS WILLIAMS,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 9, 1882.

On the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. WILLIAMS said:

Mr. CHAIRMAN: Entering the borders of the State of Alabama on her eastern line, and about a hundred miles or more distant from the angle of her northeastern boundary, is the beautiful Coosa, whose limpid and laughing waters uniting with those of other streams traverses the remainder of her extended length in a southwestern direction; when nearing her southern border the elements of this grand stream, affording a route of well nigh a thousand miles of attainable navigable waters, are lost in their minglings with those of the classic bay of Mobile.

The Tallapoosa, the improvement of whose navigation is provided for in this bill, and no inconsiderable feeder of the great water route alluded to, enters the State on her eastern border about one hundred miles or more south of the point of advent made by the Coosa; and flowing in a somewhat parallel or southwestern direction with the other stream for about two hundred miles or more, effects her confluence with the Coosa in a locality only ten miles away from her interestingly attractive and queenly capital, the city of Montgomery. The union of the waters of these two beautiful streams, in vales almost as enchanting as those of sweet Avoca, form the magnificently imposing river bearing the name of my State.

Rising in the mountains of Saint Clair, in a locality a little south and east of a central position of North Alabama is the Cahaba; and flowing southwest through the county of Shelby it enters, on her northern boundary, the county of Bibb; traversing her limits it passes out of her borders in the southwest corner of the same, and varying but little in its course as it flows through the county of Perry it enters that of Dallas, wherein, some eight or ten miles below the locality of the growing, thrifty, and beautiful city of Selma, its waters are swallowed up and borne onward to the Gulf by those of the grand Alabama.

The Cahaba, the improvement of whose navigation is also provided for in this bill, is an immeasurably important feeder of Alabama's great water route; a route destined to empty into the lap of her great imperial city of Mobile a wealth of the treasures of mineral as well as agricultural commerce, whose influences will awaken to new life that only sea-port city of our State; one in whose growth and prosperity is not only centered the earnest desires of all true Alabamians but the circles of whose commercial value and power widen and extend far beyond that of our own State.

Reference to the report of the Chief of Engineers of the United States Army to the Secretary of War for the year 1881 will afford abundant evidence of the almost incalculable value that the improvement of the navigation of this river would be not only to the section traversed by it and to the State but to the country as well. The following brief but interesting extract from that extended report will afford an idea to the mind of some of the results to follow this long-desired and long-neglected enterprise. He says:

A survey was made in September, 1874, of that portion of the river between Centreville and its mouth, a distance of eighty-eight miles, the report of which is contained in the annual report of the Chief of Engineers for 1875.

The present survey continued the previous one from Centreville to Shade's Creek, or the north boundary of Bibb County, and included a line of levels on the lower portion to supply a deficiency in the survey of 1874, and an examination to see if any marked changes had taken place since that time.

The two together show that the river can be improved by the removal of snags and overhanging trees, construction of wing-dams and cutting through shoals, so as to give a channel of navigable width and three feet depth at low water, from its mouth up to Centreville, eighty-eight miles, at an estimated cost of $195,000; and from Centreville up to the northern boundary of Bibb County, 23.667 miles, by locks and dams, at an estimated cost of $382,000. The total distance would be 111.667 miles, and the total estimated cost $577,000. The improvement would give steamboat navigation below Centreville and barge above.

There was formerly considerable commerce on the river, but the obstructions are such now that no use is made of it.

The extent of trade that would be built up can only be conjectured, but it is reasonable to suppose that it would be considerable, from the fact that the river would afford cheap transportation for about 50,000 bales of cotton valued at $2,500,000, and return supplies of $2,000,000; would give the shortest water route from the Alabama coal-fields to the Gulf, and would save to every consumer of coal on the Gulf coast from $1 to $6 on every ton of coal used by them, and probably would save $4 or $5 on all coal that is at present used by the United States on the coast or in the Gulf, or might be required in time of war. It would also afford an outlet for iron, building stone of excellent quality, and limestone, both ordinary and hydraulic, in all of which the country bordering the upper Cahaba is extremely rich.

To show the great benefit to the State and to the Southern coast to be derived from the improvement of the Cahaba River, I present the following brief description of the coal measure; the information being condensed from the paper of Mr. R. P. Rothwell read before the American Society of Engineers, 1873, reports of the State geologist, Birney's Hand-book of Alabama, and personal observation made during the survey.

There are three distinct coal basins in Alabama, namely, the Warrior, Cahaba, and Coosa, which, from the geological structure, we are compelled to conclude were once continuous. It is to the central member of the group that our attention is especially directed, which, on account of its being the most southern, most accessible by water navigation, and presenting the greatest variety, as well as the best quality, of coals, will undoubtedly become, in the event of the Cahaba River being improved, one of the principal coal-producing districts in America, and until the river is improved the Cahaba coal-field will probably remain untouched.

In the southern portion of the field reached by the present survey the measures are regular, with a width of about twelve miles and an inclination of 6 degrees to 10 degrees on the western limits, 12 degrees to 15 degrees on the Cahaba River, in the neighborhood of the Lily Shoals, and increasing rapidly, until toward the eastern limit the rocks are dipping from 45 degrees to 75 degrees, becoming vertical in a few places.

The field is limited on its southern and eastern side by the fault referred to in another part of this report, which cuts off the coal measures and brings to the surface the Silurian strata belonging 7,000 to 8,000 feet below them. The greater inclination of the Cahaba beds causes them to outcrop within a limited area, and as there is a greater total thickness on the eastern and southern sides, as there are a greater number of beds and greater variety of coals than exist in any part of the Warrior or Coosa basin.

From the topographical features of the country a railroad crossing three fields would necessarily be graded considerably above the streams, and therefore the coal would have to be raised by vertical shafts to the level of the road, thus greatly enhancing the cost of mining, and there would be less inducement to the opening of the lowest water level, a difficulty done away with by the improvement of the river. The surface is everywhere, as before stated, covered with a virgin growth of yellow pine, chestnut, and oak, together with other valuable timber.

The cost of mining will vary at the different veins according to the thickness, amount of shale, nature of roof, location of beds, &c., but $1.50 per ton (Professor Smith, State geologist) will cover all expenses, including interest, wear and tear of improvements, &c. This is about the cost per ton at the Pratt Mines. The cost in barge will vary from $1.50 to $2, and with the river made navigable, transportation to the Gulf will not exceed 75 cents, thus enabling the coal to be put upon the Mobile market at a cost not exceeding $3.

The incalculable benefit of improvement of the Alabama system of rivers, and especially those flowing through the coal fields, is clearly shown by the coal famine and the exorbitant prices (as high as $13 per ton) that have prevailed here and elsewhere throughout this State and the extreme South during the present season, 1880 and 1881.

When, sir, we are thus informed from high scientific and official sources that this central district of Alabama's group of coal-fields is, on account of its being the most southern, most accessible by water navigation, and presenting the greatest variety as well as the best quality of coals, undoubtedly to become, in the event of this river being improved, one of the principal coal-producing districts, not in Alabama alone, nor yet in the South alone, but in America, and that until this river is improved, this principal coal district of America will likely remain untouched; and when we are informed from the same high source of the wealth of iron and valuable timber abounding in that region, what need is there for anything more to be added in demonstrating beyond cavil the indispensable necessity of this work to the Government and the country?

Mr. Chairman, such enterprises as these present more than a pleasing view to those who study and pursue the advancement of their country's material welfare. Sir, the county of Bibb, of my State, possessing this untold, locked-up wealth, bears the immortal name of one who was honored by the State of Georgia with a seat in her Legislature in the days of his earliest manhood; afterward by that great Commonwealth, the mother of my State, sent to these Halls as her Representative upon this floor when his age had scarcely rendered him eligible for that position; who, notwithstanding his youth, came within a few votes of being elevated to the high office of Speaker of this House; who was afterward elevated by Georgia to the high distinction of her Senator in the other end of this Capitol; who resigned that honored position and was sent by President

Monroe to Georgia's fair daughter as her first and only Territorial governor, for he soon ushered her from that condition to the prestige of a State, then became her first State governor; and I feel that I may safely say in her great bereavements occasioned by the loss of her gifted and honored sons none was ever more keenly and lastingly felt than the one wrought in the removal through death of Governor William Wyatt Bibb ere he had attained his twoscore years. Five noble brothers accompanied him to that State, one of whom was afterward made her governor. And there yet lingers upon the earth to bless mankind his honored brother, Judge Benajah S. Bibb, who has passed his fourscore and half of a decade of years, and though standing in the fast-receding twilight of life is blest yet with the exercise of those high intellectual gifts with which a kind Providence has so generously endowed him—gifts used by him in his long and eventful life alone in those causes and methods having for their aim the happiness and well-being of his fellows and the glory and honor of his Maker. In the judgment of all who know him his great usefulness to his fellow-men, his sterling worth of character, his exalted Christian piety, and irreproachable life would entitle him, were not the day of miracles at an end, to a return of Elijah's chariot, and its uses in his exit from this earth.

The noble citizens of this county bearing that honored name may well be proud of it. They should be equally gratified in the knowledge of the fact that, rich in virtues and attributes treasured so dearly by the heart as is that honored name, nature has endowed her high lands and cliffs in their ruggedness, her valleys and coves in their beauty and productivness, with a wealth of the material substances of the earth, vying in their corresponding richness with that of her inspiring name. Proudly do I congratulate them upon this great Government at last having outstretched the strong hand of her powerful and sustaining aid in behalf of the development of those hidden treasures. The improvement of the Mobile Harbor, the opening up the navigation of the Alabama, the Coosa, and the streams in Georgia forming the Coosa, and their connections with the waters of the great Tennessee River became the settled policy and established purpose of this Government decades of years ago.

The fact that this work has not been completed before this time stands as a signal rebuke to that spirit of laggardness and partiality already too long and shamefully manacling the giant resources of this State, holding back her growth, development, and prosperity, until to-day, instead of displaying the attainments she would have achieved, she presents the comparative stature of a dwarf, although three score years and more ago she doffed her territorial mantles, and, attired in the robes of a State, assumed her place in the great sisterhood of this Union. This work, to-day so tardily progressing toward what would be its remote completion, if the future is to be imbued with no more alacrity, progress, and fairness than has characterized her past, is to result in no less than unfettering boundless resources of mineral, manufacturing, and agricultural wealth, enriching her commerce so vastly, building up her waste places so adorningly, and making her wilderness to blossom as the rose so profusely, as will redound in a grandeur of marvelous unfoldings and prosperity which can but arouse and awaken the sleeping Van Winkles in her midst, whose startling wonders at the same would provoke a similar query to the one employed by Rip, when surveying the boundless strides and achievements attained around him while in his unconscious sleep, he so naturally demanded to know, "Is this the village of Falling Waters?"

Then, sir, should we see within her borders, in lieu of her now twenty cotton factories, employing 75,000 spindles and 3,500 looms, their numbers rise into the hundreds, their spindles into the millions, and their looms into the tens of thousands; converting her annually increasing and now three-quarter million bales cotton crop into every conceivable phase and fabric demanded by the wants or tastes of the world, thereby gravitating permanently in her midst this home-accumulated and should be home-retained capital, and the immense benefits to flow from such results, prominent among which would be the upbuilding throughout her limits of such attractive, enlarging, and enterprising towns as her Prattville and Tallassee, with their thrifty and well-to-do operatives, their staunch and growing progenitors and owners of these wonderful interests; the hum of whose machinery would forbid lethargy and *ennui* to visit, much less to abide with them; dotting her fair and gladsome face with undeserted villages, the poetry of whose lovely beauty, heart-warming hospitality, and geniality, more to be coveted than oriental pearls of priceless splendor, would awaken the strings of the muses with songs more thrilling and less sad than were those so touchingly sung by the immortal bard over the fate of the deserted, yet sweet, Auburn of other plains.

Then, sir, would we see in lieu of her now dozen iron furnaces in full blast, and affording to the world, as they are likely to do this year, near on to a quarter of a million of tons of pig-iron worth $5,000,000, that they would be numbered by scores instead of by a dozen; that her night of gloom would be rescued from the darkness of despair by their diffused and ceaseless lights, and all of whom would essay with a giant's might in the vain effort to exhaust her exhaustless and solid mountain stores of this invaluable ore; that from whose efforts the combined outpourings in their annual tonnage yield would then stride into the millions, and whose annual moneyed value would swell into the sum of an enormity, constituting a fund whose outlay in her midst would shower peace, plenty, and prosperity, if not wealth, upon her entire population. Her edifices of learning, her temples of devotion to the God of these untold bounties, would multiply over her surface, until her hill-tops and plains, her mountains and valleys, would stand up as an adoring assemblage of thanks and praise to the Great Giver of all good gifts for their disenthralldom from the fetters of ignorance, no less than their rescue from the influences of the evil one.

But, sir, I shall indulge with fondness the hope, the hope rising to the sublimity of a faith, a faith that will stand imperviously in the conviction that it is no illusion that we are surely and adherently entering upon the threshold of a new and marked era in these important affairs; that the spirit, progress, and enterprise which has illumined the Western wilds of our domain with cities of teeming population, net-works of universal permeation of railroads, and commonwealths in full manhood of growth and development in all the resources and attainments needful for the creation and endowment of States of giant power, is about to lay its guiding and fostering hand, its energizing and marvelous enterprise upon our long neglected section, hastening as it will to their full fruition these now snail movements in works of such stupendous importance to her destiny and to the general good of the country. The Tallapoosa, already made historic by Old Hickory in his wars with the merciless savage once infesting its beautiful borders, and the Cahaba, leaping from its mountain home burdened with her mineral riches, will attain to a sufficient prominence among the auxiliaries in the great commerce enriching our land as shall pointedly condemn those who by their criticisms or acts would confine them to their present but little more than galvanized existence.

Upon the banks of the fair Tallapoosa, some fifty miles away from her confluence with the Coosa, have been erected massive granite buildings, the valuable and enduring material whereof was taken from her adjacent mountain sides, or from the bed of her cascades or falls whose music infuses her very air with prophetic portendings of her coming power and greatness. These permanent and imposing structures are now filled with the best of machinery and the most skillful of operatives, converting our cotton into fabrics demanded by the wants of civilization; and in their midst has arisen a beautiful town, with a growing and increasingly enterprising population, destined to make Tallassee, which is one of the gems of my State, an important Lowell, not only to the State and the South, but to the country at large.

You have only to refer to the report of the Chief of Engineers for 1881 to see the value of this appropriation to that country, to its enterprises, to its commerce, and to that spirit so needful in the South in pressing her to that front in which she is yet destined to occupy a proud position. The annual commerce to result from the opening up of the navigation of the fifty miles of this stream, extending from its confluence with the Coosa to the foot of the shoals below the town of Tallassee, will in the modest estimate of that officer of the Government amount to nearly $2,000,000. The appropriation set apart for this work is $15,000, not 8 per cent. upon the annual results. The entire cost of the work to that point is put down by that officer at about $40,000. Thus it will be seen that less than 40 per cent. of the cost has been appropriated, while not a few of the appropriations made in this bill rank above 50 per cent. upon the estimates.

I cannot believe, Mr. Chairman, that this House will be influenced by anything that has been said or that may be said to the extent of engendering such an injustice as would result in leaving these rivers unprovided for and out of this bill. The admirable, the crowning advocacy of the bill and of the policy and system of the Government in this direction with her rivers and harbors, made with such marked effect and force by my friend Hon. Mr. HORR, of Michigan, on yesterday, forbids it. A proper regard for the interests of the country utterly forbids it, and fair play with even-handed justice, though long deferred, lion like, arrays itself in their pathway against it.

Sir, it is a pleasurable duty to enter upon fields of legislation silencing party strife, retiring sectional animosity, and invoking fraternity and harmonious action. Fraternity and harmony among those in authority are harbingers of concord and peace to the people. Nor can it fail to occur to the mind swayed by reason that in multiplying and strengthening the bonds of the material interests of our land we institute powerful factors in behalf of a corresponding growth and strength of the bonds of social and political feeling of the people. Such is the character and such are the influences of that legislation we are now considering. This class of legislation may yet afford the avenue through which enduring reconciliation, undeviating fraternity to the sections will yet ensue. If cheap food, cheap raiment, cheap fuel, and cheap transportation be the crowning results of wise legislation, results inspiring the blessings of fraternity, peace, concord, and plenty to the people, the South enters the lists in their behalf with a holy and valiant ambition. While her granaries, unlike those of the great West, are not burdened with food, they would prove no vain auxiliaries in a day of need. Her cotton and wool, in their superabundance, leave nudity and raggedness without excuse. Her exhaustless stores of yet undisturbed coal-fields equally forbid

unreasonable exactions for fuel; while her boundless wealth of ores, upon which transportation reclines for practical existence, proclaims that rates shall be reasonable.

Sir, when the hand of the Government shall extend alike equally its fostering care and aid to the South and North in the advancement of their material interests; when the magnanimous exercise of truth, so consistent in the vindication of the equal integrity and honor of the North and South, shall scorn to everlasting silence the venomous tongue of calumny and slander, continually reopening afresh wounds that long since would otherwise have healed; when the mantle of that charity awarded by Heaven to erring man as a needful vestment in this world of trouble in hiding from view a multitude of sins shall extend its benign folds over us all, then, indeed, sir, will we have truly retrieved the past and reassured our future upon a basis securing peace, concord, and prosperity to the people, and honor and glory to the land. Then will the vituperous demagogue have lost his occupation and be known only to be equally scorned and contemned by all. That these glorious and attainable consummations, with their rich cargoes of blessings, are rapidly nearing us is the earnest wish of patriotism, the intense desire of philanthropy, and the constant invocation of true heroism. The statesman willfully neglecting or refusing to aid in steering her prow on the line of the safety and delivery of such cargoes of priceless blessings, when rightly understood, cannot be otherwise than a pirate on deck of our mighty ship of state or a mutineer to the commands of the spirit of American liberty. Sir, in God we trust, and into His guiding hand and to His propitious breezes we consign her unfurled sails.

Bureau of Construction and Repair.

SPEECH

OF

HON. JOSEPH G. CANNON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 7, 1882.

The House, in Committee of the Whole on the state of the Union, having under consideration the deficiency appropriation bill for the year ending June 30, 1882—

Mr. CANNON said:

Mr. CHAIRMAN: I live a thousand miles inland, and I do not know much about ships, but I sometimes think I know possibly as much as gentlemen who make greater pretension to knowledge on this particular subject than I do. I believe it is conceded by the gentleman from New York [Mr. HEWITT] that there are thirty-eight totally worthless ships.

Mr. HEWITT, of New York. It is conceded by the Committee on Naval Affairs.

Mr. CANNON. And quoted by the gentleman from New York with approval.

Mr. HEWITT, of New York. I do not know, for, like the gentleman, I am ignorant.

Mr. CANNON. In the Forty-fifth Congress, as well as in the Forty-fourth Congress, I recollect looking upon the gentleman from New York as I should look for a beacon in the storm, for light and information touching all matters concerning the Navy. [Laughter.]

Mr. HEWITT, of New York. I beg the gentleman's pardon. I never uttered one word on the subject, either in the Forty-fourth or in the Forty-fifth Congress.

Mr. CANNON. You look wise always, and if you did not utter it, with the information we have to-day, you ought to have uttered something on the subject.

I want to say seriously, however, Mr. Chairman, simply this: that I am ashamed of this Government of yours and mine, with its fifty millions of people, that it has not even one ship, as the gentleman says, that we can protect ourselves with against the smallest powers of the world, and that we have not spent two or three millions at least to buy one that is of service for our Navy. And I was sorry when the gentleman led his side of the House for weeks against the consideration of the report from which he quotes with approval, because I want to consider it in good faith, so that we may be able to take some steps and promptly to provide ourselves with a Navy. If what the gentleman claims is true, then he ought to go a step further than to oppose the appropriation, namely, to burn down the few old ships that we now have; and he might go yet another step beyond that, and if we are to have no Navy, in the name of an economic administration let him advocate a repeal of the law which provides for a naval establishment, dismiss all of the employés of the bureau, disband the service, and legislate the whole affair out of existence. I stand ready, although I live a thousand miles inland, as I have said, to cast my vote for liberal appropriations to give a small, efficient, and effective Navy, so that we may be able at least to look the smallest power on earth in the face without blushing. The gentleman from Georgia says that this is a great Government. We can look any power on earth in the face, and by moral force protect ourselves if we are insulted. That is all very nice, but I dare say a small, effective Navy, with good ships and guns, would greatly aid our moral force.

Mr. BLOUNT. Will the gentleman permit me to ask him how many times we have been insulted in this century by foreign powers?

Mr. CANNON. Why, Mr. Chairman, the whole country looked on a few months ago with considerable trepidation when there was even a possibility of some trouble with the little power of Chili, and our people of the Pacific coast were impressed with the belief that we were powerless to deal even with as insignificent a power as that.

Mr. BLOUNT. I never made that concession.

Mr. DUNN. Nobody was mad with Chili but Mr. Blaine.

Mr. HUMPHREY. Did not Chili give us the guano——

Mr. CANNON. I cannot yield the floor, Mr. Chairman, in this manner.

The CHAIRMAN. The gentleman from Illinois declines to be interrupted. If gentlemen desire to address questions to him they must address them through the Chair.

Mr. CANNON. I only want to say this: that pending the time, as the gentleman from New Jersey has so well said, that we may claim that we have at least one ship in our Navy which may be of some account; that for the ordinary peace uses of the nation I think we should give the ordinary appropriations in time of peace, to keep in repair these vessels that we have which may be worthy of repairs, under the discretion of the Department, until something better can be done.

Land in Philadelphia for Public Purposes.

SPEECH

OF

HON. IRA S. HASELTINE,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 19, 1882,

On the bill (S. No. 813) for the purchase or condemnation of land in the city of Philadelphia for public purposes.

Mr. HASELTINE said:

Mr. SPEAKER: We have been informed by the superintendent that the Philadelphia mint has a capacity for making $77,000,000 per year. We have a mint at New Orleans, San Francisco, Carson, and Denver. The total coinage during the year 1881 to June 30 was $106,788,940.70. We also find the total of bars manufactured during the year, $107,292,882.29. We have the statement from the superintendent that the mint is in good condition and can do all the business necessary if relieved from small coinage.

We hope the intelligence of Congress will be such that fractional paper currency will be issued for sums less than a dollar, and legal-tender certificates or full legal-tender Treasury notes issued as currency, allowing the Government an opportunity to export the bullion as we export wheat to supply the demands of other nations. We further understand that there is now stored in the mints and Treasury hundreds of millions of dollars without use, and we see no necessity for additional facilities for manufacturing that which we do not use. This is a question of business.

There was coined at the Carson mint during the year previous to June 30, 1881, 592,189 pieces, valued at $883,590; expenditures, $131,037.03; average cost of coinage at that mint during the year, twenty-two cents and one mill for each piece coined. We paid $90,476.38 for distributing standard silver dollars and $23,763.46 for distributing minor coins during the same year. A sum of $114,239.84 was paid by the Government for transportation. Yet these metals which the bullionists have taught the people to worship as God's money continue to accumulate in the Treasury—28,000,000 of minor coins and over $250,000,000 of gold and silver. A bill passed this House appropriating $75,000 for safes and storage for this metal that nobody wants.

I am opposed to building any more mints until we can utilize our manufactured coins. When legal-tender paper is worth more, when certificates issued upon the bullion are preferred, no business man can see any common sense in purchasing more grounds and erecting more buildings for mints.

A large part of the bullion coined at Philadelphia during the years 1880 and 1881 was imported. There is no reason to expect such importations in future years. We are informed by the superintendent that the Philadelphia mint is the best constructed mint in the world, and that electrical light has been introduced, which gives much relief.

We have reason to believe that by the removal of some of the

unnecessary wooden structures, so as to afford better ventilation, and by employing a less number of workmen, as there is a large accumulation of the coins for which there is no immediate demand, as certificates upon the bullion are preferable to the coin, and the use of certificates is more economical for the Government, saving expense of coinage and the wear of the coins, there would be no necessity for purchasing additional grounds, or for the erection of any additional buildings.

Why erect unnecessary buildings and construct machinery for piling up more coin, and appropriating large sums of money for safes and storage of coin we do not use? We have an assay office and unoccupied grounds and suitable buildings at Saint Louis for a mint. We have the machinery at Carson, which we can remove to Saint Louis, where the coin could be more readily thrown into circulation.

The estimated expense of running the mint at Carson is very much greater than the profits. I apprehend that by utilizing the Carson machinery at Saint Louis, and manufacturing there the smaller metallic coins, (if we are to manufacture them in the future,) where they may be used in the circulation, we may relieve to a great extent the Philadelphia mint.

We have in the mints at Philadelphia, New Orleans, San Francisco, Denver, and Carson more capacity for coinage than demand for the coins. As there appears to be a large foreign demand for bullion, and frequently bullion is worth more than coin, to supply the foreign demand, and as the policy of the Government in relation to the coinage of silver is yet an unsettled question, we see no reason for the appropriation of $400,000 for additional grounds, and another of $500,000 for additional buildings at Philadelphia.

The fact that large sums of gold coin and bullion amounting to about $70,000,000 have been deposited in the Treasury for silver certificates within the last two years, redeemable only in eighty-eight cents silver coin, the fiat of the Government being taken for the other twelve cents, settles the whole question to the perfect satisfaction of all intelligent business men that the other eighty-eight cents should be fiat, that full legal-tender lawful money certificates can be issued for the bullion as more convenient in use, saving the immense expense and waste of coinage, the unnecessary purchase of grounds and erection of buildings, and the paying of $114,000 annually to unload the coins upon the people.

The wear of the coins when manufactured would also be saved to the people. This is one step in civilization. When the perfect legal-tender certificates pass into the circulation as money, the Government will sell this bullion to barbarous nations, or such semi-civilized people as yet enslave their laboring classes by limiting their currency in any degree to gold and silver. When the people have learned that the Government can issue its currency based upon bullion or the commodity value of one or two commodities, piled up and guarded in costly buildings and iron safes, they will soon learn that they may issue their currency based upon all commodities, including gold and silver; that the credit of thirty-eight great States with sovereign power over the lives of 50,000,000 of people and $40,000,000,000 of wealth is a better basis and less changeable security for the currency of the country. Then $250,000,000 of gold and silver now lying idle will be paid into the circulation. Then the people will stop that unnecessary system of injustice called interest upon the public debt, by means of which the people of this country are now unnecessarily taxed. Then we shall take one more step in civilization, and the American people may truthfully and intelligently celebrate their independence.

How much more convenient in use and how much more economical the use of fractional paper currency, thereby saving expense in the material and coinage, together with the wear of the coin. There has never been but one serious objection to the use of fractional paper currency and legal-tender Treasury notes: it would successfully destroy the occupation of those grand conspirators who have become millionaires by controlling the currency and pauperizing and enslaving the American people. If the people were to issue and control the amount of all circulating currency without placing the American people at the mercy of either bullionists or bankers, no toll-gates placed by licensed money lords upon the highways of commerce, the people would be protected from periodical money panics, from improper inflation and contraction, and be allowed an opportunity to enjoy a reasonable proportion of the products of industry.

The proposed appropriation for the Philadelphia mint appears to be in the interest of a certain locality, and very intimately related to this mint appropriation is a number of bills proposing to build assay offices at different places in the interest of local speculators.

We have the report of the Director of the Mint, page 36, showing the result of the four assay offices now in operation. The earnings during the fiscal year ending June 30, 1881, were, at the New York assay office $115,257.83, and the expenditures $152,034.38, a loss to the Government of $36,776.55; the Boise assay office, earnings $441.69, and expenditures $7,940.15, a loss to the Government of $7,498.46; the Charlotte assay office, earnings $995.37, expenditures $3,750, a loss to the Government of $2,754.63. The Helena assay office earnings were $2,551.71, and the expenditures were $25,163.31, a loss to the Government of $22,611.60, making a total loss annually of $69,641.24, besides the interest upon the cost of the buildings and loss by wear and decay of buildings and machinery. The average loss per year of each of the four offices now in operation is $17,410.31. The estimated cost of an assay office is $60,000.

I believe it is my duty to represent the interests of the American people without regard to the pressure which may be brought to bear in building up local interests and making places for friends at high salaries, to be paid from the Government Treasury. There is an immense pressure for appropriations, as though there were no limit to the people's endurance in paying taxes. I see no good reason why the Government should make large appropriations of this character while the people are carrying a large interest-bearing debt, and while the claims of thousands of honest, hard toiling soldiers are neglected.

We should be just before we attempt to be generous or profligate with the public money. Poor men with large families have grown gray with age waiting for their just dues. Thousands of people deprived of the comforts of life and struggling in poverty are earnestly and prayerfully begging for justice at our hands.

Internal-Revenue Taxation.

SPEECH

OF

HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 27, 1882,

On the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. COX, of New York, said:

Mr. SPEAKER: Because of some indefinite expressions yesterday, I desire briefly to emphasize now the reasons why I cannot vote for this measure. My reasons are as follows:

1. That the sum released—some sixteen millions—from the grasp of the tax collectors is so inconsiderable as to be an insult to those who desire to reduce our inordinate taxes.

2. That the amount released discriminates against industries and relieves capital and capitalists. It relieves nine millions of capital tax, bank taxes—and as to the rest it is nothing in comparison with the exactions.

3. The relief on perfumery is but an "ounce of civet, good apothecary, to sweeten the imagination," and is a sample of the little good compared with such an immense opportunity.

4. That the internal-revenue system is used to control the freedom of elections, and is a part of that mercenary and terrorific system which should have been destroyed by legislation shortly after the emergency which called it into being. It is expensive, inquisitorial, and odious. It is undemocratic and unrepublican. It is corrupting. In the absence of a reform in the tariff, postponed for two years by the commission, this is the only feasible way of reducing taxation; and this is a signal failure, which, if adopted, will be an impediment to further reforms and reduction.

5. The tax reduced here does not reduce the officials now used in the collection of taxes by any one person. It keeps up every part of the machinery.

Public Building, Williamsport, Pennsylvania.

SPEECH

OF

HON. R. J. C. WALKER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 26, 1882,

On the bill (H. R. No. 4460) to authorize the purchase of a site and the erection of a suitable building for the United States district court, post-office, and other Government offices at the city of Williamsport, Pennsylvania.

Mr. WALKER said:

Mr. SPEAKER: On the 17th of December last I introduced a bill (H. R. No. 1449) for the erection of a public building for the use of the Federal courts and other Government offices in the city of Williamsport, Pennsylvania. Subsequently I appeared before the Committee on Public Buildings and Grounds of both House and Senate, and submitted certain reasons and statements in support of the bill. On the 16th of February Mr. LEWIS, of the House committee, reported

back the same with a substitute, (H. R. No. 4460,) being the bill on which present consideration is asked.

Without attempting to present argument in support of the policy which favors the construction by the Government of buildings suitable and proper for its own purposes, especially at places where the Federal courts are held, the wisdom and necessity of which I heartily indorse, I propose now to briefly recapitulate some of the statements presented to the committee and which influenced its action in unanimously reporting with a favorable recommendation the present bill:

UNITED STATES COURTS.

By section 545 of the Revised Statutes of the United States the State of Pennsylvania for the purposes of the United States courts is divided into two judicial districts, the eastern and western. The western district includes the counties of Fayette, Greene, Washington, Allegheny, Westmoreland, Somerset, Bedford, Huntingdon, Centre, Mifflin, Clearfield, McKean, Potter, Jefferson, Cambria, Indiana, Armstrong, Butler, Beaver, Mercer, Crawford, Venango, Erie, Warren, Susquehanna, Bradford, Tioga, Union, Northumberland, Columbia, Luzerne, Lycoming, and certain other counties embraced in the territory contained therein, which have been erected into new counties since the passage of the act creating said district.

The eastern district includes the residue of the State, and the courts therein are held in Philadelphia. The courts in the western district, comprising the territory above referred to, are held at Pittsburgh, Erie, and Williamsport. The courts at Pittsburgh accommodate the citizens west of the Alleghany Mountains. The courts at Erie are held for a few days each year, mainly on account of occasional admiralty business arising on the lakes; no clerk's office is kept there, however, and no docket or court papers. The courts at Williamsport accommodate the citizens of all the counties, twenty-two in number, named in the exhibit marked "A," and made a part hereof, and to which a special reference will hereafter be made.

From January 1, 1877, to January 1, 1882, a period of five years, there were five hundred and forty-six summonses issued in the circuit court at Williamsport, or an average of one hundred and nine each year. This does not include the business in the district court, namely, all criminal cases and cases arising under the tax and internal-revenue laws of the United States, and of which there are always quite large lists at each sitting of the court. At the September term of 1880 there were one hundred and twenty-six cases on the trial list of civil business alone.

At present these courts are held in a small room, which is used by and contains the library of the Law Association of Lycoming County, and which would not comfortably seat one hundred people. It is located in the second story of the county court-house and is needed for county purposes. There is no proper place to keep the records, dockets, and papers of the court. They are not deposited in a safe or vault because none is provided for that purpose; they are liable to be stolen by parties interested, or destroyed by fire. The clerk (Hon. B. Stuart Bentley) has heretofore, without the slightest remuneration, cared for some of the most valuable ones in his own private fire-proof, but this is totally inadequate for the purpose required to properly preserve and secure the many and important court records and papers, the disappearance or destruction of which would entail untold loss and damage to the parties in interest and to the community at large. The United States courts have been held in the city of Williamsport for more than forty years.

TERRITORY, POPULATION, BUSINESS.

Reference to Exhibit A, being extracts from official records, shows that twenty-two counties, whose business in the United States courts is now transacted at Williamsport, contain 15,458 square miles, 9,847,520 acres, and, by the census of 1880, a population of 834,490 people.

There is no post-office, court-house, or other public building of any kind whatsoever owned by the United States in any of the counties named in said exhibit.

By reference to Exhibit B, hereunto annexed, the population of the counties named whose business is transacted at Williamsport is greater than any one of the fourteen States therein named, in one of which alone more than two millions of dollars have been expended for public buildings. The population of the counties named is greater than any one of the Eastern States, except Massachusetts.

The counties named include the bituminous coal regions of Clearfield, Centre, Clinton, Cameron, Elk, McKean, Potter, Tioga, Bradford, Sullivan and Lycoming.

The counties named include the anthracite coal regions of Susquehanna, Wyoming, Lackawanna, Luzerne, Columbia, Montour, and Northumberland.

The counties named include the iron-producing and manufacturing regions of Centre, Clearfield, Mifflin, Juniata, Snyder, Union, Lycoming, Northumberland, Montour, Columbia, Luzerne, and Lackawanna.

The counties named include the bark and tanning interests and almost the entire white pine, hemlock, and hard wood regions of Pennsylvania, the value and extent of which are indicated by an official communication from the president of the Lumberman's Exchange, hereto annexed, marked "Exhibit C."

The counties named include almost the entire coal-oil producing territory of Pennsylvania, the enormous value of the product of which when refined into the petroleum of commerce is indicated by the communication and tabulated statement showing the production for the year 1881, herewith annexed and marked "Exhibit D."

RAILROADS AND CANALS.

The following railroads and canals pass into or through many of the counties named, namely: Pennsylvania Railroad, middle division and branches; Philadelphia and Erie, and branches; Northern Central Railroad; Buffalo, New York and Philadelphia Railroad; Philadelphia and Reading Railroad; Catawissa Railroad; Delaware, Lackawanna and Western Railroad; Lehigh Valley Railroad; Lehigh and Susquehanna Railroad; New York and Pennsylvania Railroad; Corning and Blossburgh Railroad; Corning and Cowanesque Railroad; Corning and Wellsborough Railroad; Delaware and Hudson Railroad; West Branch Canal; North Branch Canal; Susquehanna Canal.

CAPITAL AND EMPLOYÉS.

The amount of capital and the number of employés in the coal, ron, lumber, petroleum, bark, tanneries, agricultural and manufacturing interests in the counties named is enormous; millions upon millions of money and thousands upon thousands of men. Much of the capital engaged and lands held and operated belong to non-residents of the State. This gives rise to a large amount of business in the United States courts. In addition, the national banks and foreign insurance companies, and cases arising under the internal revenue laws are numerous. Many questions of title to real estate and other vast interests are settled in the United States courts at Williamsport.

INTERNAL REVENUE.

The receipts of the internal-revenue office here for the counties of Lycoming, Clinton, and Centre for the year 1881 were:

Special tax	$20,069 88
Tax on beer and cigars	29,639 14
Whisky in bond	6,000 00
Sale of distilled spirits	10,000 00
Total	65,709 02

POST-OFFICE.

The net proceeds of the Williamsport post-office for the year 1881 was $24,894.20, and as respects net revenue to the Government it ranks fourth in the entire State, (see appendix,) $24,894.20.

This office is a depository for nearly all the post-offices of the third and fourth class in this Congressional district, (comprising six counties with a population of over 184,000,) and also the offices in Clinton, Centre, and part of Elk Counties.

The amount of the deposits from these offices, and which is the net revenue to the United States Government, is about $12,000 per quarter.

From Pennsylvania the United States derives a large revenue for postal service, and thus actually contributes money for public buildings erected within her borders.

What has been stated as to the insecurity of the United States court papers, records, applies with equal force to the post-office and its valuable contents, as also to the internal-revenue office located at Williamsport, the business of which is now transacted in a hat store.

THE CITY OF WILLIAMSPORT.

Williamsport, the county seat of Lycoming County, Pennsylvania, is situated on the west branch of the Susquehanna River and is distant more than two hundred miles from Philadelphia, Pittsburgh, and Erie, the other points in the State where United States courts are held, and is the geographical center of the counties named, whose business in said courts is transacted there. It has now a population of twenty thousand people, and is a healthy, prosperous, and growing city, surrounded by high hills, a fine scenery, and is a favorite summer resort. Its streets are wide, straight, lighted with gas, and traversed by a horse-railway. The business quarter is compactly built; its hotel accommodations not excelled by any city in the State, (Philadelphia and Pittsburgh excepted,) and it has many handsome and costly private residences. It has nine public schools, with a high school, attended by nearly four thousand pupils; and a large institution known as Dickenson Seminary, attended by students from all parts of the United States. It has thirty-two churches, two daily and nine weekly newspapers.

The great boom located here extends four miles up the river, and at one time last year contained about two hundred millions of feet of lumber in the log. Nearly three hundred and fifty millions of feet of lumber were manufactured here during the year 1881. For many years the annual product has exceeded two hundred million feet. Besides the saw-mills which manufacture this lumber, there are planing and shingle mills, furniture factories, tanneries, a large rolling-mill, and many other industrial establishments.

There are six national banks, having ample capital; the aggregate of deposits thereof on January 1, 1882, exceeding $1,700,000.

The county jail is one of the best in the whole State, guaranteeing the safe custody of prisoners held by the Government.

Mr. Speaker, many other facts could be added to those which I have stated, but I will not trespass on the indulgence of the House—believing that what has already been said is entirely sufficient to commend the bill to favorable consideration.

EXHIBIT A.

Statistics of the counties in Pennsylvania whose business in the United States courts is done at Williamsport. Compiled from official records. Population taken from census report of 1880.

Counties.	Square miles.	Acres.	Population.
Bradford	1,162	743,680	58,541
Cameron	381	243,840	5,159
Centre	1,227	785,280	37,922
Clearfield	1,130	723,200	43,471
Clinton	857	548,480	26,278
Columbia	479	306,560	32,409
Elk	774	495,360	12,800
Juniata	407	260,480	18,227
Lackawanna			89,266
Luzerne	1,350	864,000	133,066
Lycoming	1,213	776,320	57,486
McKean	1,007	644,480	56,162
Mifflin	377	215,680	19,577
Montour	140	89,600	15,468
Northumberland	462	295,680	70,316
Potter	1,071	685,440	13,790
Snyder	317	202,880	17,797
Sullivan	434	279,760	8,073
Susquehanna	828	529,920	40,354
Tioga	1,124	719,360	45,814
Union	315	201,600	16,905
Wyoming	403	237,920	15,598
Total	15,458	9,847,520	834,490

Population of the twenty-two counties the business of which in the United States courts is now transacted at Williamsport, 834,490.

EXHIBIT B.

States.	Population.	Cost of public buildings.
Arkansas	802,525	$230,363 85
Colorado	194,327	64,377 69
Connecticut	622,700	1,034,555 39
Delaware	146,608	63,783 19
Florida	269,493	204,451 01
Maine	648,936	2,329,065 27
Minnesota	780,773	446,661 51
Nebraska	452,402	555,687 17
Nevada	52,226	434,369 98
New Hampshire	346,991	205,006 43
Oregon	174,768	464,437 86
Rhode Island	276,531	391,610 76
Vermont	332,286	259,944 29
West Virginia	688,457	394,320 40

EXHIBIT C.

WILLIAMSPORT, *January* 31, 1882.

DEAR SIR: Yours of 25th instant duly received. The delay in answering has been caused by reason of my not being able to get the figures asked for at an earlier date. I find that there was manufactured during the past five years, 1877 to 1882, inclusive, the following:

Pine, 900,000,000 feet, @ $15 per M	$13,500,000
Hemlock, 125,000,000 feet, @ $8.50 per M	1,062,500

The above figures are as near correct as can be obtained, and the value as placed on the lumber is, if anything, below the amount realized to the parties manufacturing the same.

The hemlock trade is, as it were, in its infancy, as nearly one-half of the amount above stated was cut last season. As for the future, it is very hard to obtain an accurate statement of the amount of pine and hemlock timber remaining uncut. It is conceded by our best-informed timber owners that there yet remains fourteen to fifteen hundred million feet of pine and many times that amount of hemlock to be cut, most of which will find its way to Williamsport to be manufactured, the value of which should be greater than the prices fixed in the foregoing statement. These figures only apply to the counties drained by the west branch of the Susquehanna tributaries.

There are no other figures that occur to me at this time that pertain to the subject-matter of your favor of the 25th instant. Should you wish any further information do not hesitate to call for it, and I will do my best to obtain it for you.

Very respectfully, yours,

F. COLEMAN.

President Lumberman's Exchange, Williamsport, Pennsylvania

Hon. R. J. C. WALKER.

EXHIBIT D.

THE BRADFORD OIL EXCHANGE,
Bradford, January 30, 1882.

DEAR SIR: In answer to your favor of January 25, please find herewith the statistics as requested.

I shall be very happy to be of service to you at any and all times, either "officially" or personally.

If I have neglected anything please write, and I will correct promptly. * *

Very respectfully, yours,

C. L. WHEELER, *President.*

Hon. R. J. C. WALKER,
Washington, D. C.

Petroleum production of McKean County, Pennsylvania, for the year 1881.

Months.	Per day.	Per month.
	Barrels.	*Barrels.*
January	59,558	1,846,298
February	61,830	1,761,240
March	66,238	2,053,378
April	64,779	1,943,370
May	68,983	2,138,473
June	69,915	2,097,450
July	60,216	2,145,606
August	69,586	2,157,166
September	67,319	2,019,570
October	65,924	2,043,644
November	64,766	1,942,980
December	62,365	1,933,315
Total		24,082,580

Average price for 1881, 83¾ cents, $20,169,160.75.

Value of crude oil production of McKean County, Pennsylvania, for the year 1881, when refined, at the average price for the year, 7¾ cents per gallon, $58,791,598.42.

Crude oil produces about 72 per cent. of illuminating oil, but there are other valuable products, as naphtha, tar, &c., which makes the product equal in value to 75 per cent.

	Gallons.
Crude oil produced	1,011,468,360
Refined oil, equivalent	758,601,270

Sales of crude oil in the Bradford Oil Exchange, during 1881, 137,034,000 barrels.

C. L. WHEELER,
President the Bradford Oil Exchange, McKean County, Pennsylvania

APPENDIX.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 17, 1882.

MY DEAR SIR: For the information asked for in your note of February 16 I would call your attention to page 39 of the Auditor's report for 1881, to which I have added population obtained from a bulletin from the Census Office to the nine letter-carrier offices in Pennsylvania. I also append names and incomplete data for ten offices supposed to be the ten largest, taking salary as a basis.

I was not able to get at the net revenues of Oil City or Titusville to-day.

Very truly, yours,

HUGH NISBET.

Hon. R. J. C. WALKER, *House of Representatives.*

Cities.	Salary.	Population.	Revenues, (net.)
Philadelphia	$4,000	846,984	$787,216 53
Pittsburgh	3,600	156,381	195,717 46
Harrisburgh	3,000	30,762	43,979 73
Scranton	2,900	45,850	24,318 28
Wilkesbarre	2,900	23,339	22,824 18
Williamsport	2,900	19,934	24,894 20
Oil City	2,800	*10,000	
Titusville	2,800	*10,000	
Allentown	2,700	18,063	19,707 85
Erie	2,600	25,730	17,292 40

* Less than 10,000.

Mr. WALKER. Mr. Speaker, I now ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 4460) to authorize the purchase of a site and the erection of a suitable building for the United States district court, post-office, and other Government offices at the city of Williamsport, Pennsylvania, and that the same be now put on its passage.

The bill was read, as follows:

"*Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States district and circuit courts, post-office, and other Government offices, at the city of Williamsport, Pennsylvania. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $125,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Pennsylvania shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein."

Mr. HOLMAN. I think we had better have the regular order.

Mr. WALKER. I ask the gentleman to listen to the reading of the report in this case. The building which this bill proposes to erect is necessary for Federal purposes, for the accommodation of the United States courts, in the business of which twenty-two counties, embracing a population of over 800,000 people, are interested. There has never been a dollar of public money asked for that district. I hope the gentleman will withhold his objection, at least until the report has been read.

Mr. HOLMAN. I have no objection to the reading of the report, the right to object being reserved. My objection to all these bills is that the amount involved is too large.

The SPEAKER. The right to object will be reserved until the report has been read.

The report was read, as follows:

"The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 1449) for the erection of a public building at Williamsport, Pennsylvania, beg leave to report that they have had the same under consideration, and find the following facts:

"Williamsport is situated in the State of Pennsylvania, county of Lycoming, on the west branch of the Susquehanna River. It is the acknowledged center of the lumber interests of the Middle States, and this vast industry, coupled with the coal-carrying trade of the bituminous coal-fields lying in counties adjacent on the west and south, and the anthracite coal measures in counties immediate to the east, stimulate a carrying trade which supports the fourteen railroads and three canals now traversing that prosperous section. Its trade is rapidly increasing, in petroleum from westward, and bark, tanneries, agricultural and manufacturing interests in its closer proximity, and the population of the city has now reached 19,934.

"The great boom on the Susquehanna is located here, extending up the river four miles, and at one time in 1881 contained about 200,000,000 feet of lumber in the log; nearly 350,000,000 feet of lumber were here manufactured during that year; for a long term of years the annual product has exceeded 200,000,000 feet. In addition to the numerous saw-mills, the finest in the world, are extensive manufactories in wood, iron, and one, the only rubber works in the State, with a capacity of 3,000 pairs of boots and shoes per day. There are six national banks, two daily and nine weekly newspapers, thirty-two churches, nine public schools, and others of academic proportions, and hotel accommodations the finest in the State, Pittsburgh and Philadelphia excepted.

"The United States court is held at Williamsport for the accommodation of the citizens of twenty-two counties, which, by the census of 1880, contain a population of 834,490. This is greater than any one of the Eastern States, excepting Massachusetts, and more than any one of the fourteen States named in Exhibit B.

"The United States courts are held in a small room which is used by and contains the library of the Law Association of Lycoming County, and which will not comfortably seat one hundred people. It is located in the second story of the county court-house. The United States courts have been held here more than forty years. The internal-revenue office is in a hat store. No fire-proof accommodations for court records and valuable post-office contents have ever been provided by the Government.

"The net proceeds of the Williamsport post-office for 1881 was $20,270.37. It is the depository for nearly all the post-offices of the third and fourth class in that Congressional district, comprising six counties, with a population of over 184,000, and also the offices in Clinton, Centre, and part of Elk Counties.

"The receipts of the internal-revenue office for the year 1881 were:

Special tax	$20,069 88
Tax on beer and cigars	29,639 14
Whisky in bond	6,000 00
Sale of distilled spirits	10,000 00
Total	65,709 02

"At the September term of 1880 there were one hundred and twenty-six cases on the trial list at Williamsport of civil business alone. This does not include business in the district court, namely, all criminal cases and causes arising under the tax and internal-revenue laws of the United States, of which there are always large lists at each sitting of the court.

"In view of these facts the committee recommend that the erection of the building proposed be authorized, and that the bill as amended do pass."

Mr. HOLMAN. Reserving the right to object, I will say that gentlemen around me think, on account of Williamsport being a place where the Federal courts are held and a town of very considerable importance, an appropriation of some amount for a public building there would be proper. While I think that an appropriation of $100,000 is much too large, I shall feel constrained to withdraw my objection if the gentleman from Pennsylvania [Mr. WALKER] will consent that the bill be amended by striking out $125,000 and inserting $100,000.

Mr. WALKER. I say to the gentlemen from Indiana, [Mr. HOLMAN,] as I have already said to the House, that not one of the bills of this character presented and considered possesses greater merit than this, and I believe that reflection and investigation would so convince any gentleman, but rather than jeopard the interest of so large a number of my people I will reluctantly consent to accept the amendment.

The SPEAKER. It is moved to amend the bill by striking out the words "and twenty-five," so as to make the amount of the appropriation $100,000. If there be no objection, this amendment will be considered as agreed to.

There was no objection.

The bill as amended was ordered to be engrossed for a third reading, was read the third time, and passed.

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

The latter motion was agreed to.

Opposition to Civil Pensions.

SPEECH

OF

HON. STROTHER M. STOCKSLAGER,

OF INDIANA.

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 19, 1882,

On the bill (H. R. No. 3983) to promote the efficiency of the revenue-marine service.

Mr. STOCKSLAGER said:

Mr. SPEAKER: This bill is entitled "A bill to promote the efficiency of the revenue-marine service," but is in reality a bill to retire certain officers engaged in the civil service of the Government at full pay; to retire others at three-fourths pay; to pension for a limited time such as may become disabled in such service. Or, to state its provisions more fully, it is proposed by this bill to retire all officers of the service who shall be incapacitated to perform the duties of their offices, without regard to the cause of the incapacity, except in this: when the incapacity is incident to the service he shall be retired on three-fourths pay, and if not incident to the service at one-half pay; or, if wholly retired, then to one year's full pay. The bill also provides that any officer who has attained or who hereafter may attain to the age of sixty-five years, shall be retired by reason of age at three-fourths duty pay; and any officer who shall have served forty years in said service may, at his own request, be retired by the President at three-fourths of the duty pay of his grade.

Our revenue-marine service has been in existence since 1799, and was established and is maintained for the following purpose, as expressed in section 2747 of the Revised Statutes, to-wit:

The President may, for the better securing the collection of import or tonnage duties, cause to be maintained so many of the revenue cutters as may be necessary to be employed for the protection of the revenue, the expense whereof shall be paid out of such sum as shall be annually appropriated for the revenue-cutter service, and not otherwise.

The officers are appointed by the President, by and with the advice and consent of the Senate. The compensation of a captain while on duty is $2,500 a year; of first lieutenant, $1,800; second lieutenant, $1,500, and third lieutenants and engineers, $1,200 per year.

That this service is simply and purely a civil service there can be no doubt. It is certainly neither military nor naval. It is a branch of the civil service of the Government. The officers are appointed by and with the advice of the Senate, the same as are all the President's appointments in the civil service. The service is under the direction and control of the Secretary of the Treasury, and the duties of the service are connected entirely with the collection of customs. The only exception is that the President may direct the revenue cutters to co-operate with the Navy, during which time they shall be under the direction of the Secretary of the Navy.

It follows, therefore, that this is an attempt to add another class to our civil pension list. And what is very extraordinary is that the Committee on Commerce should have directed the gentleman in charge of this bill to ask this House to suspend the rules of the House by a two-thirds vote and pass this bill without sufficient opportunity upon the part of those who are opposed to it to discuss its provisions.

Mr. Speaker, nothing, I take it, could show more conclusively the headlong speed at which we are drifting toward an enormous civil pension list than the fact which I have stated.

While I am in favor of liberal pensions for the soldiers and sailors disabled in the defense of their country, I am opposed to extending the provisions of our pension laws to claims purely civil. The ground upon which military and naval pensions exist is so different from that of civil pensions that it is useless to take up the time of the House in discussing it. The soldier or sailor takes his life in his hand and offers it a willing sacrifice upon the altar of his country. He does this, not because the occupation is more remunerative than a civil employment, and not because he prefers that service, but from the highest and most patriotic of all the duties of a citizen—that of defending his Government, which has protected his life and property.

The man who engages in the civil service does it as a matter of choice, and because he thinks the honor and emoluments of the office are greater than he could gain in other pursuits.

The principle of civil pensions is all wrong. It is contrary to the genius of our institutions. It is a vicious system and can but be pernicious in its effects upon our institutions. It is anti-republican and anti-American; it is one of the curses which our fathers struggled so hard against, and which they fondly hoped they had escaped; it belongs to the "effete monarchies of the Old World;" it is the legitimate outgrowth of a system which recognizes a ruling class, a dynasty, a divine right to rule, and the consequent duty of the country to provide for; it tends to make men in office feel safe and secure for the future and, instead of practicing economy and living in republican simplicity which will meet the approbation of the people, will spend their salaries in riotous living and ape their foreign prototypes.

Such a thing as a civil pension list would have met with little favor in the earlier days of the Republic. Our ancestors believed in pure republican simplicity, and were opposed to building up and permanently maintaining any class of citizens at the expense of the Government. From the formation of the Government down to the year 1869, more than three-quarters of a century, no one dared to seriously propose such a thing. But the Republican party in 1869, flushed with victory, when it undertook to increase the number of judges of the United States courts, it is said for the purpose of obtaining a desirable partisan decision, added a provision to the bill to the effect that—

Any judge of any court of the United States who, having held his commission as such at least ten years, shall, after having attained the age of seventy years, resign his office, shall thereafter, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation. (Statutes at Large, vol. 16, page 45.)

This act, approved by General Grant on the 10th day of April, 1869, marked a new departure in our Government, and was the first step in the history of the Government toward the establishment of a civil pension list. When that bill was under discussion in this House, my illustrious predecessor, the lamented Michael C. Kerr, with his statesmanlike vision saw the danger in that provision, and upon this floor sounded the warning to the people in the following eloquent and patriotic words:

I have, however, several objections to the substitute offered on behalf of the Committee on the Judiciary. The first objection is that it undertakes, as a pioneer measure, as an initial enactment, to introduce into our system of government the practice of pensioning retired officers. It proposes to pension judges not only

of the Supreme Court but of the circuit and district courts, whether State or Territorial; to pension all of them after they shall have served in a judicial capacity for ten years. It is the first attempt, so far as I know, to organize in this country a civil list, a pension list of retired officers, and that, too, upon full pay. I think it is intrinsically a pernicious and a vicious proposition. I think it is not in harmony with the principles of our Government, with the principle of representative, elective, republican government. * * * Once establish the practice of retiring and pensioning officers, although now limited to the judiciary, and it will be speedily extended to numerous other classes, and will soon become a great source of additional expenditure, and, in my judgment, a very great evil. Establish the principle, and its rapid growth will be assured.

Mr. Speaker, the words which have been read express my objections to this whole system in language much more eloquent and forcible than I am capable of expressing them. And I now upon this occasion repeat that solemn warning, and I hope this House will heed it and not permit this bill to pass.

Mr. Speaker, let us for a few moments inquire whether the prediction of Mr. Kerr, that if the practice of retiring and pensioning officers was once adopted it would grow and be extended to other classes than the judiciary, has been verified. Since that time a pension has been granted to Mrs. Lincoln, the widow of President Lincoln. During the present session of this Congress a bill has been passed increasing that pension to $15,000. This bill passed this House without a protest, and if a case could be presented in which it would be proper to vote a civil pension, if we have been correctly informed as to the condition of this good lady, I am frank to say that was such a case.

With undue haste, within a few months after the death of President Garfield, we gave his widow a pension five times greater than that received by the widow of any soldier who lost his life in any of our wars. The poor soldier who lost both his eyes in defense of his country, and who must spend the balance of his life wandering up and down the earth in total darkness, now gets a pension of less than one-eighth the amount given her; and all this, Mr. Speaker, with the full knowledge of the fact that she was the owner of property estimated to be worth $400,000, over $300,000 of which is in bonds, money, and stocks. Sir, I regret that Mrs. Garfield did not refuse to accept the pension voted her, and thus rebuke our action in voting it to her. It would have been a noble example to which we could have pointed with pride in all future time. After the bill passed this House the names of Sarah Childress Polk and Julia Gardner Tyler, the widows of ex-President Polk and ex-President Tyler, were added by the Senate, and they were each given $5,000 per year. It was represented that these ladies were needy. A precedent for pensioning the widows of ex-Presidents has thus been firmly established during this session of this Congress. The Government has been gradually drifting into a paternal government; and opposition to that bill would have been useless in this House; and the person who would have dared to interpose an objection would have made himself an object of ridicule in this House, and, I fear, by a great many persons outside of this House.

But the growth of this sentiment in favor of civil pensions has been so rapid that we find it does not stop at judges of the United States courts and the widows of ex-Presidents, but it has gone far beyond this. During the present session we have added to our civil pension list persons incapacitated by injury or disease in the Life-Saving Service, for a limited period.

We find also in the report of General Raum, the Commissioner of Internal Revenue, the following very remarkable recommendations. In his report for the fiscal year ending June 30, 1881, at page 8, he uses the following language:

On the 9th day of August, 1878, Deputy Collector Cooper, of Knoxville, Tennessee, while co-operating with other officers in putting down armed resistance to the law, was shot and instantly killed, and on the 20th of July last Deputy Collector Thomas L. Brayton, of South Carolina, was killed by an illicit distiller, under circumstances of peculiar atrocity. Each of these officers left a wife and children bereft of their natural means of support. Deputy Collectors Cooper and Brayton, equally with Lieutenant McIntire, lost their lives in the service of the Government and in the efforts to enforce its laws against armed resistance, but being in the civil instead of in the military service of the Government, the law makes no provision for the relief of their widows and orphans. This distinction is not just, and I respectfully suggest the propriety of legislation authorizing suitable pensions to be awarded to the widows and dependent families of officers and employés killed in the enforcement of the law, and directing proper provisions to be made for officers and employés wounded or disabled in the service.

Here we have the officers in charge of the revenue service of the country urging the extension of the pension system to all the officers and employés in that service. This House and the country can readily see what a vast army of persons are sought to be added to our civil pension list. Of course no one will dispute the fact that the two cases put by the Commissioner are cases of peculiar hardship. But, Mr. Speaker, it will always be easy to find cases presenting great hardships and appealing to the sympathies of the members of this House; but we should not forget that our Government is not paternal, and that it is not the business or duty of this Government to support all persons who happen to need its assistance. These officers and employés are engaged in the civil service of the Government, and are all well paid for their services. But I am met with the argument that these men met with armed resistance, and therefore they should be pensioned; the same argument would apply to every marshal or other peace officer in the Government.

But I maintain, Mr. Speaker, that a large part of these collisions which occur are produced by the greed of the officers in their zeal to increase their fees in making improper and unnecessary arrests of persons guilty of no offense, and thus inciting and bringing on violence. And I have no doubt in some cases they are made for the purpose of making partisan political capital. In support of what I have said upon this point, I will read the portion of the report of the Commissioner which is found on age 9 of said report:

Wherever the rights of a citizen in person or property are involved, it is better that an officer shall err by doing too little than by doing too much. The best and most satisfactory work of an officer is performed from a sense of duty. Where the pecuniary interests of the officer are promoted by the oppression of the citizen there is great danger of abuse, and a system of laws which makes it the interest of an officer to thus misuse his authority is wrong in principle, and will, by the permanent temptation to evil, breed abuses even in long-established and well-ordered communities under the most careful system of administration. In new and remote settlements this practice, at times, will be little better than brigandage.

I regard the system of fees and allowances to marshals and district attorneys as open to this objection. Their maximum compensation is fixed by law and the orders of the Attorney-General, but the amount actually received depends almost wholly upon the institution and prosecution of cases in court. While these officers are paid out of the Treasury in respect to cases in which the United States is a party, the compensation thus paid is for fees made, expenses incurred, and services rendered in connection with criminal and civil cases instituted in behalf of the United States. The district attorney is made the judge of the propriety of commencing a criminal prosecution against a citizen on account of which he and the marshal will receive pay from the Government whether the party be guilty or innocent. These officers may prefer complaints against citizens, cause United States commissioners to issue warrants, may arrest and examine the parties before the commissioner; and the district attorney, marshal, guard, witnesses, and the commissioner will all get their fees from the Government even though the party arrested be discharged.

Instances have been brought to my attention where numerous prosecutions have been instituted for the most trivial violations of law, and the arrested parties taken long distances and subjected to great inconvenience and expense, not in the interest of the Government, but apparently for no other reason than to make costs. I have consulted with a number of prominent district attorneys and marshals, and they all concurred with me in condemning the system under which they are compensated for their services as one calculated to encourage abuses. It is not to be wondered at that abuses have grown up under such a system. The wonder is that the abuses are not greater. A remedy will be found by fixing by law the salaries of district attorneys and marshals, and paying them as other officers from the Treasury, and authorizing the Attorney-General to fix the salaries and traveling expenses of deputy marshals in the same manner that the salaries and traveling expenses of deputy collectors of internal revenue are now fixed. This plan would relieve these officers from all temptation to institute prosecutions for petty and trivial violations of the revenue laws where no frauds were committed or intended.

A bill has been introduced and is now pending in this House, the object of which is to carry out the recommendations of the Commissioner to pension the officers and employés of the revenue department. But, Mr. Speaker, this is not all. We find the disposition to extend this iniquitous system of class legislation and favoritism to the employés of the Post-Office Department. The Postmaster-General, in his last annual report for the fiscal year ending June 30, 1881, uses the following language:

PENSIONS IN THE RAILWAY MAIL SERVICE.

During the past fiscal year sixty-two railway accidents have been reported to this Department, in which seven employés of the railway mail service lost their lives, six of them having been burned to death; fifteen were severely and twenty-two slightly injured. No provision has ever been made for the widows and orphans of men killed in this service, nor for the continuance of pay to men disabled by injuries received while in the line of duty. Should no better plan commend itself to the wisdom of Congress, I would recommend that the Postmaster-General be authorized, as suggested by the general superintendent of railway mail service, to pay to the widow or guardian of the minor children of employés of this service killed in railway accidents the salary of the deceased for a period not to exceed two years. I also recommend that authority be given by law to continue men disabled by such accidents upon full pay until recovery, not to exceed one year.

A bill has been introduced in this Congress to carry out the recommendations of the Postmaster-General. If it becomes a law here will be another large class added to the list; and the principle once extended to the classes mentioned, how soon the argument will be made that after an officer or employé has served in the Government service for a given number of years he should be permitted to resign or be retired on full pay. Indeed such a bill has been already introduced in the Senate. Senator EDMUNDS has introduced a bill to allow all officers who may retire or be retired one year's pay, and after fifteen years' service two years' full pay; after twenty years, a pension of half pay; after twenty-five years, two-thirds pay; after thirty years, three-fourths pay; after thirty-five years, four-fifths pay; and after forty years' service, full pay.

Here, then, we have a broad, a sweeping bill to pension all employés of the Government who may retire or be retired, and also giving them pensions proportioned to the length of their service. But, Mr. Speaker, I think I have sufficiently called the attention of the House to this matter to satisfy every one upon this floor of the fact that we are in great danger of entering upon a new, vicious, dangerous, and expensive system of granting civil pensions. That it never was contemplated by the framers of our Government I think is evident to every thinking mind. Our ancestors dreaded and feared aristocracies of all kinds, whether aristocracies of wealth, landed aristocracies, or office-holding aristocracies, and looked upon them with great jealousy, as not being in harmony with republican simplicity and republican institutions, but as the outgrowth of kingly forms of government, of caste and of favored classes. Even Alexander Hamilton, who, more perhaps than any other of the great men of his time, favored a kingly form of government, recognized the fact that a civil pension list was not in harmony with our institutions. In the seventy-ninth number of the Federalist, written by him, in discussing that feature of our Constitution which provides that the salaries of the judges of the United States courts shall not be diminished

during their term of office, and in opposing an enforced retirement of judges after they arrived at a given age, uses the following language:

In a republic where fortunes are not affluent, and pensions not expedient, the dismission of men from stations in which they have served their country long and usefully, on which they depend for subsistence, and from which it will be too late to resort to any other occupation for a livelihood, ought to have some better apology to humanity than is to be found in the imaginary danger of a superannuated bench.

The system, though of comparatively recent growth, is now firmly fixed in England, and is a part of the English system of civil service. It is less than fifty years since it had any considerable place in that system, but within that time has increased rapidly and grown to huge proportions. The civil list of that country now contains thousands of names. In a very imperfect list of pensions of over $750 each for the last year in the Financial Reform Almanac, published in London, the cost of that part of the civil pension list to England was over $6,000,000. England's total civil pension list amounts to about $20,000,000 annually. In many cases the life pensions are commuted to a sum certain in cash, or a stated sum per year for a given number of years. There are some curious things connected with this list, and I wish each member of this House would go to the Congressional Library and examine it for himself. I will content myself with calling attention to a few cases:

The civil pensions are divided into nine classes, namely, annuities, compensation allowance, compassionate allowance, hereditary pensions, political pensions, pensions, retiring allowances, special pensions, and superannuation allowances.

The oldest pension named in the list is that to the heirs of Sir Thomas Clarges, the date of which is put at 1673, or two hundred and nine years ago. The amount paid to him and his heirs is put at $905,000.

The next oldest is that to the Duke of Marlborough, the date of which is put at 1710, or one hundred and seventy-two years ago. The amount which has been paid to him and his heirs is put at $3,420,000.

The next is to the Duke of Schomberg, who was accidently killed by a shot from his own side in the battle of the Boyne, in 1690. In 1695 his heirs were granted a pension of $20,000 per annum, which was paid to 1854, when it was reduced to $2,000. The amount which has been paid to his heirs is put at $3,400,000.

One man was pensioned for the sum of £7,191 on the excise, and for £3,384 on the post-office revenue, making the annual sum $52,875, because he was descended from an illegitimate son of Charles the Second.

The Royal Family is also well provided for: the Princess Royal, married to the Crown Prince of Prussia, receives $40,000 annually; the Prince of Wales, $200,000; the Princess of Wales, $50,000; Prince Alfred, $125,000; Prince Arthur, $75,000; the Princess Helena, (of Schleswig, &c.,) $30,000; the Princess Louise, (of Lorne,) $30,000; the Princess Mary, (of Teck,) $25,000; the Prince Leopold, $75,000; Princess Augusta, (of Mecklenberg-Strelitz,) $15,000; Duchess of Cambridge, $15,000; Duke of Cambridge, $60,000.

This, of course, does not include the pay and allowances to the Queen and her household, which of itself amounts to the enormous sum of $1,925,000 annually.

Of the thousands of names upon this list, as published, less than one hundred and fifty of them have been pensioners for more than twenty-five years. Less than 5 per cent. of the names upon England's civil pension list are of more than twenty-five years' standing. Let us take warning from this. Notwithstanding the fact that England's civil pension list is more than two hundred years old, yet 95 per cent. of the names upon the pension list, according to the best information which we can get, have been added within the last twenty-five years. And I think I would be safe in saying that fully 75 per cent. of them have found their way there within the last ten years.

I think I have abundantly shown, from the recommendations of the heads of departments and the bills now pending in this Congress, that we are in great danger of the same present rapid increase of our own civil list.

And now, Mr. Speaker, I desire again to warn this House and the country of the evils which will grow out of the establishment of this outgrowth of a monarchical system of government upon our system. We have a vast army of more than a hundred thousand Federal officers in this country, to which may be added that almost innumerable host known as employés. Extend this system as it is now proposed to do, and what excuse can be offered for denying its benefits to all the others? None—absolutely none at all. Are we prepared for this? I think not. And I feel sure of one thing, and that is that whatever we may think of it here, our constituents, the great mass of the people of this country who still love republican simplicity and desire it carried out in the management of the affairs of the Government, are opposed to it and will condemn it.

It will not only be burdensome to the tax-payers but will create an office-holding class with special rights, and enable that class after clamoring for and receiving official positions to separate themselves from the mass of their fellow-citizens as of the favored class. All of our official positions are sufficiently remunerative to make them sought after by the people. For months past this city has fairly swarmed with applicants for positions. A hungry horde of office-seekers has been on hand for more than a year, Micawber-like, "waiting for something to turn up," for some official change or removal, some turn in the wheel of fortune which will place them in Government position. This is not, Mr. Speaker, for the honor of holding Government positions, but because they are more remunerative than positions in private life when similar duties are to be performed. The true policy, Mr. Speaker, is for us to stop here and now, and say that we will go no further in this direction. And I especially appeal to my Democratic friends in this House to take position against this encroachment and stand by the teachings and the example of Jefferson, the great founder and leader of our party, and let the Republican party, the legitimate descendant of the old Federal party and the advocate of a paternal government, take the responsibility not only of beginning this pernicious system but also of extending and continuing it if it shall be extended and continued.

Let us stand by the teachings of the fathers, and follow the principles enunciated by Jackson, the hero of New Orleans, when, in addressing the Senate nearly fifty years ago, he said:

I would persuade my countrymen that it is not in a splendid government, supported by powerful monopolies and aristocratical establishments, that they will find happiness or their liberties protected, but in a plain system, void of pomp, protecting all and granting favors to none, dispensing its blessings like the dews of Heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce. It is such a government that the genius of our people requires—such a one only under which our States may remain, for ages to come, united, prosperous, and free.

Necessity for publishing the abridgment of descriptions of patents and claims of inventors for public use.

SPEECH

OF

HON. THOMAS L. YOUNG,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 13, 1882,

On House bill No. 6244, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

Mr. YOUNG said:

Mr. CHAIRMAN: I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

For preparing and printing classified abridgments of the patents of the United States, $50,000.

Mr. YOUNG. Near the close of the Forty-sixth Congress, on the representations of the Secretary of the Interior and the Commissioner of Patents, an appropriation was made for commencing the work of abridging and condensing the patents of the United States.

Mr. ATKINS. What is the amendment?

The CHAIRMAN. The amendment has been read, and the gentleman from Ohio [Mr. YOUNG] is speaking upon it.

Mr. ATKINS. I want to reserve all points of order on the amendment.

The CHAIRMAN. If there is no objection, points of order will be reserved.

There was no objection.

Mr. YOUNG. When the distinguished gentleman from Tennessee [Mr. ATKINS] was chairman of the Committee on Appropriations in the Forty-sixth Congress, that committee reported a bill containing an appropriation of $10,000 to be expended by the Commissioner of Patents for the purpose of preparing an abridgment of the patents of the United States.

Mr. ATKINS. I cannot hear the gentleman.

Mr. YOUNG. Come over here, then.

Mr. ATKINS. I cannot afford that; I do not take interest enough in what the gentleman says.

Mr. YOUNG. I am not permitted to leave my place. If you want to hear come up closer.

Mr. VANCE. If my colleague on the Committee on Patents will allow me, I will correct him. It was a bill reported by the Committee on Patents, and not by the Committee on Appropriations.

Mr. YOUNG. Nevertheless, the appropriation was made with the consent of the Committee on Appropriations.

Mr. ATKINS. It was not made by any such consent.

Mr. YOUNG. I will ask the gentleman if the appropriation was made at all?

Mr. ATKINS. It was made by the House. It was offered in the House by the Committee on Patents, and the Committee on Appropriations resisted it; but it was carried over the heads of the Committee on Appropriations.

Mr. YOUNG. It was a very good thing to be done.

Mr. ATKINS. The gentleman should be correct in his statement, then.

Mr. YOUNG. I think the gentleman ought to be correct himself. He made a statement a while ago in reference to this bureau of the Interior Department at variance with the truth. He stated among other things——

Mr. ATKINS. If the gentleman intends to make a personal point upon me I desire him to say so.

Mr. YOUNG. I do not intend to make any personal point upon the gentleman; I only want to correct his statement. The gentleman stated a while ago that the examiners in the Patent Office did not know what was going on; that, with all due deference to the Commissioner of Patents, for whom he had great respect, he thought the Commissioner did not know what was going on in his office.

Mr. ATKINS. Well, my speech will be reported in to-morrow's RECORD.

Mr. YOUNG. Wait until I get through. I do not believe there is a more capable man at the head of any bureau of the Government than Mr. Marble. There is no information in regard to his office that he cannot give. There is another thing: I do not believe the gentleman understood the facts when he stated that there are boys and girls in that office doing the work of the examiners. The statement is preposterous on its face, because they have not the talent for it. They may do work as copyists. It was this kind of assertion that made me utter the statement I did.

Now, a few words in regard to my amendment. In the forty-sixth Congress the sum of $10,000 was appropriated for the purpose of making an abridgment of patents. In pursuance of that appropriation a force was put upon the work, which was continued until the sum was exhausted. Now, the Secretary of the Interior, knowing how useful this work is, not only to the office itself but to the country, has asked in the estimates $50,000 for the continuation of this work. The Committee on Appropriations has thought proper to omit any appropriation of this kind. In offering this amendment I desire to show some reasons why it ought to be adopted.

In visiting the centennial exhibition in 1876 every American must have felt proud of the progress of the inventive genius of our country as compared with that of every other country. This progress has been largely due to the encouragement given by this Government to our inventors and our manufacturers, supported, sustained, and protected by our Patent-Office system. In England, in France, in Germany, and in other countries, whenever there is an exposition of the inventive genius of mankind, Americans carry away the prizes. Why? Simply because we encourage through the operations of our Patent Office men who make it their business to try to invent new methods for the improvement of agriculture and the manufacturing arts and sciences, upon which we depend for our material progress.

As economy seems to be a prime consideration with gentlemen on the other side, particularly at this time, I wish to say that as a matter of economy we ought to encourage this abridgment of patents for the purpose of assisting inventors and manufacturers as well as farmers and other classes of the community who use these inventions.

[Here the hammer fell.]

Mr. BUTTERWORTH obtained the floor and yielded his time to Mr. YOUNG.

Mr. YOUNG. It is proposed to make this publication in order that the parties interested who will have to pay for copies of the work may be saved from being defrauded by peripatetic dealers in patented inventions. It is also an advantage to the inventor who, when he thinks he has a new idea, may go to this abridgment (which will be put within his reach at his own cost after it is published) and see whether his ideas upon any given subject have been anticipated.

I hold in my hand some specimen leaves of this work, done under the direction of the Commissioner of Patents under the appropriation of $10,000 heretofore made. I invite any gentleman who feels interested in the question to examine these sheets. We do not ask that this money be expended in binding volumes for distribution. We ask that this work be printed for the use of the office, for the use of the examiners, and also for the use of inventors or patentees, who if they wish these volumes as they are published will have to pay for them. We know from the experiment already tried that the amount received from these books will more than compensate the Government for their publication. It is said it will cost a great deal of money. That is true; it will cost a great deal of money from year to year, but that money does not come from the tax-payers. As my friend from Illinois [Mr. TOWNSHEND] has said, it comes out of the pockets of the inventors themselves, and is no tax upon the people generally. But I shall show further on that this is a mere loan, and not a permanent outlay of money as is generally supposed. As a matter of fact the work in the end will cost nothing to the Government, nothing to the inventors' fund, but be a source of revenue to the office.

We have a great many inventions to be abridged and described, two hundred and sixty thousand and over. Great Britain, which claims to be in the front rank of inventive genius, has only 146,000 of record; and notwithstanding that, the British Government has thought proper, and is liberal enough, to authorize the abridgment of her patents, very much to the use and benefit of her people, and of ours also if they choose to buy that abridgment.

Speaking of the receipts of the office and the reason why this amendment should be adopted, let me state that the surplus receipts of the Patent Office over expenditures for the last year were $248,000. This money is covered into the United States Treasury. Where does it come from? From the pockets of inventors and the people who sustain inventors by buying their patents for use in different manufactories.

If $248,000 is turned into the United States Treasury it seems to me we could afford, without taxing the people, to pay $50,000 a year out of that fund for the purpose of continuing the publication of this abridgment so as to bring it within the reach not only of patentees and inventors but within the reach and knowledge of every reading man in the country.

And more than that, Mr. Chairman, the $248,000 which goes into the Treasury is a surplus which was never intended to go there. The Patent Office was established in the first place for the purpose of encouraging the useful arts. If any gentleman on this floor assumes or pretends it was intended as a revenue office I should like to know it. If it were intended as a portion of the internal-revenue system to gather money into the Treasury taken from the people for specific reasons and purposes, then the Patent Office ought to belong to the Internal Revenue Bureau and be legislated for accordingly. But there never was any such intention on the part of the men who originated the Patent Office, as the law establishing it declared it was established for the encouragement of the useful arts. It was intended to be self-sustaining and to pay its own way, and it does pay its own way and has this surplus. Men come here and on the ground of retrenchment and economy say it is a great extravagance and that it ought not to exist.

To all such men I simply reply that they wot not of that they speak. Mr. Chairman, I will venture to assert that the expenditure of the $10,000 appropriated by the last Congress has, simply as an experiment, far more than repaid the Government in the use by the officials of the Patent Office of the abridgments of the class selected, as I shall show hereafter; but before doing so let us glance briefly at the history of all of the Patent Office publications.

The policy of "promoting the useful arts," which originally was declared to be the object of our patent system, has from the beginning been encouraged by liberal appropriations for the dissemination of information concerning their progress. As early as 1805 Congress ordered to be printed and gratuitously distributed lists giving the names and residences of inventors, and the titles and dates of inventions.

This was continued until 1843, when a demand for something concerning the essence of the invention was recognized, and the claims were added to the lists.

In 1853, when patents had become more numerous and inventors more practical and inquiring, a further advance had to be made, and a brief of the invention and suitable illustrations were added to the claims. Thus these publications grew, step by step, in response to popular demand, into what came at last to be the standard Patent Office Report, of which vast editions, at great expense, were freely distributed over the country, as the following table, which I believe has never before been printed collectively, will show:

ILLUSTRATIONS.

1843, one volume, 3,000 sets.
1844, one volume, 3,000 sets.
1845, one volume, 7,000 sets.
1846, one volume, 7,000 sets.
1847, one volume, 30,000 sets.
1848, one volume, 45,000 sets.
1849, one volume, 65,000 sets.
1850, one volume, 31,420 sets.
1851, one volume, 77,000 sets; cost, $24,023.96.
1852, one volume, 77,000 sets; cost, $22,229.72.
1853, one volume, 72,000 sets; cost, $32,856.13.
1854, two volumes, 89,920 sets; cost, $103,218.69.
1855, two volumes, 89,920 sets; cost, $123,389.71.
1856, three volumes, 89,950 sets; cost, $163,412.30.
1857, three volumes, 32,950 sets; cost, $112,344.29.
1858, three volumes, 32,950 sets; cost, $85,659.08.
1859, two volumes, 68,550 sets; cost, $138,400.32.
1860, two volumes, 66,550 sets; cost, $118,992.09.
1861, two volumes, 26,550 sets; cost, $48,903.50.
1862, two volumes, 41,550 sets; cost, $106,783.50.
1863, two volumes, 26,550 sets; cost, $93,851.12.
1864, two volumes, 20,550 sets; cost, $105,132.60.
1865, three volumes, 20,550 sets; cost, $116,633.62.
1866, three volumes 20,550 sets; cost, $148,777.68.
1867, four volumes, 20,550 sets; cost, $212,010.72.
1868, four volumes, 31,650 sets; cost, $198,000.65.
1869, three volumes, 20,675 sets; cost, $84,363.29.
1870, two volumes, ——— sets; cost, ———.
1871, three volumes, ——— sets; cost, ———.

(The number and cost for 1870 and 1871 could not be ascertained.)

Making a grand total of 2,139,449 volumes.

The expense of printing prior to 1851 could not be ascertained, but for the nineteen years from 1851 to 1869, inclusive, there was a total of 1,948,029 volumes, costing the Government $2,038,982.97.

OTHER PUBLICATIONS.

But, in 1871, Congress discontinued the publication of the reports, and provided instead for the distribution of not exceeding one hundred and fifty sets of the printed specifications and drawings of all patents issued after that date to the capital of each State and Territory, and to the office of the clerk of each United States district court.

Practically, this amounted to a denial to the public of the benefits which Congress intended to confer by the change, as only two or three copies would go to many of the States, and those would be so far from the great body of inventors as to be unavailable for reference.

That there was a wasteful number of the old reports printed, and a reckless system of distribution employed, no one doubts; but who can say that the marvelous growth of invention in this country is not, after all, largely attributable to this liberality; and, if so, the benefits conferred exceed by many hundredfold the expenditures, reckless as they may now appear.

THE GAZETTE.

But these one hundred and fifty "sealed books" failed almost wholly to supply the public want, and a year later were supplemented by the Official Gazette, substantially in its present form, eight copies of which are furnished to each member of Congress for distribution in his district, and about four thousand sold annually to subscribers.

PRINTING THE SPECIFICATIONS.

So much has been done for the public exclusively. For the use of the public and the office reciprocally, after repeated recommendations and the most urgent solicitations by many Commissioners, the office was authorized in 1861 to print ten copies of the current specifications and drawings. Prior to that time the specifications appeared only in manuscript, and there were no duplicate drawings, but as Commissioner Holloway deploringly says, in his next annual report:

After a trial of eight months the work was discontinued on account of the expense, and the section of the law authorizing the printing subsequently repealed.

But such were the demands within and without the office for this work that in 1866 Congress was forced to reconsider its action and renew the publication, authorizing the printing of twenty copies now instead of ten, and in 1871, when their value began to be appreciated, increasing the number to one hundred and fifty copies, at many times the expense which was thought too great ten years before, the office and the public meantime having been denied the advantage of the work for that period.

The back printing has not, owing to inadequate appropriations, been wholly completed, and although at the beginning apparently so expensive as to make this an insuperable objection to its undertaking, it has been demonstrated by the experience of the office that by selling the copies at ten cents apiece, the office price, they will in time return to the patent fund substantially all that has been expended in their preparation, while the office has the use of all the copies it requires.

These constitute all the publications of the office for public and official use, except certain indexes which have no particular value.

Of the Reports and Gazettes there are 99 volumes, and of the printed specifications and drawings in the office, 782, leaving 230 in manuscript.

The business of the office has grown from 443 patents in 1840, representing about 265 subjects of invention, to 16,584 patents in 1881, representing 3,147 subjects of invention. Among these subjects, or sub-classes, the 268,662 patents issued up to the present date are variously distributed, varying from ten to twenty in the smaller classes to several hundred in the larger ones.

IMPORTANCE OF ABRIDGMENT.

The importance of an abridgment such as is contemplated, and has been begun under act of Congress, becomes apparent at this point. Invention is no longer primitive, visionary, unskilled, and, I might add, despised, as in its earlier days, but practical, professional, skilled, and honored, including within its ranks some of the most gifted, progressive, and cultivated minds in the land, grappling with the most profound and abstruse principles in science and art, and developing interests of such vast and valuable import that we find in their achievements the proudest monuments of our civilization and an exhaustless mine of wealth and power.

In nearly all of the 3,147 subjects into which invention is divided by the office men are exclusively engaged in developing a particular art, and in some there are many hundreds so employed, but the products of their labors are improvements rather than original devices. How many thousands of patents are built upon the ideas first advanced by Fitch, Whitney, Morse, Howe, McCormick, Hoe, Brown, and others who are recognized as the founders of our useful arts!

But to make an improvement one should know what has been done before, and all that has been done.

FACILITIES FOR EXAMINATIONS.

What facilities are furnished American inventors for obtaining this all-important information? Only those already enumerated, namely, the Reports and Gazette, or the thousand and odd volumes of specifications throughout which the various classes are scattered and buried, or the printed specifications and drawings, which the office sells at ten cents each. An inventor can order all of a particular class that has been printed in this way, and pay from a few to several hundred dollars for it, but if he be poor, as most inventors are, the field in which he is engaged will remain covered as by Egyptian darkness until he has filed his application, minus office and attorney's fees, when the reference may show that his invention was known and patented years before.

But if a classified abridgment of that art were available in the nearest public library or other known depository, or were purchasable at the office for a reasonable sum, the inventor would be protected and the office spared the labor and expense of examining his worthless application.

PERCENTAGE OF REJECTIONS.

Some years ago as high as two-thirds of all applications were rejected for want of novelty, case after case coming in for the same thing. The reports gave the inventors some light, and the ratio of rejections was reduced, but they have continually been too great, and mainly because inventors have not been able to inform themselves in the arts. The applications in 1881 were 26,059 to 16,584 patents, leaving 9,470 rejections, over one-third of all.

ITS VALUE TO INVENTORS.

A classified abridgment would become the inventor's hand-book and companion, and be of more value to him than all the publications now extant for his benefit and published at great expense to the Government.

It would give him the information he absolutely needs to proceed intelligently and successfully, and while it saved him most of the labor, expense, and disappointment represented in the thousands of applications annually rejected, and to that extent limited the force and expense of the office, it would contribute greatly to the improvement and perfection of the arts by raising the standard of the inventions presented.

ITS VALUE TO MANUFACTURERS.

On its value to manufacturers there is not time to elaborate, but here, as with inventors, there is special need for such a work. From the smallest patented article to the greatest, manufacture runs in certain lines, and the proprietor is compelled to have a knowledge of the art in which he is engaged before he can proceed, with due business-like caution and judgment, in the production of his wares. In his dealings with inventors, in litigation, in the improvement of his own productions, he must be wholly and reliably informed.

ITS VALUE TO THE OFFICE.

Its value to the Patent Office would be simply incalculable. Here there is now no classified subject-matter index whatever to inventions. To supply this great want classifications have been made which bring together, as nearly as possible, all the patents of a particular kind in a sub-class, but after doing the best it can in this way, the office has failed to make a complete and satisfactory arrangement, for the reason that important devices are often associated with others of equal or greater importance, and in the classification go with them to some other class, or even division, where they are only found, if at all, after prolonged and diligent search.

A subject-matter index would at once point them out to the examiner and assure an exhaustive search in a comparatively brief space of time, instead of requiring hours and days for the same work, as under the present method. Indeed, so important and valuable would be a well-indexed classification of this kind that it would in a few years save enough in the total expense of increased service to meet the cost of its preparation. It would be equal in each examiner's division to at least one man at $1,200, and, as there are twenty-six divisions, the annual saving would exceed $31,000. The Government is daily patenting labor-saving machinery for other departments of industry, but here is an opportunity to do something for itself which is not surpassed in labor and money-saving merit by anything that can be introduced into this branch of its service.

ENGLISH ABRIDGMENTS.

Its practical value is further shown by the English abridgments. Although there are less than 150,000 English patents to-day, the English Government began twenty-five years ago to make an abridgment, with exhaustive cross-references, to which our examiners can go and readily find, within classified volumes, all that their art discloses.

The English publications, although not more obscure than our own, are thus brought within convenient and speedy reference, and it would be considered a hardship unbearable and a labor unending if the examiners and attorneys who have much use for these were compelled to surrender the abridgments; yet there are no arguments in their favor which are not of greater force when applied to American patents.

The English, it is well known, make no preliminary official examinations. Whoever applies may, by paying the required fees, obtain a patent. The abridgment is of no value to their patent office, and patentees at last have to ascertain their rights in the courts; but here there is a critical and prolonged preliminary inquiry of a semi-judicial character by the office; so that this work, by increasing largely the percentage of certainty and correctness of official action, would give a standing and value to our patents in this country and abroad which they never yet have obtained, and vindicate, in a most satisfactory way, the superiority of our system.

EXPENSE OF PRINTING.

If objection be made on account of its expense the answer will be found in the following figures, which any practical printer will say are liberal and would yield a good profit in any well-managed private establishment:

	Volumes.
Single edition, containing 5,000 patents	6,000
Free distribution provided for by law	3,000
Leaving	3,000

COST.

Abridging, at $2 per page	$2,000
Printing, at $1.20 per page	1,200
Photolithographing, at $6.75 per page, (the present cost of Official Gazette)	6,750
Indexing 100 pages, at $15 per page	1,500
Pasting dummies, per edition	100
	11,550

CREDIT.

3,000 volumes, at $4 per volume	12,000
3,000 volumes to libraries, free	
Balance over cost	450

The edition might be increased to 10,000 by adding the cost of press-work and paper, which would be comparatively small, and there is scarcely a doubt that in ten years after the last volume was printed the Government would be reimbursed out of the sales for every penny it expended in this behalf.

Now, Mr. Chairman, it will be seen by the above itemized statement of expense of printing the abridgment of 5,000 patents in an edition of 6,000 volumes of about 1,200 pages you have a total cost of $11,500. This is regarded as a very liberal allowance, and hundreds of private establishments can be found to take the work at this price. Applying this estimate to the whole number of patents issued, 268,682, there would be a total of fifty-four volumes costing $621,000.

The issues running from the present up to the time when the back work will be completed, will of course add to the number and cost of the publications, and the time when this work shall be brought up to the current issues will depend on the liberality of Congressional appropriations; but it is clear that it will cost no more now than in ten or fifteen years hence, while the aggregate will then be swollen by the issues of those years and only make the demand for the abridgment so much the more imperative.

And right here I would like to impress you with the irresistible demands for this work. It is a specter that will not down at Congressional bidding, but with the vast and immeasurable growth of invention in this country becomes more and more importunate every day. That it must be done eventually, whatever the cost, is as absolutely certain as that the volume of patents will in comparatively few years reach such stupendous proportions that both private and official examinations will be impossible without it. Therefore the only open question now is whether the work shall be pushed to completion from the present or be abandoned until it it has grown well-nigh insurmountable.

The cost is a fruitful source of objection, but, as has been said, it will never be less, and I find in the table of reports and their cost that in the years 1858–'59–'60, $343,051, and in the years 1866–'67–'68, $558,778, were appropriated out of the Treasury of the United States for printing the Patent Office Reports, over half as much in the first three years as is now asked for, and almost equally as much in the last three, while the actual value of those publications will scarcely bear comparison with what is now proposed.

I assume, too, that inventors have certain interests in the $1,800,000 credited in the Treasury of the United States to the Patent Office, which ought to be considered in this connection. As this fund accumulates propositions are annually made in Congress to divert it from its legitimate uses to educational or other enterprises entirely foreign to our patent system. Does it not seem the part of duty as well as of wisdom and sound policy that it should be taken from the idleness which is suggested by these threatening propositions and employed in a channel where it would be fruitful of so much good to inventors and the public?

But, as you have observed, the increase of this fund is at the rate of $300,000 annually, the increase of a single year being sufficient to meet half of the expense of a complete abridgment of all the patents now issued.

I call your attention also to the accompanying extracts from the annual reports of several successive Commissioners, all of whom agree that though this work will require a present outlay for its preparation, it will, as General Leggett said, not only be "profitable in the way of furnishing much needed information but be remunerative to the Government."

EXTRACTS FROM COMMISSIONERS' REPORTS.

General M. D. Leggett, in 1873, said:

It is very desirable that a thorough digest, showing clearly and fully the present state of the art in each one of these classes, should be made.

This is a work that will need to be commenced very soon. The industry of the country, the interests of inventors and manufacturers, as well as the facility of the office work, demand such digest.

If a competent person could take the subject of "fire-arms," for instance, giving the present state of the art in that class by showing exactly what has been invented, and by whom, from time to time, and the improvements that have been made, it would enable the office to make examinations with far greater facility and accuracy, and in much less time than at present; would enable manufacturers to know more exactly their own rights and the rights of patentees and the public; would enable attorneys and patent solicitors to prepare their cases with far more intelligence and precision, and would greatly assist the Commissioner of Patents and the judges of the courts in deciding questions of patentability, interferences, and infringements. If such volumes could be prepared under supervision of the Commissioner of Patents, and be published in sufficient numbers to supply the demand for the same, I am convinced they could be made not only profitable in the way of furnishing much-needed information but remunerative to the Government. I would respectfully ask the attention of Congress to this matter, and that the Commissioner be authorized to immediately commence this work.

Hon. J. M. Thacher, in 1875, said:

There is also urgent need of complete digests of all the patents in each one of the one hundred and forty five subdivisions, as inventions have been classified in the office. These would render the work of examining more expeditious and certain. The English Government has published such digests. These contain, in greatly abridged form, properly classified and arranged, all the patents issued by the government, and appear to have met with great favor. There is also a strong demand for the publication of such abridgment of specifications in this country. If the Commissioner should be authorized to publish the volumes as fast as completed, in form something like that of the English abridgments, they would doubtless meet with a ready sale, which would nearly if not cover all expense of publication. So seriously is the want of this abridgment felt by inventors and manufacturers that every year examiners in the Patent Office are importuned by persons outside to prepare complete abridgments of patents in their class for publication and sale as a private enterprise; and in some instances large sums have been offered for complete digests of some special classes.

GENERAL ELLIS SPEAR, 1878.

These abridgments contain in classified form brief summaries of the inventions patented in Great Britain. Each volume contains some special class of inventions, arranged chronologically, and with subject-matter indexes. And one desiring to be fully and accurately informed in relation to the patents granted in that country in all classes of inventions may readily glean the information from the volume of abridgments, without which he would be compelled to search laboriously through the great mass of patents issued, now amounting to over 1,700 volumes.

These indexes would enable one searching for special information to perform in a few moments the work of a day. They would effect a saving to the office greater than their cost, and would find a ready sale at remunerative prices among manufacturers and inventors. The need of them increases each year with the increase of the number of patents, and if generally distributed they would serve more effectually than any other means to defeat those who, throughout the country, under worthless patents of narrow scope, impose upon the unwary and ill-advised.

Hon. Halbert E. Paine, 1879, quotes from Commissioner Ewbank in 1848, as follows:

In a pecuniary point of view, such a work is therefore most desirable to this office, to inventors, and the public at large. When made accessible to popular reference it will be the saving of millions. No state paper could surpass it in importance, nor in lasting value. Till it is done a majority of applicants for patents must continue to meet with some disappointment. The only safe rule with them is always to make themselves acquainted with what has been attempted before incurring a serious outlay. They should never presume that their devices have not entered other heads than their own until, by a searching inquisition on every hand, the presumption remains in their favor unimpaired. No better advice than this can be given them. But how are they to follow it? Nineteen-twentieths have few or no reliable sources of information within their reach, and not one in a hundred can afford the expense of a visit to Washington and a residence there for the purpose of consulting the office records and library.

And Commissioner Paine adds:

Each succeeding year has augmented the force of most of the reasons suggested by Commissioner Ewbank for the preparation of this index. It is impossible now to estimate the advantages which inventors, the public, and this office would derive from such a work if it were in the hands of the examiners and accessible to the public. The saving of time and money which would result from its use to the office would be immense. It is, of course, impossible to estimate the millions that would be saved to inventors and to those who use inventions if the knowledge which it would furnish could be accessible to them.

Mr. Commissioner Marble, in his report for 1880, thus forcibly and, as it would seem, unanswerably, sums up the arguments in its behalf:

Nearly 240,000 patents have already been issued by this office. If the examination of the office upon applications filed were limited to American patents only, the necessity for a digest of such patents would, to any person at all acquainted with the business of this office, be apparent; but when to this number of patents are added those issued in foreign countries as well as the inventions described in scientific and other works, the importance of such a digest, in order that an examiner may know what the state of the particular art is, cannot be overestimated. As well might it be expected that a lawyer could promptly tell what the law is upon a given subject from the isolated decisions found in the reports of the decisions of the courts of this and other countries, without a digest of such decisions, as that an examiner, although an expert in the particular class, can determine from the great number of inventions already patented, as well as those described in books and publications, whether a particular device or composition of matter is patentable without some book in which reference is made to all the patents which have been issued in that particular class, as well as the inventions described in books and publications.

The advantage to the public, and especially to inventors and manufacturers, would be incalculable. Inventors often spend months, and even years, in producing a device to do a certain thing, only to find at the end of the time thus spent that their inventions have been fully anticipated by other devices, if not identical with the one presented, in all respects similar to it.

* * * * * * *

Had the preparation of such a work been commenced when it was most urgently recommended by Mr. Commissioner Ewbank, more than thirty years ago, and after its publication annually kept up, many useless and worthless patents would not have been granted, and its cost to the Government, in my opinion, would have been many times saved.

* * * * * * *

For the foregoing reasons, and for reasons which have been given by my predecessors in their reports on this subject, I earnestly recommend that action be taken by Congress looking to an early commencement of the preparation of this work.

Hon. V. D. Stockbridge, Acting Commissioner, in the annual report for the year 1881, says:

The digest of American patents, for which a provisional appropriation was made by Congress at its last session, has been in progress since the beginning of August last. It is proposed to furnish to the office and the public at large classified briefs of all American patents. The classification in the body of the work will conform in general to that already existing in the several examining divisions, while the indices will contain cross-references to every sub-device which is of sufficient importance to be described in the specification of the invention to which it belongs. Thus the examiner or the inventor will not only have at hand an adequate digest of each case under its proper classification but he can dispense with a search that is often very laborious for references in the broader classes under which the special invention is comprised. It is hardly possible to overestimate the benefit that will inure to the office and to inventors from the prosecution of this work.

General Thacher says:

They would doubtless meet with a ready sale, which would nearly if not cover all expense of publication.

General Spear says:

They would effect a saving to the office greater than the cost, and would find a ready sale at remunerative prices.

General Marble says:

Its cost to the Government would have been many times saved if the work had been begun when first recommended and kept up annually thereafter. This will not be disputed by any man informed on the subject.

It is the undivided opinion of men who are informed on the subject that the sales would easily cover all expenses. It is therefore a mere loan rather than a permanent outlay that is asked for. Like the printed specifications which were begun and then discontinued on account of the fabulous sum which alarmists said they would cost, but in time had to be produced, and have become instead a source of revenue, so it will be with this work. Patent attorneys, manufacturers, and inventors must and will have it, and I venture the prediction that in ten years from its completion the small edition of 3,000 proposed for sale will be almost if not wholly exhausted; yet these 3,000 volumes will pay the whole expense of printing.

This is not mere guess-work, but is demonstrated by the demand for all sorts of office publications. A full set of the Reports, of which, as you have seen, 2,139,449 volumes were printed, and the Gazettes succeeding them up to date cannot be purchased at less than $150, and are very difficult to obtain at those figures; yet the demand for them is increasing with the rapid expansion of the patent business.

I call your attention also to certain publications compiled and abridged by employés of the office out of hours, in response to urgent solicitations by parties outside interested in the classes in which they are employed. These books cover certain subdivisions, and are sold in limited editions. The size and price of a few of them are as follows:

Paving and roofing compositions, 120 pages, $10; cotton-bale ties, 161 pages, $10; sewing-machine attachments, 140 pages, $25; middlings purifiers, 113 pages, $25; cultivators, wheel plows, &c., 1,100 pages, $50.

These five volumes cost in the aggregate $120, but if abridged by the office would cost not exceeding $6.

PRINTED SPECIFICATIONS.

The printed specifications and photolithographs, which were so bitterly antagonized and so difficult to obtain, enforce the argument. The following table shows what was done in this line in the year 1881:

Cash sales:	*Copies.*	*Amount.*
Hand coupons	57,846	$5,784 60
Mail coupons	67,317	6,731 70
Cash by latter	143,381	16,517 00
Cash for classes and sub-classes	42,304	4,230 40
Subscribers to weekly issues	21,599	2,159 90
Total	332,447	35,423 60
Copies furnished—		
Co-ordinate branches of the Government	9,021	902 10
Foreign exchange	343,044	34,304 40
Bound volumes	109,650	10,965 00
Examiners' rooms	21,749	2,174 90
Files	17,365	1,736 50
Official Gazette	32,028	3,202 80
Patents and folios	52,095	5,209 50
Bound volumes, records	34,730	3,473 00
Abridgments	6,403	640 30
Total	626,085	62,208 50
Total cash	333,447	35,423 60
Total free	626,085	62,208 50
Grand total	959,532	97,632 10

These figures not only establish the inestimable value of the printed specifications, without which the business of the office could not be performed, but the cash sales forcibly demonstrate the importance of the proposed work.

It will be seen that twenty-two patents, costing $2.20, were sold for every patent issued during the year, and these largely passed into the hands of attorneys, inventors, and manufacturers, who had occasion to make exhaustive searches in certain lines, or purchased them to file in the classes to which they belong, and which have been purchased of the Government at great expense. But as comparatively few men are able to make these purchases as extensively as they require, those particularly who live out of Washington and cannot avail themselves of the office classifications are placed at a great disadvantage and necessarily suffer much inconvenience and loss thereby. It is a work, therefore, directly in the interest of the many against the few who are favored with capital or the advantage of location at the seat of Government.

BINDING.

There was no mention of binding in any statement, of expense for the reason that bound volumes will be in small demand, and outside of the personal copies to members of Congress and those for office use the cost of binding might be added to the selling price. If the volumes that go to libraries were simply stitched together or bound in paper like the English abridgments, they would be in the best form for binding in the standard style of the particular library which received them, each having a style of its own. You see each office volume will cover a number of classes, and a library may choose to bind each of these classes separately, or certain ones on kindred subjects together, and thus make at least several volumes out of one. This would make the work available for reference to more than one person at a time, and be more convenient, but for the sake of economy and to observe a degree of uniformity in its publications the office will make volumes of about 1,200 pages, the standard office size.

To illustrate what I mean, take the class of "plows" for example. This is the title of a class in the division of agriculture, under which there are thirty-three sub-classes, as follows:

Attachments	38	Landsides	21
Beams	35	Mold-boards	76
Cleaners	63	Plows	686
Clevises	162	Plows, ditching	122
Corn-coverers	21	Plows, hand	121
Colters	120	Plows, mole	105
Couplings	54	Plows, shovel	307
Cotton-choppers	173	Plows, sidehill	146
Cotton-scrapers	47	Plows, steam	159
Cultivators	752	Plows, wheel	1,005
Cultivators, parallel	82	Points	82
Cultivators, rotary	163	Revolving mold-boards	44
Cultivators, straddle-row	114	Ridgers	21
Cultivators, wheel	1,019	Standards	27
Cultivator teeth	171	Subsoilers	123
Fenders	95	Weed-turners	38
Handles	19		

It will be seen that certain natural subdivisions other than those made by the office occur in this table, such, for example, as relate to the cultivation of cotton, and are found under cotton-scrapers and cotton-choppers; ditching and mole-plows; cultivators, with their several subdivisions, and plows with their various attachments, such as landsides, mold-boards, colters, clevises, &c.

A very satisfactory knowledge of the state of the art can be obtained by examining in the sub-classes, but to be thoroughly and wholly informed one would want to look through the entire class, and this could be easily and quickly done by means of the general subject-matter index which each volume will contain.

Then, again, inventors and manufacturers, as a rule, will order certain sub-classes in which they are specially interested, just as they are constantly doing now, but at a vast saving in the cost when abridged, as will be shown below.

The figures in the foregoing table denote the number of patents in the respective sub-classes up to present date, and make a total of 6,411. The range, it will be seen, is from 19 in handles, to 1,019 in wheel-cultivators. To order the smallest class at present office rates would cost $1.90, or within ten cents of half the price fixed for a volume containing 5,000 abridged and indexed patents, and to order the largest would cost $101.90, while the total cost of the class of plows would be $641.10. As abridged it would cost not exceeding $5.25, and be infinitely preferable for all practical purposes, as well as be available to purchase, which it is not at present prices.

A TRAINED FORCE.

It must be clear from these facts that it is only a question of time when the Government will be obliged to do this work, and go over all the ground from the beginning substantially in the manner which is now proposed. Is it not better, then, that it should be prosecuted from to-day when a force trained at great labor, and with considerable expense, is employed to carry it forward? The temporary outlay it involves comes out of an accumulated inventors' fund, amounting now to nearly $2,000,000, and increasing at the rate of a quarter of a million yearly.

PROGRESS OF THE WORK.

The office has abridgments substantially ready for two volumes, and is working on cases for the third, which will comprise all the patents in the division of agriculture, divided as follows:

Plows	6,411
Seeders and planters	4,509
Harrows and diggers	2,517
Garden and orchard	781
Total	14,218

This work has already been accomplished, but is no indication of what can be done by even the present force as it is now organized and trained, for it must not be forgotten that the abridgment was begun under great embarrassments, without precedent or chart to point the way. The best methods were not known, but had to be ascertained by the slow and tedious process of experiment.

In conclusion I will submit for the consideration of members of this House a comparative statement of the business of the Patent Office from 1837 to 1881 inclusive.

Year.	Applications.	Caveats filed.	Patents and reissues.	Cash received.	Cash expended.	Surplus.
1837	.....	.....	435	$29,289 08	$33,506 98	.....
1838	.....	.....	520	42,123 54	37,402 10	$4,721 44
1839	.....	.....	425	37,260 00	34,543 51	2,716 49
1840	735	228	473	38,059 51	39,020 67	.....
1841	847	312	495	40,413 01	52,666 87	.....
1842	761	391	517	36,505 68	31,241 48	5,264 20
1843	819	315	510	35,315 81	30,776 96	4,538 85
1844	1,045	380	495	42,509 26	36,244 73	6,264 53
1845	1,246	452	504	51,076 14	39,395 65	11,680 49
1846	1,272	448	638	50,264 16	46,158 71	4,105 45
1847	1,531	553	569	63,111 19	41,878 35	21,232 84
1848	1,628	607	652	67,576 69	58,905 84	8,670 85
1849	1,955	595	1,068	80,752 98	77,716 44	3,036 54
1850	2,193	602	993	86,927 05	80,100 95	6,816 10
1851	2,258	760	872	95,738 61	86,916 93	8,821 68
1852	2,639	996	1,019	112,656 34	95,916 91	16,739 43
1853	2,673	901	961	121,527 45	132,869 83	.....
1854	3,328	868	1,844	163,789 84	167,146 32	.....
1855	4,435	906	2,012	216,459 35	179,540 33	36,919 02
1856	4,960	1,024	2,506	192,588 02	199,931 02	.....
1857	4,771	1,010	2,896	196,132 01	211,582 09	.....
1858	5,364	934	3,695	203,716 16	193,193 74	10,522 42
1859	6,225	1,097	4,504	245,942 15	210,278 41	35,663 74
1860	7,653	1,084	4,778	256,352 59	252,820 80	3,531 79
1861	4,643	700	3,329	137,354 44	221,491 91	.....
1862	5,033	824	3,532	215,754 99	182,810 39	32,944 60
1863	6,014	787	4,184	195,593 29	189,414 14	6,179 15
1864	6,932	1,063	5,025	240,919 98	229,868 00	11,051 98
1865	10,664	1,937	6,616	348,791 84	274,199 34	74,592 50
1866	15,269	2,723	9,458	495,665 38	361,724 28	133,941 10
1867	21,276	3,597	13,024	646,581 92	639,263 32	7,318 60
1868	20,420	3,705	13,410	781,565 86	628,679 77	52,886 09
1869	19,271	3,624	13,997	693,145 81	486,430 78	206,715 03
1870	19,171	3,273	13,333	669,456 76	557,149 19	112,307 57
1871	19,472	3,366	13,056	678,716 46	560,595 08	118,121 38
1872	18,246	3,090	13,613	699,726 39	665,591 36	34,135 03
1873	20,414	3,248	12,864	703,191 77	691,178 98	12,012 79
1874	21,602	3,181	13,599	738,278 17	679,288 41	58,989 76
1875	21,638	3,094	14,837	743,453 36	721,657 71	21,795 65
1876	21,425	2,697	15,595	757,987 65	652,542 60	105,445 05
1877	20,308	2,809	14,187	732,342 85	613,152 62	119,190 23
1878	20,260	2,755	13,444	725,375 55	593,082 89	132,292 66
1879	20,059	2,620	13,213	703,931 47	529,638 97	174,292 50
1880	23,012	2,490	13,947	749,685 32	538,865 17	210,820 15
1881	26,059	2,406	16,584	853,665 89	605,173 28	248,492 61

Statement of balance in the Treasury of the United States on account of the patent fund.

Amount to the credit of the fund January 1, 1881		$1,631,626 71
Amount of receipts during the year 1881		853,665 89
Total		2,485,292 60
Deduct expenditures for year 1881		605,173 28
Balance January 1, 1882		1,880,119 32

These figures, Mr. Chairman, are far more eloquent than the high flights of rhetoric sometimes resorted to by the demagogue to make a noise for merely personal or selfish purposes, or the sophist, whose artful use of logic succeeds in convincing his hearers of the correctness of a proposition based on false premises.

Surely this Congress, which has been notoriously liberal in expending the people's money, wrung from them by taxation, can be equally liberal in permitting the Patent Office to expend a few thousand dollars of its own earnings for the benefit of the Government, for the benefit of all classes of our people, and by continuing the printing of the abridgment of patents "promote the useful arts."

Internal-Revenue Taxation.

SPEECH

OF

HON. E. JOHN ELLIS,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 27, 1882,

On the bill to reduce internal-revenue taxation.

Mr. ELLIS said:

Mr. SPEAKER: Although a member of this House has drawn about this bill the "awful circle" of partisan fealty, and declared in substance that the Democrat who voted for it was a "traitor to the Democratic party," I shall nevertheless give to it the sanction of my support; and as I must give an account to the people who sent me here for the votes which I cast, I propose briefly to announce the reasons which guide me in my course upon the measure.

Sir, the Democratic party for years has been clamoring for relief from excessive and useless taxation. I, as a Democrat, have joined in that clamor. From a plane, too, higher, more exalted, and more impartial than the stand-point of mere partisanship—that of an American Representative who prefers the interests of the whole people to those of any party—I have raised my voice and given my vote to measures looking to the lifting of excessive taxation from the lives and labors of a burdened people.

And shall I now, at the first tangible and practical opportunity that has been presented to begin this work of reduction, falsify by my act my plighted word, and refuse a measure that gives partial relief because the full measure of alleviation which my judgment demands cannot now be obtained?

This bill does inaugurate reform in taxation. It relieves certain agricultural interests by lightening the burdens imposed upon them. It takes away burdens borne by the people. It affords relief to every individual of our broad country who lights a match or draws a check, or borrows money from a bank, or cultivates tobacco. Shall I refuse this proffered relief on behalf of the toiling thousands who sent me here to voice them because I cannot strike down all the burdens beneath which they bend? What folly to expect me to do so? Mr. Speaker, I have heard some strange doctrine announced during this debate. Honorable gentlemen have declaimed in words fierce and bristling with all the essentials of eloquence, except good judgment and sound sense, that this bill was a measure of relief intended and devised only for the benefit of national bankers. Suppose it is. Bankers are useful people and banks are necessary institutions. And I know nothing of either that should place them outside the pale of support and protection and care by wise and judicious legislation. And if this tax upon capital and deposits bears heavily upon banks and bankers, why not strike it down? Shall we refuse to do so only because we cannot at the same time strike down the burdens of other classes of our people? Such an argument can only be founded in a spirit of puerile spite that does not become one who sits here clad with the ephod of a high priest of the people.

But, sir, I deny that this bill is in the interest of the bankers. I hold it to be directly in the interest of the whole people. Do gentlemen suppose that the national banks pay the taxes imposed upon them in the shape of taxes upon capital and deposits? It is not pretended that the people do not pay the stamp tax on bank checks. This amounts to nearly $2,000,000 per annum. Every merchant, lawyer, doctor, farmer, mechanic, laborer, who draws a check helps to pay this tax. True, it is a small tax, and the relief by its abolition is small, but it is relief to the whole people. Upon what principle can a representative of the people refuse to vote for it?

But, sir, I go further, and hold that the proposal by this bill to abolish the tax upon capital and deposits is a measure of relief not for the banks or bankers but for the people, and more especially for that portion of them who constitute the creditor class.

Does the banker pay this tax? He does in the first instance, it is true. He pays the tax exactly as the importer pays the duty on the fabric which he imports. He imports the article, pays the duty, and then adds the price of the duty to the price of the article, and the consumer who eats or wears or uses the article repays the tax originally paid by the importer. And so the banker pays the tax imposed upon the capital and deposits of his bank. But he charges it to the borrower in the increased rate of interest which he exacts. Who is the borrower? The people; business men of every class; and the poorer the borrower the more dependent his condition, the more absolutely is he bound to accept such terms as the lender, the banker, may see fit to impose.

The tax imposed upon capital, deposits, and bank checks amounts to nearly $8,000,000 per annum. This sum amounts to about 1¾ per cent. upon the total national banking capital of the country, which amounts in round numbers to $470,000,000.

Sir, is not the proposition to remove this tax a proposition to cheapen money, and to lower rates of interest? Is this in the interest of the banker, who is the lender? Is it not rather in the interest of the borrowers, who constitute the vast mass of the people? What is money but a lubricator of business, the universal oil that facilitates the progress of business? What business interest is represented on this floor, or in this country, that can be conducted without money? Not one.

The proposition, then, to cheapen money is a movement directly for the benefit of every business interest in our broad Union. But, sir, looking to my own constituents, what do I find their interest to be with regard to this bill? I represent a few bankers, but by far the largest portion of those who sent me here are planters, merchants, and laborers engaged in planting and mechanics. To conduct their business requires money. "Interest doth eat as a moth," and they are kept poor, and their progress toward wealth and ease is retarded by dear money, high rates of interest. There are planters in my district, and in Louisiana, whose planting operations demand each year an outlay of hundreds of thousands of dollars. They pay at rates that run from 7 to 10 per cent. for the money they use. If this bill passes the banks can afford to advance at rates 1¾ per cent. cheaper money to conduct their plantations, to make and move their sugar to market. I roughly estimate that it requires $35,000,000 to raise and move the sugar and rice crops of Louisiana. The planters pay interest upon this sum.

Now the measure under discussion proposes to relieve the capital

borrowed by these planters from a tax of 1¼ per cent., and the bankers can afford to loan the planters of Louisiana the $35,000,000 1¼ per cent. lower than heretofore, which will save them in interest about $612,500.

Sir, if fealty to the Democratic party requires me to neglect and refuse to guard the interests of those who sent me here I shall act outside of and independent of that party; I shall go for cheaper money for my planting friends, let party leaders crack their whip as they may.

But look at the South. I estimate roughly that $500,000,000 are annually required to raise and move her crops of cotton, tobacco, rice, sugar, and wheat. A rate of interest 1¼ per cent. cheaper will save to her people $8,725,000 per annum. Look at her magnificent natural resources, requiring but capital for such development as to transfer to her brow the crown of industrial, agricultural, and commercial supremacy. What son of hers, representing here her honor and her interest, can refuse to support a measure which cheapens capital and brings it nearer to her grasp and hastens the advent of her coronation?

Sir, if it be Democracy to oppose measures looking to such consummation, I am not a Democrat. If what I have said and shall do in advocacy of this measure be treason to the Democratic party, be it so; I am guilty of treason, and "the party" can "make the most of it."

The fallacy of the so-called outlet system as applied to the Mississippi.

SPEECH

OF

HON. EDWARD W. ROBERTSON,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 9, 1882,

On the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. ROBERTSON said:

Mr. SPEAKER: The long standing conflict between the rival plans for improving the Mississippi properly ended with the creation of the Mississippi River commission in June, 1879. This board of experts—skilled engineers of great practical experience and world-wide reputation—was created by an almost unanimous vote in both House and Senate. They were instructed to investigate and report upon the rival theories of improvement known as the jetty system, the levee system, and the outlet system. They have made careful investigations, and submitted to Congress three annual reports. They have decided upon a plan of improvement, and it should be considered final and conclusive, unless when carried into practical operation it is proven to be defective. And until so proven all further discussion of theories should cease, so far as Congress is concerned.

But two committees of this House, the Committee on Levees and Improvement of the Mississippi and the Committee on Commerce, thought otherwise and opened their doors to a re-examination of theories and hydraulic science. I would regret this action except that it resulted in reasserting their confidence in the plan of the commission and in recondemning the outlet theory. My only excuse for discussing the last-mentioned theory upon this occasion is to emphasize its condemnation, to denounce it as an instrument of danger to the river itself, and of destruction and terror to the valley. Rightly named it is the "crevasse system," and all who have read the newspaper accounts of the recent flood in the Mississippi Valley know the terrible significance of that term.

What do the commission say of it? I will briefly quote from their annual reports and their testimony before the committees of this House. But let me first ask that you bear in mind that there is a wide and fundamental distinction between the laws governing sediment-bearing and clear-water streams. The Mississippi, as we all know, belongs to the former class, and crevasses in its banks are attended with different results from crevasses and overflows in the banks of rivers which do not bear sediment.

OPINION OF THE MISSISSIPPI RIVER COMMISSION.

In the first report of the commission, submitted in 1880, they say of outlets or crevasses:

It has been supposed by many persons that, because the immediate effect of a crevasse during a flood is the reduction of the height of the river's surface in the vicinity of the crevasse and below it, lateral outlets, either natural or artificial, by which the flood-waters of the river are drawn off and conveyed through a shorter route to the sea, tend to prevent the recurrence of destructive floods, by supplying additional avenues for their escape. This method would undoubtedly be effective if the flood-waters of the Mississippi were not highly charged with sedimentary matters, which are held in suspension in the water by the current. To support this immense mass of earth and sand in suspension, and thus insure its transportation to the Gulf, the velocity of the current must be sustained. Without stopping to determine, or even discuss, the character of the relation which exists between the various velocities of current and the proportionate quantities of sediment which such velocities are capable of carrying in suspension, the fact seems to be established that when the current is checked in its natural flow during floods, a deposit of sediment will occur.

Shoals are found in the river immediately below crevasses, which it is difficult to refer to any other cause than the loss of current velocity which takes place below the crevasse. As a portion of the volume of the river is drawn off by the crevasse when it is first made, it is impossible that the current below the crevasse can then be as rapid as it was before its occurrence. Being less rapid, it is unable to sustain the whole quantity of matter held in suspension by the more rapid current above the outlet, and consequently its surplus sediment falls to the bottom below the crevasse. This deposition continues until the size of the river below the crevasse has been so reduced by the shoaling that the current is again restored through the short distance in which the bottom of the river has been thus raised and the channel diminished. If the crevasse remained open, however, for several years, it is evident that the shoal will continue to extend down the stream, for the reduced velocity will still exist in the river below the shoal. If the crevasse be kept open indefinitely, the shoaling will continue to extend down the stream until certain other injurious effects are produced, which will be presently referred to.

* * * * * * *

As the system of improvement proposed by the commission is based upon a conservation of the flood-waters of the river, and their concentration into one channel of an approximately uniform width, it would seem scarcely necessary further to consider a system based upon theories and arguments so diametrically opposed to it as the outlet system is thus shown to be.

In their second report, submitted in 1881, they give the report of a sub-committee, containing the following:

The present drift of the condition of the river is steadily from bad to worse. The logical end is banks rising only to the level of the swamps, with the loss made up by additional height of levees, which will then range from fifteen to twenty-five feet. Breaks in such levees mean destructive floods and the loss of navigation. The alternative is the abandonment of the production and commerce of the valley.

In their third annual report, recently submitted, they say:

It may be said of outlets (which term we restrict to well-defined depressions connecting the river with the swamps and their drains on either side, while it is still within its banks) that whenever they are directly connected with the improvement and maintenance of navigation they should be efficiently and permanently closed.

General Gilmore, president of the commission, in his recent testimony before the Committee on Commerce said:

It is perhaps well at this time, when certain engineering heresies are struggling into unusual and mischievous prominence, that we should verify our bearings and re-examine, and if admissible, reaffirm those physical laws upon which the plan of improvement of the Mississippi River, recommended by the commission, is avowedly based, because upon the soundness and correct interpretation of those laws that plan unquestionably rests for success.

With respect to silt-bearing streams flowing through alluvial deposit, it is admitted by all engineers of standing and repute that they always carry more or less solid earthy matter, and that any reduction of velocity will lessen the sustaining and transporting power of the water and cause a deposit of solid matter at the bottom. The direct results will be that both the bed of stream and therefore the surface slope of the water are raised up. Conversely, if the velocity of the water be increased from any cause—and an increase of volume of flow is one certain cause of increased velocity—a greater amount of silt will be thrown into suspension and carried along, and this increment will be supplied by erosion of the bottom. There will then ensue a lowering of both the bed of the stream and the surface slope.

* * * * * * *

The outlet system being one of diffusion and waste, and not of concentration, it is difficult to understand how it can commend itself to any engineer of intelligence and sound judgment. It rests entirely upon the broad theoretical assertion that outlets, either natural or artificial, which shall draw off the flood-waters of a river and convey them away by independent routes to the sea will tend to prevent the recurrence of destructive floods by supplying additional avenues for their escape. The general proposition that if a river cannot carry its own waters within its own banks, outlet channels will supply a remedy against overflow, certainly sounds reasonable and logical at first hearing. It is both plausible and attractive, but unfortunately is true in exceptional cases only. It is not generally true of sedimentary streams flowing through alluvial lands, and it is not true of the Mississippi River.

The character and useful magnitude of such a stream are largely determined by its behavior in times of flood, and there is no more certain way to dwarf its dimensions and destroy its navigation than by depleting it of its flood-waters. Once check its velocity by outlets, by overflow of banks, or by any other means, thus impairing its power to carry its load of solid matter to the sea, and the inevitable result is that a deposit of sediment takes place and the bed of the stream is raised. The consequences are that the sectional area and flood-carrying capacity are both diminished and the flood surface is raised. Surely the last condition of that stream is worse than the first, for it is smaller than before and less able to retain its flood-waters within its own banks. If new outlets are made to meet this contingency, the current is still further checked, and both the bed of the stream and the water surface are raised higher by increased deposits. It is submitted, therefore, that the permanent effect of outlets is to injure the navigation and increase both the frequency and the magnitude of floods.

Major Harrod, of the commission, in his testimony before the Committee on Levees and Improvement of the Mississippi, said:

I can put the case in another shape. We have gauge records at Memphis and at Helena extending back fifty-four years. If that time be divided into two periods of twenty-seven years each, we find in the first period that the records were not regularly kept, that the great floods alone were recorded; but if you take the mean of the six great floods in the first period at Memphis and at Helena, take their averages, and then take the average of the floods, great and small, at the same points in the second period, you will find that the average of all floods, big and little, in that last twenty-seven years, gives a result at Helena about one and a half feet higher than the average of the six great floods in the first period. The same is true at Memphis, though not to so great an extent. It appears, therefore, that the floods over that part of the river front which has never been consistently leveed have risen from year to year. In the lower part of the river I have applied the same process of investigation.

We have at Natchez a gauge record running back to 1802, and it appears from the records that at Vicksburgh, at Natchez, and at Baton Rouge, on a part of the river where levees have been built and maintained with tolerable fidelity there has been no such elevation of the flood surface as is found above. The average floods there are not greater than they were formerly, but in the part of the river where

outlet has been unchecked, there we find as a fact (leaving out now the question of cause) that the small floods along the Arkansas and the Missouri front go higher than the great floods of earlier years. I know of no change that has gone on there to account for this, except the abandonment of the levee system and the permission of unlimited outlet. I consider that the process that has been going on there is something of this nature. With the subsidence of each flood there is a tendency to deposit in the river bed. Any deposit in the river bed at that time of the year, or at any other, of course raises the surface. If an outlet can be found on either side by which that water can escape it does so, and the immediate elevation of the surface is very slight; but the condition of affairs previous to that elevation of bed and surface is immediately restored, and it will be just as easy for another flood coming a few months or a year later to add six inches or a foot to the height of the bed of the river, and for the water to be dispersed as in the first instance. But, on the other hand, when the water is held in by levees and the river is self-contained, resistance accumulates under any such process as this. The minute the river attempts to raise its bed progressively it raises the surface; this increases the slope; this increases the velocity; this increases the scouring. But nothing of that sort can happen when you allow the additional height of surface to be dissipated by outlets. From the facts which I have stated I believe that that part of the river has undoubtedly deteriorated and is deteriorating.

Captain Eads, of the commission, in his testimony before the same committee, said:

Now, in order to prove that shoals exist below crevasses, which can only be accounted for by the reduction of velocity, I will state the fact that at the Jump (an outlet which was made some forty years ago, and which was so big as to draw out ships that were being towed up to New Orleans) there is a bar below it on which the United States Light-House Board has had a buoy placed. That bar has been there for a long time. I do not know exactly how long. Some of the ships in being towed up have struck it and gotten aground, and finally the Government officers placed the buoy there. On that great river below New Orleans, where there ought to be a depth of not less than seventy-five or one hundred feet all the way, there is another crevasse called Cubit's Gap, and below this crevasse there is a bar. It is a well-established fact, from the survey of Talcott, made some forty years ago across the head of the passes, that the crevasse known as Cubit's Gap has caused a diminution of the depth of the water to the extent of one-fourth. The river is very wide there, about one and three-fourth miles, and there was a great width of it during Talcott's survey on which there was no depth less than forty feet. Now there is none of it over thirty feet on the same line.

I might mention other crevasses below which these bars exist. They are in strict accordance with the principles on which the improvement of the mouth of the Mississippi was made. They are in strict accordance with the principles on which the Mississippi River commission has based its advice for the improvement of the whole river; and they are in strict accordance with common sense, which I contend is the foundation of engineering. There is not a problem in engineering (I do not care what branch of it you take, even the problems of the arch, which are supposed to involve the most occult elements in the science of engineering) which cannot be explained to a man of common sense if he understands arithmetic. And it is so with this problem. I do not believe that you can find an engineer of any standing or ability in this country, or in Europe, who has the temerity to deny the truth of the principles on which the commission bases its recommendations.

He also says as follows in a recent minority report:

Observations made by the commission plainly show that the effect of the present gaps in the levees has been to raise the flood line of the river many inches above any heights previously attained within the 700 miles in which they exist most numerously, between Natchez and the mouth of the Ohio River. Within this distance there have occurred during the last eighteen years innumerable crevasses, aggregating in 1875 a length of about 100 miles, and throughout this part of the river the deposits have raised its bed so much as to greatly injure navigation, and to cause smaller floods to rise to heights never before attained.

Such testimony as this, by such distinguished experts, should be sufficient to satisfy the minds of any reasonable men; but as we have cumulative evidence from other sources at hand we will cite it.

OPINIONS OF OTHER EXPERTS.

In the report of the levee commission of engineers, submitted to the governor of Louisiana in 1876, they say, in speaking of the Morganza crevasse which occurred in 1874:

Soundings taken below and above it show a difference of ten feet less depth, and a diminished area of section below than above this crevasse.

Mr. Bayley, of the commission of Louisiana State engineers, made a careful survey of the river above and below Bonnet Carré crevasse in 1874, and says in his report:

As regards the effect of a great outlet, such as the Bonnet Carré crevasse of 1874, observations and measurements show that they cause a partial filling up and contraction of the river channel below them. This certainly was the result at Bonnet Carré in 1874, and it is presumable that it always happens.

Mr. Wrotnowski, an accomplished engineer and formerly assistant engineer of the State of Louisiana, says in a letter to me:

The present Bonnet Carré crevasse broke and began to discharge on April 16, 1874. The fourth flood is now passing through it. Each flood has carried and deposited an amount of sediment behind or near the swamp, filling it up more and more as each flood passes, accumulating also a tremendous quantity of drift-wood in heaps, forming a dam as it were, obstructing the free flow of water and causing at once a deposition of sediment behind these drifts.

This contraction of the crevasse has caused a corresponding deepening of the channel of the river below, as shown by a comparison of the soundings made by Bayley in 1874 and those of the Coast Survey of 1876.

Humphreys and Abbot say that the bar below the above-mentioned Bonnet Carré crevasse of 1850 was composed of hard blue clay, and that "to this natural ridge might, with some plausibility, be ascribed the cause of the crevasse, especially as a second break occurred at the same place in 1859." But later investigations show this opinion was erroneous, for in 1874 another crevasse occurred a little below that of 1850, which resulted in washing away the so-called "natural ridge" and the formation of a new bar below the new crevasse. The soundings by the United States Coast Survey in 1876 clearly illustrate this point. They show a depth of 75 feet near the upper edge of crevasse of 1850, a depth of 72 feet near its lower edge, a depth of 66 feet at upper edge of crevasse of 1874, and a depth of 67 feet at its lower edge, and below this point 60, 51, and 61 feet, and then, after passing the bar, a rapid increase of depth.

General Gillmore, in his testimony before the Committee on Commerce, quoted as follows from the distinguished General Barnard, of the Army engineers, in regard to the Mississippi in 1859:

Any check in the velocity of the stream, however small, will produce deposition. This is not mere theory; all experience of every observer of the river will confirm it, while it is in itself conformable to reason and common sense that such a check in the velocity of the stream below the outlet is the inevitable result of that outlet.

The Louisiana board of levee engineers, in their report in 1876 to the governor of the State, said:

In many instances—all that the writer knows of—as at the Morganza this year, and below the great Bell crevasse of 1858, the same "contraction of channel" below the outlet was found, but measurements before the crevasses occurred were wanting. Opposite and below Cubit's Gap we have them.

Reference is here made to the Coast Survey maps of the Mississippi River mouths and above them of 1839, (see Talcot's survey,) and the late surveys by Lieutenant Marinden, of the Coast Survey department, in 1875. These show an unmistakable filling up of the river bed below the Cubit's Gap crevasse outlet of 1862. It cannot be said that a "natural contraction of channel," because of an abrupt bend, exists there, for the river is very wide and straight. Where the depths were thirty, forty-two, forty-one, thirty-seven, and twenty-eight feet on a line across the river, with a width exceeding one and a quarter miles about one mile above the head of the passes and below Cubit's Gap, but from thirty to thirty-one and a half feet is found in the deepest middle portion of the river now, and corresponding reduced depths toward each shore-line, the river width remaining unchanged.

OPINIONS OF STEAMBOAT CAPTAINS.

But there is a class of critics who are never satisfied with anything scientific. They condemn skilled engineers as mere theorists, and say, "Give us the common-sense testimony of some plain old steamboat captain who has spent a life-time upon the Mississippi, and is familiar with its characteristics." They lay more stress upon the statements of Captain Cowdon, (a former steamboat captain upon the river,) in support of his outlet plan, than upon the opinions of each and all of the Mississippi River commission, composed of such eminent, experienced, and successful engineers as General Gilmore, Captain Eads, Professor Mitchell, General Comstock, General Suter, and Major Harrod. Now, for the exclusive benefit of these critics, I will cite the testimony of another Mississippi River steamboat captain, of wide experience and observation. Captain Thomas P. Leathers, well known throughout the lower valley of the Mississippi, says in a letter to me:

I am convinced from my observations that if the levees were rebuilt and kept up on the lowlands, the concentration of volume, and consequent accelerated current, would soon wash out a channel large and deep enough for any purposes of commercial navigation. I am thoroughly satisfied that in the last ten years the frequent breaks in the levees and crevasses, dispersing the water over the country and diminishing the current, have caused the river to begin to shoal again. It always shoals near these breaks, evidently in consequence of the slackened current and natural deposit of sediment on the bottom which follows.

Captain Aiken, former president of the New Orleans and Red River Transportation Company, wrote to me to the same effect, as follows:

From Robinson's to Shreveport, distance about 90 miles, there are outlets on either side; the levees are not continuous and connected as they were below; the lands still overflow, and the river is gradually shoaling. Below Alexandria the river is in about the same condition as when first navigated by steamboats, namely, no perfect system of levees, no lowering of its bed; open outlets and annual overflows.

Red River runs its entire course below Shreveport through alluvial soil, similar in all respects to that of the Mississippi. There can be no disputing the facts as to the Red River levees having lowered the river-bed and deepened the channel, as above described. There are thousands of people living on its banks to testify to the truth of this statement, and as the Mississippi and Red Rivers are similar in all respects, except as to the volume of their waters, it seems reasonable to expect that a perfect system of levees on the Mississippi would deepen that river and improve its navigation. In fact, it is known to old Mississippi steamboatmen that the permanent depth of water on the shoalest bars had been increased by several feet along the sections of that river that had been leveed, and that since the breaking of the levees this deepening process has ceased. It is also known to them that bars form opposite and the river shoals below any permanent break or crevasse in a levee.

THE IMPRACTICABILITY OF OUTLETS.

Having shown by three classes of evidence the injurious effect of so-called outlets, I now assert they are impracticable; that the topography of the delta above the mouth of Red River renders it impossible to make a lateral outlet from the Mississippi through any well-defined channel to the Gulf. Take, for instance, the east side of the river between Memphis and Vicksburgh, known as the Yazoo Valley, and we will see that any crevasse in the levees or opening of any waste-weir will simply flood the valley, as it did during the existence of the crevasses of Hushpuckany, Bolivar, and other levees of this year, and, after overflowing, returns again to the Mississippi River through the mouth of the Yazoo, causing as it did an extraordinary rise at Vicksburgh and below.

Take any point on the west side of the Mississippi above the Saint Francis or the Arkansas Rivers, and all admit that if breaks in the levees or waste-weirs occur there, the water would again return to the Mississippi through the mouths of these rivers, and in case of crevasses in the levees or waste-weirs on the west side of the river below the Arkansas and above the mouth of Red River the waters would again return to the Mississippi through Red River, except what escapes through the Atchafalaya.

The Atchafalaya itself flows in a well-defined channel for over forty miles until it reaches the low basin between the Teche and the Mississippi River, and there it loses its identity and disperses into a

number of channels and lakes, shoals, and swamps, until finally its floods are again concentrated into Grand Lake as a reservoir, and finally in Berwick's Bay, where it concentrates into a deep, well-defined channel, resumes the name of the Atchafalaya, and empties into the Gulf.

It will thus be seen that it is impossible to take the waters laterally from the Mississippi through any well-defined channel above the mouth of Red River, on the west and the mouth of the Yazoo on the east; and owing to the highlands on the east no outlet is possible above the city of Baton Rouge.

Outlets are equally impracticable below the mouths of the Yazoo, Baton Rouge, and Red River, for the reason that a well-defined channel to the Gulf is impossible. The outlet which has been the most strenuously urged upon our attention, the Lake Borgne, is just as impracticable as all the others. General Gillmore, the president of the commission, in his recent testimony before the Committee on Commerce thus shows its fallacy:

Much has been said of late years about an outlet at Lake Borgne, which, at a trifling cost, is expected by its advocates to prevent all overflows in future for hundreds of miles along the lower river. The project of an outlet at this point has engaged the attention of engineers for more than thirty years. It was rejected by Humphreys and Abbot as impracticable; it was also rejected by the levee commission of 1875, which further declared that no assistance in reclaiming the alluvial region from overflow can be judiciously anticipated from artificial outlets, and it was unanimously rejected by the Mississippi River commission in 1880.

It must be remembered that the fall from the Missssippi River to Lake Borgne, in times of flood, is 13 feet in a distance of 5½ miles; that more than 11 feet of this fall is gained in the first mile, and most of this 11 feet in the first 1,000 yards; and that the outlet channel would be in soil that would be easily and rapidly cut away by the current. There would, therefore, ensue a violent rush of water and a rapid enlargement of the channel when first made. The head of the outlet at the river would probably soon pass entirely beyond control, while the lake itself would be filled up by the materials eroded from the cut and by drift-wood drawn in from the river, so that the maintenance of a free passage to the sea for the abstracted waters would be a source of constant and by no means inconsiderable expense. If let alone, therefore, the evil would, perhaps, in process of time, cure itself. Assuming the cut to be kept open, however, with a view of effectively serving its purpose as an outlet, I can confidently reaffirm my belief that its tendencies would be most disastrous; that it would seriously impair the navigation of the river below as far down as the South Pass and the new channel at the jetties, while above the site of the outlet the flood surface would be raised and the dangers from overflow increased.

There is another reason why so-called outlets or crevasses are of no value in permanently lowering the flood-level. There are at the present time five outlets, not including the La Fourche, all of which have occurred within the last forty years, to wit, the Jump, which occurred in 1842, with a width in 1874 of 560 feet, a depth of 55 feet, and a discharge of 11,875 cubic feet per second; Cubit's Gap, which occurred during the late war, the dimensions of which were one channel 900 feet wide, with a maximum depth on one of the sections of 100 feet and 50 feet on the other, and another channel 1,420 feet wide, with maximum depths on two sections (200 feet apart) of 126 feet and 108 feet, respectively. The extreme low-water discharge in one channel alone was found to be 33,000 cubic feet per second.

Next the Bonnet Carré crevasse, the total length of which break was 1,370 feet and the area of discharge 35,000 square feet. Then the Morganza crevasse, with a discharge in 1874 of 6,000 cubic feet per second. Thus showing in 1874, the date at which these surveys were made, an enormous total discharge from the five crevasses.

Add to this the capacity of discharge through the Atchafalaya, which is not less than 200,000 cubic feet per second, and we have a total discharge equal to at least one-fourth of that of the Mississippi itself. And yet the floods below the mouth of Red River are greater than they ever were before. This ought to satisfy the advocates of the Lake Borgne and other outlets that they are of no avail in permanently relieving the Lower Mississippi Valley from overflow.

It has been asserted by the commission that the increased capacity of discharge through the Atchafalaya has practically diverted the Red River, one of the principal tributaries of the Mississippi, and one-sixth of the Mississippi itself in addition. The advocates of outlets might suppose that this would have lowered the flood-levels below the mouth of Red River, but so far from this being the fact it is just the reverse. It should be remembered that fifty years ago the Red River ceased to be a tributary of the Mississippi and the Atchafalaya, situated about three miles below the mouth of Red River, was, at that time, effectually closed by the accumulation of drift which had been collecting and choking its channel for a distance of over twenty miles. At that time there were no levees above the mouth of Red River, and the annual overflows of the banks of the Mississippi River below the mouth of the Arkansas emptied into Black River, thence into the Red, and back again into the Mississippi.

In 1831 the river made a cut-off below the mouth of Red River, and since that time Red River has been emptying into an estuary called Upper and Lower Old River, (an abandoned channel-bed of the Mississippi,) which had been rapidly filling up with deposit from floods. In the meantime the raft in the Atchafalaya was cleaned out by the State of Louisiana in 1839, and it began immediately to scour out, thereby deepening its channel and widening its bed by the constant and rapid caving of its banks until, as stated by the commission, it has diverted the Red River. In the meantime Lower Old River has been gradually filling up, and within the last five years low-water navigation has been entirely closed unless kept open by dredging. This state of affairs has resulted in two plans for its rectification, one stated in the preliminary report of the commission, and the other in the last report of the commission.

The report of November 25, 1881, proposes to lay a brush sill across Old River between Turnbull's Island and the Mississippi at such points as surveys show to be advisable. This is evidently with a view, as the commission state, of completing the divorce between the Mississippi on the one hand and the Red and the Atchafalaya Rivers on the other. This last report, however, is not unanimous, as one of the commission, Captain Eads, has written an elaborate minority report, in which he states there is no need of further study upon the question of such a divorce, but on the contrary there is every reason for immediate action to restore to the Mississippi the discharge of Red River, which is now going down the Atchafalaya. I agree with Captain Eads in his views on this subject, but am not in favor of closing the navigation of the Atchafalaya. On the contrary, I am for keeping open the navigation of both the Atchafalaya and the Red by restoring the navigation of Red River, and keeping open the head of the Atchafalaya.

It is not for me to urge my own views against those of the commission. If they see proper to complete the divorce of Red River and adopt the plan recommended formerly by Major Benyaurd, by turning it down the Atchafalaya and opening up navigation through Bayou Palquemine, I am inclined to think from their own statements that, so far from relieving the flood-levels of the river below, it would only increase the floods and create the necessity of raising the grade of the levees below. It would also endanger the overflow of the Atchafalaya and its basin to a far greater extent, in my opinion, than was ever known before, because there would be no escape for the floods of Red River and the crevasse water from breaks in the levees above, which now have means of escape through Lower Old River when the extent of the floods is so great as to exceed the capacity of discharge through the Atchafalaya.

The high water of 1828 was the highest ever known below the mouth of Red River. At that time there was a levee system complete on the east to Baton Rouge and on the west very near up to the mouth of Red River. There were no levees above, and the Atchafalaya was practically closed, and the Red River poured its whole volume into the Mississippi. Yet after all the outlets were opened and the discharge through the Atchafalaya had increased, as before stated, the water-gauge at Baton Rouge in 1874 indicated higher water by 18 inches than in 1828. The State engineers of Louisiana, in their recent report to the Legislature, have declared that the water was 18 inches higher this year (1882) below the mouth of Red River at the landing than in 1874.

In conclusion, I may add that the States subject to overflow and chiefly interested in adopting wise measures of relief have never once resorted to the outlet plan, but have ignored it as one of folly and danger.

These significant facts and figures are sufficient I think to convince any reasonable mind that outlets are no permanent relief from the floods of the Mississippi, and that the plan of the commission should have our full and hearty support.

Accounts between the United States and Michigan.

SPEECH

OF

HON. JAY A. HUBBELL,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 7, 1882,

On the bill (H. R. No. 2963) to settle certain accounts between the United States and the State of Michigan.

Mr. HUBBELL said:

Mr. SPEAKER: On the 16th day of January last I had the honor to introduce and have referred to the Committee on Public Lands the bill which I now hold in my hand, a measure in which not only the great State which I have the honor in part to represent on this floor but also the Federal Government has a deep and permanent interest. It is as follows:

A bill to settle certain accounts between the United States and the State of Michigan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to state an account between the United States and the State of Michigan for the purpose of ascertaining what sum or sums of money are due to said State heretofore unsettled under the fifth proposition of the act of Congress approved June 23, A. D. 1836, for the admission of Michigan into the Union, and that he be required to include in said account all lands located with military bounty-land warrants or land scrip issued for military services in the wars of the United States within the limits of said State, and allow and pay to the said State 5 per cent. thereon as in case of other sales, estimating the said lands at $1.25 per acre.

Supported as this bill is, by plain and obvious reasons, I had not deemed it necessary, nor do I now propose, to accompany it with any extended remarks. But, inasmuch as it involves the payment of a sum of money out of the national Treasury as well as the performance, in my judgment, of a manifest duty on the part of Congress, I beg leave, at the risk of trying the patience of the House, to offer a few words in explanation and to state as concisely as possible the considerations upon which it ought, as I believe, to obtain the attention of Congress by receiving its solemn sanction and enactment.

The bill provides for the adjustment and payment of a claim made by the State of Michigan and other States against the United States for 5 per cent. upon the valuation of the lands within her limits disposed of for military services in the wars of the United States, estimated at $1.25 per acre.

The claim is founded upon a compact made between the United States and the State about forty years ago, when as a Territory she applied to Congress for admission into the Union. And although the claim cannot be said in strictness to grow out of the public lands, yet as its extent is determined solely on that basis, and as it is in other respects so intimately connected with that subject, that I may be pardoned for glancing at the public lands of the Northwest and mentioning in brief review some of the considerations out of which the compact arose.

The Territory of Michigan then, as now, embraced the region between the waters of Lakes Huron and Michigan, together with that lying south of Lake Superior, and contained an area of 56,243 square miles—35,995,920 acres.

This was a part of the great body of "waste and unappropriated land" which formed a subject of the most profound importance in the early councils of the nation, and which the original States, for the purpose of cementing more closely the bonds of confederation and perpetual union between themselves, had placed under charge of the Federal Government, not for their own benefit alone, but likewise for the use and benefit of the new States which should in the course of time spring from this vast domain.

Situated northwest of the river Ohio, originally subdued by the arms of Virginia and under her jurisdiction, the Territory of Michigan was a portion of the magnificent cession of that State, over the future destiny of which Congress assumed control under the ordinance of 1787.

By the terms of that instrument Congress solemnly covenanted to extend over all the ceded country the fundamental principles of civil and religious liberty, to establish just, equal, and wholesome laws within it, and from it to carve out and build up sovereign, free, and independent States. And in order to accomplish this Congress, actuated by the most powerful incentives to national conduct—protection and revenue—conceived a plan no less magnificent than the Territory itself, and adopted a policy of the wisest and most liberal character; and to carry out both plan and policy it devoted no less energy and vigor than that then lately exhibited in the struggle for national independence.

The new States to be erected were not to be serfdoms, provinces, or mere pensioners upon the Government. They were to be free, independent, and self-sustaining. To mark out, therefore, and designate their boundaries, and to give the new States names; to populate them with men able to subdue the forests, industrious and intelligent, to cultivate the soil, educated and enlightened to appreciate the rare boon of self-government, and patriotic to defend and preserve it; to provide facilities and conveniences for initiating and establishing their municipal governments; to develop their agricultural resources and give wings to their commerce; to encourage and disseminate useful knowledge; to scatter broadcast the principles of religion, morality, and virtue, and, above all, to inspire the new States with such affection and attachment for the Federal Union as would indissolubly bind their destinies together, all these were the objects and ends to be had in view, and all were comprehended in the plan.

To build up these States, ready means were found in the public lands, while in the landless and homeless population of the seaboard States and the oppressed and down-trodden toilers of the Old World were found the bone, the sinew, and the arm before which the stubborn woods should bow and the fruitful earth give forth her increase. To the former were offered rich and fertile lands at a price within the reach of all; to the latter were held out not only the same lands upon like terms but also security for life, liberty, and property, and absolute freedom to them and their children forever. The policy adopted was in other respects coequal and commensurate with the plan. Great highways were projected leading from the sea to the depths of the wilderness, and their construction carried forward until the tide of immigration outran both project and progress. With a watchful care were made judicious and prudent distributions and reservations of the salines. And for schools, universities, and seats of government, and for roads and canals were brought into requisition and devoted large bodies of the public lands.

All this was done in pursuance of the solemn covenant of 1787 to build up sovereign, free, and independent States. It was done in the direct interest and for the aggrandizement of the General Government, to advance and promote national power, and to secure the safety, permanency, and perpetuity of the Northwestern domain. And the new States thus erected, founded upon these broad and liberal principles and animated by the quickening spirit that gave them birth, have responded to the most cherished hopes and anticipations in a growth and prosperity both startling and wonderful.

At the time the application of Michigan was made, three States having public lands within their limits had already been formed from the territory ceded by Virginia, Ohio, Indiana, and Illinois. As these States one after the other knocked for admission into the Union, they were stopped at the threshold and asked to make certain stipulations in regard to the public domain lying within their respective limits. Over these lands the General Government must retain its sovereignty, with power to control and administer them in the same manner as before the erection of the States. But the new States, invested with all the attributes of independent powers, would have the undoubted right, in the absence of anything to the contrary, to interfere with and embarrass the Government in their management in the most serious manner. To harmonize, therefore, the dominion of the two sovereignties upon the same soil, the Federal Government through Congress, and the States by their Legislatures, entered into compacts by which the Federal Government agreed to set over to the States certain quantities of the public lands and to pay to them a certain percentage of the moneys which should arise from the sales of the balance; and the States on their part agreed to forbear such rights as in the legitimate exercise of their independent powers they might otherwise have exerted over them. And so Michigan, like the other States I have named, and under similar circumstances, also entered into a compact with the Government. It is contained in an act of Congress approved June 23, 1836, and is as follows:

An act supplementary to an act entitled "An act to establish the northern boundary line for the State of Ohio and to provide for the admission of the State of Michigan into the Union on certain conditions therein expressed."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in lieu of the propositions submitted to the Congress of the United States by an ordinance passed by the convention of delegates at Detroit, assembled for the purpose of making a constitution for the State of Michigan, which are hereby rejected, that the following propositions be, and the same are hereby, offered to the Legislature of the State of Michigan for their acceptance or rejection, which, if accepted under the authority conferred on the said Legislature by the convention which framed the constitution of said State, shall be obligatory upon the United States.

First. That section numbered 16 in every township of the public lands, and where such section has been sold or otherwise disposed of, other lands equivalent thereto and as contiguous as may be, shall be granted to the State for the use of schools.

Second. That the seventy-two sections of land set apart and reserved for the support of a university by an act of Congress approved on the 20th of May, 1826, entitled "An act concerning a seminary of learning in the Territory of Michigan," are hereby granted and conveyed to the State, to be appropriated solely to the use and support of such university in such manner as the Legislature may prescribe: *And provided also*, That nothing herein contained shall be so construed as to impair or affect in any way the rights of any person or persons claiming any of said seventy-two sections of land under contract or grant from said university.

Third. That five entire sections of land be selected and located under the direction of the Legislature, in legal divisions of not less than one-quarter section, from any of the unappropriated lands belonging to the United States, in said State, are hereby granted to the State for the purpose of completing the public buildings of the State or for the erection of public buildings at the seat of government of the said State, as the Legislature may determine or direct.

Fourth. That all salt springs within the State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said State for its use, the same to be selected by the Legislature thereof on or before the 1st of January, 1840, and the same when so selected shall be used on such terms, conditions, and regulations as the Legislature of said State shall direct: *Provided*, That no salt spring the right whereof is now vested in any individual or which may hereafter be confirmed or adjudged to any individual shall by this section be granted to said State: *And provided also*, That the General Assembly shall never sell or lease the same at any time for a longer period than ten years without the consent of Congress.

Fifth. That 5 per cent. of the net proceeds of the sales of all public lands lying within said State which have been or shall be sold by Congress from and after the 1st day of July, 1836, after deducting all the expenses incident to the same, shall be appropriated for making public roads or canals within said State, as the Legislature may direct: *Provided*, That the five foregoing propositions herein offered are on the conditions that the Legislature of said State, by virtue of the powers conferred upon it by the convention which framed the constitution of said State, shall provide by an ordinance irrevocable without the consent of the United States that the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations that Congress may find necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-residents be taxed higher than residents; and that the bounty lands granted or hereafter to be granted for military services during the late war shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether State, county, township, or any other purpose, for the term of three years from and after the date of the patents respectively.

The propositions thus tendered by Congress were accepted by the State by an irrevocable ordinance approved July 25, 1836.

No one will dispute the validity of this compact. The parties to it possessed absolute powers. The subject-matter was their own, and within their exclusive jurisdiction, and the instrument itself, of the highest, most dignified, and solemn character, has the force of positive obligation as much as though made between separate and distinct nations. Under its provisions it became the duty of the General Government to make the proposed grants good and to pay the 5 per cent. The duties of the State were twofold in character: first, to carry out and faithfully execute the trusts created, and second, to forbear the exercise of certain indisputable rights of sovereignty.

So far as these grants have been made good by the Government, I have to aver the complete and full performance on the part of the State of Michigan of all her obligations. The 1,087,397 acres granted (without restriction, however) for schools have been faithfully applied to that purpose, and upon this foundation has been reared a system of education that will compare favorably with that of any other State or country. With the 46,080 acres granted for a seminary of learning in 1826 and confirmed by this compact has been built a great university, which is now educating at a mere nominal expense 1,300 young men and women, representing no less than thirty-three different States and Territories of the Union, and the good influences of which have been felt in the four quarters of the globe; and so with the 3,200 acres granted for the erection of public buildings, and the 46,080 acres of salt lands, as well as that portion of the moneys arising from the 5 per cent. on sales of the public lands as have been paid over, all have been applied to the purposes for which they were intended. Nor has the State been less faithful in the forbearance of taxes on the public lands within her limits the property of the United States. Nor has she ever interfered with the primary disposal of the soil, or with any regulations Congress has made for securing title to purchasers. Residents and non-residents have been taxed equally, and upon the lands granted for military services in the war of 1812 taxation has been forborne according to the very letter and intent of the compact; and the Federal Government has received and is to-day receiving all such benefits and advantages from the compact as were anticipated at the time it was made. The importance of these stipulations to the Government will be seen with scarcely a moment's reflection.

1. To have submitted the vacant lands, the property of the General Government, amounting in the new States to hundreds of millions of acres, to taxation in the same manner and with the like effect as those of individuals, would have made them a burden rather than a benefit. Their value would have been absorbed in the enormous amounts of taxes levied upon them; the national Treasury would have been depleted and impoverished; the States would have been clamorous for moneys which the Government would not have been able to pay, and the consequences, as may easily be imagined, would have been disastrous and ruinous to the last degree.

2. To have interfered with the primary disposal of the soil and with the regulations made by Congress to secure title to purchasers would have deprived the Government of the free use of its property and would have practically destroyed its utility and value.

3. Equal taxation of residents and non-residents enabled the Government not only to keep its faith with those citizens of Virginia who owned lands there previous to the date of the cession but also enabled it to place and keep these lands on a market as wide as the world itself.

4. To forbear taxation for three years upon lands granted for military services in the war of 1812 enabled the Government to obey an honorable and commendable sense of justice toward those who had shed their blood in its wars, and to discharge, in some slight degree, the debt which a nation always owes its defenders.

But while the Government has thus reaped these benefits from the compact the State of Michigan has suffered great disadvantages. The presence of a great proprietor holding three-fourths of the entire area of the State exempt from taxation was borne without murmur. But when in the subsequent legislation of Congress acts were passed which materially diminished the value of the very grants made by the compact, reduced the value of the lands which had been purchased and paid for by the pioneer, and exempted from taxation lands not of the soldiers of the war of 1812, or their descendants, but of a horde of speculators, and that, too, for a longer period than that named in the compact, these provisions of that instrument might have been regarded with regret and made the just cause of complaint. The recognition of settlers' claims to lands granted for seminaries cost the university fund the enormous sum of $30,000, or about 16 per cent. of the entire value of the grant. The act of 1852, making land-warrants granted for military services assignable, fairly deluged the market with warrants. Their location was no longer restricted to the warrantees, the soldiers, and their heirs, as I have no doubt was the intention when the compact was made. They passed from hand to hand on the market. Buyers swarmed everywhere. Their name was legion. And such was the volume of the warrants that the price per acre ran down below the Government figure, and with them was made such an onslaught on the public lands as had not been known since the bloated rag-money times of 1836. The history of these measures, sir, is not smothered in the archives of the Government. Their monuments are visible in large tracts of untouched, uncultivated lands in some of the most populous districts of Michigan to-day. There they stand, enriched by the labor and improvements of the pioneer and his children, whose little farms have from the first been depreciated by their presence, bearing but a trifling share of the common burdens, and contributing not one cent to the general prosperity.

I do not mention these things in way of complaint. I notice them because they affect so directly the objects sought by the compact and lie so plainly within the line of its consideration. The State of Michigan accepts cheerfully and hopefully the results of the past, and all she asks in the future, at least so far as this compact is concerned, is that it shall be kept and performed on your part as it has been on hers.

Having thus briefly considered the public lands of the Northwest and the purposes to which by the deed of cession they were to be applied, and also in a general way the compact entered into between the Government and the State, its provisions and effects, I now proceed to the fifth proposition, which covers the subject-matter of the bill now before the House. By it the Government agrees to pay to the State for public roads and canals 5 per cent. of the net proceeds of the sales of all public lands within her limits.

This agreement has been in part performed. Five per cent. of the net proceeds of all sales which have been made for cash has been regularly paid to the State by the proper executive officer of the Government. Five per cent. has also been paid on lands disposed of on other considerations which I shall allude to further on. But upon 4,296,996 acres and upward lying within the State which the Government has granted for services in its wars, the payment of this 5 per cent. has been and now is withheld, on the ground that these grants were not sales within the meaning of the compact. The question has been before the executive branch of the Government for many years. The State of Iowa, admitted under a similar compact and containing a provision, I believe, in precisely the same words, a large part of whose territory had been located with military warrants, presented her claim for 5 per cent. on these lands to the Interior Department of the Government many years ago. The then Secretary of the Interior rejected the claim, expressing his views upon the question in a communication to the governor of that State, as follows:

DEPARTMENT OF THE INTERIOR,
September 20, 1858.

* * * * * * *

In reply to your letter of the 7th instant, in relation to the application for an allowance of 5 per cent. claimed to be due the State of Iowa on military land-warrant locations, I have the honor to state that in my opinion the act of 1847, to which you refer, is a bounty-land act, and that no distinction can properly be made between locations made under it and those made under other bounty-land laws. The location of warrants issued under the act of 1847 is not considered as constituting a sale of the public lands as contemplated by the act admitting Iowa into the Union. That act appropriates 5 per cent. of the net proceeds of sales of all public lands for making public roads and canals within the State. There being no net proceeds accruing from locations by military land-warrants, the allowance of 5 per cent. on such locations cannot be regarded as having been appropriated or provided for by law.

J. THOMPSON, *Secretary.*

Governor R. P. LOWE, *Iowa.*

And although payment was thus refused, that State has persistently pressed the claim ever since, but without success. The Legislature of Michigan, one of the parties to this compact, some years since instructed the governor of that State to press the payment of this claim before Congress. I had the honor to introduce a bill to authorize its payment at the first session of the Forty-fourth Congress, and the subject having engaged the attention of this Congress I beg that it may receive that careful consideration to which from its importance to the State on the one hand, and from its justice as a claim against the General Government on the other, it seems entitled. I claim that this compact contemplated the payment by the Government to the State of 5 per cent. upon the whole area of the State undisposed of at the time the compact was made. That this was the intention of the parties is sufficiently evinced by the language of the instrument itself, by the circumstances existing at the time it was made, and by the subsequent acts of the parties to it.

I do not wish to arraign the decision of the Secretary of the Interior, holding that these military grants were not sales within the meaning of the compact. I differ with him in opinion, but have not the slightest disposition even to find fault; because I think that whenever the Secretary of the Interior or any other disbursing officer of the Government has any doubt about his authority to pay money out of the public Treasury, he should refuse and leave the question to Congress, where it belongs. The rejection of any claim under such circumstances cannot be too highly commended.

But the grants of land to soldiers were sales within the meaning of the compact. What is a sale? As defined by authority its primary signification is to deliver or cause to pass from one to another. In a legal sense, as well as in its ordinary acceptation, it implies an equivalent received by the person making the delivery. And in the broad and comprehensive sense which, under the rules for the construction of treaties, it must have been used in this compact, it can make but little difference what the form or character of that equivalent was. A transaction whereby a thing is delivered and a consideration therefore is received may in this sense be regarded as a sale, whether such consideration be money or anything else of value. In the case before us the Government makes the grant, the soldier performs the service and accepts the grant as its equivalent. Who can dispute the values moving between them, or not observe in the transaction all the elements of a sale?

It will be perceived that the sense of the term is not here limited or restricted. Had it been intended to confine the payment of this 5 per cent. to any particular class of sales, as sales for cash, for instance, is it not reasonable to suppose that it would have been so expressed? But further on in the instrument the consideration is specifically expressed. The language is "bounty lands granted, or to be hereafter granted, for military services." What can be plainer

than that? Now, if it had been the intention of the Government at the time the compact was made to relieve itself from the payment of the 5 per cent. on lands granted for military services, would it not have so declared? The parties were represented and aided by the best minds of that day, and, indeed, by some of the brightest lights that shine in our diplomatic or legislative history. Can it be for a moment supposed that if such had been their intention they would not have said so; that they would not have inserted a provision in this compact which would have precluded the possibility of this question ever arising? The absence of any such limitation raises the strongest inference that such was not the intention. The high character of the contracting parties, the vast importance of the subject-matter before them, and the dignity of the instrument itself all alike repel the idea that the word "sales" was used in any other than its most unrestricted and comprehensive sense.

Indeed, it is impossible to conceive of the disposal of these lands by Congress in any other manner than upon the receipt of a fair and full equivalent. They "shall be considered a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever," says the deed of cession; "faithfully and *bona fide* disposed of for that purpose and for no other use or purpose whatsoever," reiterates the sacred ordinance of 1787. To have parted with them otherwise, therefore, to have given and frittered them away, or to have wasted them, would have been an act in open and direct violation of both of these instruments.

And again, in 1836, the present land system evolved under the act of 1820, which contemplated the disposition of the public lands in no other manner than by sales, had then been in successful operation for sixteen years. All schemes for modifying it, for doing away with it entirely, and indeed for relieving the General Government of all further care over or concerning the public domain, had been put forward, discussed, and considered, and by the most eminent statesmen of the time held impolitic and impracticable, and in this judgment the country had for many years acquiesced.

It will be borne in mind, sir, that these propositions were tendered by the Government to the State. It is probable that as each was passed in review its value was carefully weighed and considered. The area of the State was known, the amount already disposed of was known, and it is only natural to suppose that upon the difference between these two amounts the value of this particular proposition was determined and with great accuracy. Suppose that the Government, observing the value and importance put upon this proposition by the State, had suggested that it was desirable to exempt 50,000 acres from the payment of this 5 per cent. Would not that have attracted the attention of the State? Or 4,000,000 acres. What effect do you think that would have had? Or suppose the Government had said, All I dispose of for a particular purpose (and the amount may be any number of acres up to the whole) shall be exempt from the payment of this 5 per cent. What value do you imagine the State would have attached to this proposition then? If the Government could under this compact dispose of any number of acres less than the whole why not of the whole? Where is to be the line of demarkation? Who is to declare the limit? Suppose the Federal Government, being indebted to the State of New York in a sum equal to the value of all these lands, had transferred them to her in discharge of the obligation, could the Government have thus avoided the payment of this 5 per cent.? And refusing payment, could Congress be said to have kept faith with Michigan?

Neither is this construction changed or in any sense modified by the term "bounty." It is true that a bounty may be a mere gift or munificence not underlaid with love or affection or gratitude, money or land, or anything else of value, fancied or real. It sometimes includes charities and gratuities. And there seems to be a growing inclination to use the word in that sense, as applied to these grants. But no proposition could be more fallacious or delusive. In endeavoring in this manner to inspire the soldier with a sense of his country's generosity and gratitude, we only deceive ourselves. The soldier knows too well the consideration he paid for all he receives. The rigor of the camp, the wearisome march, and the frightful carnage of the field, are ever present before his mind. Nor need we attempt to make the contract with him analogous to that for common hire. The laborer performs his daily task, reaps and enjoys the reward of his toil in ample security of life and limb, and in daily communion with all that man holds dear on earth.

The soldier, on the other hand, waves his broken and hurried adieus to home and kindred, and goes forth to confront danger and death at the hands of inexorable and relentless foes. There the parallel ends. It ends before it begins. Nor is the soldier less faithful in the performance of his duty, though it requires his presence in the very jaws of destruction. Did Perry upon the lakes, with the gallant sons of the Northwest, or Jackson, with the brave Louisianians at New Orleans, falter in the presence of the enemy's guns? The former proclaimed to his exulting countrymen, "We have met the enemy and they are ours;" the latter put a glorious period to the war. Did the conquering heroes of New York and South Carolina deny their country's service in the deep morasses and under the scorching sun of the tropics? Did the American Army quail beneath the flaming fortresses of Cherubusco and Chapultepec? No! They planted the standard of your victorious arms above the glittering spires and sheening palaces of ancient Mexico. Is not one drop of American blood worth eighty acres of American soil?

The truth is, sir, the value of the soldier's services to his country cannot be measured by money, roods, or acres, or by any other human standard. He may take a pittance of money and land and discharge you from all obligations, but for the rest and greater part he must look to the faithful historian, the orator, the poet, the sculptor, and yet at last defer his final reward to Heaven. Why then do you deny a service that cannot be measured even by your utmost ability to pay? Why regard these grants in the light of naked gifts, mere charities, gratuities or alms? An insult to the soldier and an abuse of the national repute. Why protest that you got nothing for your land when you ought rather to boast yourself that you sold it for so great a price. As we deceive no one else with this notion, sir, let us not now deceive ourselves.

But what is a bounty? Lexicographers define it to be an inducement to enlist in the public service. And the plain rules of law and morality require that the same good faith should be exercised in the performance of an inducement to the making of a contract as of the stipulations of the instrument itself. But it may be profitable, if not interesting, to know in what form these inducements presented themselves, and in what way they became a part of the contract between the Government and the soldier. The late war, referred to in the compact, was, as every one knows, the war of 1812, and in order to keep as closely as possible to the subject, I have selected a section indifferently from one of the several acts granting bounty lands to soldiers passed during the pendency of that war; and it will require no argument to convince any one that it forms a vital part of the contract with those who enlisted after its passage, and is obligatory and binding upon the Government. I read section 4 of the act approved 20th January, 1813:

> In order to complete the present military establishment to the full number authorized by law with the greatest possible dispatch, there shall be paid to each effective able-bodied man who shall be duly enlisted in the service of the United States after the 1st day of February next, to serve for the term of five years or during the war, an advance of $24 on account of his pay in addition to the existing bounty; one-half of such advance to be paid at the enlistment of the recruit and the other half when he shall be mustered and have joined some military corps of the United States for service; and a bounty of one hundred and sixty acres of land, as heretofore established by law.

"Pay?" Pay what? Why, a bounty of one hundred and sixty acres of land. And so it is a part of the contract by the public sanction of Congress, and published as such throughout all the land. It has nothing to do with charities or gratuities. But as to these things, sir, the United States have not been laggard. We have neither trampled on the patience nor courted the despair of the soldier; but keenly alive to the value of his services, with hearts responsive to the silent pleadings of his mangled limbs and shattered form, we have administered to his wants, his comfort, and his happiness in such ways as we have had wisdom to devise and means to accomplish. And thus have we shown our gratitude; but the payments of money and grants of land that have been made to him have proceeded from another and a far different motive. The plain letter of your obligation and your high regard for it have impelled you to pay him money and to grant and sell him land, and these considerations alone. Does any one inquire where the "net proceeds" of these sales are?

Behold them in the Union, preserved with all its inestimable blessings and in the safety and the security and the tranquillity of the Republic! From the earliest times, sir, we have stood with our feet firmly planted on the public domain. In one hand, with an unflinching grasp, we have held the public purse. And so long as in the other, with a grasp no less firm and puissant, we shall desire, either for vindication or defense, to wield the sword, it will not be wise for us to deny the price we pay for renewing its temper or for sharpening its bruised and battered edge. But that this is the true construction not only of the term "sales" but also of the compact itself, we are, fortunately, not left to the rules of the schools, the definitions and distinctions of lawyers, or to the uncertainty of human reason and judgment. For the parties themselves have furnished a key which unlocks whatever mystery may be concealed in this question. It is found in their acts some years after the compact was made, and discloses beyond all manner of doubt that the construction now claimed is the true one.

At the time the compact was made there were in Michigan large bodies of Indian lands. The Indians themselves, though regarded as a weak and dependent people, had from the first been recognized as independent nations, with whom our intercourse had been regulated and differences adjusted only by treaty or by force of arms. And their title to these lands, carefully guarded by the organic law of the Northwest, had ever been distinctly recognized and anxiously watched over by the General Government. The ordinance of 1787 provided that the governor of that Territory should proceed from time to time to lay out into counties and townships only those parts of the country in which the Indian title had been extinguished, and declared that "the utmost good faith shall always be observed to-

ward the Indians. Their lands and property shall never be taken from them without their consent, and in their property, rights, and liberty they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress."

What the respective rights of the Government and Indians were in these lands under the doctrine of the Supreme Court it is not material here to inquire. It is enough to know that Congress has in this open and solemn manner acknowledged their ownership in the Indians, and that it has uniformly refrained from any attempt to exercise jurisdiction over them until after the Indian title had been extinguished by treaty. Yet upon these lands which the Government, at the time of the making of the compact, did not own, but distinctly recognized as the property of another, Congress, ever solicitous concerning its good faith with the States, directed by an act passed March 3, 1857, that the 5 per cent. should be paid over on these lands the same as on all others, except that the valuation was not to exceed $1.25 per acre. And under the provisions of this act the account has been stated and the money paid. What could more clearly indicate the intention of the parties? I therefore beg leave to repeat that it was intended by the compact that the State should receive 5 per cent. on the entire area of the territory undisposed of at the time the compact was made at a valuation of not less than $1.25 per acre.

One word more, sir, and I have done. The forbearance of taxation by the State upon lands granted for military services in the war of 1812 furnishes a most valuable consideration for the payment of this 5 per. cent. Had these lands been disposed of in the ordinary manner they would have been liable to taxation by the State the moment they passed into the hands of individuals, and would have contributed largely to her revenues and materially lightened the burdens of her people. But, granted as they were, with immunity from taxation for three years from the date of the patents, which on an average was five years from the date of location, the revenues of the State, which depend chiefly on the land tax, were greatly curtailed and embarrassed. The number of acres granted for services in that war and located in Michigan was, as far as I have been able to ascertain from reliable sources, 2,160,640. The actual number is in excess of this. The average rate of taxation would have been about five cents per acre per annum, in a single year amounting to $108,032, and in five years to $540,160, a far greater sum than the State would receive upon the entire 4,296,996 acres disposed of for services in this and all other wars, and embraced within her limits, should the account be stated and the money paid over to her to-day.

But, sir, when we come to consider that Congress after the making of this compact made these warrants assignable, and that the lands they represented passed into the hands of speculators, an unwelcome presence in any new country, who neither improved them themselves nor permitted others to do so, but, holding them exempt from common charges also withheld them from market, that they might be enhanced in value by the money and labor of neighboring settlers, thus retarding the growth and prosperity of the State and augmenting the burdens of her people, instead of becoming the homes of soldiers and their children, who would to a large extent have settled and subdued them, and so increased the wealth and prosperity of the State, we have a most cogent and authoritative reason why this claim should be adjusted and paid.

And, in conclusion, I have to say that from such investigation as I have been able to give to the subject I have not discovered any reason why this claim should not be allowed and paid at once. I have heard it intimated that some of the old States, in consideration of the fact that these lands were disposed of for the high and holy purpose of maintaining the Government—for the common good of all the States, Michigan as well as the rest—might feel aggrieved that that State should still insist upon the payment of this 5 per cent. In reply to this, I take the liberty to say for the State of Michigan, that while she appreciates the exalted character of the sentiment, she cannot accord to it a potency sufficient to discharge the obligation of a great constitutional compact, especially where the principle involved underlies the very existence and prosperity of the high contracting parties. And, besides, when it is considered that the State for these ends has borne its proportion in the general expenditure out of the common fund, and that in yielding this 5 per cent. she would contribute to that sum more than any of the other States, the suggestion will hardly have weight or be thought entitled to even equitable consideration.

The State of Michigan never complained that while the original States had the land lying within their present limits she had only so much as would enable her to set out on the highway of empire, and in fact only so much as the General Government deemed necessary to subserve great national purposes; but, on the other hand, she accepts her share in the substantial benefits which she, in common with the Federal Government, reaps from these lands, and rejoices in the destiny for which the master-builders of the Republic designed her.

But the older States should not complain that Michigan insists upon the payment of this claim. In the first place, it compasses only that which they themselves conceived and agreed should be done for the general welfare before the Territory of Michigan was erected or could have had any voice in the matter. In the next place, it was after the lapse of half a century—when the original plan for building up the Northwestern States had been sanctioned and hallowed by time—that, at the instance of Congress, this plain and unequivocal proposition was embodied in the compact. And, lastly and especially, should they not complain when many hundreds of thousands of acres of wild and pathless forests in Michigan, the property of the General Government—of all the States—is awaiting the expenditure of the moneys which will arise from the enactment or this measure, only to bring by its enhanced price a largely increased revenue to the public Treasury.

I have always supposed, sir, that a contract between the Government and the States of this Union, or any one of them, was in every respect as binding and obligatory as between nations or individuals; that if the States should owe the Government a sum of money or the performance of any duty, or if there should be anything due by the Government to the States, the obligatory force of the engagement upon which such right or duty was founded would be promptly recognized and respected in a manner becoming great and sovereign powers. And since my attention has been called to this compact and the considerations out of which it sprung, I have not met with anything to change or modify these views. Nor am I now persuaded either that the compact made with Michigan has lost any part of its character, vitality, or force, or that Congress will withhold or unnecessarily defer its solemn sanction to a measure which involves not only its own self-interest but also the good faith of the Federal Government touching one of its most ancient covenants.

Admission of Washington.

There is a land of pure delight.—*Dr. Watts.*
Knock, and it shall be opened unto you.—*Bible.*

SPEECH

OF

HON. THOS. H. BRENTS.

OF WASHINGTON,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 23, 1882,

On the bill for the admission of the Territory of Washington as one of the States of the Union.

Mr. BRENTS said:

Mr. SPEAKER: The first bill introduced by me in the Forty-sixth Congress, and indeed the very first bill I ever introduced into Congress, was a bill for the admission of the State of Washington into the Union. The very first bill I introduced into this Congress was also a bill for the admission of the State of Washington into the Union. The former was a bill for the admission of the proposed State under a constitution formed by the people on their own motion and without authority from Congress, some four years ago. Opposition was made to it in the committee to which it was referred on that account, and also on account of certain features of the constitution providing for the election of members of the first Legislature under the State government, which, owing to changes that had taken place in the mean time, were supposed to operate unjustly against some sections in the apportionment.

The present bill carefully avoids all objections. Drawn in accordance with the memorial of the last Legislature of my Territory, it simply proposes to enable the people of that Territory and of the adjacent northern part of Idaho to form a constitution, and to provide after that for their admission into the Union in the ordinary way. Nearly four months ago, it was favorably reported by the Committee on Territories, with some amendments which I shall discuss at the proper time, and was referred to the Committee of the Whole House on the state of the Union. Since then it has been impossible to reach it on the Calendar in regular order, and may continue so to the end of this Congress. To induce the House, therefore, to make it a special order and set it down for early consideration is my present purpose in obtaining the floor.

Mr. Speaker, so little seems to be known of that distant portion of our common country by many members of this House, and indeed by most people of the older States, that I deem it advisable, as prefatory to what else I may say, to describe in brief terms some of its physical features and diversified natural resources, in order to show its capabilities for that statehood with which I ask to have it clothed. For, in considering the application of a territorial candidate for statehood and admission into the national Union several questions very naturally arise, upon the satisfactory solution of some of which, at least, the decision of the matter must depend. What, we are likely to ask, is the area of the proposed State? What are its soil, climate, and other physical materials? What its commercial advantages; its facilities for the development of its nascent sources of expansion and wealth; its capabilities for human sustenance; its pecuniary and financial condition; its population, both present and

prospective, their intelligence, habits, capability for self-government, attachment to the principles of our Government, &c.?

A full answer to all these questions in this case would require more time than I now have at command—would fill a volume—and would, I doubt not, place the claim of my people beyond the pale of peradventure. I shall endeavor, however, to present a few of the many facts bearing on them, and which I trust may suffice for the accomplishment of my present purpose. Owing to the impossibility of obtaining statistics relating to the northern part of Idaho, I shall be compelled to speak mainly of my own Territory alone; but I do so with the statement that what I say of Washington is equally true, and in like proportion, of the whole. And if I can convince the committee and the House that a portion only has the population, the property, and other requisites to constitute a State in the Union, my argument will be only strengthened, if I can also, when the bill is considered, convince them that the boundaries should include a larger area.

GENERAL PHYSICAL DESCRIPTION OF WASHINGTON TERRITORY.

Washington Territory lies between the parallels 45° 32′ and 49° of north latitude and the meridians of 117° and 124° 8′ west longitude from Greenwich. It is bounded by British Columbia, Idaho, Oregon, and the Pacific Ocean; averages about 340 miles between its eastern and western and 200 between its northern and southern boundaries, comprising an area of 69,994 square miles, of which 3,114 is water, leaving but 66,880 of land surface, and is therefore the smallest organized Territory now belonging to the United States. Divided by the Cascade range of mountains into two unequal sections, it contains, besides the mountainous regions, covered with a dense growth of finest timber and underlaid with vast fields of richest mineral deposits, about 50,000 square miles of pasture and agricultural lands. About four-sevenths of these are classified as timbered, two-sevenths as bunch-grass prairie, and one-seventh as alluvial bottom lands. Over half of the timbered and nearly all the bottom lands lie in the western section; while the bunch-grass prairie lands are embraced in the eastern part. As reported by the Surveyor-General to the Secretary of the Interior, there are no desert lands, no lands requiring irrigation to produce agricultural crops, in the Territory. All are of unsurpassed fertility.

ITS SCENERY.

For beauty, grandeur, and variety of scenery, it is almost unrivaled. Huge conical mountain peaks here and there rear their lofty domes far above the verdure-clothed range below, into the region of eternal snow; crystal cataracts pour their ceaseless foamy torrents from dizzy heights; limpid streams wander through grassy meadows, ripple through verdant woods, or dash in madness through cragged mountain gorges; clear lakes bordered with perennial green, and a thousand other enchanting sights greet the eyes and charm the senses of the lover of nature's romance.

ITS CLIMATE.

Situated so far north, people living east of the Rocky Mountains naturally suppose we of that far northwestern region have a cold and rigorous climate. Even since this bill was reported a Senator of the United States spoke in most contemptuous terms of "the perpetual snow-banks of Washington Territory." But he did not say, for doubtless he did not know, that those snow-banks only coronate our grand mountain giants which pierce the clouds—great nature's lightning-rods, that ever serve to neutralize the electric currents and give us that pure, healthful, ozoic air enjoyed elsewhere after maddened thunders have consumed the muggy poisons of the atmosphere. Laved by the warm Japan current and its aerial concomitant, the balmy chinook, throughout the year our climate is mild, equable, and wonderfully healthful, as will appear from this—

Table showing the annual death rate per thousand in the United States, the several States, the District of Columbia, the principal European countries, and Washington Territory.

Total United States	15.09	New Mexico	20.37
Alabama	14.20	New York	17.38
Arkansas	18.46	North Carolina	15.39
California	13.34	Ohio	13.32
Colorado	13.11	Oregon	10.67
Connecticut	14.74	Pennsylvania	14.92
Delaware	15.09	Rhode Island	17.00
Florida	11.72	South Carolina	15.80
Georgia	13.97	Tennessee	16.80
Illinois	14.63	Texas	15.54
Indiana	15.78	Vermont	15.12
Iowa	11.93	Virginia	16.32
Kansas	15.22	West Virginia	11.99
Kentucky	14.39	Wisconsin	12.17
Louisiana	15.44	District of Columbia	23.60
Maine	14.67	England and Wales	21.83
Maryland	18.96	Denmark	19.92
Massachusetts	18.59	Sweden	19.36
Michigan	12.06	Austria	32.20
Minnesota	11.57	Hungary	45.00
Mississippi	12.89	German Empire	27.21
Missouri	16.89	Prussia	26.45
Nebraska	13.11	The Netherlands	23.87
Nevada	11.69	France	26.64
New Hampshire	16.09	Spain	29.72
New Jersey	16.33	Italy	29.98
Washington Territory	**10.05**		

In the western part of the Territory there are two seasons, the wet and the dry, the former generally lasting from November to March or April, during which time the gently-drizzling rains are quite frequent. The rainfall is greatest along the sea-coast, and increases toward the north. At Cape Flattery, the northwest extremity, one hundred and thirty inches has sometimes fallen in a single year, while further inland the annual rainfall is about fifty or sixty inches.

Although in the latitude of Maine, New Brunswick, Canada, Northern Wisconsin, Minnesota, and Dakota, snow and ice are seldom seen, grass grows green the whole year round, and the flowers bloom in midwinter. The average of the thermometric record is 39° in winter and 64° in summer. A table showing

THE RAINFALL AND TEMPERATURE AT OLYMPIA, THE CAPITAL,

situated at the head of the Puget Sound, from January 1, 1880, to April 30, 1882, will be here given:

Month.	1880.				1881.				1882.			
	Temperature.			Rainfall.	Temperature.			Rainfall.	Temperature.			Rainfall.
	Maximum.	Minimum.	Mean.		Maximum.	Minimum.	Mean.		Maximum.	Minimum.	Mean.	
January	50	11	36.6	19.69	53	23	38.8	8.90	51	16	38.0	6.11
February	49	25	36.7	5.16	58	24	43.8	16.28	47	13.5	36.7	9.60
March	58	23	39.7	5.57	71	29	46.6	4.03	66	26	41.9	2.24
April	82	28	46.9	2.47	74	32	50.9	4.93	79	30	45.6	4.57
May	75	33½	50.7	4.10	78	33	53.0	1.54	....	.....	.....	.....
June	88	36	57.9	1.44	83	40	58.1	1.93	....	.....	.....	.....
July	93½	42	62.3	0.52	87	41	59.5	0.98	....	.....	.....	.....
August	83	41	60.8	0.22	84	42	59.8	0.71	....	.....	.....	.....
September	73	34	54.5	1.05	78	39	55.1	2.47	....	.....	.....	.....
October	73	(*)	49.3	2.83	61	23	47.4	8.18	....	.....	.....	.....
November	58	23	39.2	3.06	57	32	43.6	6.75	....	.....	.....	.....
December	59	20	39.8	16.66	58	26	42.1	8.86	....	.....	.....	.....
Total	....	....	.....	62.77	....	....	.....	65.56				

*Broken.

The eastern section is much drier and subject to somewhat greater thermal extremes. The average annual rainfall there, so distributed over every part of the year as to supply all the needs of agriculture, varies in different localities from fifteen to thirty inches. The mean winter temperature is about 34°, and the mean summer temperature about 73°, except along the northern boundary, where it is from 5° to 10° lower both in winter and summer. I present a table showing the amount of rainfall and the temperature in three different localities, where signal stations have been recently established, during the year ending April 30, 1882.

Month.	Almota.				Colfax.				Dayton.			
	Temperature.			Rainfall.	Temperature.			Rainfall.	Temperature.			Rainfall.
	Max.	Min.	Mean.		Max.	Min.	Mean.		Max.	Min.	Mean.	
1881.												
May	87	33	60.0	0.60	85	25	55.0	0.77	85.6	30.0	56.3	.45
June	90	48	69.0	0.70	91	40	65.5	1.08	86.9	36.5	60.8	1.61
July	103	51	77.0	0.79	99	41	70.0	1.20	99.0	37.4	67.0	.65
August	99	42	70.5	0.14	94	35	64.5	0.62	96.0	38.4	64.8	.22
September	90	36	63.0	2.17	87	27	57.0	1.66	91.3	29.0	57.5	1.47
October	72	26	49.0	1.95	62	17	39.5	2.75	71.0	19.0	46.7	3.04
November	62	18	40.0	1.20	55	—.5	27.2	2.59	57.0	5.0	36.1	2.47
December	54	20	37.0	1.49	51.8	10	30.9	2.79	59.8	11.5	37.1	2.37
1882.												
January	55	10.2	32.6	0.45	45.5	—.8	18.7	2.84	49.8	zero	31.6	2.56
February	56	5	30.5	2.88	44.2	—.9	16.6	3.49	52.2	—.5	32.6	6.16
March	71.4	25	48.2	0.92	68.5	13.3	40.9	1.70	77.2	19.2	41.0	1.97
April	78	33	55.5	2.71	72.5	26.7	49.6	3.02	73.0	28.8	46.2	4.08
Annual amount	....	....	.....	16.00	....	....	.....	24.17	....	.....	.....	27.05

ITS SOIL AND AGRICULTURAL PRODUCTIONS.

Under these favorable climatic conditions the capabilities of this vast fertile region for the production of life-sustaining and wealth-creating material can scarcely be estimated. Most prolific crops of all kinds of cereals, fruits, and vegetables found in the temperate zone are grown without failure and with but little labor. Wheat, oats, barley, rye, flax, corn, sorghum, tobacco, hops, timothy, alfalfa, clover and other grasses, apples, peaches, plums, prunes, pears, apricots, nectarines, quinces, cherries, grapes, and all sorts of berries, Irish and sweet potatoes, tomatoes, beets, turnips, parsnips, carrots, cabbages, beans, pease, melons, and other vegetables, all yield in great abundance and with unfailing certainty. Indeed, these crops are simply prodigious. Of wheat, the great staple and king of com-

merce, over 100 bushels to the acre at a single crop have been produced, 50 bushels is quite common, and the average one year with another is about 30. Oats and barley usually produce from 50 to 75.

The entire hop crop of 1879 was 703,277 pounds, and was only exceeded by that of three States in the Union—New York, Wisconsin, and California—but was unequaled in yield per acre. The product for the two years since then has been much larger.

The flax crop is also very large and fine, both in quality of fiber and seed and in quantity produced. Of this, however, I am unable to obtain any official data. The yield per acre is probably the best in the country, if not in the world. And so of sugar-beets, the yield per acre of which would, if it could be accurately stated, appear simply fabulous. Preparations are now being made for the construction of one or two extensive beet sugaries.

The lightest yield for many years of grain, hops, and vegetables, and especially in the eastern part of the Territory, was that of 1879, while in most of the States, as will be remembered, crops were exceedingly good. Based on that crop, which was considerably below the ordinary yield, I have compiled this table, showing the average yield per acre of cereals and hops in the United States, the several States, Dakota, and Washington, and of Irish potatoes in those States where they are most successfully grown, and in Dakota and Washington, which is as follows:

States and Territories.	Wheat.	Oats.	Barley.	Rye.	Buckwheat.	Indian Corn.	Hops.	Irish potatoes.
The United States	13	25	22	11	14	28	567	.....
Alabama	6	9	10	5	9	12	.....	.....
Arkansas	6	13	12	7	6	19	.....	.....
California	16	27	21	9	22	28	1,283	82
Colorado	22	28	26	15	14	20	.....	.....
Connecticut	18	28	21	12	12	34	.....	80
Delaware	13	22	28	8	15	19	.....	.....
Florida	5	10	10	5	.....	9	.....	.....
Georgia	7	9	13	4	7	9	.....	.....
Illinois	16	32	22	16	11	36	370	69

Table showing the average yield per acre of cereals, &c.—Continued.

States and Territories.	Wheat.	Oats.	Barley.	Rye.	Buckwheat.	Indian corn.	Hops.	Irish potatoes.
Indiana	18	25	23	12	10	31	308	68
Iowa	10	34	20	15	10	42	331	82
Kansas	9	19	13	12	10	31	500	.....
Kentucky	10	11	24	7	10	24	.....	.....
Louisiana	3	9	.....	5	.....	13	.....	.....
Maine	15	29	22	12	19	31	234	112
Maryland	14	18	27	9	13	24	.....	.....
Massachusetts	16	31	25	10	12	34	430	94
Michigan	19	34	22	13	12	35	543	81
Minnesota	11	38	26	16	11	34	364	101
Mississippi	5	10	8	6	.....	14	.....	.....
Missouri	12	21	19	12	11	36	.....	.....
Nebraska	9	26	15	12	11	40	.....	76
Nevada	19	31	26	.....	.....	26	.....	.....
New Hampshire	15	35	23	11	21	37	406	113
New Jersey	13	27	17	9	13	32	.....	85
New York	16	30	22	11	15	33	554	96
North Carolina	5	8	11	5	8	12	.....	.....
Ohio	18	31	30	13	13	34	612	73
Oregon	17	29	31	16	17	22	804	122
Pennsylvania	13	27	19	9	15	33	434	88
Rhode Island	14	29	25	10	12	31	.....	101
South Carolina	6	10	14	4	.....	9	.....	.....
Tennessee	6	10	12	5	7	22	.....	.....
Texas	7	21	13	8	11	12	.....	.....
Vermont	16	38	25	11	20	36	414	114
Virginia	9	9	17	7	8	16	144	.....
West Virginia	10	15	23	7	9	25	.....	.....
Wisconsin	13	34	25	14	9	34	443	86
Dakota	11	28	17	10	8	22	.....	95
Washington	**24**	**41**	**39**	**14**	**24**	**19**	**1,317**	**152**

The aggregate acreage of the cereal crop of the Territory for that year was 136,937 acres; the product 4,108,370 bushels—an average of over 30 bushels to the acre. The following is

An exhibit of the acreage and quantity of each cereal raised, and the county where produced.

Counties.	Wheat.		Oats.		Barley.		Rye.		Buckwheat.		Indian corn.	
	Acres.	Bushels.	Acres.	Bushels.	Acres.	Bushels.	Acres.	Bushels.	Acres.	Bushels.	Acres.	Bushels.
Chehalis	731	19,966	484	17,952	24	1,070	.....	.....	.....	.....	.....	.....
Clallam	945	25,257	282	10,969	171	7,965	18	218	.....	.....	12	440
Clarke	2,958	51,584	2,507	72,734	104	2,948	5	88	8	130	86	1,640
Columbia	17,294	425,879	3,218	150,232	3,881	180,015	.....	.....	6	50	616	13,380
Cowlitz	1,038	24,042	609	27,894	32	977	9	174	15	265	10	158
Island	843	22,223	765	38,451	349	13,259	.....	.....	.....	.....	.....	.....
Jefferson	35	1,340	71	2,558	5	135	.....	.....	.....	.....	.....	.....
King	260	7,141	530	22,020	104	3,910	.....	.....	13	234	10	320
Kitsap	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Klikitat	5,143	74,352	1,012	33,488	506	14,480	261	3,049	.....	.....	237	4,210
Lewis	4,549	96,233	3,981	127,262	15	390	.....	.....	.....	.....	.....	.....
Mason	.....	.....	59	1,425	.....	.....	.....	.....	.....	.....	.....	.....
Pacific	96	2,579	275	9,752	.....	.....	.....	.....	.....	.....	.....	.....
Pierce	448	6,593	1,201	31,935	92	2,513	23	216	5	90	5	114
San Juan	349	9,479	912	42,102	162	6,078	.....	.....	.....	.....	.....	.....
Skamania	26	500	78	1,960	.....	.....	.....	.....	.....	.....	.....	.....
Snohomish	172	5,251	682	32,469	183	9,534	.....	.....	.....	.....	.....	.....
Spokane	2,750	51,535	1,841	62,318	470	14,627	.....	.....	.....	.....	17	439
Stevens	567	12,672	856	27,778	54	1,550	.....	.....	.....	.....	.....	.....
Thurston	1,151	18,465	1,354	34,894	34	995	58	625	.....	.....	.....	.....
Wahkiakum	.....	.....	6	204	.....	.....	.....	.....	.....	.....	.....	.....
Walla Walla	28,770	779,907	3,475	139,827	6,183	214,719	31	350	.....	.....	900	14,038
Whatcom	354	9,787	6,147	402,426	427	23,728	26	538	9	229	7	236
Whitman	10,225	204,762	6,328	231,922	1,411	51,732	19	271	50	1,500	46	910
Yakima	2,850	71,775	1,289	49,134	473	15,912	68	1,595	.....	.....	171	3,298
The Territory	81,554	1,921,322	37,962	1,571,706	14,680	566,537	518	7,124	106	2,498	2,117	39,183

The volume of the grain crops for 1880 was probably 50 per cent. and for 1881 100 per cent. greater; and it is estimated that the wheat crop alone of the present year will be not less than 5,000,000 bushels.

When, sir, all these rich agricultural lands that now idly await the plow of the husbandman are farmed to their full capacity, well may we exclaim, "What will the harvest be!" Why, sir, at a very moderate estimate they are capable of producing more wheat and barley, or oats, buckwheat, and rye than are now raised in the whole United States.

ITS TIMBER.

But more than this. Since Bryant sang in Thanatopsis of—

> —— the continuous woods,
> Where rolls the Oregon, and hears no sound
> Save his own dashings—

this has been known as the great timber reserve of the New Continent. And it has been said in truth that Washington Territory contains the finest body of timber in the world. Indeed, almost the entire western section and the mountainous portions of the eastern, as already hinted, is one vast unbroken forest. Fir, cedar, pine, hemlock, larch, spruce, tamarac, maple, ash, oak, alder, balm—these and other indigenous species, attain an unusual development in girth, height, and symmetry. Not infrequently these trees measure 30 to 50 feet around, 100 to 150 to the lowest branch, and 200 to 300 in height, and are as straight and gently tapering as an arrow. Some yield 20,000 to 25,000, many 12,000 to 15,000, and most of them 5,000 to 8,000 feet of superior lumber when sawed. Over 500,000 feet are sometimes obtained from a single acre. It is estimated that this great forest will yield 160,000,000,000 feet.

ITS LUMBERING INDUSTRY.

The cut for 1880, it is thought, was about 250,000,000 feet, and for last year, 300,000,000, supplying to considerable extent the markets of the Pacific coast of North, Central, and South America, the Hawaiian, and other Pacific and South Sea islands, Eastern Asia, and Australia, and to a more limited extent even those of England, France, and Belgium, 174,176,700 having been shipped abroad from Puget Sound alone during the latter year. In its manufacture about twenty mammoth steam saw-mills, with an aggregate daily cutting capacity of over 1,000,000 feet, are constantly engaged. The location of some of these principal mills, their capacities and value, and the number of workmen employed at each are given in this table:

Location of mills, their capacity and value.

Location.	Daily capacity.	Value.	Men employed.
	Feet.		
Port Gamble	200,000	$200,000	175
Port Blakeley	135,000	125,000	130
Port Madison	100,000	120,000	75
Tacoma	75,000	80,000	100
Port Discovery	70,000	75,000	80
Freeport	40,000	65,000	40
Knappton	150,000	160,000	140
Port Ludlow	125,000	140,000	115
Utsaladdy	80,000	100,000	60
Seabeck	70,000	75,000	75
South Bend	45,000	60,000	45
Oak Point	35,000	45,000	40

Most of these are located, as the names indicate, at the little bays of

PUGET SOUND, THE MEDITERRANEAN OF THE PACIFIC.

This great inland sea, whose width in no place exceeds twenty miles, and whose longest arms, Admiralty Inlet and Hood's Canal, reach nearly two hundred miles from the ocean, with its numerous bays, inlets, estuaries, and creeks, ramifying the whole northwestern part of the Territory—the many-fingered hand of ocean reaching for our nation's commerce—has a shore-line of 1,594 miles, a surface of about 2,000 square miles, and is everywhere navigable for the largest ship that rides the briny wave. Admiral Wilkes, describing this gorgeous sheet of water in his report to the Navy Department, well says:

Nothing can exceed the beauty of these waters and their safety. Not a shoal exists in the Straits of Juan de Fuca, Admiralty Inlet, or Hood's Canal that can in any way interrupt their navigation by a seventy-four gun ship. I venture nothing in saying there is no country in the world that possesses waters equal to these. They cover an area of about 2,000 square miles. The shores of all these inlets and bays are remarkably bold, so much so that a ship's side would strike the shore before her keel would touch the ground. The country by which these waters are surrounded is remarkably salubrious, and offers every advantage for the accommodation of a vast commercial and military marine, with convenience for docks and a great many sites for towns and cities, at all times well supplied with water and capable of being well provided with everything by the surrounding country, which is well adapted for agriculture.

The Straits of Juan de Fuca are ninety-five miles in length, and have an average width of eleven miles. At the entrance (eight miles in width) no danger exists, and it may be safely navigated throughout. No part of the world offers finer inland sounds or a greater number of harbors than are found within the Straits of Juan de Fuca, capable of receiving the largest class of vessels, and without a danger in them which is not visible. From the rise and fall of the tides (18 feet) every facility is offered for the erection of works for a great maritime nation. The country also affords as many sites for water-power as any other.

GRAY'S HARBOR AND SHOALWATER BAY.

Nearly one hundred miles southward, and a little over midway down the western coast of the Territory, listening in placid composure to ocean's angry roar, is Gray's Harbor, into which empty the Chehalis and Humtulups Rivers, and, twenty-five miles beyond, the Shoalwater Bay, also with its tributaries, reaching out into this vast timber region. And then further on and along its southern boundary still "rolls the Oregon," but now hearing other "sounds" than "his own dashings." A traveler through this region, recently writing to a San Francisco paper, says:

The timber resources of Gray's Harbor are enormous. Not only are its shores bordered with extensive forests, but the whole region drained by the rivers putting into it is heavily timbered. All along the Chehalis River and the various streams tributary to it grow most magnificent forests of fir and cedar. A saw-log cut in the Black Hills, three miles west of Olympia, can be floated into Gray's Harbor.

The following statement of the amount and distribution of the foreign shipments of the lumber cut by the principal mill in this locality during the last two years may give a faint conception of the character and extent of this expanding lumbering industry:

To—	1880.		1881.	
	Feet.	Value.	Feet.	Value.
Tahiti	612,936	$11,644	644,774	$17,727
Mexico	1,286,338	28,036	4,272,463	91,985
Panama	254,503	6,129	613,831	24,832
Central America	1,438,054	26,630	525,092	12,368
Russian Asia	20,500	501	93,140	2,139
China	42,320	1,450	102,621	3,172
Navigator's Islands	901,730	14,285	252,127	5,470
Honolulu	1,286,336	28,036	1,802,809	34,131
Australia	2,134,597	57,589	1,127,501	30,859
New Zealand			484	32
New York	780,472	22,230	293,576	5,696
Victoria	30,694	941	8,663	925
Germany			10,000	200
England	5,262,931	99,245	6,917,918	129,789
Chili	466,949	11,560		
Cape Verd Islands			15,000	320
Feejee Islands			17,002	566
Ecuador	346,917	7,836	195,000	5,130
Japan	18,387	594	121,656	2,626
France	110,500	2,040	531,000	10,837
South Africa			28,000	570
Belgium	90,531	1,811	698,500	14,000
Bonham Island	20,000	300		
Total	14,370,796	370,006	18,269,157	393,283

ITS SHIP-BUILDING.

This timber, and especially the Douglas or yellow fir, is peculiarly adapted to ship construction. Wilson Saunders was directed by the Lloyds, the great ship-builders, to make a test of all the woods in the world, and in his report he says of this timber:

None of the firs approached in strength the Douglas and pitch-pine, it having required two hundred and eighty pounds to break a small bar of their wood no more than an inch and a quarter square. Between the Douglas fir and pitch-pine, whose strength was equal, there is this great difference, that while the latter snapped short under a pressure of two hundred and eighty pounds, the Douglas yielded unwillingly, with a rough and long rend.

A French authority, also referring to the timber of this region, says:

The principal quality of their woods is a flexibility and a tenacity of fiber rarely met with in trees so aged. They may be bent and twisted several times in contrary directions without breaking. The masts and spars are woods rare and exceptional for dimensions and superior qualities—strength, lightness, absence of knots and other grave vices.

At the Bath ship-yard, in Maine, it requires, I am told, 700,000 feet of timber and lumber to build a 1,200-ton vessel costing about $35,000, while it can be furnished at the ship-yards on Puget Sound for about $12,000—less than half the amount. The great superiority, abundance, accessibility, cheapness, and proximity of this timber to the navigable waters and the vast iron and coal fields, of which I shall soon speak, presage that here will be the great navy-yard of the future. Already this branch of the lumbering industry is beginning to assume proportions worthy of notice. Quite a number of ships have been and are being constructed, and preparations are made for the construction of many more. Most of the larger saw-mills have ship-yards adjacent. I subjoin for those desiring to be informed—

A statement of the names, character, size, and dates and places of construction of the vessels built in the Territory, as far as ascertained.

Species of vessel.	Name.	Tonnage.	When and where built.
Schooner	Alfred	21.05	1872. Seattle.
Sloop	Catharine Alexander	7.09	1864. Port Townsend.
Schooner	Champion	42.84	1879. New Dungeness.
Schooner	Carrie Hayden	14.55	1875. Seattle.
Sloop	Foam	5.42	1861. Olympia.
Schooner	General Harney	50.93	1859. Whatcom.
Schooner	Granger	41.43	1879. Utsaladdy.
Schooner	Hunter	8.17	1870. Port Madison.
Schooner	Hunter	7.80	1877. Port Ludlow.
Schooner	Industry	11.29	1868. Seattle.
Schooner	Letitia	30.66	1864. Sequaliche.
Schooner	Lottie	30.19	1868. Utsaladdy.
Schooner	L. J. Perry	35.24	1875. Port Gamble.
Schooner	Mary Parker	61.58	1876. Utsaladdy.
Schooner	Maggie	35.72	1878. Samish.
Schooner	Orcas	10.77	1871. Port Langdon.
Schooner	Teaser	33.27	1880. Seattle.
Schooner	Winged Racer	11.68	1861. Port Madison.
Steamer	Blakeley	176.01	1872. Port Blakely.
Steamer	Dispatch	66.71	1876. Port Madison.
Steamer	Edith Grace	11.21	1880. Montisano.
Steamer	Forty-Nine	219.29	1866. Colville.
Steamer	Favorite	269.53	1868 Utsaladdy.
Steamer	Hyack	29.99	1876. Seattle.
Steamer	J. B. Libby	163.10	1863. Utsaladdy.
Steamer	Phantom	36.54	1868. Port Madison.
Steamer	Saranac	7.35	1878. Whatcom.
Steamer	Suree	47.46	1879. Seattle.
Steamer	Yakima	173.54	1874. Port Gamble.
Barkentine	Kate Flickinger	472.45	1876. Seattle.
Bark	David Hoadley, rebuilt	984.08	1878. Port Gamble.
Bark	Mist	18.81	1865. Oak Point.
Bark	Reporter	337.40	1876. Port Ludlow.
Steamer	Alida	114.46	1870. Seattle.
Steamer	George E. Starr	472.66	1879. Seattle.
Schooner	Black Diamond	24.44	1864. Seattle.
Bark	Tidal Wave	603.41	1869. Port Madison.
Sloop	King Fisher	41.79	1878. New Tacoma.
Bark	Northwest	515.28	1868. Port Madison.
Ship	Olympus	1,110.22	1880. Seabeck.
Sloop	Red Cloud	33.84	1873. Olympia.
Barkentine	R. K. Hain	569.35	1874. Port Blakely.
Steamer	Addie	81.02	1874. Seattle.
Steamer	Colfax	83.30	1865. Seabeck.
Steamer	Comet	56.88	1871. Seattle.
Steamer	Capital	54.30	1876. Olympia.
Steamer	Chehalis	96.72	1867. Turnwater.
Steamer	Daisy	97.87	1780. Seattle.
Steamer	Fanny Lake	96.10	1875. Seattle.
Steamer	Gem	87.62	1878. Seattle.
Steamer	Josephine	72.73	1878. Seattle.
Steamer	Messenger	121.95	1876. Olympia.
Steamer	Mary Taylor	94.41	1875. Utsaladdy.
Steamer	Neptune	33.13	1878. Seattle.
Steamer	Nellie	100.22	1876. Seattle.
Steamer	Ruby	37.62	1867. Snohomish.
Steamer	Saint Patrick	21.75	1874. Waterford.
Steamer	Zephyr	161.54	1871. Seattle.
Scow	O. K	38.43	1878. Tacoma.
Sloop	Frances	8.23	1864. Coupeville.
Schooner	Minnehaha	10.26	1865. Seattle.
Sloop	Polly	8.94	1873. Tacoma.
Schooner	Planter	14.65	1870. Seattle.
Sloop	Shark	5.03	1864. Olympia.
Schooner	Shoo Fly	17.92	1870. Port Ludlow.
Sloop	Undine	8.58	1871. Stilguamish.
Steamer	Augusta	15.94	1880. Seattle.
Steamer	Hornet	8.14	1881. Port Blakely.
Steamer	Joe Adams	15.24	1880. Tacoma.

A statement of the names, &c., of the vessels built, &c.—Continued.

Species of vessel.	Name.	Tonnage.	When and where built.
Steamer	Old Settler	11.38	1878. Olympia.
Steamer	Success	13.14	1868. Utsaladdy.
Schooner	M. E. Smith	365.03	1881. Port Blakely.
Schooner	Lottie Carson	286.63	1881. Port Blakely.
Barkentine	Mary Winkelman	531.58	1881. Seabeck.
Steamer	Jessie	11.93	1881.
Steamer	Lilly	80.03	1881. Seattle.
Schooner	Seattle	6.55	1881.
Steamer	Biz	80.54	1881. Arcadia.
Schooner	The Two Jacks	6.22	1881.
Schooner	Annie Larsen	376.54	1881. Port Blakely.
Sloop	Mystery	10.63	1881.
Sloop	Top	5.90	1881.
Barkentine	Retriever	547.71	1882. Seabeck.
Barkentine	Kitsap	693.93	1882. Port Ludlow.
Steamer	Helen	17.87	1882. Coupeville.
Steamer	Hope	76.56	1882. Seattle.

Total, 85—39 steamers, 25 schooners, 10 sloops, 5 barks, 5 barkentines, and 1 ship.

ITS OTHER WOOD MANUFACTURES.

Barrels, boxes, sashes, doors, and most beautiful and excellent furniture of every style and variety are also made on a large scale, both for domestic use and foreign shipment.

All these interests, however, are but in the infancy of their development. The supply of timber, even without the natural reproduction so rapidly going on, at the present rate of consumption will last for centuries to come.

ITS COAL INTERESTS.

Coal mining is also destined in time to become a great and lucrative industry. Large areas west of the Cascade Mountains are underlaid with deposits of bituminous and anthracite coal, the best yet discovered on the Pacific coast. Indeed, it is believed that the most of this region is one vast coal-field. Lying adjacent to the Puget Sound, its navigable tributaries, or along the lines of railroad soon to be built, it will not long await the miner's pick. Much of it possesses excellent coking qualities, which render it of peculiar value in the development of other local interests. The mining of this coal, begun some years ago, is steadily expanding. The principal mines now in operation are the Newcastle, the Carbon Hill, the Seatco, the Renton, and the Talbot. The Newcastle is the largest, and employs about five hundred men in mining and delivering at Seattle. Besides what has been required for local use and direct foreign exportation, the shipments from Seattle to San Francisco alone, since the mines were opened, have been as follows:

	Tons.		*Tons.*
1871	4,918	1877	112,734
1872	14,830	1878	128,582
1873	13,572	1879	132,263
1874	9,027	1880	138,497
1875	70,157	1881	147,418
1876	104,556		
Grand total			876,264

Of this vast quantity, 797,665 tons was the output of the Newcastle mine alone. It is believed that the shipment of this year will be nearly double that of last. Four large steam-colliers with an aggregate carrying capacity of 8,100 tons, and making at least three trips a month, are exclusively employed in transporting the coal of this mine to San Francisco, besides what is carried by other vessels.

Practical and scientific miners, after careful examination of these mines and the surrounding country, express the opinion that they will yield millions of tons and last for ages.

ITS IRON MINES AND MINING,

closely connected with this, constitute a still younger, but not less important interest. Several rich and extensive deposits of bog, hematite, and magnetic ores of the finest quality have been discovered at Chimacum Valley, in Jefferson County, at a point six miles east of the Newcastle coal-mine in King County, and at other places. That at the former place is superior bog, some two feet in thickness and extending over an area of nearly 1,000 acres. Lying from six inches to but a few feet below the surface, the mining of it is quite inexpensive. When smelted it yields about 60 per cent. of iron of great toughness and pliability. Furnaces for its reduction have been erected at Irondale, on the shore of Puget Sound, near by, and during the last year, being the first of their operations, turned out over 15,000 tons of superior pig. Preparations for more extensive works at this point are progressing. The growing demand for this indispensable article in railway construction in this new country, and, in fact, for almost every purpose, offers great inducements for the rapid expansion of this industry; and it may reasonably be expected that it will soon assume very considerable proportions.

ITS PRECIOUS METALS.

In the production of the precious metals Washington ranks the eleventh in the list of States and Territories according to the last census report. Her product for the year ending May 31, 1880, as returned, was $136,819. Her gold product alone for that year was $119,000, placing her one number higher in the list of those producing that metal. The principal mines are the Swauk, Peshastin, Skagit, Similkameen, and Upper Columbia placers. Recent discoveries of gold have also been reported in the vicinity of Gray's Harbor and at other points. Favorable indications of the existence of other extensive mines are present in many places. Over a million dollars have been taken from these mines, and their further development promises a largely increased and permanent yield.

Deposits of copper, lead, tin, zinc, cinnabar, plumbago, gypsum, kaolin, pottery-clay, mica, marble, granite, limestone, and sandstone also exist in many localities, and in time will be of great utility and value.

ITS FISHERIES

constitute another of the great, growing, and inexhaustible resources of the Territory. All its waters, both fresh and salt, from the babbling mountain brooklet to the mighty river and sea which wash over two thousand miles of its shores, teem with the most delicious fish, many varieties of which are of great commercial value.

THE FAR-FAMED COLUMBIA RIVER SALMON

finds an eager market in every country of the civilized world. For over two hundred miles this grand "river of the West" winds its tortuous course within our limits, and then, turning westward, forms the common boundary between our Territory and Oregon for 300 more. Along its banks, on either side, thirty-five large salmon canneries are now established. During the fishing season of last year about 1,650 boats, including 10 steam-tenders, and 7,500 men were engaged in catching, canning, and packing these fish. Each boat catches an average of 2,000 salmon during the season. Only three medium-sized fish are required to fill a case of four dozen cans. Each case weighs 72 pounds gross. The growth and importance of this industry, since its beginning in 1866, is best shown by the following table, showing the amount and value of its product:

Year.	Cases.	Price.	Value.
1866	4,000	$16.00	$64,000
1867	18,000	13.00	234,000
1868	28,000	12.00	336,000
1869	100,000	10.00	1,000,000
1870	150,000	9.00	1,350,000
1871	200,000	9.50	1,900,000
1872	250,000	8.00	2,000,000
1873	250,000	7.00	1,750,000
1874	350,000	6.50	2,275,000
1875	375,000	5.60	2,100,000
1876	450,000	4.50	2,025,000
1877	460,000	5.20	2,392,000
1878	460,000	5.00	2,300,000
1879	480,000	4.60	2,188,000
1880	550,000	4.80	2,640,000
1881	530,000	5.00	2,650,000
Grand total	4,655,000		27,204,000

Salmon fisheries of great importance also exist in the waters of Puget Sound, Shoalwater Bay, Gray's Harbor, and elsewhere. At some of these points several large canneries are in successful operation. Respecting this interest of the Territory a recent writer says:

The fish differing much in quality and value, abound literally in millions. They crowd the seas, bays, estuaries, and the smaller rivers which flow into the ocean at certain seasons of the year, and may be easily caught with gill-nets and with the hook. There is ample opportunity still for the healthy growth of the salmon fishing industry in the northwest region.

Codfish, averaging thirty inches in length and eighteen in girth around the shoulders, are also caught in Puget Sound, and almost shoal the waters along the coast for hundreds of miles farther northward. Immense sturgeon, halibut of enormous size and of a tenderness and delicacy far surpassing those of the Atlantic waters, bass, red rock-cod, tom-cod, flounder, herring, smelt, eulachon—a most delicious large sardine—sardines, and several other species of commercial value also abound, while the rivers and the thousands of smaller streams and lakes swarm with salmon, perch, pike, lake trout, salmon trout, and myriads of the renowned speckled mountain trout of the Pacific coast, the most superb of piscatorial dainties, and numerous other fresh-water species.

Clams, oysters, lobsters, crabs, shrimp, and, in short, every variety of shell-fish are equally abundant. Oysters are cultivated largely at Shoalwater Bay, Gray's Harbor, and at numerous points on the sound. The finest clams, of every variety—some of them of prodigious size—and in unlimited quantities, are obtained for the picking, wherever the tide ebbs and flows. Large shipments of these shell-fish are made to Oregon, California, and other parts. The proprietors of the beds at Shoalwater Bay have realized over $100,000 in a single year from the sale of oysters.

Whales, porpoises, sea-otters, and fur-bearing seals are found everywhere along the sea-coast. During the sealing season, lasting nearly half the year, large numbers of the skins are obtained. Six schooners and their crews, and two hundred and thirty-two Makah Indians were engaged in seal-fishing in the vicinity of Cape Flattery in 1880. The number of skins sold to the traders at Neah Bay and reported to Judge James G. Swan, was 6,268, for which $9 apiece, or $56,412, were paid. Judge Swan estimates the catch of that year on the coast of the Territory and British Columbia at 20,000, worth at least $180,000 where caught.

In the words of the careful writer above quoted—

These and other denizens of the waters abound in inexhaustible supply, needing only capital and labor to establish fisheries in this part of the country which would prove as productive and as profitable as any on the face of the globe.

ITS STOCK-RAISING

is another prime interest of the country. For this, I do not hesitate to say that no country in the world possesses better advantages and better adaptation. As I have stated, the climate is mild and the soil productive. Nutritious grasses grow in rich profusion and luxuriance everywhere. Thousands of horses, cattle, and sheep live and fatten on the range the year round, unfed, unsheltered, and almost uncared for. Horses and cattle roam at will; while a single shepherd, with horse and dog, can guard a flock of a thousand sheep. The best imported breeds are generally raised, and each generation seems to surpass its progenitors in point of excellence. Among horses may be found the best draft, carriage, and saddle animals, trotters and roadsters, from the heaviest Clydesdale, or Percheron, to the fleetest thoroughbred; among cattle, the purest short-horns, Holsteins, Jerseys, Alderneys, and Devons; among sheep, the finest Southdowns, Cotswolds, and French and Spanish Merinos. It is estimated that not less than 100,000 head of these animals are annually driven and shipped to eastern markets. The wool-clip for 1880 was, as nearly as I have been able to ascertain, about 3,000,000 pounds, (the spring farm-clip—the ranch-clip, which is quite large, not being ascertainable—was 1,389,123 pounds,) and for last year not far from 4,000,000. One large woolen factory at Dayton, where every class of the very best goods are made, is supplied, and the large surplus is shipped abroad. With the superior facilities which we possess in such abundance, stock-raising, wool-growing, and manufacturing in this and other branches must soon reach gigantic proportions.

Already, sir,

OUR GENERAL MANUFACTURING INDUSTRIES

are far in excess of those of any other Territory and even several of the States. The value of such product for 1879, as shown by the last census report, was $6,129,762; and according to my best information it has greatly increased during the two years that have since elapsed.

Now, Mr. Speaker, I have briefly mentioned some of our more important resources, and have stated imperfectly the extent of their present development. I might mention several others belonging to the same general class, but deem it unnecessary for my present purpose.

ITS COMMERCE, PRESENT AND PROSPECTIVE.

I will, however, with the kind permission of the House, before passing to other branches of the argument, merely call attention to our favored commercial location, advantages, and prospects. In an incidental way I have stated the extent of our sea-coast and have described our principal harbors and our greatest river. If I had time, I might also describe a number of other navigable rivers of considerable extent, including the Snake, the Cowlitz, the Naselle, the Willapaw, the Chehalis, the Humtulups, the Nooksack, the Stillaguamish, the Skagit, the Snohomish, the Snoqualmie, the Dawamish, the White, the Black, the Puyallup, and navigable lakes, including Union, Washington, and Chelan, which are important factors in our present and future commercial greatness.

The present extent of our commerce cannot be accurately ascertained. That of about three-fourths of the entire Territory—the eastern and southwestern portions—passes through the Oregon custom-houses; no separate account is taken of it, and that modest State takes all credit to herself. The only way I have been able to get even has been to have all the appropriations made for the Columbia and Snake Rivers charged to her account, though they benefit our people more than hers. At least two-thirds of the other fourth is shipped coastwise to San Francisco, and our other modest Pacific neighbor, California, gets the credit for it. Indeed, some of the very best and most important "Oregon" and "California" exports are produced in Washington Territory. Let me present a table showing our

DIRECT FOREIGN TRADE THROUGH THE CUSTOM-HOUSE AT PORT TOWNSEND.

Time.	Entered.		Cleared.		Value of imports.	Value of domestic exports.
	No.	Tonnage.	No.	Tonnage.		
Year ending June 30, 1880	287	145,067	305	160,353	$17,515	$361,449
Year ending June 30, 1881	306	152,669	322	165,790	22,264	446,795
Ten months ending April 30, 1882	303	178,952	315	184,890	44,888	672,069
Total	896	476,688	942	511,033	84,667	1,480,313

This trade, now exceeding that of over two-thirds of the customs districts in the United States, is, it will be noticed, rapidly growing; and what is most significant of our prosperity, the balance—the excess in value of domestic exports over imports—is incomparably in our favor.

An index of the entire commerce of this district and its recent growth will be found in its shipping. The number of vessels documented at Port Townsend, the port of entry of the district, on June 30, 1880, was 105—43 steam and 62 sailing—with an aggregate carrying capacity of 29,029.82 tons; and on June 30, 1881, the number was 117—44 steam and 72 sailing and 1 barge—with an aggregate capacity of 38,018.22 tons, since which time, and prior to March 31 of the present year, the fifteen new vessels built within the district, as before stated, and aggregating a tonnage of 3,097.65 tons, have been documented there, making a documented tonnage of 41,115.87 tons.

But, sir, new and mightier influences are beginning to operate with potential effect in developing our grand commercial possibilities. Railroads, the great auxiliary metors of modern commerce, civilization, and prosperity, are reaching out over our Territory in all directions. Several hundred miles have been built within the last year, and the immediate future promises a more rapid construction. Another year will probably witness the completion of

THE NORTHERN PACIFIC AND OREGON SHORT LINE.

The former, starting from the head of the great lakes, the head of the great system of deep-water inland navigation that bears our commerce half way across the continent, the most wonderful inland commerce the world has ever known, and intersecting the great water-way to the South, passes through the wheat-producing region of the Atlantic Northwest, up and along the banks of a competing free-water navigation—a safeguard against the monopoly of railroad combinations—to the head of navigation near the Great Falls, in Montana, and thence across the Rockies, and down the western slope, through that other great grain-growing region of the Northwest, to its terminus on the shores of Puget Sound. The latter branches off from the Union Pacific at Granger, in Wyoming, goes through Southern Idaho and Eastern Oregon, strikes our southern boundary, and there connects with other lines which pass through the various sections of our Territory and again converge toward the same great terminal point.

Thus two great transcontinental routes will be opened up, placing us in direct communication with, and practically over one thousand miles nearer to, the great centers of American populations and commerce, and giving to the interior of the great Northwest a highway to the ships. The completion of these roads will be a most important event to the nation—an epoch to

THE NORTHWEST.

Of this favored region, its present condition and the glowing prospect of its future, the honorable gentleman from Oregon, [Mr. GEORGE,] in an able and eloquent speech recently delivered in this House, well and forcibly said:

With the near completion of the North Pacific, with direct connection with the Union Pacific, over eight hundred miles, principally of sea voyage, will be saved, and then over two-thirds of the fifty millions of people of these United States will be a hundred miles nearer us than to any other portion of the Pacific coast region, and from five to six hundred miles nearer the rapidly-growing Japan and China trade. Three great means of access we shall have within two years—the Northern Pacific, the Union Pacific, and the Southern Pacific, three great transcontinental competing roads.

Immigration will follow these lines of rail, according to an unvarying rule of both the Old and the New World. The stream of commercial development of the United States, and for that matter the world, is between the thirty-eighth and fifty-fourth parallels of north latitude, the severity of the American Atlantic winter driving it far south in the east, and the mildness of the climate on the Pacific, under the influence of the warm ocean streams, allowing it to go to the northward, as like causes along the European coast have done with the Old World.

* * * * * * *

The steady tread of man as he advances or emigrates has in all ages been along lines of latitude, rather than longitude. In America the natural channels to carry man and his trade—the rivers—the Ohio, the Missouri, the Mississippi, and their tributaries, run southward. Vast mountain ranges lie along their sides, and it would seem that trade and emigration would flow in that direction. The mutual trade or exchange of the products of the colder with the warmer climates would seem to require it. But man, in his obedience to some other and higher law or circumstance, leaping all obstacles, bridges the rivers, tunnels or scales the mountains, builds roads of steel or iron, or digs canals, and carries himself and his trade east and west, and along these man-made channels has flowed the mighty stream of commerce.

* * * * * * *

We of the Northwest are along this line, on this belt of latitude, or rather this somewhat isothermal line around the world, along which the tides of commerce and progression, enlightenment, and civilization have ever been rolling. In the United States along this line centers our most dense population, and here we find all of our really great cities. Along this belt are printed all the great newspapers of America and the world, and growth and wealth and prosperity ever attend it. Tracing this belt to Europe, we find it embracing the most enlightened, creative, conquering, and progressive nations, such as England, France, and Germany. It is the great highway of nations from east to west, and along this line "the star of empire" has taken its course. This channel emigration pursues in America with but little deviation, and while toward the southward it could find a more mild climate, richer soil, and more luxuriant growth of delicious fruits and vegetables, emigration hitherto has not gone there, neither has it come from such countries in the Old World. In the last decade nearly 3,000,000 emigrants landed in the United States, and of this number only 50,000, or but one-sixtieth part, came to the Southern ports, and the overwhelming percentage of those arriving at Boston or New York drove irresistibly onward toward the West and Northwest. The great growth of Eastern cities is among the more northerly ones, and increases as you go westward. Boston, Chicago, Cleveland, Toledo, and the more northern towns have excelled Baltimore, Cincinnati, Saint Louis, and the more southerly. Indianapolis has doubled in ten years, and so has Saint Paul, and Minneapolis is four times as large as in 1870. All this seems to be in pursuance of immutable laws of nature and the universe. The aggressive, ever stirring, conquering people are advancing along these lines.

THE CHINA TRADE.

The vast region of the Orient, with its 13,000,000 squares miles and nearly two-thirds of the people of the world, has a commerce that has been sought as a prize of incalculable value, enabling each successive nation that controlled it to sway the world—Persia, Assyria, Carthage, Rome, Venice, Genoa, Spain, Amsterdam, and Britain, each in

its turn. Owing to the ocean currents and their attendant trade-winds, the ships bound from San Francisco to China must sail up the coast at least 500 miles to a point opposite the entrance to Puget Sound before bearing westward across the Pacific. Situated midway between the great centers of European and Asiatic population, where the commerce of the one must meet the commerce of the other, where the transcontinental railways must exchange cargoes with the transoceanic ships, on nature's grand belt-line of trade and travel around the globe, at the bivouac of empire's onward march, the possibilities of our development are mighty.

Immediately eastward from this grand harbor-sea, where the navies of the world may ride in safety, and stretching out to and beyond the summit of the Cascades, lies a region holding in harmonious combination all the local elements for the aggregation of industry, population, and wealth. A recent writer thus tersely describes it:

Not only does the finest quality of fir and cedar timber in vast quantities grow along the streams and rivers flowing westward from the range, but near the summit on the western slope abound great mountains of the purest iron ore to be found in the United States. Only a few hundred rods from this iron mountain is located the marble beds that within five years will be worked, and the marble slabs shipped to all parts of the world. This marble quarry is of far more importance than many people presume. The quarries produce a quality of marble that from its peculiar nature and variegated colors make it superior to anything of the kind found on the Pacific coast. The quantity is said to be inexhaustible, and is comparatively easy of access. Limestone of a superior quality is also found in abundance out in the Snoqualmie region. Last, but by no means the least important, is the more recently discovered deposits of anthracite coal. These coal deposits, however, lie farther to the east, and more nearly upon the summit than do the marble beds and iron mountains. Besides the riches mentioned, nearly every square foot of territory lying on the western slope of the mountains * * * is positively known to overlie vast fields of rich bituminous coal.

Mr. Speaker, at some point on the shores of Puget Sound will grow up a great city; and, sir, I venture the prediction, it will be the future metropolis of the Pacific northwest,

THE TYRE OF THE PACIFIC,

and the commerce of the world will pay it tribute.

I deem it safe to say, sir, that Washington Territory, with its unsurpassed advantages, will support as dense a population as any country in the world. Although the smallest Territory belonging to this nation, with the density of Indiana or Illinois we would have over three and one-half millions of people; of Ohio, over 5,000,000; of New York or Connecticut, over 7,000,000; New Jersey, over 10,000,000; Massachusetts or Germany, over 14,000,000; the British Isles, over 19,000,000; of British India or the Netherlands, nearly 21,000,000; and of Belgium, over 32,000,000, or nearly three-fifths of the present population of the whole United States.

Mr. Speaker, in view of our vast natural capabilities, embodying the elements of greatness, stability, and permanency; in view of our diversified resources, grand and inexhaustible as they are, our present healthy state of development, and the bright, golden promise of our opening future, why should we be denied admission into the family of States? Is it because

ITS PRESENT FINANCIAL ABILITY

to take upon itself the burdens and responsibilities incident to statehood is questioned?

By the assessment of 1878 the amount of our taxable property, estimated at less than one-half its true value, was $17,865,988; by that of 1879, it was $21,130,434; by that of 1880, $23,708,587, and of 1881, $25,786,415. Full returns for the present year have not yet been made, but as far as they have they indicate a marked increase, in some localities over 100 per cent. Even on the low basis of valuation which our assessors adopt, it is safe to say it will exceed $30,000,000. Maine and West Virginia, formed by the division of two old and populous States, and Texas, an independent and self-supporting State for many years before its annexation, were the only States ever admitted into the Union with anything like this amount of taxable property. By the last biennial report of the Territorial auditor, made in October of last year, our Territory is shown to be entirely free from indebtedness, with $22,218 surplus cash in her treasury; and the present rate of Territorial taxation is but two and a half mills on the dollar. How many States in the Union to-day can make as good a showing of their ability to manage their own financial affairs? Illinois is the only one shown by the last national census report to be out of debt; and only two others, Michigan and Nevada, have sinking funds to cover their indebtedness. I present here

A table showing the indebtedness of each of the States.

State.	Total debt.	Sinking fund.	Net debt.
Alabama	$9,071,765	.....	$9,071,765
Arkansas	5,046,405	$1,006,668	4,039,737
California	3,403,000	96,386	3,306,614
Colorado	212,814	.....	212,814
Connecticut	4,967,600	.....	4,967,600
Delaware	880,750	.....	880,750
Florida	1,284,980	150,100	1,134,880
Georgia	9,951,500	.....	9,951,500
Illinois	.....	.....	.....
Indiana	4,998,178	.....	4,998,178
Iowa	370,435	.....	370,435
Kansas	1,181,975	94,275	1,087,700
Kentucky	1,858,008	768,152	1,089,856

Table showing the indebtedness of each of the States—Continued.

States.	Total debt.	Sinking fund.	Net debt.
Louisiana	23,437,640	.....	23,437,640
Maine	5,848,900	1,166,150	4,682,741
Maryland	11,277,111	3,649,443	7,627,668
Massachusetts	33,034,726	12,875,248	20,159,478
Michigan	905,150	905,150	.....
Minnesota	2,565,000	.....	2,565,000
Mississippi	379,485	.....	379,485
Missouri	16,259,000	.....	16,259,000
Nebraska	499,267	123,685	375,582
Nevada	75,396	75,396	.....
New Hampshire	3,561,200	.....	3,561,200
New Jersey	1,896,300	1,082,625	813,675
New York	8,988,360	1,451,628	7,536,732
North Carolina	5,706,616	.....	5,706,616
Ohio	6,474,305	741,805	5,732,500
Oregon	511,376	.....	511,376
Pennsylvania	21,561,990	845,705	20,716,285
Rhode Island	2,534,500	702,037	1,832,463
South Carolina	6,639,171	.....	6,639,171
Tennessee	27,440,431	.....	27,440,431
Texas	5,566,928	.....	5,566,928
Vermont	4,000	.....	4,000
Virginia and West Virginia	44,584,597	.....	44,584,597
Wisconsin	2,252,057	.....	2,252,057

Now, Mr. Speaker, from the grudging manner in which appropriations are doled out to the Territories, when one of them so well able and willing to bear the expenses of its local government comes forward to relieve the General Government of that burden one would suppose that the privilege would be accorded it at once and without hesitation.

But, sir, it may be asked whether we have the requisite population to entitle us to admission? This is probably the most important, if not the controlling, question involved, naturally dividing itself into two others:

First. What is that population?

Second. What is the requisite number for admission?

ITS POPULATION.

By the census of 1860 Washington Territory, then embracing the whole of Idaho and that part of Montana lying west of the Rocky Mountains, contained but 11,138 people. In 1870, and after the organization of those two Territories, there were within its present limits 22,195. In 1878, pursuant to acts passed by our Territorial Legislature, a census was taken, delegates elected, a convention held, and a State constitution formed and adopted. At the taking of that census the population had increased to 50,501. Another was taken in June, 1879, showing it to be 57,784. When the national census was taken in June, 1880—now two years ago—it was 75,116, 27,670 of whom were males over twenty one years of age, making an increase in that one year of 30 per cent. Since then the rate of increase has doubtless been much greater. In fact, on account of our great distance and isolation from the centers of population and the great dangers, difficulties, and expense attending such a journey, only the more enterprising and courageous emigrants have settled there, the drones and tramps having "fallen out by the way," giving us a braver, thriftier, and more independent and intelligent class of settlers. Hence our growth until recently has been comparatively slow, but, sir, it has been steady, continuous, and ever increasing in ratio, as manifested by its vote. In 1870 this was 6,182; in 1872, 7,801; in 1874, 8,494; in 1876, 9,907; in 1878, 12,647, and in 1880, 15,823.

Under the laws of our Territory a poll and road-poll tax of $6 per capita is levied on all males between twenty-one and fifty years of age, except firemen, paupers, lunatics, and idiots. By the assessment made in June, 1880, when, according to the last census, the population of the Territory was 75,116, the amount of this tax, as reported by the Territorial auditor, was $73,283.90. By the assessment of June, 1881, taken a year later, it amounted to $108,971.25, an increase of 47 per cent. in the first year since the census. At this rate of increase for the two years since the census we should now have nearly 160,000 people. Other classes, however, may not have increased quite as rapidly as the class that pays this tax, but no person with correct information on the subject will place the number much below that figure. Over 20,000 emigrants have passed up the Columbia River by ocean steamer since the 1st of last January, over half of whom have settled in our Territory. Every passenger steamer entering the Puget Sound lands two or three hundred, while a constant stream is pouring in from the eastward overland.

But, sir, even if with the greatly increased facilities provided, the tide of immigration has been no stronger for the two years since the census than during the one preceding—and who can believe it has not been much stronger—we now have at least 127,000 people. Why, sir, if this bill were taken up at once and passed, another year would probably elapse before our admission would be accomplished, for before that can take place our governor must issue his proclamation, an election for delegates must be held, returns made, a convention held, and a constitution formed; returns made of that election, and a third election for representatives and State officers held and returns made. By that time we will have by the most moderate calculation over 150,000 people in the Territory

Now, Mr. Speaker, we come to the second branch of the inquiry:

WHAT POPULATION ARE WE REQUIRED TO HAVE

as a prerequisite to admission into the Union? Some gentlemen seem to claim that it should be equal to the basis of Congressional representation.

The present ratio is 131,425. Probably we have that number. The ratio based on the last census, to take effect next March, is 151,906. By that time we will probably have that number. But, sir, suppose we fall short of it, is there any rule, or should there be any rule established denying or postponing our application? No such rule, sir, is recognized by

THE FEDERAL CONSTITUTION.

The power conferred upon Congress to admit new States is expressed in one short, simple clause, without any express restrictions, conditions, or qualifications. It merely declares in section 3 of article 4, "New States may be admitted by the Congress into this Union." That is all. Had the framers intended to establish any such rule, undoubtedly they would have embodied it in express language. Its omission shows, by clear legal intendment, that it met their disapproval; and the settled maxim for the construction of constitutional as well as statutory law, *expressio unius est exclusio alterius*, applies.

Indeed, sir, those far-seeing statesmen contemplated that in the then future there would be States in the Union—though there were none then—whose population would be below the representative ratio; and they expressly provided for that contingency in the second section of the first article, which declares that "the number of Representatives shall not exceed one for every thirty thousand, *but each State shall have at least one Representative.*"

ABSURDITIES OF THE RATIO RULE.

Now, sir, this House, originally consisting of but 65 members, will, under the apportionment recently made, soon be five times as large, consisting of 325 members, although the ratio has been increased to 151,906—over five times the first ratio.

Why, sir, had not the size of this body been enlarged from time to time in the past the basis of representation under the last census would be 759,532. Twelve States in the Union—Connecticut, Delaware, New Hampshire, Rhode Island, Vermont, Maine, Florida, Oregon, West Virginia, Nevada, Nebraska, and Colorado—have not that population; and yet Congress had the constitutional power to fix 65 as the maximum membership of an effective House.

Congress also had the power to leave the basis of representation at 30,000. Had it done so, this House would now consist of 1,267 members, and after the 4th of next March it would be increased to 1,670, and Wyoming remain the only organized Territory with insufficient population to cover the ratio. Under the apportionments that have been made had the rule been applied against the people of previously admitted States, as it is proposed to be applied against the people of the incoming States, Delaware, one of the original thirteen, would have been excluded for the past thirty years, and several other States would, with us, now be under the odious curse of colonial vassalage.

This great growth has occurred in less than a century, and who can doubt that it will go on for centuries to come? In a very short time this House will have reached its maximum size. It cannot be further greatly enlarged. We must then so adjust the representative basis as to keep pace with our swelling population. A rule, therefore, requiring the ratio number of people as a prerequisite must very soon and forever close the door against the admission of any more new States and render nugatory the clause of the Constitution conferring that power on Congress. But, sir, will it be contended that a rule should be adopted for the admission of new States based upon a principle which would make an invidious distinction between equal numbers of our people, equally loyal, moral, intelligent, and prosperous, or justify the expulsion of old States similarly situated? The Supreme Court of the United States, in rendering the famous Dred Scott decision, declares what no statesman will dispute, whatever his opinion on its other features, when it says:

> The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority.

Sir, should a State already in the Union be permitted to remain in the Union and enjoy the rights and exercise the functions pertaining to that relation while the people of a Territory of the United States of suitable size to constitute a State—citizens of the United States, equal in numbers, equal in intelligence, equal in moral character, and equal in their attachment to the Constitution and flag of our common country, equal in their ability to support and conduct a State government; men who were esteemed as good and worthy citizens of the several States *in* the Union in which they recently resided, and many of whom have imperiled their lives in the defense of that flag, that Constitution, and that country—are denied admission?

Now, sir, Congress has not the constitutional right to expel a State because its population is below the representative ratio; neither has Congress the moral right to refuse to admit a State solely for that reason. Congress may have the physical power, but it cannot afford to be thus inconsistent.

But, sir, it is argued that without the application of such a rule in the admission of new States gross injustice will be done the more populous ones in the Union, since both will enjoy equal representation in the other branch of Congress. Great disparities between the population of the various States in the Union already exist, always have existed, and always will exist; but all are, and always have been, equally represented in that body. Sir, if that be wrong—which I do not admit—then the fault is inherent in our complex system, and can only be cured by a change in the Constitution itself. Under that system States—political communities in their aggregate and corporate capacities; separate political entities, without regard to the number of their inhabitants—not the people as individuals, are represented in that branch.

Sir, if it be wrong on this account to admit a new State before its population reaches the unit of Congressional representation, does that wrong then cease, or does it not continue until the population equals that of the most populous of all the States. In fine, if this principle is once admitted, does it not prove that not only the *admission of a new State, but the existence and continuance of any State in the Union with less population than another, is an injustice to that other?* If it were wrong, then when the Union was formed Virginia, Pennsylvania, North Carolina, and Massachusetts were wronged by New York. Now she, in turn, is wronged by them and every other State in the Union.

LIBERALITY OF THE GREAT STATES AND STATESMEN.

And yet, sir, no State through its delegates did more in the convention which formed the Constitution to establish that principle of representation than the State of New York.

But she was actuated in that, sir, by a high sense of justice to the smaller States; and though for sixty years she has maintained her place as the most populous State in the Union, while some of those who once stood above her in the list and opposed this principle of representation in the Senate have dropped into comparative insignificance, still she has ever been consistent, has never betrayed a narrow jealousy of the equal influence of her smaller sisters, and has always extended a hearty welcome to the new-born States staggering in weakness up to the door of the Union. One of her greatest statesmen and truest sons—and she has had and still has many that are both great and true—William H. Seward, when representing her on the floor of the Senate, and the distant little State of Oregon was knocking for admission—although that State was a Democratic State and he a life-long opponent of the Democratic party, although its population was but 50,000 while the representative ratio was 93,425, and a proposition was made to postpone the consideration of the measure, said:

> Sir, I know how important it is, where it is practicable in the affairs of government as well as in other concerns of human life, to adopt general rules and to have systematized modes and methods for the transaction of affairs. The Constitution of the United States does, in a great many cases, adopt that principle of generalization; that is, of fixing certain rules and measurements, all of which must be conformed to before a great public transaction can be achieved. But it has always struck me that it was a signal mark of wisdom in the framers of the Constitution that, in regard to the admission of new States into the Union, new members of the confederacy, the Constitution avoided everything like form, everything like measurement, everything like particularity, and submitted the transaction always to the uncircumscribed discretion of the Congress of the United States. Congress may admit new States. * * * Now, what earthly difference can it make to this Republic collectively, to these States collectively, or to any one State in the Union whether Oregon is admitted now or admitted next December. * * * Next December will be the beginning of a short session of Congress, and debates upon this or other subjects may prevent the admission of Oregon for another year. * * * It seems to me, therefore, to be trifling with the State of Oregon, trifling with the people of that community, and to be unnecessary and calculated to produce an unfavorable impression on the public mind in regard to the consistency of the policy which we pursue in admitting States into the Union to delay or deny this application. *For one, sir, I think that the sooner a Territory emerges from its provincial condition the better; the sooner the people are left to manage their own affairs and are admitted to participation in the responsibilities of this Government the stronger and the more vigorous the States which those people form will be.* I trust, therefore, that the question will be taken, and that the State may be admitted without further delay.

And again, on the final question:

> It is not a good thing to retain provinces or colonies in dependence on the central government and in an inferior condition a day or an hour beyond the time when they are capable of self-government. The longer the process of pupilage, the greater is the effect which Federal patronage and Federal influence has upon the people of such a community. I believe that the people of Oregon are as well prepared to govern themselves as any people of any new State which can come into the Union. I do not think the matter of numbers is of importance here. The numbers are estimated at 80,000. The present ratio of representation is 93,420. Eighty thousand is a practical compliance, even if that rule should be enforced; but I shall never consent to establish for my own government any arbitrary rule with regard to the population of a State. I can imagine States which I would not admit with a million of people, and I can imagine those which I would admit with 50,000. * * * I shall vote for the bill.

And her other venerable Senator, Preston King, gave true and terse expression to her liberal spirit, ever willing to "live and let live," in this language, used in the same debate:

> I am disposed to vote for the admission of Oregon, though I believe her population is not equal to the ratio required for a Representative in Congress.

So the same broad, national patriotism of Virginia, when she was the most populous State in the Union, and Tennessee an applicant for admission, found utterance in the words of her immortal Madison when he said:

> The inhabitants of that district of country are at present in a degraded situation. They are deprived of a right essential to freemen—the right of being represented

in Congress. Laws are made without their consent, or by their consent in part only. An exterior power has authority over their laws; an exterior authority appoints their executive, which is not analogous to the other parts of the United States, and *not justified by anything but an obvious and imperious necessity.* I do not mean by this to censure the regulations of their provisional government, but I think where there is doubt Congress ought to lean toward a decision which shall give equal rights to every part of the American people.

If there be any inaccuracy in admitting them into the Union before they possess the full number of inhabitants it is only a fugitive consideration. The great emigrations which take place to that country will soon correct the error.

Massachusetts, too, when she stood high in the list of great States, gave us her Robert Dane, who penned the immortal ordinance of 1787, the Magna Charta of the embriotic States then growing up in the Northwest, guaranteeing them republican government and early admission into the Union.

Mr. Speaker, I might cite the eloquent utterances, acts, and votes of the great lights of Pennsylvania, Ohio, Illinois, and other of the larger States to the same effect; but these will suffice.

It is not the great States nor the great statesmen of this nation who oppose the incoming of these young commonwealths. They realize that all the diversified interests of this broad land are united by the bonds of inseparable wedlock, that "all are parts of one great whole," and that these new and rising States are not enemies to be crushed, but the children of the nation "to the manner born."

ADMISSION OF STATES IN THE PAST.

Now, Mr. Speaker, what rule as to population has been followed in the past? What has been the practice of our Government in the admission of new States? What construction has been placed upon this clause by the precedents? Has Congress by its past action in the admission of new States attempted to interpolate into the Constitution a restriction of this kind?

Mr. Speaker, my time will not permit a recital of the history of the admission of the twenty-five new States which have been added to the Union through the action of Congress. But, for the sake of brevity, I have prepared, in tabulated form, and will present an exhibit of some of these more prominent features of the question now under discussion:

State.	Date of admission.	Representative ratio on previous census.	Population by previous census.			Population when admitted.		
			Free.	Slave.	Total.	Free.	Slave.	Total.
Vermont	1791	33,000	85,425	.....	85,425	85,425	.....	85,425
Kentucky	1792	33,000	61,247	12,430	73,677	61,247	12,430	73,677
Tennessee	1796	33,000	32,274	3,417	35,691	*60,000	*7,000	*67,000
Ohio	1802	33,000	45,365	.....	45,365	45,365	.....	45,365
Louisiana	1812	35,000	41,896	34,660	76,556	41,896	34,660	76,556
Indiana	1816	35,000	24,520	.....	24,520	63,897	.....	63,897
Mississippi	1817	35,000	} 23,264	17,088	40,352	45,441	30,061	75,512
Alabama	1819	35,000	}					
Illinois	1818	35,000	12,282	.....	12,282	34,620	.....	34,620
Maine	1820	35,000	228,705	.....	228,705	298,269	.....	298,269
Missouri	1821	40,000	56,335	10,222	66,557	56,335	10,222	66,557
Arkansas	1836	47,700	25,812	4,576	30,388	*33,000	*9,240	52,240
Michigan	1837	47,700	31,639	.....	31,639	*65,000	.....	*65,000
Florida	1845	70,680	28,760	25,717	54,477	*34,000	*30,000	*64,000
Texas	1845	70,680	.....	.....	.....	*105,000	*38,000	*143,000
Iowa	1846	70,680	43,112	.....	43,112	78,819	.....	78,819
Wisconsin	1848	70,680	30,945	.....	30,945	*180,000	.....	*180,000
California	1850	93,423	92,597	.....	92,597	92,597	.....	92,597
Minnesota	1858	93,423	6,077	.....	6,077	*120,000	.....	*120,000
Oregon	1859	93,423	13,294	.....	13,294	*50,000	.....	*50,000
Kansas	1861	127,381	107,206	.....	107,206	107,206	.....	107,206
West Virginia	1863	127,381	.....	.....	.....	.....	.....	*350,000
Nevada	1864	127,381	6,857	.....	6,857	*40,000	.....	*40,000
Nebraska	1867	127,381	28,841	.....	28,841	*100,000	.....	*100,000
Colorado	1876	131,425	39,864	.....	39,864	*100,000	.....	*100,000

*Estimated.

Now, sir, the most cursory analysis of this table will evolve some very potent argumentation against the ratio rule, and in favor of the immediate consideration and passage of the bill to which I am trying to address myself. Some of these States were admitted under conditions and circumstances so dissimilar from the one whose claim I am now endeavoring to present, circumstances requiring the application of principles so different from those here involved, as to furnish no criterion whatever. This is peculiarly so in the cases of Maine, Texas, and West Virginia, and in a less forcible sense in those of Vermont and Kentucky. Maine was formed by the division of Massachusetts, and West Virginia by the division of the Old Dominion. Their earlier admission was not necessary to give their people greater rights than they already enjoyed. Vermont was a colony of New York, and Kentucky of Virginia, formed from their territory and admitted immediately after the formation of the Union with the consent of their mother States. Still, the whole population of Vermont was only about two-thirds, and the whole population of Kentucky was less than two-thirds, and the free population of the latter less than one-half our present population. Texas was an organized sovereign State, an independent nation, for years before her annexation. Neither of these five ever constituted public domain of the United States, nor could either have been admitted at an earlier period.

Now, Mr. Speaker, excluding these non-Territorial States, there have been twenty new States, formed from previously acquired territory of the United States, admitted since the formation of the Union. Of these twenty only four had by the preceding national census the population constituting the representative unit of that census. These were Tennessee, whose population by census of 1790 was 35,691—32,274 free and 3,417 slave—while the ratio based on that census, in which five slaves were counted as three free persons, was 33,000; Ohio, with 45,365 by the census of 1800, while the ratio for that census was also 33,000; Louisiana, with 76,556—41,896 free persons and 34,660 slaves—by the census of 1810, while the ratio for that census was 35,000; and Missouri, with 66,557—56,335 free persons and 10,222 slaves—by the census of 1820, while the ratio for that census was 40,000. So that, since the ratio of representation rose above 40,000, no State has been admitted from a Territorias condition with a population at the taking of the previous censul equal to the ratio for that census.

Again, sir, it will be observed that at least eight of these new States had not even when admitted the representative unit of population for the last national census taken before such admission. These were Illinois, Florida, California, Oregon, Kansas, Nebraska, Nevada, and Colorado. Illinois was admitted with 34,620 people, about one-fourth of our number, the ratio being 35,000; Florida with about 64,000, about one-half our number, of whom about 30,000 were slaves to be rated as 3 to 5, and so reducing the representative number to about 52,000, the ratio being 70,680; California with 92,597, less than three-fourths our number, while the ratio for the census of 1880 (just taken) was placed at 93,423; Oregon with about 50,000, only having 52,465 over a year afterward, less than two-fifths of our number, the ratio still being 92,597; Kansas, "bleeding Kansas," so much abused and so long delayed, with 107,206—20,000 or more below Washington—while the ratio for that census was raised to 127,381; Nevada and Nebraska, under the same ratio, with but 42,491 and 122,993, respectively, by the census taken long after their admission; and Colorado with about 100,000 after the ratio had risen to 131,425.

The first four were admitted by Democratic and the last four by Republican administrations. So that the practice has the sanction equally of both those parties. But again, sir, both these great parties placed themselves squarely and unequivocally on the record against the application of the ratio principle in

THE OREGON CASE,

to which I have just referred. Oregon, as I have stated, had, when admitted, about 50,000 people, while the ratio of representation was 93,423. Senator Douglas, in charge of the bill for her admission, stated his belief that her population was about 55,000 or 60,000, while Senator Seward and some others thought it was about 80,000. Very few claimed that she had 93,423. And yet, on the passage of the bill through the Senate, the vote stood as follows:

YEAS—ALLEN, BAYARD, BENJAMIN, BIGLER, BRIGHT, BRODERICK, BROWN, *Cameron, Chandler*, CLINGMAN, *Collamer, Dixon, Doolittle*, DOUGLAS, *Foot, Foster*, GREEN, GWINN, *Harlan*, HOUSTON, JOHNSON OF ARKANSAS, JOHNSON OF TENNESSEE, JONES, *King*, POLK, PUGH, SEBASTIAN, *Seward*, SHIELDS, *Simmons*, SLIDELL, STEWART, TOOMBS, WRIGHT, YULEE—35; 11 *Republicans*, 24 DEMOCRATS.

NAYS—Bell, CLAY, Crittenden, DAVIS, *Durkee, Fessenden*, FITZPATRICK, *Hale, Hamlin*, Hammond, HENDERSON, HUNTER, IVERSON, KENNEDY, MASON, *Trumbull, Wade*—17; 6 *Republicans*, 8 DEMOCRATS, 3 pro-slavery Whigs.

And when the bill came into this House, the question was presented still more sharply—indeed, in the most direct form possible—pure and simple. While the bill was under consideration, Mr. HILL, of Georgia, a member of the national American party, moved to strike out so much as provided for her immediate admission with one Representative, and providing:

That whenever it is ascertained by a census, duly and legally taken, that the population of the Territory of Oregon equals or exceeds the ratio of representation required for a member of the House of Representatives of the United States, Oregon shall be received into the Union on an equal footing with the other States in all respects whatever.

This amendment was rejected by the following overwhelming vote:

YEAS—*Abbott, Blair,* BOYCE, BRYAN, *Chaffee,* HORACE F. CLARK, Clawson, *Dick, Farnsworth,* Gilmer, Hill, KEITT, *Kellogg,* John C. Kunkell, MCQUEEN, *Matteson,* Maynard, MILES, MILLSON, *Mott, Olin,* Ricaud, *Royce,* SCALES, HENRY M. SHAW, SHORTER, STALLWORTH, Trippe, UNDERWOOD, VANCE, *Walbridge,* Zollicoffer—32; 13 DEMOCRATS, 11 *Republicans,* 8 Americans and Whigs.

NAYS—ADRIAN, AHL, *Andrews,* ARNOLD, ATKINS, AVERY, BARKSDALE, BARR, *Billinghurst, Bingham,* BONHAM, BOWIE, BRANCH, *Brayton, Buffington, Burlingame,* BURNETT, BURNS, *Burroughs,* CARUTHERS, *Case,* CASKIE, CAVANAUGH, CHAPMAN, *Ezra Clark,* JOHN B. CLARK, CLAY, COBB, *Clark B. Cochrane,* JOHN COCHRANE, COCKERILL, *Colfax, Comins,* CORNING, COX, JAMES CRAIG, BURTON CRAIG, CRAWFORD, CURRY, *Curtis,* DAVIDSON, Davis of Maryland, DAVIS OF INDIANA, DAVIS OF MASSACHUSETTS, *Davis of Iowa, Dean,* DEWART, DIMMICK, *Dodd,* DOWDELL, *Durfee, Edie,* EDMUNDSON, ELLIOTT, ENGLISH, *Fenton,* FLORENCE, FOLEY, *Foster,* GARTRELL, GILLIS, *Gillman, Gooch,* GOODE, *Granger,* GREENWOOD, GREGG, *Grow,* LAWRENCE W. HALL, *Robert B. Hall, Harlan,* Harris, HATCH, HAWKINS, HODGES, HOPKINS, *Horton,* HOUSTON, HUGHES, HUYLER, JACKSON, JENKINS, JEWETT, GEORGE W. JONES, OWEN JONES, Keim, *Kelsey, Kilgore, Knapp,* JACOB M. KUNKEL, LAMAR, LANDY, LAWRENCE, *Leach,* LEIDY, *Leiter,* LETCHER, *Lovejoy,* MACLAY, MCKIBBEN, MCRAE, Humphrey Marshall, SAMUEL S. MARSHALL, MASON, MILLER, MONTGOMERY, MOORE, *Morgan, Morrow,* Edward Joy Morris, ISAAC N. MORRIS, *Oliver A. Morse, Murray,* NIBLACK, *Nichols, Palmer, Parker,* PENDLETON, *Pettit,* PEYTON, JOHN S. PHELPS, WILLIAM W. PHELPS, PHILLIPS, *Potter, Pottle,* POWELL, *Purviance,* REAGAN, REILLY, Robbins, *Roberts,* RUFFIN, RUSSELL, SANDIDGE, SAVAGE, SCOTT, SEARING, SEWARD, AARON SHAW, *Judson W. Sherman,* SINGLETON, ROBERT SMITH, SAMUEL A. SMITH, *Spinner, Stanton,* STEPHENS, STEPHENSON, JAMES A. STEWART, *William Stewart,* TALBOT, *Tappan,* GEORGE TAYLOR, MILES TAYLOR, *Thayer, Thompson, Tompkins,* VALLANDIGHAM, *Wade, Waldron, Walton,* WARD, *Cadwallader C. Washburn, Elihu B. Washburne, Israel Washburn,* WATKINS, WHITE, WHITELEY, *Wilson,* WINSLOW, *Wood,* WORTENDYKE, AUGUST R. WRIGHT, JOHN B. WRIGHT—173; 106 DEMOCRATS, 61 *Republicans,* 6 Americans and Whigs.

Again, sir, before that, when

FLORIDA

was an applicant, and as I have stated, the ratio was 70,680, the same question arose. The treaty with Spain ceding the Floridas to the United States provided that the inhabitants should "be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution."

The memorial of that State, after quoting that article, which is very similar though not so strong as the third article of the treaty with France ceding the Louisiana Territory, of which Washington is a part, makes this powerful appeal:

It is believed by many that an accurate enumeration would exhibit a population in Florida, estimated according to the basis of representation in the House of Representatives of the United States, fully equal to, if not greater than, the present ratio. But the people of Florida respectfully insist that their right to be admitted into the Federal Union as a State is not dependent upon the fact of their having a population equal to such ratio. Their right to admission, it is conceived, is guaranteed by the express pledge in the sixth article of the treaty above quoted, and if any rule as to the number of population is to govern, it should be that in existence at the time of the cession, which was thirty-five thousand. They submit, however, that any ratio of representation dependent on legislative action based soley on convenience and expediency, shifting and vacillating as the opinon of a majority of Congress may make it, now greater than at a previous apportionment, but which a future Congress may prescribe to be less, cannot be one of the constitutional principles referred to in the treaty, consistency with which, by its terms, is required. It is, in truth, but a mere regulation, not founded on principle. No specific number of population is required by any recognized principle as necessary in the establishment of a free government.

* * * * * * *

It is in no wise inconsistent with the principles of the Federal Constitution that the population of a State should be less than the ratio of Congressional representation. The very case is provided for by the Constitution. With such deficient population, she would be entitled to one Representative. If any event should cause a decrease of the population of one of the States, even to a number below the minimum ratio of representation prescribed by the Constitution, she would still remain a member of the confederacy and be entitled to such Representative. It is respectfully urged that a rule or principle which would not justify the expulsion of a State with a deficient population, on the ground of inconsistency with the Constitution, should not exclude or prohibit admission.

* * * * * * *

But wherefore should we be constrained to remain longer under institutions so hostile to the cardinal maxims of free government, so obviously at war with the vital principles of the Federal Constitution, as those of a Territory? Can the denial to us of an equal portion of the blessings of free government benefit any of our fellow-citizens of the States? Can it be essential to their well-being and prosperity that we should be compelled to remain still longer in a state of galling and humiliating disfranchisement? Will our admission as a State inflict any injury upon them? The people of Florida call, then, upon their fellow-citizens of the States not to force upon them any longer the odious principle of "taxation without representation;" not to contradict in practice * * * the republican axioms that man is capable of self-government, and that all free governments are founded upon and derive their just powers from the consent and will of the people.

Mr. Speaker, this appeal was heeded, and Florida was admitted into the Union. Now, sir, no act of Congress for the admission of a State ever contained a clause making such admission dependent upon her having the ratio number of people, or any stated number of people. True, sir,

THE ACT OF MAY 4, 1858, FOR THE ADMISSION OF KANSAS,

may at first blush appear to be in conflict with this statement. That bill provided that Kansas, in case of her renunciation of her asserted right and intention to tax the property of the United States within her borders, should be then admitted with less than the ratio number; but if she refused she should, as a penalty for that refusal, remain out until she acquired that population. And even that act was superseded by another admitting her before she had the ratio number.

Now, Mr. Speaker, in the face of the significant provision of the Constitution—beautiful in its simplicity—imposing no such harsh and unjust condition precedent; in the hearing of the noble appeals of the great statesmen of the nation, whose eloquence lights up the way before us; in view of that long line of precedents, and of the record of this vote which I have read, can either of these great parties now consent to sink itself to the depth of self-stultification necessary to the espousal of this absurd, unjust, and repudiated rule for the admission of new States?

MOIETY REPRESENTATION.

Are you going to establish a rule that refuses *all* representation to the new States *of* the Union, but *not in* the Union, because you will not let them in for the reason that their population is not equal to the representative ratio, while you not only accord it to those that *are in* with less than that ratio, but also give to those *already* represented *additional* representation for a *fraction* of that ratio? Why, sir, sixteen States *in* the Union get under the apportionment recently made each a Representative on this floor *for a mere fraction of the ratio number,* while those *of* the Union, but *not* in it, get *no* representation; on the principle, I presume, that "To him that hath shall be given; but from him that hath not shall be taken even that which he hath." Those States and the numbers on which they get the representation are as follows:

Nevada	62,265	Massachusetts	112,046
New York	70,912	Florida	115,445
Texas	73,514	Michigan	117,271
South Carolina	84,186	Rhode Island	124,622
Kansas	84,530	Kentucky	129,648
Wisconsin	100,232	Virginia	145,652
California	105,156	Delaware	146,654
Iowa	105,560	Nebraska	148,621

THE TRUE RULE—SIXTY THOUSAND FREE INHABITANTS.

Now, Mr. Speaker, as we have seen, the Constitution does not state what number and kind of inhabitants are necessary to entitle one of its Territorial dependencies to admission as a State. But, sir, the contemporaneous public acts and legislation of the States and Congress is quite significant of the views entertained by the fathers on the subject, casting a shade of meaning upon the Constitution itself.

Near the close of the Revolution, as will be remembered, Congress became greatly embarrassed in its conduct of that terrible struggle, owing to sales by some of the States of portions of their western territory, which afterward led to a recommendation by Congress to such States as held such territory to cede it to the United States with an assurance that the same should "be disposed of for the common benefit of the United States and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence as the other States."

Pursuant to this recommendation of Congress, contained in its resolutions of September 6 and October 10, 1780, New York, Virginia, and other States ceded their claims to the Northwest Territory, and while the convention which framed the Constitution was in session the famous ordinance of 1787—the grand bill of rights for that Territory—was passed by the unanimous vote of the Congress of the Confederation. That ordinance contained, among other provisions, the following:

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments which forever hereafter shall be formed in the said Territory; *to provide,* also, *for the establishment of States* and permanent government therein, *and for their admission to a share in the Federal councils on an equal footing with the original States,* AT AS EARLY PERIODS AS MAY BE CONSISTENT WITH THE GENERAL INTEREST:

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as *articles of compact between the original States and the people and States in the said Territory, and forever remain unalterable, unless by common consent,* to wit:

* * * * * * *

ART. 5. There shall be formed in the said Territory not less than three nor more than five States; * * * *and whenever any of the said States shall have* 60,000 *free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government;* * * * *and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than* 60,000.

Soon afterward the Carolinas followed with cessions of their claims to the territory south of the Ohio, and Congress, by the act of May 26, 1790, extended to the inhabitants thereof "all the privileges, benefits, and advantages set forth in the ordinance" of 1787, save those contained in the sixth article of compact, prohibiting slavery.

And when Georgia next ceded the Mississippi territory the cession was made upon the express condition—

That the territory thus ceded shall form a State, and be admitted as such into the Union, as soon as it shall contain 60,000 free inhabitants, or at any earlier period if Congress shall think it expedient.

This, then, was

THE RULE ESTABLISHED BY THE FATHERS OF THE REPUBLIC,

for *all* territory which, at the close of the Revolution, fell to the States, and was ceded by them to the General Government, then extending southward to the thirty-first parallel and westward to the Mississippi—all that belonged to the United States prior to the Louisiana purchase. And even after that purchase the same rule was embodied in the organic act of the Orleans territory. It was an absolute, uniform, and unchangeable rule, at entire and irreconcilable variance with the ratio principle, based upon a different number and classification of persons—a number that has never been and never will be the basis of Congressional representation—subject to none of its fluctuations, and a number that includes only "*free* inhabitants."

WASHINGTON WITHIN THE RULE.

Now, Mr. Speaker, the first section of the organic act of the original Oregon Territory, passed August 14, 1848, reads as follows:

Be it enacted, &c., That from and after the passage of this act all that part of the territory of the United States which lies west of the summit of the Rocky Mountains, north of the forty-second degree of north latitude, known as the Territory of Oregon, shall be organized into and constitute a temporary government by the name of the Territory of Oregon: *Provided*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into *two or more Territories*, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.

And then, passing on to section 14 of that act, we read as follows:

SEC. 14. *And be it further enacted*, That the inhabitants of said Territory shall be entitled to enjoy all and singular the rights, privileges and advantages granted and secured to the people of the territory of the United States northwest of the river Ohio, by the articles of compact contained in the ordinance for the government of said Territory, on the 13th day of July, 1787.

THE TENNESSEE CASE.

Now, Mr. Speaker, this language is even more clear and explicit than that employed in the act of May 26, 1790, relative to the territory south of the Ohio. The construction given to the language of that act by those who passed it—those, too, by whom the ordinance itself was enacted, and who framed the Constitution—should be entitled to great weight, if there were any doubt as to its meaning and purport. On receipt of the memorial of the Legislature of Tennessee a special message was transmitted to Congress by the first President of the United States, which reads:

Gentlemen of the Senate and of the House of Representatives:

By an act of Congress passed on the 26th of May, 1790, it was declared that the inhabitants of the territory of the United States south of the river Ohio should enjoy all the privileges, benefits, and advantages set forth in the ordinance of Congress for the government of the territory of the United States northwest of the river Ohio.

* * * * * * *

Among the privileges, benefits, and advantages thus secured to the inhabitants of the territory south of the river Ohio, appear to be the right of forming a permanent constitution and State government, and of admission as a State by its delegates into the Congress of the United States on an equal footing with the original States in all respects whatever, when it should have therein sixty thousand free inhabitants:

* * * * * * *

G. WASHINGTON.

UNITED STATES, *April* 8, 1796.

In the House this venerable message was referred to a select committee of five, who, by Mr. Dearborn, its chairman, reported April 12, 1796, the following resolution:

Resolved, That by the authenticated documents accompanying the message from the President of the United States to this House on the 8th day of the present month, and by the ordinance of Congress bearing date the 13th of July, 1787, and by the law of the United States, passed on the 26th of May, 1790, it appears that the citizens of that part of the United States which has been called the territory of the United States south of the river Ohio, and which is now formed into a State under a republican form of government, by the name of Tennessee, are entitled to all the rights and privileges to which the citizens of other States in the Union are entitled under the Constitution of the United States, and that the State of Tennessee is hereby declared to be one of the sixteen United States of America.

In the debate that followed, participated in as it was by the leading statesmen of that day, there was but one opinion expressed as to the point on which I am now insisting. Let me make some quotations from the record of that discussion:

Mr. W. Lyman said the subject presented itself in two points of view—as it related to the Territory being admitted as a State into the Union, or as giving them a right to send members to Congress. In his opinion, according to the ordinance of Congress, they had a clear right to be admitted as a State into the Union, for it was there said that when they had 60,000 inhabitants they should be entitled. * * * This fact, he said, came fully ascertained, and being so, there could be no doubt the right was clear. It was a right, indeed, which they could not deny, and as a matter of expediency it was not worth while to oppose it.

Mr. Macon said the chief differences in the opinions of gentlemen arose upon a subject which was not before the committee, namely, the number of Representatives to which this new State was entitled in that House. The question before the committee was on admitting the Territory to be a State of the Union. There appeared to him only two things as necessary to be inquired into: First, was the new government republican? It appeared to him to be so. And, secondly, *were there 60,000 inhabitants in the Territory?* It appeared to him there were; and, if so, *their admission as a State should not be considered as a gift, but as a right.* * * * *To admit this Territory as a member of the Union appeared to him as a matter of course.*

Mr. Baldwin said * * * he thought, as to the principle in this case, *there could be no doubt whenever the event happened, of their having 60,000 inhabitants, as pointed out by law, their right to be a State took place. It was to depend entirely on that contingency; when that was proved to have taken place they could not be debarred.* There having been no mode previously pointed out for ascertaining this fact, only makes it more difficult for the Territory and for Congress to be satisfied of the fact of their actually having so many inhabitants, *but does not affect their right.* * * *They must be admitted to be a State as a matter of right.*

Mr. Madison said: *If there were the stipulated number of inhabitants, that Territory could not be denied its claim of becoming a State of the Union without a violation of right;* but if the inhabitants requested it and Congress pleased to admit them before they had their full complement, the error could not be of so serious a nature.

Mr. Gallatin was of opinion that *the people of the Southwestern Territory became ipso facto a State the moment they amounted to 60,000 free inhabitants, and that it became the duty of Congress, as part of the original compact, to recognize them as such and to admit them into the Union whenever they had satisfactory proof of the fact.*

* * * * * * *

The only question which in his opinion deserved consideration was whether the proof given to them that there were 60,000 inhabitants was satisfactory.

Mr. Coit said that as he had not heard it suggested from any quarter that it would be expedient to divide the Territory into two States, he did not think it important to inquire into the powers of Congress in that respect. It is declared by the ordinance for the government of the Territory that when there should be 60,000 free inhabitants in any one of the States there, they should be admitted into the Union. If, then, it is not in contemplation to divide the Territory into two States, he considered that the right to be admitted was complete as soon as there was the requisite number within the whole Territory.

Mr. Sitgreaves said: Two constructions of this compact had been contended for; one, that as soon as 60,000 free inhabitants should be collected within the Territory, they should be entitled to a place in the Union as an independent State; the other, that Congress should *first* lay off the Territory into one or more States, according to a just discretion, defining the same by bounds and limits; and that the admission of such States, thus defined, should take place as their population respectively amounted to the number of free inhabitants mentioned; that is, that the 60,000 inhabitants could not claim admission into the Union unless their number was comprised within a State whose territorial limits had been previously ascertained by an act of the United States.

The matter coming up simultaneously in the Senate, the main question in contention was whether the formation of the Territory "into one or more States," as contemplated by the North Carolina cession, by a separate act, was a prerequisite. At first the Senate, by a slight majority, adopted the report of its committee declaring the affirmative view, in this language:

By the act for the government of the territory of the United States south of the river Ohio, the whole of the said territory, for the purpose of temporary government, is made one district, and it is declared that the inhabitants thereof shall enjoy all the privileges set forth in the ordinance for the government of the territory of the United States northwest of the Ohio. As in the territory northwest of the Ohio it is necessary that the same shall by Congress be laid out into States according to the conditions of the act of cession, or to the provisions expressed in the ordinance of Congress, and that such States shall each contain 60,000 free inhabitants before they are entitled to be admitted into the Union, so in the territory south of the Ohio Congress are obliged by the act of cession of North Carolina to lay out the territory thereby ceded into one or more States, *the inhabitants of which, so soon as they shall amount to 60,000 free persons, will be entitled to be admitted into the Union.*

Afterward the Senate receded from this position, and passed the bill for admission of the State, without further preliminaries, without even a division. But that question is not involved in the present case.

The original Oregon Territory, to which these "privileges, benefits, and advantages" were extended by the act of 1848, has since been subdivided into the "two or more Territories" contemplated by the first section of that act. The one which retained the original name—

OREGON—

presented itself for admission over twenty-three years ago. In the debate which then occurred in this House this same question was discussed, and resolved, as we have seen, in her favor. The venerable gentleman from Georgia, [Mr. STEPHENS,] who was then a member of this House, presented the argument so much more clearly, forcibly, and eloquently than I can expect to do that I shall quote at some length from his unanswerable speeches. Said he:

I have this to say to the House, and especially to those who have any doubt about the population of Oregon, that, for myself, I hold that there can be no question but that there is sufficient population there to require us, under existing laws and compacts, to admit that Territory as a State into the Union. There must be at least 60,000 people there.

He then quoted section 14 of the Oregon organic act of August 14, 1848, and the latter part of the fifth article of compact of the ordinance of 1787, and continued:

If there were any question as to whether there were 90,000 people there; if there were any question as to whether Oregon comes up to the ratio of representation; yet, sir, I hold that there is a solemn guarantee and a compact made with those people which we ought not to disregard. That there are more than 60,000 people there, it seems to me no gentleman upon this floor can doubt. * * * By their admission we get rid of the Territorial expenses. They possess all the elements for a State government, which they should have under the guarantee I have referred to.

And again, in closing the debate:

Apart from considerations of public duty and justice to the people claiming this admission there is another consideration which enlists my entire energies for the bill. That, sir, is the opportunity it affords me as a Southern man, and one acting with the Democratic party, to show the groundlessness of the charge made last year, that we were in favor of putting one rule to a State applying with a slave State Constitution and another and more vigorous rule to a free State application—that we required a larger population for the admission of a State not tolerating African slavery than one permitting and allowing it. * * * The position of Kansas and that of Oregon are totally dissimilar; and whatever consideration of duty, looking to the peace and quiet of that country, as well as the general welfare, may have induced me and others to put the population restriction upon any future application of Kansas, like considerations of duty of a higher character, *acting as*

we now are, under existing obligations which we cannot ignore, forbid that the same representative ratio rule should be extended to Oregon. As I stated in my opening remarks, under existing compacts, under existing laws, affirming and extending what all regarded as a most solemn compact, the ordinance of 1878, it is in my judgment a high obligation to admit Oregon as soon as she has sixty thousand inhabitants.

* * * * * *

The clause in the Kansas compromise bill, refusing to hear any further application for admission from her in case of her declining to come into the Union under her then application, with the modification of her land proposition which we submitted, until she had a population equal to the representative ratio, may or may not have been right, according to the opinions of gentlemen. The policy of adopting such a general principle in all cases where it can be done may or may not be right, as gentlemen may vary in their opinions; but that question cannot arise in the case of Oregon. We are foreclosed on that point in the Territorial organic act, and I appeal, not only to this side of the House but to every side, and ask how they can get round that obligation in the Territorial bill of Oregon of 1848, which declares solemnly that all the guarantees, privileges, and rights secured to the people of the Northwest Territory should be extended to the people of Oregon?

* * * * * *

No such guarantee as this was ever given to the people of the Territory of Kansas. If there had been, that representative-ratio feature could not have been put in the conference bill *without a violation of plighted faith.* * * * The question before us at this time is *simply whether we will discharge an existing obligation.*

* * * * * *

The Territory was defined and the compact entered into with the people, with the inhabitants; and that compact was, *that as soon as they had sixty thousand free inhabitants they were to be entitled to admission as a State;* and further, so far as it can be consistent with the general interest, such admission shall be allowed with a *less number than sixty thousand inhabitants. There is no escape from this;* nor are we without some lights as to a proper construction of these words. It is the same identical guarantee that was extended to Tennessee in 1790; and how was this language interpreted by those who made the compact? How was it construed by the great lights of the old Republican party? This identical question came up on the admission of Tennessee. * * * The debate on that question was referred to yesterday. *There is no dodging the question, no evading it.* The question here, so far as population is concerned, is the same as that on the admission of Tennessee. The only fact in issue now before us is the fact that was in issue then. It is not whether the proposed State has ninety thousand or one hundred thousand, *but simply whether it has sixty thousand inhabitants.* * * * *It is no question of ninety-three thousand here. It is no question of what is the ratio in other Territories.* It is no question of Kansas discrimination. *It is the simple, naked question of fulfilling obligations. That is the whole of it.* I have no doubt that she has sixty thousand; and every man upon this floor so believing, according to this authority, *is bound to vote for her admission.*

Mr. Clark, of Missouri, in the course of that debate, also said:

I take the ground that Oregon is entitled to admission into the Union with her present population, if it be sufficient, in the opinion of the House, to enable her to organize a practical community for State purposes. *I claim that Oregon has a right to come in under the ordinance of* 1787, *and that it is the duty of Congress to admit her on the same principle and according to the same rule established in that ordinance for the Northwest Territory.* Sir, if gentlemen will read the organic act of Oregon they will find that it is provided in that act that she shall be entitled to all the privileges and subject to all the limitations contained in the ordinance of 1787. That ordinance provided that when there should be 60,000 inhabitants in those Territories *they should have a right to be admitted as States. If, then, you take the ordinance of* 1787 *and the organic act of Oregon you cannot escape the conclusion that you must admit Oregon when she has a population of* 60,000.

Mr. Hughes was brought in from his sick-room, and also made a speech in favor of the bill, in which he used this language:

The Territory of Oregon was organized by act of Congress in 1848; * * * the provisions of the famous ordinance of 1787 were put in force in the Territory of Oregon by act of Congress. * * * Here is an enabling act for Oregon, pledging to her people admission into the Union with 60,000 free inhabitants or even with a less number if "consistent with the general interest of the confederacy." * * * Go then, freedom shrieker! Vote against Oregon. *But remember you vote against the compact of the ordinance of* 1787 *expressly extended to that Territory by act of Congress.* You vote against "popular sovereignty," and deny to the people of Oregon the right to "regulate their domestic institutions in their own way."

Now, Mr. Speaker, Washington, comprising another of these subdivisions of the original Oregon Territory, now stands where her elder sister then stood. She is the second applicant for admission, and is to the State of Oregon what Indiana—the second formed from the Northwest Territory—was to Ohio. When

INDIANA,

with 63,879 inhabitants, was knocking at the door of the Union, the committee to whom her memorial was referred reported to this House, January 5, 1816—

That said Territory is a portion of the territory northwest of the river Ohio, which, by the ordinance for the government thereof, was ordained to constitute not less than three nor more than five States; that the ordinance aforesaid, whenever the Territory of Indiana shall possess 60,000 free inhabitants, guarantees to those inhabitants the benefit of being admitted into the Union upon an equal footing with the original States. * * * Your committee, believing the said Territory to possess a population of 60,000 free inhabitants at least, deem it unnecessary to offer any further reasons in support of the expediency of granting the principal prayer of the memorialists; and therefore beg leave to report a bill to enable the people of the Territory of Indiana to form a constitution and State government on conditions not less advantageous and similar to those heretofore granted to other Territories of the United States.

And, sir, when

MICHIGAN,

another of the subdivisions of that territory, coming along later, presented her claim to admission, she rested her case upon the same plea. The memorial of her Legislature, passed January 8, 1833, contained the following language:

And your memorialists further represent that, under and by virtue of the ordinance of Congress passed the 13th day of July, A. D. 1787, for the government of the territory of the United States northwest of the river Ohio, it was, among other things, ordained that there shall be formed not less than three nor more than five States; and providing, if Congress find it expedient, that one or two of said five States should be formed in that part of said territory which lies north of an east and west line of the extreme southerly bend of Lake Michigan, and that any of the said States shall be admitted into the Union on an equal footing with the original States in all respects whatever, with liberty to form a permanent constitution and State government in conformity with the principles contained in the articles of said ordinance, whenever such State have 60,000 free inhabitants therein.

* * * * * * *

And your memorialists further represent that Michigan Territory * * * is a part of the territory to be divided into States, according to the provisions of the fifth article of compact of the said ordinance of 1787, and that Michigan Territory so bounded, (and which, before its organization as a State can be consummated,) will, as your memorialists believe, contain 60,000 free inhabitants, is entitled, according to the said ordinance * * * to be constituted a State.

Anticipating that Michigan would soon have 60,000 people, as a concession to them, and not to erect another barrier in the way of their ingress into the Union, the ratio number was first proposed by Senator Tipton, then having charge of her application and that of Arkansas, who, in presenting the matter May 9, 1834, said:

I will not disguise the fact that I feel more than an ordinary solicitude for the passage of the bills permitting the people of Michigan and Arkansas to form constitutions and for their admission into the Union of the States. * * * What can be said in favor of one of these Territories may as truly be said of the other, and my amendment, if adopted, places the admission of both on equal grounds, depending on the contingency of each Territory having 47,700 inhabitants, the same population that entitles a like number to a Representative in Congress from the other States. * * * The ordinance of July, 1787, for the government of the territory northwest of the Ohio River, may be called the foundation of good government in that country. This ordinance provides the means of education, regulates the descent of property, and holds out inducements to young men to emigrate to the West. Article 5 provides that the Northwest Territory shall be divided into not less than three nor more than five States, as Congress may deem proper. * * * And whenever any of the said States shall have 60,000 inhabitants it shall be admitted into the Union on an equal footing with the original States in all respects whatever. The same ordinance also goes on to say that so far as it may be consistent with the general interest of this confederacy, States *may* be admitted *at an earlier period and with a less number than* 60,000.

* * * * * * *

It is not matter of surprise that the people of the Territories should be anxious to form State governments. This is always the case. The Federal officers in the Territories depend upon the President and Congress for office and for emolument, and not on the real sovereign, the people; and in my opinion the people act wisely in submitting to the burden of State government for the dearest rights of freemen, that of choosing their rulers.

Baffled for the time by the refusal of Congress to adopt this proposition, Michigan, without the national authority, proceeded to institute a State government. Discussing the validity of her action in so doing the supreme court of the State subsequent to her admission, in an opinion delivered by Ransom, J., in Scott *vs.* Young Men's Society's Lessee, and reported in 1 Douglas, declares at page 135:

The people of the original States, at the termination of the revolutionary contest, found themselves overwhelmed with a debt which they were unable to discharge. * * * For the purpose of providing the means to pay this debt extensive tracts of land were ceded to the Confederation by Virginia and other States. These lands were an unreclaimed wilderness peopled only by savages, and consequently unproductive and valueless to the Treasury. To induce their settlement and sale was therefore an object of the first importance to the States, and to effect this object the terms contained in the ordinance of 1787 were proposed. The Confederation in that act in effect said to those who should emigrate to either division of the Northwest Territory: "If you will buy, reclaim, and settle our waste lands, and thus replenish our empty treasury, and at the same time protect our widely extended northwestern frontier from the incursions of the Indians, we will provide for your government until your number shall reach 60,000, and then you shall be at liberty to form a State government for yourselves, and shall be admitted into our union of States on an equal footing in all respects with ourselves." To this compact the people who settled in the now State of Michigan became a party and entitled to insist on the fulfillment of its terms by the General Government.

Now, turning back to page 134, the court in the same opinion further declares:

To gain admission in fact into Congress the State must obtain the assent of that body, *not because she does not possess a positive and unqualified right, under the ordinance, to such admission on an equal footing with the original States,* with her boundaries as defined and agreed to in that instrument, *but for the sole reason that the older States represented in Congress, who are the other party to the compact, have the physical power to refuse a compliance with the terms of an agreement which they have deliberately made, and there is no third party to which the State—the weaker party—can resort to coerce a fulfillment of the agreement.*

Now, Mr. Speaker, the portions of this opinion just read, whatever may be said of other portions, cannot be gainsaid, and lead to the inevitable conclusion that Congress cannot, without a gross violation of public duty, longer delay the passage of the present bill. May I not hope that Congress will show the same scrupulous regard for our rights as was shown in

THE CASE OF THE MISSISSIPPI TERRITORY.

I have already quoted the article in the Georgia cession, requiring the admission of Mississippi as soon as she might have 60,000 free inhabitants. Congress became desirous of dividing the Territory into two States, and, in order to accomplish their object without the least infringement of the right of admission so secured, adopted the plan suggested in the report made to the Fourteenth Congress by Mr. Lattimore, from the select committee having the matter in charge, from which I quote:

The Mississippi Territory contains, according to a census lately taken under an act of the Legislature and furnished by the secretary of the said Territory, 75,512 souls, of whom 45,085 are free white persons, 356 free people of color, and 30,061 slaves. By the articles of agreement between the United States and the State of Georgia it is stipulated that this Territory shall be admitted into the Union as a State when it shall contain 60,000 free inhabitants, or at an earlier period if Congress shall deem it expedient. Hence, it appears that its admission at this time depends not upon the claim derived from the above-mentioned agreement with Georgia, but upon a liberal policy on the part of the United States. It would seem to be superfluous in your committee to recommend that considerations of a deficiency of numbers be waived in this case, seeing that the House of Representatives have passed three bills at different periods for the admission of this Territory when its population was much smaller than it is at this time. * * * Your committee are of opinion that the Mississippi Territory should be divided by a north and south line for the purpose of erecting the same into two separate and independent States. * * * But, in recommending a division of this Territory, your committee beg leave to

suggest such a plan of division as will not probably retard the admission of either part beyond the period at which its inhabitants would be entitled to a State government in virtue of the agreement between the United States and the State of Georgia.

WHY THE COMPACT WAS MADE WITH US.

Mr. Speaker, until within the last forty years but little was known of our territorial acquisitions in the Pacific Northwest. Lewis and Clarke in their celebrated tour across the continent, following the deep cavernous course of its great river, saw little but rocks and sand and sage. When Dr. Marcus Whitman, one of the early American missionaries to the Indians, whose name should ever be cherished as a great benefactor of his nation, arrived at this capital, after his hazardous midwinter trip from that far-off region in the spring of 1842, negotiations were in progress to exchange it all for a cod-fishery, which he succeeded in defeating. Obtaining through him more accurate information as to its character and value, and the progress made by our national rival, Great Britain, in colonizing it with its own subjects, our Government began to make strenuous efforts to rescue it from their threatened grasp. But it was too late; and when the boundary was agreed upon, we lost that valuable portion lying between the parallels of 49° and 54° 40′ north latitude, and began to have serious fears of losing the balance. Its speedy settlement and occupation by our own citizens became very important. Distance and danger intervened. Two thousand weary miles of "waste-howling wilderness," swarming with hostile savages, must be traversed by slow and tedious modes of travel before it could be reached. Hardship, danger, privation, and desolation, such as none save him who has undergone it can realize, awaited the intrepid emigrant all along his tiresome journey and after he had reached the end.

Who, sir, was ready for the sacrifice—ready to give up home, friends, all the comforts of life, and all the privileges of citizenship in the older States of the Union? And yet, sir, it was necessary, in order to save this rich heritage of the nation for the common benefit of its people, that some must go. Congress, to encourage their going, granted them lands, promised them protection, and made this legislative compact for the early restoration of their political rights, their early admission into the Union.

CONCLUDING APPEAL.

Mr. Speaker, over thirty years ago, and in less than four years after the making of that compact, I became an inhabitant of that far away portion of our vast country, and I know by experience something of the dangers and difficulties encountered, and the hardships and privations endured by those early settlers. In their behalf and as one of them I call upon you for the fulfillment of your promise, the redemption of your pledge, the discharge of your obligation, the performance of your compact. You cannot longer delay without the breach of all these.

For three years they have had the requisite 60,000 people, the maximum number required by the compact you have solemnly made with them, more by the last census than any State has had at the census preceding its admission except Vermont and California, and now have more than double the required 60,000; more, sir, than twenty-one States have had when you admitted them into this Union. For three years, in gross and inexcusable violation of that compact, in gross and inexcusable violation of the spirit and genius of free government, in gross and inexcusable violation of the fundamental principles of the Constitution, and of right and justice, you have kept them in provincial subjection to the rest of their fellow-citizens of the United States, and have denied them the just participation in the government of their common country. Their executive and judicial officers have not been of their own choosing, but have been appointed by your President, in whose election they have had no voice, and who, with but two exceptions, never set foot upon their soil. Your Congress, in which they have had no vote, has made or supervised the making of, or at its pleasure annulled their laws.

Mr. Speaker, is any gentleman on this floor willing to be deprived of his vote in this body; willing to have the Senators of his State sent home; willing to have his governor, judges, and other State officials deposed and their places supplied by strangers, who feel no interest in the welfare of his people, appointed by the President of the United States; willing to have the right of himself and constituents to participate in the election of that President taken away, and to have the acts of their State Legislature subject to abrogation by Congress?

Sir, the people's right of self-government constitutes the foundation stone of our grand political fabric. It is the dearest right of freemen; "the right preservative of all rights." Indeed, without it none can be freemen. For this the sanguinary struggle of the Revolution was waged, our independence established, and our Constitution formed.

A free, republican government derives all "its just powers from the consent of the governed;" and it is our common boast that "this is a Government of the people, by the people, for the people." The Territory of Washington is a part of the United States. Its inhabitants are citizens of the United States, endowed by their Creator with the same inalienable rights as other citizens of the United States. They have done nothing to forfeit those rights. And, sir, in their name and by their authority I now call upon you and upon this Congress for their recognition by the early consideration and passage of this bill for the formation and admission of the State of Washington.

Internal-Revenue Taxation.

And it shall come to pass in that day that the burdens shall be taken from off thy shoulders and the yoke from off thy neck, and the yoke shall be destroyed.

SPEECH

OF

HON. ALFRED M. SCALES.

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 23, 1882.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 5538) to reduce internal-revenue taxation—

Mr. SCALES said:

Mr. CHAIRMAN: I confess, sir, to a feeling of disappointment when this bill was reported, and I hazard nothing in saying the country will be disappointed. We had the right to expect better things of the committee. They had in charge the ways and means by which this Government was to be supported, and they owed it to the people in the discharge of their high trust to see that no more money was extracted from them than was absolutely necessary to pay the expenses of the Government honestly and economically administered, and to provide for the gradual and easy payment of the public debt. We had been led to believe by many utterances of the venerable and distinguished gentleman who is now chairman of that committee, Judge KELLEY, both before and since the assembling of the Forty-seventh Congress, that the time had come when justice to the South as well as to the whole people demanded, without prejudice to the Government, that the internal-revenue taxes should be greatly reduced if not abolished. He said, to use his own language, in a speech to which I invite the attention of the House, delivered on November 29, 1881, in New York:

> The time has come when we must determine whether our system of internal taxes shall be abolished or perpetuated. If these taxes are to be perpetuated, the present Congress or its immediate successor must revise our entire revenue system. If the reduction of revenue, which is inevitable, be long delayed, our excessive income will require changes so sudden and momentous as to convulse our financial, industrial, and commercial systems.
>
> During the last fiscal year we paid more than $101,000,000 of debt. To do this required the abstraction from the current income of the people of $60,000,000 in excess of the ordinary expenditures of the Government and requirements of the sinking fund. This year, judging by the receipts for the first four months, we shall pay $150,000,000 of debt, and shall exact from the people more than $100,000,000 in excess of current expenditures and the requirements of the sinking fund.

Again he says:

> The diversified interests of the South are in their infancy. The capital they create each year is applied to their extension, but more than can be thus produced is required for their rapid development. They need the fostering care of the Government, and in no way can this be bestowed more acceptably than by the immediate repeal of our internal-revenue taxes. Most of the Southern States are heavily burdened with debt. Should the Government, in view of our overflowing Treasury, remit to these States all the ordinary sources of taxation, it would inspire their people with a new measure of confidence in the North and with faith in their own ability to pay their outstanding obligations. The fact that they need what revenue may be justly derived from these sources, and that the nation does not need what it collects, is frequently referred to by Southern Representatives in justification of the prevalent belief that these unnecessary taxes, imposed for conquest, are retained in a spirit of vindictiveness.
>
> I have hastily invited your attention to the destructive effect of the match tax upon manufacturers whose capital was small. But the taxes on spirits and tobacco have been more harsh and aggravating in their effect on the holders of small tracts of land in many parts of the South. As many Pennsylvania farmers prior to 1861 distilled each year a few barrels of pure whisky to sell after it should have attained a given age, so Southern owners of small orchards, or of a few fruit trees around the dwelling-house, were in the habit of distilling their fruit. It was to the sale of their peach or apple brandy that many of them looked for the cash with which to pay taxes and doctors' bills, and to procure an occasional article for the comfort or adornment of their homes. Others, not fortunate enough to own an orchard, distilled part of their corn, and thus secured their small annual supply of money.
>
> The spirit tax effectually deprived these classes of their habitual dependence for ready money. The entire crop of many of these people was not sufficient to justify a compliance with the law; and many an honest man has been driven to the painful alternative of seeing his crop of fruit rot upon the ground, or of engaging with his neighbors in a treaty offensive and defensive against all persons engaged in the collection of the spirit tax.
>
> The case of the owner of a small piece of ground devoted to tobacco growing is scarcely less painful, and must invest the "moonshiner" with his sympathy. Under the provisions of the law he may not sell an ounce of his crop to his neighbor, nor to any citizen who is not a licensed dealer in leaf tobacco. There are many thousands of these people for whose small crop there would be a ready market in the neighborhood, whose entire production is too small to pay for its transportation to a distant center of trade, or even to invite visits from traveling purchasing agents. These poor men must therefore barter their crop at the neighboring store at such prices as the single customer will offer, and for such goods as he is prepared to give in exchange.
>
> I may not extend these illustrations, but in conclusion would repeat that justice to the South requires the earliest possible repeal of the entire system of internal taxes; and I aver that the abolition of these taxes would do more to harmonize the country than any single act of legislation that statesmanship can suggest. I trust it may be done and done quickly.

Up to this time we had been told by the Republican party that spirits and tobacco were luxuries and should pay the taxes; that the consumers paid them and the producers were not concerned, and some went so far as to say that these articles should forever pay the

taxes. Now, Judge KELLEY admits the hardships imposed upon these industries, especially in the South, already wasted and impoverished by war. He enters into our troubles, gives us his sympathy, and in language strong and earnest demands that the burdens should be removed. He is made chairman of the Committee on Ways and Means. Time and again in this capacity he repeats in substance the same sentiments. The way is opened; his position, his convictions, and his influence combined give assurance that the relief so long hoped for is at hand. I risk nothing, therefore, in saying that the country is disappointed in this bill; that we had a right to expect better things. This bill contains three sections. The first section proposes at this time to repeal the following taxes:

Capital and deposits of banks and bankers other than national	$3,762,208
Capital and deposits of national banks	5,372,178
Bank checks	2,253,411
Matches	3,278,580
Proprietary medicines	2,226,503
Total	16,892,88

Of this sum the banks will be relieved to the extent of $11,387,497 and matches and patent medicines to $5,505,383.

The second section proposes after May 1, 1883, to reduce the special license taxes, amounting to about $3,700,000

The third section reduces tax on cigars and cigarettes from $6 to $5 2,666,000

Amounting to 6,366,000

The total reduction may be stated thus:

Banks, bankers, and stamp taxes	$16,892.880
Special license taxes	3,700,000
Cigars and cigarettes	2,666,000
Total reduction by bill	23,258,880

That the taxes should be reduced largely none will deny. The extent of the reduction depends upon the receipts and necessary expenditures of the Government. That we may understand the burdens to be relieved, by whom, upon what articles, and where paid, I call attention to the collections of Government since 1863, a period of nineteen years:

From spirits there have been collected from 1863 to 1882	$834,990,279
From tobacco there have been collected from 1863 to 1882	548,000,254
From fermented liquors there have been collected from 1863 to 1882	146,976,909
From banks and bankers there have been collected from 1863 to 1882	61,540,472
From penalties there have been collected from 1863 to 1882	10,859,910
From adhesive stamps there have been collected from 1863 to 1882	193,250,082
From articles and occupations formerly taxed, now exempt	1,146,465,593
Total paid in nineteen years	2,792,081,659
An average each year of $158,004,299.	

I had occasion some time since to call the attention of the House to the amount of taxes paid by some of the States more immediately interested in the articles taxed to the General Government in 1881, and I propose to repeat that, and compare those taxes with the amounts paid to the State governments in the same year.

Indiana pays to United States Government	$7,281,254
Indiana pays to State government	2,764,851
Illinois pays to United States Government	25,784,682
Illinois pays to State government	2,140,000
Kentucky pays to United States Government	8,719,162
Kentucky pays to State government	2,322,334
Maryland pays to United States Government	2,483,463
Maryland pays to State government	998,320
Michigan pays to United States Government	1,787,275
Michigan pays to State government	804,831
Missouri pays to United States Government	6,470,349
Missouri pays to State government	2,129,512
New Jersey pays to United States Government	4,873,676
New Jersey pays to State government	820,000
New York pays to United States Government	17,233,268
New York pays to State government	9,253,542
North Carolina pays to United States Government	2,476,440
North Carolina pays to State government	420,000
Ohio pays to United States Government	19,295,836
Ohio pays to State government	4,479,099
Pennsylvania pays to United States Government	7,669,214
Pennsylvania pays to State government	6,328,896
Tennessee pays to United States Government	1,146,764
Tennessee pays to State government	626,529
Virginia pays to United States Government	6,063,106
Virginia pays to State government	2,067,678
Wisconsin pays to United States Government	2,910,095
Wisconsin pays to State government	662,058

From this statement it will be seen that these States, all of them, pay largely more, and many of them from 1 to 1,200 per cent. more taxes to the United States Government than to the State. Those taxes in 1881 amount to $135,229,912.30, and if the increase so far in this year should be maintained the amount collected will be $157,000,000. Nearly $3,000,000,000 have been dragged from our people in the last nineteen years by the United States Government, and about $150,000,000 each year, and that, too, after we had been exhausted and our substance wasted by a destructive civil war. This does not include the heavy taxes paid by the people upon the necessaries of life in tariff duties. I am dealing now only with the internal revenue. Is it possible that so large a sum can be taken annually from the States and the people not feel the burden?

It cannot be. It is felt and felt deeply in every branch of business by capital and labor, by rich and poor, and by white and black. It has in the past paralyzed our industries, crippled our energies, ending often in repudiation, bankruptcy, and ruin. It is true we have had a season of great prosperity. Providence has given us the early and latter rains, and we have reaped bountiful harvests, and these added to the energy, skill, and economy of the people, have for a time bridged over the troubles incident upon such a drain, but they will come as certain as effect follows cause, as the night the day; one bad crop here or a good one in Europe will hasten the end. Already we hear the murmuring of discontent and strife. Labor strikes for higher wages; capital rejects its demand, and both justify themselves by the necessities of the case. The gentleman from New York [Mr. HEWITT] has forcibly presented this idea, and traces the present trouble unmistakably to the heavy expenditures of the Government and the exhaustive taxation upon the people.

The statement of the case at once suggests the remedy. Reduce, and reduce largely, the taxation and keep in the pockets of the people a large share of that which is now paid out to the Government. Can this be done without prejudice to the Government? If not, whatever the result, the tax must stand; but if it can, surely all will aid in accomplishing so desirable an end. The distinguished gentleman from Pennsylvania has presented the facts and figures in so forcible a way that I cannot do better than to repeat them:

Mr. Chairman, a contemplation of the financial condition of the country presents a spectacle such as never was seen before in the world's history. Our revenues increase so enormously, and the fixed charges against the Treasury decrease so rapidly, that our accumulating surplus revenue is regarded by thoughtful and conservative business men as a fruitful source of danger. Last year we collected $360,000,000 of revenue from all sources, and we had a surplus of $100,069,000. This year we shall collect over $400,000,000, and our expenditures have been greatly reduced.

At the opening of each month for many years past Mr. Carson, the accomplished clerk of the Committee on Ways and Means, has made analytical statements of the receipts and expenditures of the preceding month, and of the past months of the fiscal year. I have two of these statements before me. The one dated April 30 shows that in each quarter of the current fiscal year there has been an increase of receipts from each of the three sources of revenue, customs, internal taxes, and miscellaneous, showing that the increase is steady, continuous, and in every source of revenue. Mr. Carson said:

"The annexed tabulated statement will show the receipts, by quarterly periods, for the nine months of the fiscal year ending June 30, 1882, compared with the corresponding periods of the preceding fiscal year:

Sources.	1882.	1881.
First quarter:		
Customs	$59,184,496	$56,395,144
Internal revenue	37,575,502	32,496,422
Miscellaneous	11,421,072	8,997,674
Total	108,181,043	97,889,240
Second quarter:		
Customs	49,049,544	42,241,041
Internal revenue	37,884,263	34,695,803
Miscellaneous	5,764,975	4,757,500
Total	92,698,782	81,694,344
Third quarter:		
Customs	58,277,685	48,747,011
Internal revenue	30,074,011	30,020,086
Micellaneous	10,325,563	8,407,472
Total	98,677,259	87,174,569

"The following recapitulation shows the total receipts and expenditures for the nine months of the two years respectively, from the several sources named:

RECEIPTS.

Sources.	1882.	1881.
Customs	$166,511,698	$147,383,196
Internal revenue	105,533,976	97,212,311
Miscellaneous	27,511,610	22,162,646
Aggregate	299,557,084	266,758,153

EXPENDITURES.

Sources.	1882.	1881.
Ordinary	$138,014,577	$137,783,572
Interest charged	56,862,300	66,490,832
Total	194,876,876	204,274,404
Net surplus	104,681,227	62,483,749

Mr. Chairman, these figures show that at the end of those nine months there was exhibited a reduction in the interest charge from $66,490,000 to $56,862,000. The increase in ordinary expenditures was but from $137,783,000 to $138,014,000; so that while in the first three quarters of 1881 we expended $204,000,000, we expended during the first nine months of 1882 but $194,000,000; and the net surplus which at the end of the first three quarters of last year was $62,483,000 was at the end of these three quarters $104,000,000, an increase of $42,000,000.

In Mr. Carson's analytical statement of June 1 he shows that the bonded debt had been reduced $15,000,000 during the month of May, and added:

"The receipts for May were upward of $36,500,000, an increase of $4,500,000 compared with May, 1881. For the eleven months ending yesterday, the receipts were $374,425,381, or nearly $14,000,000 greater than for the twelve months ending June 30, 1881. The estimated receipts for the current fiscal year were $400,000,000, and it is probable that this estimate will be exceeded by at least $5,000,000. The receipts for this fiscal year will be greater than for any preceding year since 1870, when they were over $411,000,000. Last month internal-revenue receipts were greater than for any month since 1870. The following table shows the receipts respectively for May, 1881 and 1882:

Sources.	1881.	1882.
Customs	$16,642,062	$18,197,754
Internal revenue	13,989,326	15,504,310
Miscellaneous	1,602,326	2,849,239
Total	32,233,714	36,551,303

We had $100,000,000 of surplus last year; and when we shall have abated $17,000,000 of taxes, we shall have about $135,000,000 next year.

Treasurer Gilfillan says:

"The interest charge on the public bonded debt as it stood June 30, 1881, was $75,018,695; on the public debt as it will stand on the 30th instant it will be $57,365,088—a reduction of $17,653,607."

I have adopted these figures because they came from the chairman of the Committee on Ways and Means, who is the organ of the Administration in the House, and they are singularly confirmatory of the estimates of the Secretary of the Treasury for the year 1882, with a difference in favor of the Government in receipts of about $5,000,000, and in reduction of interest, as shown by actual verification on 30th of June, 1882, of $17,653,607. This gives us, then, on 30th of June, 1882, about $152,000,000 surplus, after paying up everything except sinking fund. Deduct sinking fund and we have a surplus of $75,000,000 that must go into the Treasury, to be wasted, I fear, in reckless extravagance, which comes of an overflowing Treasury. These figures cannot be controverted. They come down to 30th June, 1882. There is no estimate, no guess, about it; but they are verified by actual count.

For the year 1863 the estimates of the Secretary of the Treasury in receipts are $400,000,000; expenditures, exclusive of sinking fund, $294,850,793.43; balance, $105,149,206.57. Deduct sinking fund, which must be paid, $45,611,714.22, will leave a surplus of $59,537,492.35.

The expenses this year are increased over last year $56,069,257.60, and yet, after paying the expenses thus increased and $45,000,000 to the public debt, we have still a surplus of $59,537,492.35. This estimate also embraces $100,000,000 paid to pensioners, but does not take into account the reduction in the interest. The amount of annual interest had been reduced by payments to 30th June, 1882, $57,365,088, whereas it is charged in the estimates of 1883 at $65,000,000, a difference of $7,634,912. Add this to $59,812,000, and we have a surplus of $67,446,912.

Now, if we reduce the taxes on spirits to 50 cents per gallon, it would reduce the revenue $28,000,000, and to 10 cents on tobacco, it would be $8,812,000; abolish tax on checks, $2,253,411; matches, $3,278,580, and we have a reduction of $32,343,991. This would be a great relief to the industries, and it would be distributed much more equally than the bill proposed, and thus leave a surplus for all contingencies of $35,102,921. Experience in reducing the tobacco tax has proved that such a reduction in taxes would probably increase the revenue, and with proposed reductions on tobacco and whisky we might safely calculate upon an increase in receipts of $10,000,000, which would give a surplus of $45,102,921.

But if, instead of this, we abolish all tax on tobacco, it will reduce the revenue $42,854,991.31; abolish tax on brandy, $1,531,075.83; bank checks, $2,253,411.20; matches, $3,278,580.62; we would relieve the people to the amount of $49,918,058.96 This would also enable us to abolish about three-fourths of all the revenue offices, and thus save about $4,000,000, and have a surplus still in the Treasury of $21,528,853.04

Mr. Chairman, I have suggested these two propositions as substitutes for the bill in the hope that gentlemen who are doubtful as to the propriety of abolishing the whole internal tax might be induced to go beyond the narrow limits of the bill and accept the one or the other in the interest of a general, just, and liberal relief. But I assume a much more advanced position; I want to see the whole system of internal revenue abolished. I believe that every dollar unnecessarily extracted from the pockets of the people is robbery, and every dollar diverted from the national channels sanctioned by the Constitution is a grave breach of trust, without justification or excuse.

We can never too much admire the wisdom and high sense of duty of those statesmen in the past who insisted always upon a strict construction of the Constitution. It was the only grant of power from the people, and there was no discretion beyond. Hence, their highest aim was to know and obey it. When expansion is once resorted to the instrument is prostituted, and will be disregarded, or made to mean anything that local prejudice, corrupt extravagance, or selfish ambition may dictate. There is no safety except within its clearly-defined boundaries; transgress them, and we are like a ship at sea without chart or rudder. This loose construction by the party in power is the fruitful source of all the ills that have befallen the Republic. It brought on the bitterness and strife which ended in secession and civil war. It subjugated States and consigned them to a military despotism. It disfranchised free white men and turned them over to the tender mercies of their former slaves. It surrounded the ballot-box with bayonets, degraded the ballot and had it counted by military power. It counted in and inaugurated a President that had never been elected and gave the Republic its first usurper. It blotted out State rights and consolidated power in the General Government. It brought wild and reckless extravagance and corruption into high places, and will eventually, if unchecked, bring repudiation and death to the Republic.

To-day the Republican party are drawing four hundred million dollars annually from the people. In the language which the prophet puts in the mouth of the corrupt and haughty king of Assyria, they can say:

> We have removed the bounds of the people, and have robbed their treasuries, and have put down the inhabitants; our hands have found as a nest the riches of the people, and as one gathereth eggs that are left we gathered all the earth; and there was none that moved the wing, or opened the mouth, or peeped.

Two hundred and fifty millions are ample, honestly and economically administered, to defray all the ordinary expenses of the Government, and to pay fifty millions annually to reduce the public debt. Upon this basis we can in the main abolish the internal revenue. For the last five years, when the Democratic party had a majority in Congress, we spent—

In 1877	$141,535,497 35
In 1878	134,463,452 15
In 1879	161,619,934 58
In 1880	171,885,382 67
In 1881	178,204,146 41

But for the year 1883, the first year after the Republicans come into power, the ordinary expenditures are estimated at $290,000,000, and may reach over three hundred million. What is to become of it? Where is it to go? It is to be used in a river and harbor bill, which is in excess of any heretofore passed in the life of the Government. It is to be used in paying a civil pension list, not large now, but may in a few years involve millions of dollars.

It is used in war pensions, which this year reaches one hundred million dollars, and next year may reach one hundred and fifty million dollars. Money has been used corruptly and fraudulently more or less in nearly every branch of the Government. Within these last four years we have seen discrepancies amounting to millions of dollars in the books of the Treasury, which after investigation is still unexplained and unexplainable, except upon the idea of ignorance or corruption, and ignorance is scouted. We have seen at this session, upon an investigation by a committee of the Senate, item after item upon the Treasury books purchased for a former Secretary of the Treasury, applied to his private uses and charged to and paid for by the Government. We have seen under the same investigation men employed and paid for by the Government, taken from their legitimate work and put in the service of the same head of the Department, without cost to him. Stationery, furniture, and other equipments for a private office we have seen paid for by the Government, charged on the books falsely and fraudulently under the head of *file-holders*. We have had at this session the humiliating admission that money appropriated to one object has been diverted and in contravention of law used for another. We have seen in the Revenue Bureau men employed and paid with money set apart by law for other purposes. We know that now while I speak an assistant Postmaster-General under Mr. Hayes, and a former United States Senator are indicted for conspiracy and fraud in letting out contracts and expediting services by means of which it is alleged they robbed the Government of millions of dollars.

It is conceded that the frauds upon the pensions law will amount to 10 per cent., which this year will be $10,000,000, and this, too, in the face of the fact, and I say it with pleasure, that we have an able and honorable Commissioner at the head of the bureau. These things must stop. If the life of the Republic is to be preserved, we must have the Constitution for our guide, integrity in office, economy in expenditure, and taxation equal to and never in excess of the actual wants of the Government. In these different calculations we have not adverted to the fact that there is in the Treasury cash unexpended amounting to about $140,000,000, subject to no call.

This will add force to the conclusions that with the present receipts and expenditures we can reduce taxes sixty-five or seventy million dollars, and if we lop off all extravagance and root out all fraud we can abolish the whole internal-revenue system, but instead of this we are met by the bill of the Committee on Ways and Means with a present reduction of about sixteen millions, the greater part of which is taken from the banks. Now, as I have said, I am in favor of a total abolition, and if I cannot get that I will vote to reduce all taxes equally as far as I can. But is it right when so many industries are burdened, when labor is groaning for relief, that we should only remember capital? If it is to be the policy of the Government to continue the revenue and pay off the debt as speedily as possible, surely the banks ought not to be entirely exempt. If tobacco and spirits and other articles of labor and skill, are to pay, should not, I ask in all fairness, the banks pay their part?

A few years ago the tax question was agitated, and the Republican party, then in power, abolished the tax on income. Now the same

party seeks to abolish the tax on banks. But it is said that tobacco and spirits are luxuries, and therefore should pay the taxes. But they are industries; they are the product of labor; they are made in the sweat of the brow. In many sections they form the only marketable product, are converted into money, and the money used to educate the children and to supply the families with the necessaries of life. What are banks but the superfluous money raised and set apart over the necessities of life? What is income but an annual sum of profits above the wants and necessary expenditures of life? Which can best spare the tax? Take it off of banks and you take it off of capital. Keep it on tobacco and spirits and you create monopolies. Only those who have capital can pay the tax, and the result is that the tax drives all the small farmers and men of small means from the business and leaves it in the hands of capitalists, who make it a monopoly.

Tax luxuries! Mr. Chairman, I fear that this is not an honest utterance. Do you tax the manufacturers of the broadcloths, the purple and fine linen, the apparel of the rich? Do you tax the manufacturers of fancy and costly carriages, the jewels of diamonds, pearls, and gold? No, you do not. Are these luxuries? Yes, but they belong to capital. Do you tax the fancy horses, the magnificent palaces, and the $100,000,000 with the vast income of the Vanderbilts and the Goulds? No, not these. Will you tax the national banks? No. We will exempt all these, but we will tax the luxuries, tobacco and spirits. But while we do this, we take it off of matches, which is also an industry. In other words, we will give free matches to the poor man and rich alike, for all must have matches, $3,000,000; but we will give to capital and the rich man alone $11,000,000. This may be right; but I cannot see it, and will not vote for it.

He is a demagogue that would seek to array labor against capital; they should go hand in hand; they are mutually dependent and should be equally protected. I want to protect both, I want to relieve both, but I will not relieve one at the expense of the other; I will not relieve banks at the expense of the industries of the country. Since I have been a member of Congress I have omitted no opportunity to reduce these taxes; I have introduced bills and offered amendments, spoken and voted, to this end. Never before have we been in a condition to abolish it entirely until now, and now it can be done and should be done. We are paying the debt at the rate of $100,000,000 per annum, and at this rate we will pay all the bonds now subject to call in a little over four years; before the others are due. The three-and-a-halfs, amounting to about $460,000,000, can be called at any time. The bonds at 4½, amounting to $250,000,000, are payable on September 1, 1891, and the fours, amounting to $738,884,300, are payable in the year 1907.

But if we could pay the whole off, is it desirable to raise so large an amount of money from the people in so short a time? A full Treasury begets extravagance and corruption. The danger is, with an overflowing Treasury, we will not apply all to the public debt, but will waste much in useless and corrupt appropriations. But as a question of economy, is it best to pay all the bonds as rapidly as possible, or to reduce taxes? The Government only pays 3½ per cent. interest on part of its debt. This will probably be reduced to 2 per cent. The money paid by the people in taxes is worth to them 8 per cent. Then, as a matter of pure calculation, is it not better that all the people together should pay 2 per cent., or even 3½, than that each individual shall lose 8 on the amount taken in taxes from him? To illustrate: the State of North Carolina pays over $2,000,000 to the United States Government; the interest on that at 2 per cent. would be $40,000. Let this amount remain in the hands of the people, and they can loan and make on it 8 per cent., which is 6 per cent. clear and amounts to $120,000—a saving to the citizens of $80,000.

The people demand the repeal of these laws. I appeal to the Representatives from Illinois, Indiana, Virginia, North Carolina, and others who pay mainly these taxes to hear this demand, to come to the rescue. It may be postponed, but I tell you it must go. Our fathers did not long endure such oppression. After the revolutionary war these internal taxes were imposed, and so odious were they that a serious rebellion was organized in Pennsylvania, called the whisky rebellion. It is true it was subdued, but the system was so odious that after eleven years it was entirely abolished, in 1802, when the ordinary expenses were about $4,000,000 and the debt was $86,712,632.25. In 1814 after our late war with Great Britain, these taxes were again imposed, but so restive were the people under them that in four years they were repealed, when the debt was $81,487,846.24 and the expenses for same year $30,127,686.38. In the first case the people in the eleven years had paid only $6,112,097, and in the last $14,143,852. And here let me again quote from Judge KELLEY'S speech; it is forceful and pertinent:

> To those who are living under a lawwhich yielded in one year (1866) more than $310,000,000, it may seem strange that the people were so impatient of the petty exactions of these earlier laws. To me the wonder is that this generation has not long since followed the example of its fathers in demanding immediate repeal. On this point Hon. D. D. Pratt, then Commissioner of Internal Revenue, in his annual report for 1875, said:
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> "These forms of taxation have never met with popular favor, and with the exception of the present revenue law have never maintained their footing upon the statute-book for any considerable time. The tax-gatherer from earliest history has been an unwelcome presence and his business an ungracious one. His office is inquisitorial in its very nature, leading to inquiries into people's affairs, the condition of their business, their losses and gains, matters which most people prefer keeping secret from the public. The process of assessment and collection is summary, involving in case of delinquency penalties and sacrifice of property. The tax is a palpable thing to be paid, or some cherished possession is to be sold to meet it.
>
> "No circumstances of poverty, misfortune, sickness, or death stay the distraint. Injustice in the assessment itself is relievable only by a circuitous process, involving first an application for abatement, next an application for a refund after the tax is paid or collected, and, these being overruled, an appeal to the courts against the collector. Here at last the claimant, who has insisted that he either owed no tax at all, or a tax less than that demanded, collects from the Government what he has compulsorily paid, but frequently at the expense of ruinous delay and sacrifice."

I cannot add, and will not attempt it, to the forcible picture of vexation and annoyance to the people thus presented by the collection of these taxes. But the question arises and is one of vast moment under all these facts and figures, under these utterances from Judge KELLEY, why was not a bill introduced to greatly reduce, if not totally to abolish, these taxes? The Democratic party stood ready, almost without exception, to aid in the work. Many individuals of the Republican party, including Judge KELLEY, believed it should be done. Why, then, I ask, was it not done? The responsibility, fearful as it is, rests somewhere, and I will place it to-day where it belongs, and I call the attention of the House and the country to it. The Republican party have a majority in both Houses of Congress. If they can keep their men together, they can prevent any legislation not agreeable to them, and are therefore to be held responsible.

The bills had been introduced; the Committee of Ways and Means were ready to make a favorable report. The party met in caucus, not in Congress, where legislation is debated and matured and enacted, but in a party caucus, and determined that there should be no reduction in taxes on tobacco and spirits. Individual opinion is crushed out, the individual voice is hushed, and the representative will and judgment is lost in party caucus, and the representative bows submissively to a party edict. As this was done by party, we may safely conclude it was done for party purposes. This bureau, it is charged, and I believe, furnishes more money to control elections in the interest of that party than they get from any other source.

These taxes are dragged from the people and then used in corrupting the people in their elections. What becomes of the false and hypocritical cry we so often hear from them, "a free ballot and a fair count?" It simply means free and fair to those who vote the Republican ticket. This money will be sent to every district in the land and used to debauch the ballot-box. Who does it? Your Government? No, they dare not, but the king that overrides constitutions and laws and acknowledges no responsibility. It has been decreed by King Caucus of the Republican party. Bow your necks, oh, ye people, for this yoke, and meekly wear it!

But this is not all. Not only have they levied and collected all these taxes so many years from an impoverished people but the same party have levied a party tax upon every employé in this Government; they have spared neither age nor sex. The old man of three-score and ten, that has served the Government faithfully for fifty years, and the child of ten who as a page helps to feed and clothe his widowed mother, must alike obey the inexorable command. The cradle and the grave are both made tributary. The party must be sustained, and this cannot be done without money. How true it is that "they have found as a nest the riches of the people, and as one gathereth eggs that are left, they have gathered all the earth."

But it is said to be a voluntary tax, and it is announced on the floor of the House and elsewhere that the employés are at liberty to pay it or not as they please; but it is well known what that means. When a highwayman meets his victim he boldly proclaims, "Your money or your life;" and so every one understands this demand to mean when addressed to those in service of the Government "Your money or your place." They dare not risk anything, and the money is given. This, with all the other vast sums raised rightfully or wrongfully, will be used in the States to control elections. When they cannot elect a Republican, they will, as the next best thing, induce some Democrat to run as Independent. They furnish the money needed for the campaign, they support him, and use him.

The boasted Independent soon becomes dependent upon the Republican party, and this dependence soon brings about an alliance. So it was in Virginia, and so it will be everywhere. They easily adapt themselves to all creeds, according to the situation. In Virginia they clamor for repudiation and ally themselves with the Readjusters; in the North they are debt-payers to the last dollar and denounce repudiation; in Ohio they are prohibitionists, but in North Carolina they are against prohibition and demand free spirits. They impose the taxes; they fix the penalties; they put spies over the land, many of whom, without character or regard for law or liberty, maltreat and oppress the citizens, and yet claim to be the special friends of free spirits.

Mr. Chairman, the strongest government is that which rests upon the affections of its people. The purest government is that which draws from the people in taxes no more money than is absolutely necessary to defray its expenses economically administered. A superabundance of money begets waste, and waste begets temptation and corruptions. The richest government is that which in itself is poor but is cheerfully sustained by willing contributions of a wealthy and prosperous people. The best is that which unites them all in one.

The first session of the Forty-seventh Congress has been so far characterized in a remarkable degree by an absence in debate of all allusions which were calculated to rekindle the strife and bitter memories of the war. I gladly hail it as the dawning of a new era in legislation.

I congratulate the whole people upon its auspicious outlook. I would signalize its coming by wiping out these oppressive and vexatious internal-revenue taxes, the last vestige of the civil war. I would withdraw this ever-irritating and never-healing ulcer and restore the people to the proud consciousness that they were again free—free from the odious detective, free from the spies that infest the land and curse their homes, free from the pains and penalties of a cruel law; free to raise, free to sell, and free to buy the products of the farm on their own terms and in their own way, with no one to molest or make them afraid.

Internal-Revenue Taxation.

SPEECH

OF

HON. GEORGE D. WISE,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 26, 1882.

The House, in Committee of the Whole, having under consideration the bill (H. R. No. 5538) to reduce internal-revenue taxation—

Mr. WISE said:

Mr. CHAIRMAN: I desire to be heard briefly in reference to the amendment offered by the honorable gentleman from Kentucky, [Mr. CARLISLE,] by which it is proposed to accomplish the equalization of the tax upon tobacco by providing that hereafter there shall be paid on cigars of all descriptions made of tobacco or any substitute therefor $4 per thousand; on cigarettes weighing not more than three pounds per thousand, 75 cents per thousand, and on those weighing more than three pounds per thousand, $4 per thousand. When the consideration of this bill to reduce internal-revenue taxation was begun in Committee of the Whole on the state of the Union, I gave notice of my intention to offer an amendment somewhat similar and having in view the same object, but I am willing to accept this. When the tax on manufactured tobacco was reduced from 24 to 16 cents per pound no corresponding reduction was made in that on cigars and cigarettes. I call the attention of this House to the fact that tobacco used in the manufacture of cigarettes is taxed 58¼ cents per pound, whereas smoking tobacco of the same quality is taxed but 16 cents per pound. This unreasonable and unnecessary inequality is a direct discrimination against the labor employed in the manufacture of cigarettes, and the removal of it will enable those engaged in this business to enlarge their operations and give profitable employment to a much greater number of operatives. As it is, thousands of consumers buy tobacco taxed 16 cents per pound and make their own cigarettes.

This amendment has been offered in good faith, and is so reasonable as to commend itself to the support of all.

In this connection I desire to make some general observations in reference to this system of internal-revenue taxation. From the beginning of our national existence under the Constitution framed by our fathers down to the commencement of the war between the States our income was obtained chiefly from imposts and tonnage and from the sale of public lands. The revenue thus derived was found to be amply adequate for all the purposes of civil government, economically administered, and for the maintenance of our military and naval establishments. And regarding the condition of the country as revealed to us in official reports, I hesitate not to express the opinion that the Government of the United States can now be administered, including all legitimate and proper expenses, without aid from excise and stamp duties. If I am right in this position, then it is worse than a blunder, it is a crime to persist in taking annually from our industries $150,000,000, as is being done. This has been properly characterized as "a plunder upon the people of the United States."

This method of raising revenue was resorted to, prior to our civil war, only on one or two occasions, when the exigencies of the public service seemed to require it, and was continued no longer than the necessity existed. Mr. Madison, in a speech delivered in the beginning of the first Congress, when addressing himself to the subject of a national revenue, said that "the system must be such a one that, while it secures the object of revenue, it shall not be oppressive to our constituents. Happy it is for us that such a system is within our power; for I apprehend that both these objects may be obtained from an impost on articles imported into the United States." Presidents Jefferson and Monroe, in messages to Congress upon the same subject, made recommendations in harmony with this suggestion of Mr. Madison, declaring that sound principles do not justify the imposition of taxes upon the industries of our people. I might multiply quotations to the same effect from other distinguished writers and statesmen, who expended much thought upon the methods of taxation, but time will not permit and it is unnecessary. Thus it appears that this system is in opposition to our past policy and to the teachings of the fathers of the Republic. It was made necessary by the exigencies of our civil war, and was submitted to as a necessity, and because the public safety seemed to require it. We have a large surplus of income, and this must, year by year, increase, if the revenue laws remain unchanged.

The industries of this country have been staggering for years under the weight of onerous and oppressive taxation, and the time has arrived when there can and ought to be a considerable reduction. They are being plundered when there is no necessity for it, and the people will not endure it longer without a murmur. No more should be collected than is required for the legitimate and proper expenses of Government, and it is our duty to dispense with taxes when it may be done with perfect safety. For the fiscal year ended June 30, 1881, the ordinary revenue from all sources was, in round numbers, $100,000,000 in excess of the total ordinary expenditures, including pensions and the interest on the public debt.

An overflowing and redundant Treasury, as shown by the legislation of this Congress, invites lavish expenditures and begets extravagance. We have been told by the honorable gentleman from Iowa [Mr. KASSON] in the course of this debate that we cannot now wipe out all of the internal-revenue taxes, and that we must maintain this system until we see the effect of the arrearages of pensions and various other acts of this Congress. I tell that honorable gentleman that many measures of legislation have received the sanction of this House which would never have been entertained if the necessity had existed for the practice of economy. The lavish appropriations made by this Congress for arrears of pensions and for other purposes are the legitimate results of the policy of refusing to lift from the shoulders of the people the burdens under which they are groaning; and if we shall continue to keep an overflowing Treasury our example will be followed by future Congresses, and then we shall have to wait longer to see the effect of other legislation in the same direction. The aggregate annual reduction in internal-revenue receipts proposed to be accomplished by this bill is about $20,000,000. It is a step in the right direction, but it does not go far enough, and stops short of that measure of relief which the people have a right to expect and demand.

As the representative of a constituency largely interested in the production and manufacture of tobacco, I am not satisfied with it in its present form, though in favor of removing taxes from all the subjects embraced in it. I fear that the effect of this partial reduction will be to postpone, if not prevent, that relief for which my people are clamorous and which should be accorded as an act of justice to the Southern States of this Union. Tobacco is the only product of agriculture which is taxed in this country, and those engaged in its cultivation are subject to restrictions, burdens, and restraints from which other farmers are exempt. I have not the time to point out and expose all the hardships of this iniquitous internal-revenue system. I will not stop to denounce its iniquities and injustice, nor to speak of the annoyances incident to keeping the people surrounded with an army of spies and informers. It is enough for me that it is admitted to be an unnecessary restraint upon production and trade.

The honorable gentleman from Pennsylvania [Mr. KELLEY] has drawn such a faithful picture of the condition of the growers of tobacco under this system that I must not omit it. In an address before the national tariff convention, after giving many illustrations of the wrongs of this system and showing its influence in the creation of monopolies, he said:

> The case of the owner of a small piece of ground devoted to tobacco-growing is scarcely less painful and must invest the moonshiner with his sympathy. Under the provisions of the law he may not sell an ounce of his crop to his neighbor, nor to any citizen who is not a licensed dealer in leaf tobacco. There are many thousands of these people for whose small crop there would be a ready market in the neighborhood, whose entire production is too small to pay for its transportation to a distant center of trade, or even to invite visits from traveling purchasing agents. These poor men must therefore barter their crop at the neighboring store at such prices as the single customer will offer, and for such goods as he is prepared to give in exchange. I may not extend these illustrations, but in conclusion would repeat that justice to the South requires the earliest possible repeal of the entire system of internal taxes.

Justice to the South requires their repeal; and yet the honorable gentleman, obeying the edict of his Republican caucus, stands to-day in opposition to their removal and the relief of that section. He votes to continue burdens which he has denounced as unwise, unequal, and unnecessary. It may be true that restrictions upon the producers of tobacco are necessary so long as the system shall be continued, but for that reason, if for no other, I am opposed to this method of taxation, and in favor of its extirpation, root and branch, as speedily as possible. Those engaged in the manufacture of tobacco are not opposed to granting relief to the producers of it. They only ask to be rid of the annoyances and disturbances to their business occasioned by the continual agitation for a reduction or repeal of the tax. They desire stability, and prefer that nothing shall be done until we are ready for a total repeal of all laws imposing taxes upon tobacco. I

take this occasion to say in their behalf that in any changes we may make in existing laws and regulations their interests should be regarded and consulted.

I am not unmindful of the fact that the manufacturers and dealers would be subjected to serious losses by sudden and violent changes, but such a result can and ought to be avoided by a provision that the repealing act shall take effect at some future day, sufficiently distant to enable them to accommodate themselves to the modified circumstances. And it should also contain a provision similar to that embodied in an amendment offered by the honorable gentleman from Pennsylvania, [Mr. RANDALL,] that "on all original unbroken packages of tobacco, snuff, cigars, cheroots, and cigarettes held by manufacturers or dealers, on the day fixed for the act to take effect, upon which the tax has been paid, there shall be allowed a rebate or drawback to the full amount of the tax."

In this way injury to them can be avoided, and they ask no more. I am satisfied that the receipts from duties on goods imported from foreign countries under a tariff adjusted on business principles, together with revenues derived from other sources, without the aid of internal-revenue taxation, will be amply sufficient for all legitimate and proper expenses. I am satisfied that that is the best and most acceptable method of taxation, and I am the more earnest in my advocacy of it because we can and will thus afford all needed protection to American industries, and while obtaining the necessary revenues for the purposes of Government we secure to our own citizens the home markets and encourage American labor.

Public Building at Shreveport, Louisiana.

SPEECH

OF

HON. NEWTON C. BLANCHARD,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, July 1, 1882.

The House having under consideration the bill (S. No. 750) to provide for the construction of a public building at the city of Shreveport, State of Louisiana—

Mr. BLANCHARD said:

Mr. SPEAKER: At the beginning of the present session of Congress I introduced a bill providing for an appropriation of $150,000 for the erection of a public building in the city of Shreveport, Louisiana, commensurate with the necessities of the public business there. This bill was referred to the House Committee on Public Buildings and Grounds, which committee, as early as the 16th of February, unanimously reported it back favorably by substitute, and recommended its passage.

This substitute (H. R. No. 4462) is now upon the Calendar, and authorizes an appropriation of $100,000 for the said building. Shortly after the bill was introduced in the House, my colleague in the Senate [Mr. JONAS, of Louisiana] introduced a similar bill in that body, which was appropriately referred, and likewise unanimously reported favorably on the 27th of March, with an amendment reducing the amount from $150,000 to $100,000, thus making it conform to the amount previously agreed on by the House Committee on Public Buildings and Grounds.

In the early part of April, Mr. JONAS, in the Senate, by unanimous consent, called up the bill for consideration and passage, and it passed the Senate without opposition. Ever since it came to the House as a Senate bill I have been watching for and seeking an opportunity to secure action upon it by the House, but have been unable to do so up to the present time.

It thus appears, Mr. Speaker, that the measure I am now discussing comes before the House under the sanction not only of the House Committee on Public Buildings and Grounds but likewise under the sanction of a similar committee of the Senate, and of the Senate itself. Nowhere has it met with any opposition, except that the original amount asked, $150,000, has been reduced to $100,000, and I trust its passage through the House in its present shape will not be opposed.

REASONS FOR ITS PASSAGE.

There is no public building in Louisiana, outside of the city of New Orleans, belonging to the General Government. Nor has there been an appropriation made by Congress for something like forty years for the erection of a public building in Louisiana. About forty years ago an appropriation was made to erect the present custom-house in New Orleans; and leaving out of view appropriations made from time to time for the repair, &c., of this custom-house, this is the only expenditure ever made by the Federal Government in Louisiana for public buildings for the accommodation of its customs business, its courts, its internal revenue, and other departments of business.

I do not lose sight of the fact that there is a United States mint in New Orleans, but that belongs to another and different class of buildings and departments of business.

The custom-house in New Orleans has long ago paid for itself over and over again, and thus it may be said the Federal Government is out of pocket nothing so far as public buildings in Louisiana are concerned.

From the breaking out of the war until about a year ago the circuit and district courts of the United States for Louisiana held sittings only at New Orleans for the entire State. In the Forty-sixth Congress, however, a bill was passed and became a law dividing the State into two judicial districts, the eastern and western districts.

Shreveport is the most important city in the western district, and is the home of the United States district judge and district attorney of that district. Indeed, Shreveport, next to New Orleans, is the largest and most important town in the State of Louisiana. It has a population of 10,000 inhabitants. It is at the head of low-water navigation on Red River. It is the shipping point by river, for a large scope of country, embracing parts of Louisiana, Texas, and Arkansas, and is the distributing point, in a commercial sense, of an extended section of country.

The receipts of cotton at Shreveport approximate 100,000 bales annually. Some years the receipts are over 100,000 bales; in other years under. The town is the center of a magnificent cotton-growing region, not excelled by any other in the world, and its prospects are considered first class. It is a live, progressive, prosperous, growing place. The manufacturing interests of the town are considerable and constantly growing. Recently a cotton-mill has been established there; and, besides this, there are three large cotton compresses, one large cotton-seed-oil mill, cotton-gin manufactory, foundry, large lumbering industries, a furniture factory, &c. Two daily and weekly newspapers are published in the town, a cotton exchange is there, and three banks are scarcely adequate to the transaction of its monetary matters.

Shreveport is the center or focus of several trunk lines of railroad, namely, the Texas and Pacific Railroad, the New Orleans Pacific Railroad, and the Vicksburgh, Shreveport and Pacific Railroad. Of the first named of these roads Shreveport is the eastern terminus. The road extends from Shreveport westward to a point not far east of El Paso, where it connects with Huntington's California Southern Pacific Railroad, extending from San Francisco to a point east of El Paso. So that one can go from Shreveport via El Paso to San Francisco by rail. The New Orleans Pacific Railroad is a new road, recently constructed, and now in running order from Shreveport to New Orleans—the former city being the northwestern and the latter the southeastern terminus of the road.

The Vicksburgh, Shreveport and Pacific Railroad extends from Vicksburgh, its eastern terminus, to Shreveport, its western terminus. It is now all completed except a gap between Monroe, Louisiana, and Shreveport, which is partly graded, and under contract to be completed by December next. The bridge across the Ouachita River for this road is about completed, and the one to cross Red River at Shreveport is now under contract.

This Vicksburgh, Shreveport and Pacific Railroad is part of the railway system owned and controlled by what is known as the "Erlanger Syndicate," extending from Cincinnati, over the Cincinnati Southern Railway, of which the Erlangers are lessees, to Chattanooga; thence to Vicksburgh, over a road owned by the syndicate, and thence to Shreveport, over the Vicksburgh, Shreveport and Pacific, likewise owned by the syndicate. Besides the railroads mentioned above as converging at Shreveport, other railroads are projected, so that the city bids fair to become a railroad center.

FEDERAL GOVERNMENT BUSINESS THERE.

Shreveport was some years ago made a port of delivery, and a customs officer is constantly stationed there. A marine hospital is established there; also a signal service or meteorological office. The United States courts hold sittings there. It is headquarters for an internal-revenue collecting district, embracing a number of parishes or counties. The yearly collections of revenue in this district are about $30,000, as shown in the letter of the deputy collector to be found in the appendix hereto.

The post-office at Shreveport is a very important one, does a very large business, and pays the Government a large revenue, as shown by the statement furnished by the postmaster there, also to be found in the appendix.

It thus appears that there are six bureaus or departments of Government business located at Shreveport, five of which would be accommodated by the proposed public building, and the Government relieved from the payment of rent.

The Secretary of the Treasury reports that at present it costs the Government about $1,800 a year for the rent of the buildings and offices used for the accommodation of the Government business. (See appendix.) This rent is likely to increase year by year, and just in proportion to the rapid growth and increased importance of the city; so that it would be a wise measure of economy for Congress to make the appropriation asked in the bill under consideration for the erection at this time of a public building there.

That this building is badly wanted, in order to afford adequate

accommodations to the transaction of the Government business there, is attested by the memorials to Congress of the city council and cotton exchange of Shreveport, praying the construction of the building. (See appendix.)

THE RED RIVER.

Besides its railroad system, Shreveport is situated directly on Red River, about five hundred miles from its mouth. It is the principal city of the Red River Valley. Both in point of length of navigation and commercial importance, the Red River is the fourth most important river in the United States, being exceeded only by the Mississippi, the Missouri, and the Ohio. It (the Red) is in seasons of high water navigable for fully five hundred miles above Shreveport, thus making its total navigable length over one thousand miles.

At a high stage of water boats ply regularly between Shreveport and Kiametia, in the Indian Territory, and the river is navigable some distance above Kiametia. It drains, in part, three great States, to wit, Louisiana, Texas, and Arkansas, and one Territory, namely, the Indian Territory. Seven or eight hundred miles of its navigable length is through an alluvial valley of wonderful and inexhaustible fertility, capable, when fully developed, of producing almost as much cotton as is now produced in all the South.

The upper part of this valley is, as heretofore stated, unsurpassed in all the world as a cotton-growing region, while the lower portion grows the sugar-cane in great luxuriance, at the same time growing cotton well-nigh equal to the upper regions of the valley. The whole of the valley grows corn in great profusion, besides many of the smaller grains, all the fruits and vegetables adapted to the temperate zone, and many indigenous to tropical climates.

The principal tributaries of the Red are Loggy Bayou, Lake Bistineau and the Dorcheat, Cane River, Black River, Ouachita River, Little River, the Tensas, Bayous Boeuff, Macon, &c., the aggregate navigable length of which streams is fully equal to, if it does not exceed, the navigable length of the main channel of the Red, namely, one thousand miles, thus making a system of navigable water-way formed by the Red and its tributaries of more than two thousand miles in length, over which, as highways of commerce, are borne the rich products of as magnificent an agricultural country as this or any other land can boast.

This great river, Mr. Speaker, like all the rivers of the South flowing through alluvial formations, is troubled in seasons of low water with sand-bars and shoal places, rendering its navigation at once difficult, dangerous, and expensive. The Federal Government has in the past done a noble work in removing the rafts which for many miles completely choked the upper part of the river. It has, too, done good work in the removal of snags and sunken wrecks of boats from the channel.

But other than this, the river has received no successful treatment at the hands of the Government. The difficulties presented at each season of low water by the bars and shoal places have never been overcome, though steamboatmen have demonstrated a way to obviate the trouble, namely, by throwing up temporary jetties where they appear. These jetties confine the water and increase the velocity of the current over the bars, and in this way a channel through the bars is washed out.

The Government has never undertaken, as yet, work of this character on the river, for the reason that there has never been in the past any appropriation made for the general improvement of the river. The money heretofore appropriated has been for certain specified localities, to wit, the removal of the rafts, closing Tone's Bayou, the falls at Alexandria, and the mouth of the river.

The season of low water on the river usually lasts about five months of the year, in the late summer and early fall. The water gets so low on certain of the bars as sometimes to afford a depth of only fifteen and eighteen inches, and these bars practically suspend navigation during the extreme low-water season. On account of their existence, the freight tariffs by boats from New Orleans to Shreveport are oftentimes quadrupled—that is to say, a barrel of flour will be carried from New Orleans to Shreveport in high water at one-fourth the price that it will be carried for at an extreme low stage of water the succeeding fall.

Nor has the Government, either national or State, ever successfully encountered the problem presented by "the falls" of the river at Alexandria. What is called "the falls" are a series of rapids in the river, over a rocky formation, with very swift current, due to a fall of 2 feet 6 inches in a distance of 750 feet, equal to a fall of 18 feet 2 inches per mile.

In high water and at a moderate stage of water "the falls" are covered with water, and boats pass without serious trouble, though their passage is sometimes attended with danger. In low water, however, "the falls" sometimes bar entirely the passage of boats; and at other times boats lie there for days until literally pulled over with the hawser and steam capstan.

Various surveys of the falls have been from time to time ordered by Congress, and plans and estimates of expenditure for their improvement have been submitted by the Government engineeers in charge of the surveys; but up to this time Congress has failed entirely to appropriate sufficient funds to remove this great obstruction to the navigation of the river.

During the late civil war, in the year 1864, General N. P. Banks commanded an expedition by land up the Red River Valley. A portion of the Federal fleet, under Admiral Porter, co-operated with him by water, going up the Red River. The battle of Mansfield was fought forty-five miles south of Shreveport, resulting in disaster to the Federal forces, who began their retreat down and out of the valley. The fleet, which was keeping pace by water with the forces by land, also retired down the river until the falls at Alexandria were reached. Since their passage over the falls going up, the river had fallen, and on getting back to the falls on their retreat it was found there was not sufficient water to admit the passage of the gunboats and transports, and there was danger of capture by the confederates in pursuit.

In this dilemma an engineer connected with the fleet, by the name of Bailey, constructed a dam of rocks and earth in the nature of a jetty at the lower falls, just above the town of Alexandria, and on the opposite side of the river. This confined the waters and raised the river at that point sufficient to admit the passage of the fleet, and thus saved it. A portion of this dam still stands there, and the effect of it has been and is to throw the current of the river directly against the Alexandria side, causing the destruction of much valuable property on the upper front of that town. This destruction of property will continue unless measures are taken to protect the bank from erosion.

The following extract taken from the Louisiana Democrat, a newspaper published at Alexandria, in its issue of February 22, 1882, shows how great the damage has been resulting from this cause:

It strikes us as remarkably singular as well as unfortunate that there has never been any proper efforts made in past years by the various Representatives of this district in Congress to have means appropriated by the Government to build a breakwater somewhere above Alexandria to protect the river front of the town.

Within the last twenty-five years property of the value of at least $100,000 has been destroyed by the constant caving away of the town front. This encroachment of the channel is still going on and the natural course of the current tends to strike the front of the town with increasing force.

An appropriation to protect the town against this danger is, I am glad to say, embodied in the river and harbor bill which passed the House at the present session.

For years past great trouble has been experienced at the mouth of Red River in seasons of low water. The Atchafalaya River, which takes its rise in Red River, (as an outlet,) about seven miles from where the Red empties into the Mississippi, has practically absorbed the Red, and threatens to completely divorce the Red from the Mississippi. This is because the Atchafalaya affords a shorter passage, with greater fall for the waters of the Red to the Gulf than the Mississippi does. The consequence of this diversion of the waters of the Red down the Atchafalaya is that between the head of Atchafalaya and the Mississippi (seven miles) in low water a bar forms, sometimes entirely closing all navigation through the mouth of the Red into the Mississippi.

In the summer of last year, (1881,) for a period of two or three weeks, this bar at the mouth of the Red prevented the ingress and egress of all boats to and from that river. This continued until the Government dredge-boats dredged out a channel from the Mississippi to the Atchafalaya. Before this channel was dredged, boats would bring Red River freights from New Orleans to the mouth of Red River, there disembark it, when it would be hauled overland about five or six miles to another boat in Red River, above the bar, where the freight would be embarked on this second boat for its destination up Red River.

I have mentioned these facts to call the attention of Congress to the great difficulties encountered in the low-water navigation of Red River—a river, as heretofore stated, navigable in high water more than 1,000 miles, and to the necessity for greater appropriations in future for the proper regulation and rectification of what is the fourth most important stream in the Union.

Surely, a river from which is shipped annually about 250,000 bales of cotton as the products of the country watered by it, and to which is shipped for consumption annually over 50,000 tons of general merchandise, is deserving of the fostering care of the National Government. The above figures are taken from the memorial of the cotton exchange at Shreveport to Congress, on the subject of river improvement, submitted to the House in February last by me, and which is to be found in the appendix to these remarks.

From the country watered by the tributaries of the Red River, which seek an outlet to that river through Black River, there is raised nearly as much cotton as is grown in the Red River Valley proper, and nearly as many tons of merchandise are shipped to that country as to the Red River country. So that the country watered by the Red and its tributaries may be said to produce annually between four hundred thousand and five hundred thousand bales of cotton, and to require for its annual consumption about one hundred thousand tons of general merchandise.

When we consider that this magnificent country is yet almost in the infancy of its development, we can form some idea of the possibilities offering there, and within easy reach of capital, enterprise, and energy.

Relative to the commercial importance of the Red River country, I make the following extracts from the annual report of the Chief of Engineers of the United States Army to the Secretary of War for the year 1881, Part II, pages 1403 to 1405:

Number of steamboats running to and from Shreveport are twenty; total tonnage of same, 64,630; value of annual imports, (estimated,) $11,253,960; value of annual exports, (estimated,) $5,537,600.

And in same book, on page 1406, I find the following:

Total value of cotton, cotton-seed, cattle, sugar, molasses, grain, hides, and sundries shipped down Red River to New Orleans from September 1, 1880, to July 1, 1881, $9,855,000. Total number of tons of general merchandise shipped up Red River annually is 50,000, exceeding in value the down-stream shipments.

This was for the Red River country proper, and exclusive of the productions of the country watered by the tributaries of the Red, to wit, the Black, Ouachita, and Little Rivers and their confluents, and of the merchandise shipped to the latter region.

It will be thus seen that the value of the productions and of the commerce and trade of the Red River country is in the neighborhood of $25,000,000 annually; and if to this be added the value of the productions and of the commerce and trade of the above-named tributaries of the Red, it will appear that the aggregate worth of the productions and of the commerce and trade of the country watered by the Red and its tributaries is not far short of $50,000,000 annually.

This is, indeed, a grand showing, and is eloquent as an argument going to show that these rivers, all of which badly need improvement, should receive greater attention at the hands of Congress than has been accorded them in the past, or is accorded them in the river and harbor bill of this year.

BAYOU PIERRE.

A raft of about seven miles in length formed some years ago in Bayou Pierre, a navigable stream in Northwestern Louisiana. This bayou takes its rise near the city of Shreveport, and runs parallel with Red River on the west side for about one hundred and fifty miles, when it empties into Red River. It is fed mainly by Tone's Bayou, which empties into it from Red River at a point twenty-five miles below Shreveport.

Some years ago the Government made an appropriation for the removal of the great raft in Upper Red River, above Shreveport. The officials of the Government in the prosecution of this work did not pull the logs, drift-wood, and brush forming the great raft out of the river, but merely loosened them and permitted them to float down the current. These logs and brush went down Tone's Bayou and into Bayou Pierre and there lodged, forming a raft in that stream of many miles in length, which is constantly increasing.

Again, a few years ago, when an effort was made by the Government to close Tone's Bayou, to assist in the work chains and other fastenings were stretched across the bayou to catch the drift-wood floating down, and men were stationed on Red River, at the point where Tone's Bayou makes out of the river, to turn all the drift floating down the river down Tone's Bayou, in order to form a raft in that stream in aid of the works looking to the closing of the stream.

This went on until an immense raft had been formed in Tone's Bayou by the Government employés, which raft remained there for some months, and until a heavy rise of water swept it away along with the Government works, and carried the raft down into Bayou Pierre, where it lodged against the raft already formed there, as above described, increasing the length and extent of the raft in the said Bayou Pierre.

Not only is this raft obstructing a navigable stream but it is also resulting in the overflow nearly every year in seasons of high water of many thousands of acres of very valuable alluvial lands; and this overflow, from this cause, is becoming worse and worse every year.

Last year the back lands of many of the plantations on the river, between it and Bayou Pierre, were overflowed from this cause and much destruction of crops occasioned thereby. During the present year twice have these plantations been submerged, and their overflow is directly traceable to the existence of this raft in Bayou Pierre. So great is the trouble and damage it is causing that private letters received by me from planters in that section indicate that unless relief is extended by the removal of the raft that portion of the valley will have to be abandoned.

The raft acts as a dam in backing up the waters and preventing them from escaping down the channel of the bayou, and thus the submergence of the surrounding country is brought about.

The public sentiment of the State of Louisiana for its removal recently found expression in a memorial of the General Assembly, now in session, to Congress, asking an appropriation of $100,000 to be used in clearing the stream of the raft. This appropriation is asked on the grounds—

First, that the raft closes entirely to navigation a navigable stream.

Second, because it is the direct cause of destructive floods, at every stage of high water, over the adjacent country.

In 1878 Congress ordered a survey of Bayou Pierre, with the view to its improvement. This survey was made, and the report is to be found in the report of the Chief of Engineers of 1879. The engineers making the survey estimated it would cost at that time $75,000 to remove the raft; but since then the raft has greatly enlarged, and it would now require about $100,000 for its removal. Congress never acted on the report and estimates, and no appropriation was made.

It is of the utmost importance to that country that this raft be removed, and as the Government, through its employés, was instrumental in putting it there, it behooves the Government to remove it. I have brought this matter to the attention of the Commerce Committee of both the House and Senate, besides introducing the necessary bill, and indulge the hope that an appropriation will be made at least sufficient to begin the work.

APPENDIX.

No. 1.

Memorial of the board of trustees of the city of Shreveport, Louisiana, urging the construction of a public building at Shreveport, to serve as custom-house, court-house, post-office, signal-service and internal-revenue offices, &c.

To the Senate and House of Representatives
of the United States in Congress assembled:

GENTLEMEN: The petition and memorial of the board of trustees of the city of Shreveport, a municipal corporation duly chartered and incorporated, located in the parish of Caddo, State of Louisiana, with respect beg leave to show that by acts of Congress it has been made a port of entry, being at the head of navigation on Red River. It is one of the seats of justice for holding sessions of the United States circuit and district courts for the northern district of Louisiana. That it is an extensive mail-distributing point, as also for the collection of internal revenue. That it is the eastern terminus of the Texas and Pacific Railroad; the northern terminus of the New Orleans Pacific Railroad; the western terminus of the Vicksburgh, Shreveport and Pacific Railroad. That it has a United States signal-service station. That it is the prospective and designated crossing points for various other chartered railroads running north and south, and northeast and southwest. That at present it is the second city in the State of Louisiana in point of population and wealth, and is located in the midst of an extensive, populous, and productive territory that is growing more and more important every year. For the foregoing reasons and for many others that might be enumerated and fairly urged we respectfully ask that Congress make a sufficient appropriation of money for the purpose of erecting a building suitable to the accommodation of the United States circuit and district courts and officials, United States custom-house, bonded warehouse, signal service, mail service, internal-revenue service, and public-land office. Such a building is an absolute necessity, as the officials at present have to rent their accommodations in widely scattered localities and of a character greatly inadequate to the growing necessities, importance, and convenience of the public service.

Wherefore the council of the city of Shreveport respectfully ask for the appropriation of $200,000 to be expended for the purposes prayed for.

We ask our Senators and Representatives in Congress to present this memorial and petition, and use every effort to obtain the necessary appropriation as speedily as possible.

Thus done, adopted, and signed at a regular meeting of the council of the city of Shreveport, and the seal of the city attached thereto, the 5th day of January, A. D. 1882.

ANDREW CURRIE, *Mayor.*

Attest:

W. J. BRUNER, *Secretary of Council.*

No. 2.

Memorial of Shreveport Cotton Exchange.

To the Senate and House of Representatives
of the United States of America in Congress assembled:

We, the undersigned, citizens of Shreveport, Cadda Parish, Louisiana, and members of the Cotton Exchange of said city, do hereby present to your honorable body the following statement of facts, which we trust will win your favorable consideration of two bills introduced with your respective bodies by Senator JONAS, of this State, and Hon. N. C. BLANCHARD, representing this Congressional district, to wit: one asking an appropriation for the erection of a public building in the city of Shreveport and the other asking an appropriation for the improvement of the navigation of Red River. As regards the first, we beg to invite your attention to the fact that Shreveport, the second city in the State in population and commercial importance, is the distributing post-office for a large scope of country; that it is the headquarters in North Louisiana of the internal-revenue department of the State; that the United States district court holds its sessions here; that there is here a United States marine hospital, a signal-service office, and a collector of customs office.

Your petitioners respectfully represent that the cost to the Government for the payment of rent for the various buildings and offices necessary to accommodate the officials holding these various offices is no inconsiderable charge upon the Government, and moreover the accommodations are not commensurate with the greatness and wealth of the nation. We have had carefully prepared from the books of the Cotton Exchange by a committee appointed for the purpose the following report, which we submit as part of this memorial. It will be seen how large a sum of money is annually paid by the planting interest in excessive freights incident to a suspension of navigation. As regards the last-mentioned bill, asking for an appropriation for the Red River, we respectfully represent that Red River ranks among the most important streams in the Union. Its alluvial bottom embraces millions of acres of the finest cotton lands in the world, capable, if under cultivation, of producing nearly as much cotton as is now grown in all the South. It is susceptible of navigation for one thousand miles, and your petitioners believe that your honorable body will agree with them in the opinion that the appropriation asked is a very small one in comparison with the magnitude of the interest involved. In view of the facts here presented, we pray your honorable body to pass the bills herein mentioned, for which we ever pray, &c.:

SHREVEPORT, LOUISIANA, *January* 27, 1882.

To the President and Board of Directors of the Shreveport Cotton Exchange:

GENTLEMEN: Your committee beg leave to submit to you the following report. Touching the matter of cotton moved from the banks of Red River, we beg leave to report as follows:

	Bales.
Amount of cotton delivered at New Orleans from Red River last season	186, 585
Estimated amount delivered at Fulton, Arkansas, to Iron Mountain road	20, 000
From banks at points within reach of navigation to railroads at various points	30, 000
Total	236, 585

Touching the matter of merchandise and freights:

	Tons.
Shipped up Red River to Shreveport last season	31, 800
Shipped by steamer above Shreveport same season	2, 541
Shipped by steamer below Shreveport to plantations	21, 200
Total	55, 541

The rate of freight in high water to New Orleans from Shreveport, by river, fourth class, (per 100 pounds,) 20 cents; by rail, 72 cents. The rate of freight in low water from New Orleans, by river, fourth class, (per 100 pounds,) 62½ cents; by rail, 72 cents.

Average length of the high-water stage of navigation in Red River, five months. If proper improvements are made on the river it is thought by steamboatmen that freights can be carried at high-water rates the year round.

Cotton from Shreveport to the east, by river, during high water, (per 100 pounds,)

70 cents. None handled by river in low water. During high water, cotton east, from Shreveport, (per 100 pounds,) 65 cents; during high water, by rail, $1.14. Cotton to New Orleans, by river, during high water, (per bale,) $1.25; during low water, $4; by rail, during low water, $4.50.

Very respectfully,

J. BOISSEAU,
C. H. MENGE,
N. GREGG,
R. N. McKELLER,
H. FLORSHEIM,
Committee of the Cotton Exchange.

At a special meeting of the cotton exchange, held on the 2d day of February, the above memorial and report of committee was submitted and unanimously adopted.

S. B. McCUTCHEN,
President Shreveport Cotton Exchange.
JAS. V. NOLAN, *Secretary.*

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, DISTRICT OF LOUISIANA,
Shreveport, Louisiana, January 28, 1882.

SIR: Yours of 17th instant at hand, and in answer thereto will make the following statements in the collection of internal revenue at this point:

The State of Louisiana composes one district, Hon. Morris Marks, collector, and subdivided into divisions, this being the eighth division of the Louisiana district, comprising the following parishes: Bienville, Bossier, Caddo, De Soto, Natchitoches, Red River, Sabine, and Webster, headquarters at Shreveport. The collections from this district for special taxes alone amount to about $30,000 this year, ending April 30, 1882, the end of current year.

The United States district court for the western district of Louisiana convenes in Shreveport next month, and for the first term will have a respectable docket, consisting largely of violations of the internal-revenue laws. For the present, a building has been secured for the use of the court, it being the largest and most conveniently arranged for the purpose. Still there are not sufficient rooms for the officers of the court alone.

In addition to the United States district court there is a deputy collector of customs, for which an allowance of $10 per month is made for rent, a post-office, and a Signal-Service office, which is allowed by the Government; but a United States commissioner's office and deputy collector of internal-revenue office, rents are paid by the respective officers from their individual funds, which is rather an unjust discrimination, but would be overcome by the establishment of a public building in the city.

There are many reasons beyond my official functions which would be of far more weight before a committee, which I have no doubt you have utilized, that would be beyond me to bring to your attention.

With best wishes for success, I am, respectfully,

WM. T. FLEMING.

Hon. N. C. BLANCHARD, *Washington.*

Statement of business transacted at the post-office at Shreveport, Louisiana, for the year ending December 31, 1881.

MONEY-ORDER BUSINESS.

DR.	No. of orders.		CR.	No. of orders.	
Domestic M. O. issued	5,214	$74,956 16	Domestic M. O. paid	2,486	$61,712 94
Fees on same		671 10	Canadian M. O. paid	3	88 00
Canadian M. O. issued	5	120 00	British M. O. paid	8	204 28
Fees on same		1 95	German M. O. paid	22	544 43
British M. O. issued	28	371 40	Italian M. O. paid	1	16 40
Fees on same		9 75	Repaid M. O. paid	78	1,157 81
German M. O. issued	89	2,023 35	Deposits to Little Rock, Arkansas		160,250 00
Fees on same		33 60			
Italian M. O. issued	12	369 00			
Fees on same		5 85			
French M. O. issued	3	14 00			
Fees on same		45			
Deposits for postmasters		147,127 00	Balance		1,729 75
		225,703 61			225,703 61

REVENUES.

DR.		CR.	
Waste paper sold	$4 80	Expense account	$5,046 25
Box-rent receipts	1,185 00		
Sale of stamps	9,077 60	Net revenue	5,221 15
	10,267 40		10,267 40
No. registered letters and parcels received	3,363	No. registered letters and parcels dispatched	3,366
Weight of mail for one month received, pounds	22,214	Weight of mail for one month dispatched, pounds	17,950

Unmailable matter and letters sent to dead-letter office, 3,129 pieces.

TREASURY DEPARTMENT, *January* 28, 1882.

SIR: In response to the request contained in your letter of the 25th instant, I have the honor to state that the following rents are paid for office accommodations for Federal officers at Shreveport, Louisiana, namely:

Post-office, per annum	$300 00
Signal office, per annum	144 00
Customs office, per annum	120 00
Marine Hospital Service, per annum	180 00
United States courts, per annum	1,000 00
	1,744 00

Internal revenue office—no allowance.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. N. C. BLANCHARD, *M. C.*,
House of Representatives.

Pensions.

SPEECH

OF

HON. COURTLAND C. MATSON,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 19, 1882,

On the bill (H. R. No. 6514) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1883, and for other purposes, upon a motion to suspend the rules and pass the same.

Mr. MATSON said:

Mr. SPEAKER: The consideration of this bill opens a wide field for discussion. It takes from the Treasury more money than has been taken by any single enactment since the period of the civil war. Notwithstanding that fact, I shall vote for it as cheerfully as I would have voted for any of the enormous appropriations that were made necessary to bring that war to a successful termination if I had then been a member of this body. When I cast my vote for this appropriation I am giving no charity, no gratuity, but I am simply voting to discharge an obligation that rests upon the people, as solemnly binding as any that was ever owed—the most sacred debt that was created by the war.

And, Mr. Speaker, it should be here observed that the manifest purpose of every member of this House to permit this bill to pass without any opposition or dispute, and under a suspension of the rules, is the clearest evidence of the fact that the pensions which this Government owes to its soldiers are safe in the hands of either of the great political parties of the country. And it gives particular emphasis to the fact that the ex-confederates who are here as the representatives of the people lately in rebellion against the Government are sincere in their declarations that they and the people they represent have accepted the results of the war with all its consequences.

An interesting statement was submitted by the honorable Commissioner of Pensions in response to a resolution of the Senate in April last, from which it is ascertained that at the end of the last fiscal year for the payment of pensions, to wit, September 4, 1881, there was at that time not a single county or parish in all of the United States that had not a pensioner. It is also ascertained that this large number of pensioners is by no means equally distributed among the different Congressional districts of the country. In fact, a very great disparity appears, the range being from twenty-seven in the third district of Georgia—the lowest number residing in any one district—to 2,930 in the first district of Kansas, the highest number residing in any one district at that time.

I discover that the district which I have the honor to represent had much more than an average number of pensioners, the number in each county thereof and the value of the pensions being as follows:

County.	Number of pensioners.	Annual value of pensions.	Annual payment, with arrears.
Bartholomew	229	$24,484	$46,520
Brown	75	8,020	15,238
Hendricks	130	13,872	26,357
Johnson	129	13,792	26,212
Monroe	128	13,732	26,091
Morgan	158	16,872	32,057
Owen	162	17,368	32,999
Putnam	194	20,828	39,573
Total	1,205	128,972	245,047

The whole number of pensioners residing within the different Congressional districts of the United States was 248,234. The average number to each district was 813. It was to be expected that the localities that furnished the soldiers for the Union would now contain the great body of the pensioners, and so it happens. And I speak of this matter for the purpose of showing still more clearly the patriotic action of our friends from the South, who, without complaint, bear necessarily the greater burden of this large disbursement of money from the public Treasury, in that so small a portion of it is taken into their communities and invested among their people.

But, Mr. Speaker, although by this bill we appropriate an even hundred million dollars for the purpose of paying the pensions of the coming fiscal year, the appropriations of the succeeding year, and probably one other, must be even larger than this one. On the 1st day of November last there was still pending and unadjudicated

more than 227,000 claims which involved the payment of arrears, and of that number it may be safely assumed that 200,000 will still remain undecided at the end of the present fiscal year.

As the number upon the roll increases and as the claims involving arrears are adjudicated the amount necessary to pay both must increase. However, with all that taken into the account, there is no cause of alarm. We can materially reduce our revenues, both in the matter of customs and in the sum derived from internal taxation, so that the burdens resting upon the people will be greatly lightened, and still have money enough to pay the debt as it falls due, the interest thereon, the current ordinary expenses of the Government, and the most liberal pensions to the survivors of our wars. So I repeat that there is no good cause for any public alarm upon the question of the gross amount necessary to pay pensions. Nor do I assert that there is any such alarm among the people of this country. Some of the great newspapers have loudly declared against the law known as the arrears act, and some have gone so far as to demand its repeal.

I think it is safe to say here and now, Mr. Speaker, that that law will never be repealed. It is founded upon the principle of doing exact justice to those who are now entitled to share the bounty of the Government on account of the helplessness brought upon them in its military service. It has been so far executed that its repeal now would only create a new injustice to those who would be thus deprived of its benefits. No, sir; it will remain upon the statute-book and be fully executed until every dollar of this the most sacred debt growing out of the late war has been fully discharged and paid.

Some of the newspapers that have clamored loudest against this law have been heretofore most solicitous about the maintenance of the public credit, alleging and insisting that as a measure of protection in times of crisis and danger hereafter we must now pay all and even more than we owed. They forget that the repeal of this law, showing as it would upon the part of the Government an indifference to the just demands of those who were its willing defenders in the time of its greatest danger, would operate to weaken and probably destroy our only means of defense at such times—that defense which we can alone get from our volunteer citizen soldiers.

But it is urged that gigantic frauds have been practiced under this law. I deny it. I shall not assert that no frauds have been successful, but I do say that under the rules and regulations governing the Pension Office, as it is now administered, a fraud is well nigh impossible. I think, Mr. Speaker, that the one prolific source of mistake here is that we are apt to compare the pensioner whose disability is not visible with the one whose injury is open to the casual observer, and because we neither see nor feel his disability we conclude against him. These pensioners are all examined by competent surgeons or boards of surgeons, and the precise disability which he alleges and proves was incurred in the service must be found to be still existing, at least in its direct results. It ought to be remembered, too, that in the extremely active and hazardous operations of a four years' civil war, fought mainly by our volunteers, in a strange and to them unhealthy climate, the number of dangers and exposures was largely increased.

But, Mr. Speaker, there is cause, and just cause, for alarm upon the part of the people, not on account of the large expenditures each year for the payment of pensions, but because of the reckless expenditure of money in other directions. It was very recently stated upon the floor of this House by the distinguished gentleman from Tennessee, the former chairman of the Committee on Appropriations, [Mr. ATKINS,] that within a period of ten years, between 1870 and 1880, our list of civil officers in the employ of the General Government had nearly doubled; that in 1870 1.4 per cent. of the whole population held civil offices under the General Government, and in 1880 2.2 per cent. of the whole people were paid officers upon the civil list of the United States. And there is another matter to which I invite the attention of the House at this time, the increasing tendency to place civil officers and their dependents upon the pension list.

As a member of the Committee on Invalid Pensions, so studiously careful have I been to avoid taking a single step in that direction that I have felt compelled in many instances to oppose the report of a majority of that committee and again upon the floor of this House the granting of pensions to those who were even in the quasi military service, such as employés in the Quartermaster's and Paymaster's Departments, nurses, contract surgeons, and in another case the widow of a professor in the Naval Academy. Some of these cases were such as appealed strongly to my sympathy, but the rule by which I have been guided is that no pension should be considered or granted as a gratuity, but that the right to it is implied from the very contract of enlistment and from the laws in force at the time.

At this session this House has made considerable advances in the direction of the policy of the British Government relating to the pensioning of civil officers. This has been done, too, without providing, as England has, for very large reductions in salaries, that the Government might thus by its saving create a sort of life-insurance fund for the benefit of its officers. Already all the surviving widows of the ex-Presidents have been munificently pensioned; a bill has passed this House providing in effect, although not by its terms, for the pensioning of the employés of the Life-Saving Service; another is pending of a like character for the benefit of the employés of the railway mail service, and still another in behalf of the officers and men of the revenue-marine service. If these bills become laws, how soon may we expect that all the officers of the Government will be demanding a like gratuity because of the precedents then so well established?

In the case of the military and naval pensions we can soon pay and discharge them; but when the policy of extending pensions to the officers of the civil list is once fairly begun, we have placed not only a heavy burden upon ourselves but we will entail upon our children even a heavier one, that it may require a revolution to shake off.

An estimate has been furnished to this House at its present session showing that if all the claims now pending involving arrears are paid, and all the surviving soldiers of the war with Mexico and the widows of the soldiers of that war are soon pensioned—a measure of justice already shamefully delayed—for the next twenty-five years the annual payment of the whole pension list will then only average about fifty millions of dollars, and after that time will necessarily be much less. So that it seems to be susceptible of easy demonstration that with an economical administration of the Government we can pay all our soldiers the pensions we so justly owe them.

But, upon the other hand, with a reckless extravagance in public expenditures this average sum of fifty millions per annum will become one of great burden to a complaining people, and the pensions that were cheerfully paid when we had a full Treasury will become unpopular, and in the necessity of the case might be reduced or even abandoned. And thus it is that this most deserving class of our citizens are doubly interested in the prudent and economical administration of our affairs.

I have but one criticism to offer upon this bill. It provides in the second section for some amendments to the law authorizing special examinations by clerks and agents of the pension department into the merits of pending and adjudicated claims. It fails to provide that these examinations shall be held only after due notice has been given the claimant or pensioner. I have already asked the honorable gentleman in charge of this bill [Mr. O'NEILL] to accept an amendment to that effect, but it seems that he has not been authorized by his committee so to do. And in the same connection it was stated by my colleague [General BROWNE] that such is now the universal practice of the Department. I replied then, and I repeat it here, that it ought to be not only the practice but the law, so that no claimant or pensioner could possibly be made the object of secret attack on account of any one's malice or prejudice.

I shall, however, Mr. Speaker, gladly vote for this bill, and hope to soon see that become a law which is so well indorsed as a practice; and I shall at the earliest date introduce a bill to that effect.

Internal-Revenue Taxation.

SPEECH

OF

HON. FETTER S. HOBLITZELL,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 27, 1882,

On the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. HOBLITZELL said:

Mr. SPEAKER: That portion of the internal-revenue system remaining upon the statute-books of the country comprises in part a policy of taxation sprung from the loins of the great war struggle of the States of the Union, and it found its justification in the magnitude and perilous necessity of that conflict. The Government was strained at every joint to maintain its full war power, and the people of the country cheerfully submitted to every demand made upon their purse and industry that the privilege of living and enjoying the fruits of their labor might be preserved to them and their children under an indissoluble union of indestructible States. But, Mr. Speaker, submission to this mode of taxation in an hour of danger and peril, while it illustrates in an eminent degree the patriotism of a free people, cannot be construed into an approval of that system as an ordinary means of providing revenues to meet the expenditures of Government. On the contrary, the history of our country is a standing protest against the continuance of such a system upon the body-politic after the emergency commanding it has passed away.

Sir, the excise system of taxation is the outgrowth of foreign soil, of monarchical absolutism. It is undemocratic, unrepublican, and utterly repugnant to the spirit of our people and our free institutions. In England the imposition of such taxes was first made in the year 1643, having been extensively practiced in other portions of continental Europe before that period. In our country it was first used in 1791, just after the revolutionary struggle had ended and when our statesmen and public men were endeavoring to sustain the position of independence they had won as the rich fruits of a bloody revolution by laying and collecting sufficient revenues to meet the great expense of the war for liberty. The highest tax imposed upon distilled spirits under this policy was only 25 cents per gallon, and

yet the patriotism of our ancestors, just emerged from a long and bloody conflict that had been crowned with glorious success, was not proof against this call upon the spirit which had served them "in times that tried men's souls," and the country's history was blurred with the stain of a whisky insurrection in a neighboring State whose people were largely interested in the production of distilled spirits, in the very presence of their magnificent victory. These taxes, odious in their inception, grew more and more odious each year of their exaction until the inauguration of President Jefferson, under whose wise and beneficent administration the whole system was uprooted and abolished.

Again, Mr. Speaker, after the war of 1812, when another great and pressing necessity for revenues to enable the Government to meet the increased expenditures growing out of our conflict with Great Britain was upon us, a renewal of this system was recommended by our then President, James Madison, in aid of the revenues of the country, but it continued in force only a few years, being repealed in the year 1817 in obedience to the sentiment of public opinion, which crystallized the faith of the masses in the belief that the power of taxation should only be exercised in this form upon extraordinary occasions, and the occasion ended, the system itself should end with the necessity creating it.

Sir, the present internal-revenue system has operated oppressively upon the labor, industry, and business interests of the country for a period of twenty years, and to-day, notwithstanding the bounties to the soldiers of the war, the ample provision made for the payment of the public debt, and the great largesses scattered with bountiful hand in aid of commerce, internal improvements, and public buildings, the appalling fact stares us in the face that a surplus of more than a hundred millions of dollars—and still on the increase—lies dormant in the coffers of the public Treasury after the payment of most liberal and munificent expenditures for ordinary governmental purposes. And yet, Mr. Speaker, the odious system of revenue has its warm advocates upon this floor, representing a Republican majority, who refuse to relieve the famishing business of the country and take off the onerous burden of labor and industry that is weighing down the wealth and productive power of the people. Such a condition of things is unparalleled in the history of legislation, and if not criminal deserves the malediction of every honest man, capitalist and laborer, throughout the length and breadth of this great Union.

Sir, think of it. Think of it, freemen of America. More than a hundred millions of the wealth-producing power of the people, wrung from the sweat of labor, locked up in the vaults of the nation and absolutely paralyzed by the maintenance of this infamous policy of internal taxation! Do you wonder that capital is cautious, that the cost of living is alarmingly on the increase, and that labor is uneasy and refuses to work for unremunerative wages which are not adequate to the wants of their families? Where is it going to end, I ask, if the great car of Juggernaut is to move on at the bidding of King Caucus, reckless of the ruin and destruction of the national prosperity and the happiness of the people which marks the track of its iron wheels? Sir, the Republican majority of this House are responsible for the continuation of this pernicious policy; and the great voice of the American people at the ballot-box in November will put the seal of their condemnation upon that party who, in determining the legislative policy of the present Congress, gave them a stone when they asked for bread; and instead of conserving the wants and necessities of 50,000,000 people, instead of affording relief to the perishing strength of production and building up all that constitute the life and power of a great country, dictates through a party caucus the miserable measure included in the terms of the bill under consideration. It may be wisdom and statesmanship from a Republican stand-point to believe that the chief end of man is the distribution of the official loaves and fishes incident to government, but I admonish them that while Nero fiddles Rome is burning. Your prosperity is staggering under the burden of these merciless exactions, and the time and the hour foreshadow revolution and panic.

Mr. Speaker, the people with one voice have demanded relief from these excise taxes, and their collection is as unjust as they are unnecessary. The Democratic party here have honestly endeavored by proper amendments to this measure to secure the relief desired, but, sir, in vain have the people and their representatives appealed to the power and conscience of King Caucus. The fiat has gone forth, and while monopoly and money-power reap relief from their oppressive burdens, the honest labor and industry of the country must suffer still another season. I have voted for every amendment looking to a reduction of taxation, and I am ready to vote for the entire repeal of the internal-revenue system, excepting alone the collection of a fair tax upon distilled spirits, offering as it will an opportunity in a proper revision of the tariff to relieve the consumer substantially by the reduced cost of articles of necessity without impairing the revenue to be collected, and permitting also the withdrawal of alcohol from bond free from tax when used in the arts and for chemical and other purposes, as provided in the amendment offered by the gentleman from Kentucky, [Mr. WILLIS.] I will vote for this bill as the only relief permitted by the Republican majority of this House, but, Mr. Speaker, in the name of my constituents I enter a solemn protest against the action of that majority in their denial of that full and ample reduction of taxation which the people command and are entitled to receive at the hands of their representatives.

Internal-Revenue Taxation.

SPEECH

OF

HON. WALDO HUTCHINS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 22, 1882.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 5538) to reduce internal-revenue taxation—

Mr. HUTCHINS said:

Mr. CHAIRMAN: I had not proposed to take part in this debate, and should not have done so except for some observations that dropped from the gentleman from Kentucky [Mr. THOMPSON] who addressed the committee yesterday. I will say, Mr. Chairman, speaking for myself, that I shall vote for the bill now under consideration. I shall vote for it, not because it is all I could wish it to be, nor because it by any means meets fully the wants and necessities of the hour.

The people of this country, if ever in its history they needed relief from oppressive taxation, need it to-day. The most casual observer of the signs of the times cannot but see that there is something wrong in the business affairs of the country, and it can easily be discerned what that difficulty is.

Awakening from the long lethargy following the depression of 1873, our national industry, like an aroused giant, again resumed its task of ministering not only to the wants of the fifty million of our own citizens, but to those of the whole world. We have made enormous strides in the last few years. We have exported millions of bushels of wheat, we have built thousands of miles of railroad, but our giant is beginning to stagger in his onward march. He has too heavy a load to carry. Hercules himself could never have performed his fabulous labors had he been hampered with such a load as now bears down the industry of our nation.

What are we to understand by the uprising of the people, the so-called "strikes" and the "labor troubles" that have shown themselves under such terrible aspects during the past few years? Do not these disturbances grow out of a policy fostered and made powerful by Congressional legislation? Is there not a great wrong existing somewhere which human forecast can discern and which can plainly be traced to this Capitol? It seems plain to me that the tariff and internal revenue are the guilty causes of these convulsions in the body-politic. The terrible burden which the laboring classes are compelled to carry by reason of the outrageous imposts upon all they eat and all they drink is the palpable cause of these violent agitations. With us the question to be answered is, how can this burden be removed?

To-day we are collecting by taxes from the people of the country each year $100,000,000 more than the necessities of the Government call for, and it is proposed by this bill to reduce taxes to the extent of only $17,000,000. Some measure should have been perfected and introduced into this House early in the session which would have relieved the people of more than $60,000,000 of taxes annually, and it should have been done with favorable consideration to the business interests of the country. This bill seems to me to be a mere makeshift, a peace-offering to the suffering people, an endeavor to satisfy them by removing a small part of the heavy load which they are now compelled to carry.

Mr. Chairman, I am compelled to say that I contemplate the situation of things as I find them here in Congress with amazement. How it is possible for the representatives of fifty millions of free, enlightened, thinking people to meet here for the solemn purposes of legislation, avowedly for the benefit of the people, and yet, by artful processes, evade the consideration of vital questions upon which real prosperity depends, is more than I can understand. Certainly it is not ignorance that produces this state of things, for these gentlemen are among the most enlightened and cultured in the land. They have come up here from the bench, the bar, the learned professions, the factory, and the farm professedly to represent and to act for the best good of the people, but they certainly do not faithfully represent the interests and wishes of those who send them here, for a large majority of the masses of the population East, West, North, and South desire relief from the oppressive tariff burdens which weigh them down. The "mobs," the "strikers," and the suffering laborers everywhere convey to every thinking person the logic of this fact. I am therefore forced to the conclusion that the majority of this House come here as the representatives of a political party rather than of the people whose servants they are.

We must, however, accept the situation as it is. While I wish we could have had at this session a modification of the tariff; while I regret that the House has voted that it is incapable of properly considering the subject, and therefore it has deputed that duty to others for them to accomplish the object; while I regret that the House through its proper committee did not do that work itself, but

inasmuch as we have seen fit to throw the work off our own shoulders we can expect no relief from any quarter during this session, I shall therefore support this measure as the only thing that can be done under the circumstances.

I have been surprised at the remarks which have been made on this question by gentlemen; at their allegations that it is not Democratic doctrine to remove from the shoulders of the people the burden of internal-revenue taxation. Such statements seem strange to me, in looking over the history of the past and considering the action of the Democratic party since its organization, that any gentleman on this side of the House can say that it ever was Democratic doctrine to impose internal-revenue taxes upon the people except as a war measure. I claim it is the most undemocratic system of taxation ever devised. It was adopted as a war necessity only, and it can only be upheld as such. It has no more place in our civil polity, now that the war has been ended seventeen years, than would a standing army of 500,000 men in times of peace.

In 1789, in the first Congress that was held after the adoption of the Federal Constitution, Mr. Madison, immediately after it convened, introduced a measure providing for revenue for the support of the Government. He said:

> The deficiency in our Treasury has been too notorious to make it necessary for me to animadvert upon that subject. Let us content ourselves with endeavoring to remedy the evil. To do this a national revenue must be obtained, but the system must be such a one that while it secures the object of revenue it shall not be oppressive to our constituents. Happy it is for us that such a system is within our power, for I apprehend that both these objects may be obtained from an impost on articles imported into the United States.

Mr. Madison strenuously opposed the adoption of the excise law, imposing internal-revenue taxes. We know what the effect of that law was; history informs us of the Shay rebellion and other armed demonstrations against its enforcement.

President Jefferson in his first annual message to Congress recommended the repeal of the law passed by the First Congress providing for the collection of internal-revenue taxes. In his message he says:

> The augmentation of population combined with other circumstances had produced an augmentation of revenue which justified the repeal of all internal taxes. The remaining sources of revenue will be sufficient to provide for the support of the Government, to pay the interest on the public debt, and to discharge the principal in shorter periods than the laws or the general expectation had contemplated. War, indeed, and untoward events may change the prospect of things and call for expenses which the imports cannot meet; but sound principles will not justify our taxing the industry of our Federal citizens to accumulate treasure for war, to happen we know not when, and which might not perhaps happen but for the temptations offered by that measure.

Following the recommendation made by Jefferson, Congress, ten years after its enactment, repealed the first law which authorized the collection of internal taxes.

Again, in 1813, owing to the necessities growing out of the war of 1812, President Madison summoned Congress in an extra session, and recommended the adoption of an internal-revenue law as a war measure, which law was passed and remained in force until President Monroe, in his first message, recommended to Congress its repeal; and it was repealed.

Thus we have the recommendations of Madison, Jefferson, and Monroe, the fathers of the Democratic party, all upon record against an internal-revenue system of taxation, except as a war measure.

But I will come down to later times, to the year 1868, and look to the Democratic platform of that year to see what was said in it in relation to this internal-revenue tax system. That platform demanded—

> The simplification of the system and the discontinuance of inquisitorial modes of raising and collecting internal revenue, so that burdens of taxation may be equalized and lessened, the credit of the Government increased, and the currency made good.

My friend from Kentucky [Mr. THOMPSON] yesterday stumbled a great deal at the word "inquisitorial," not being able to understand what was meant by that word when used by the chairman of the Committee on Ways and Means [Mr. KELLEY] in presenting his reason for the adoption of the bill under consideration. But here we find it in the Democratic platform of 1868. It is a word taken from that platform by the gentleman from Pennsylvania, and is good, sound Democratic doctrine, that this "inquisitorial" mode of raising and collecting revenue should be broken up and destroyed.

And here let me call attention to the Democratic doctrine on the tariff, as laid down in the platform of the convention of the Democratic party held in 1868, to which I adhere to this day, upon which I stand, and upon which I believe in a fair contest the majority of the people of this country will stand:

> A tariff for revenue upon foreign imports, and such equal taxation under the internal-revenue laws as will afford incidental protection to domestic manufactures, and will, without impairing the revenue, impose the least burden upon, and best promote and encourage the industrial interests of the country.

I stand upon that platform to-day, and, fortified by the precedents which I have cited, I advocate the passage of this bill; not because it is the best measure that could be presented, but because it is the only one that the committee has reported for our consideration looking toward any relief from the burdens that are oppressing us.

I cannot feel it my duty to adopt the policy advocated by my friend who spoke yesterday. The Republican party demands that the tariff shall remain as it is; that no reduction in it be made. Speaking for this side, the gentleman claims it as Democratic doctrine that the internal-revenue taxes shall not be touched; but shall remain as they are. So we shall be confronted with this condition regarding the collection of revenue for the support of the Government—the Republican party adhering to the present tariff with all its absurdities, and the Democratic party committed to the internal-revenue system and refusing to consent to any modification thereof unless the Republican party will consent to a reduction of tariff duties. This is not statesmanship. It is not the proper thing to do. We are to examine every measure coming before us, and if we find it is right, no matter if it be not just what we like, if it is right and will relieve any portion of the people of unjust burdens, it is our duty to adopt it.

One word, Mr. Chairman, as to this bill and what it proposes to effect. It removes the stamp tax from bank checks. I am told this tax ought not to be taken off. Well, it is a small tax; but it is one that bears as heavily upon the poor as any other tax that is imposed upon the people. No depositor in a savings-bank can draw out twenty-five cents without putting a two-cent stamp upon the check or order. I have seen a poor woman go to the counter of a savings-bank to draw out less than twenty cents, and she has had to pay one-tenth of the amount drawn out for a two-cent stamp to put on the order before she could draw the money. Now, while the capitalist, the business man, and every one who makes a check is compelled to put a stamp upon it, he can draw out of the bank one thousand or a hundred thousand dollars for the same tax that the poor woman had to pay on her savings-bank order of twenty cents. Thus the burden of this inequality, like most of the burdens of taxation, falls heaviest upon those least able to pay. This is comparatively a small matter; but none the less should we dispose of it and get it out of the way. It is a relic of the war, and I want to brush it aside and put it out of sight.

It is proposed also to remove the tax upon deposits of money, and I am told that this is in the interest of the bankers alone, and so "should be rejected." Why, sir, the great need of the South, the Southwest, and the West to-day is bankers. It is money, the instrument of trade, that they need, without which it cannot be carried on as business is transacted in this age of civilization. Money should be free as air; no tax of any kind or description should be levied upon it except as a war necessity, because in the end such a tax is paid by the poor man, who is compelled to borrow money, and at the last labor pays it. Every man who has worked out this problem and seen its practical operation knows that what I say is true, and that when we pass this bill, relieving deposits from taxation, we reduce to that extent the burdens of the entire community.

No one can object to the abolition of the tax on matches and the other articles enumerated, medicines, &c., in the bill under consideration. We can vote for these reductions, and thus make a beginning in wiping out these taxes which are obnoxious to the people; which assist in continuing a system that ought to be blotted out, but which never will be, unless we make a beginning toward its accomplishment.

But, Mr. Chairman, it is said that this bill is proposed merely for the purpose of preventing a reduction of tariff duties. I cannot think this is so; but granting it to be the fact, still these taxes ought to be abolished, even if that were the tendency of this measure. I had hoped, and I hope now, that the Committee on Ways and Means will look further into this matter, and see whether they cannot afford the people some other relief in addition to that offered by this bill, so that the Republican party may not be charged with taking the taxes off money in the interest of capital and leaving labor with all its burdens still upon it. Of course, that charge under the present circumstances might well be made; because the people can well say, "If the Committee on Ways and Means could prepare a bill to amend the internal-revenue laws they certainly could have prepared a measure to relieve the country from some portion of the tariff duties."

I will make one suggestion to the committee. Why should not the duty which was imposed on sugar in 1875 of 25 per cent. in addition to the duty which then existed be abolished? The amount we are collecting for duties on sugar each year is about $50,000,000. This sum is about one-quarter of the entire revenue realized from imports; and sugar is not regarded as a luxury, but has become an article of prime necessity. Suppose we abolish this duty of 25 per cent., which at the time it was imposed was especially designed to protect the sinking fund and provide for the exigencies of the Government. It was a temporary measure and so conceded to be when it was passed. Now, if this law be repealed it would reduce the revenue about $11,000,000, and leave about $40,000,000 collected upon sugar alone. Think of it! Every person who now buys a dollar's worth of sugar pays 30 cents of that dollar into the Government Treasury! This is not right. There is not a member of this House who will say that it is right. The Committee on Ways and Means could at once report a bill repealing the law of 1875, and I believe it would be passed by this House by a nearly unanimous vote, and thus the people be relieved of about $11,000,000 of taxes.

I had hoped, Mr. Chairman, this Congress would have employed itself in meeting and disposing of some of those financial questions so essential to the prosperity of the whole people. I had hoped, sir, we might have done something effectual toward re-establishing our former prestige upon the ocean as a commercial power. I had

hoped, sir, that the fruits of our legislation would have made it practicable for our merchants to buy ships wherever they could be bought the cheapest, and that by this means we might enter again upon a carrying trade on the ocean which would revive at once our mercantile marine and quicken every enterprise dependent upon capital and labor. But I am obliged to conclude from the studied resistance which meets every attempt in the interest of such needed and wholesome legislation that nothing salutary in this direction will be done by this Congress. No one thing would so effectually benefit the prosperity of the whole country as the removal of all legal restraints to the buying our ships in any part of the world. It would restore the link in that chain of circumstances which connects capital and enterprise together and sets them to work earnestly for grand results. No enemy of American institutions could have devised a scheme more disastrous to our commercial interests than the present tariff in this regard, and no act of legislation would sooner be felt in all the arteries of commerce and trade than its repeal. There is not a gentleman present who does not fully concede the force of this statement and believe in its truth.

Mr. Speaker, the discussion of the tariff question in its length and breadth, in its present and future bearings, in my judgment, should develop broader views and higher considerations than is shown by the representatives of the Republican party in this House. The changed condition of things produced by the marvelous improvements of the age, brought about by the application of steam and electricity, do not seem to be entertained in the narrow and selfish policy of the present tariff. Time and space have been annihilated and every part of the business world has been brought together. The time is approaching when we shall be compelled to consider the fact that the true interest of one country cannot be best served by proscription and the restriction of trade. We have got to face this great question sooner or later and discuss it upon high ground, and why not do so now in the spirit of wise statesmanship? The policy that should be adopted by a great nation like ours calls for breadth of mind, forecast, and mature judgment.

The tariff should be so modified that we might build up trade outside of this country. The time when we can do this must come, and speedily, or we shall find ourselves in great financial embarrassment. Look at the labor strikes to-day. What do they mean? Overproduction. Why overproduction? Because it costs so much to produce manufactured articles in this country. We cannot compete with England in the sale of such articles in the markets of the world. That difficulty must be remedied, and the sooner the better. If we watch England in her course, and if our agricultural friends of the West are watching her to-day they will find that England by her policy in two years will be able to supply herself with wheat cultivated by the pauper labor of India, which will thus come in competition with the free labor of our own country. They have completed in India a canal which will irrigate a territory as large as the State of Illinois, embracing as fine wheat land as there is in the world. We shall have to meet that competition, and in order to be able to meet it we should put our tariff on such a footing that we may be able to manufacture so as to compete in the markets of the world.

In some articles we are now competing with the product of other countries. We have companies organized in this country producing agricultural implements which find their chief market abroad. We should so modify our laws, so simplify them as to look in that direction to enable us not only to keep our home trade but to compete successfully in foreign markets.

Mr. Chairman, I desire to call attention to one or two offensive features in this internal-revenue system, which aggravates and annoys our people, while it imposes its grievous burdens. I refer to it as a system of espionage.

What is the internal-revenue system but a grand scheme for drawing out all the details and the internal working of the private affairs of individuals and the secrets of every man's business? Does it not allow, under the forms of law, the agent of the Government to enter the private office of the citizen and examine his books and papers? Does it not allow him to enter the factory, the workshop, the bank, and every place of business for the same purpose? It is, Mr. Chairman, a system of espionage that is at war with every principle of civil liberty, and in a less enlightened age would have provoked armed resistance and bloodshed.

This internal-revenue system is the handmaid of centralization, and centralization is the most dangerous enemy to our institutions. The Commissioner of Internal Revenue is an autocrat, a royal arbiter in the business affairs of the whole country. His influence is the most potent of any known force in our Government. He can discover and make use of the secret springs of industrial enterprises, and may use this valuable knowledge in the interest of individuals or combinations with wonderful effect. No system should be tolerated in our Government granting such functions to an individual; and as soon as practicable this immense one-man power should be destroyed and business be allowed to proceed in those natural channels which skill and enlightened enterprise employ for the individual and public good. As war measures to save and perpetuate the Government the people of this country were willing to make almost any surrender of minor principles. They were willing to give up privileges and rights dear and precious to them, in order to preserve the unity of the country. The Anglo-Saxon idea that every man's house is his castle—this grand idea upon which is predicated the whole fabric of civil liberty and individual independence—is ruthlessly violated and repudiated by our internal-revenue system. Indeed, our people have shown great patience in submitting to this offensive war measure so long in times of profound peace and general prosperity. My best judgment tells me to begin now and here the work of destroying the power of this centralizing agency. While I would be glad to see the entire system wiped out, root and branch, at once, I shall nevertheless vote for this bill as an entering wedge to the accomplishment of that purpose.

I yield ten minutes of my time to the gentleman from Vermont, [Mr. TYLER.]

Collectors of Internal revenue.

SPEECH

OF

HON. THOMAS M. BAYNE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 19, 1882.

The House having under consideration the bill (H. R. No. 2415) to fix the term of office of collectors of internal revenue—

Mr. BAYNE said:

Mr. SPEAKER: The object of this bill is not to promote the public service, but to promote political purposes. Until within a very short time it has never been a cause of complaint that officials who discharge their duties faithfully and well should have a limit put upon the tenure of their offices; and no such law has been demanded until within a comparatively recent period, and as I must think and believe, for no other purpose in the world than to promote not the good of the service but purely political objects.

The condition of the internal-revenue service of this country, with regard to its management and with regard to the official integrity of those having it in charge, has been a most unexceptionable and a most exemplary part of the public service. Almost the entire force of the internal-revenue collectors in this country have held their positions for a great many years. Nearly every one of them who held his position until a very recent period was an appointee of President Grant. President Hayes observing, so far as he possibly could, a sound civil-service policy, refused to remove the faithful and competent collectors of the internal revenue, and during his entire term of office but few, if any, of them were removed. Now, for the first time, we have an appeal made to Congress to limit and fix the tenure of these offices, and for what reason? Why, sir, the reason given in the report of the committee is to prevent controversy about the positions and to have the officers secure in their places. But who ever dreamed that these officers were not entirely secure in their positions until the incoming of the present Administration and its policy of proscription? Their positions and their tenure were regarded as secure until this time.

The complaint is made and comes from many quarters, from political quarters and for political reasons only, "Oh, these men have held their positions for ten years, and for twelve years, and for fourteen years, and for sixteen years, and therefore they should be removed." But, sir, that is the argument of the politician. Why, sir, the purpose of this bill contravenes the progress of the times and the meaning of sound civil service. The purpose of this bill is to enable the Administration to relieve itself of the embarrassment of removing competent officers at the solicitation of political spoilsmen and those who are to use those offices to promote their personal, political ends. The Administration has encountered embarrassment in the removal of competent and faithful officers. It has met with opposition from the people. It has met with protests that have gone in signed by thousands upon thousands of the people of the various districts because faithful and good officers were removed. And for what reason? The people understood the reason. It was to put in power and place political henchmen that they might serve the powers that be and the powers that control this Administration through a kitchen cabinet.

Now, sir, will a Republican committee of the House of Representatives propose a bill that will relieve the Administration from this embarrassment of removing faithful officers, and enable it to put these political henchmen in for the purpose of promoting the personal and political ends of a faction of the Republican party? Why, sir, the power now resides in the Executive, as has been shown within the last few weeks by frequent occurrences, of removing every one of these internal-revenue collectors. In my opinion, the exercise of that power by the Executive is a violation of the Constitution and a violation of the laws of Congress. Yet, sir, that power is being exercised now, and faithful and competent officers are being removed day after day.

Why, sir, is there a necessity for this bill? Who is calling for this

bill? What demand has been presented to Congress for such a bill? Who petitioned for it? Who asked for it? The room of the Committee on Ways and Means is flooded with petitions for measures that have not been called to the attention of Congress and reported for its action. Show me a single petition in favor of the passage of that bill. What single citizen of the country came here and asked for it? I do not doubt that there are persons who asked for it, but I unhesitatingly say that the men who asked for it did so for purely political reasons and never for one single moment had an idea of promoting the public service of the country. Why, sir, this question of retaining faithful and competent officers is challenging the attention of the best intellects and the best sentiment of the republic to-day. There is no great moral, political question that is challenging so much attention. There never came up from any country on the face of the earth—except England, and there the purpose is accomplished—a stronger demand upon the Representatives of the people to fix and secure a certain tenure for the civil service of the Government, that the public service might be attended to, that faithfulness and that diligence and that honesty with which private business is attended to by competent and faithful employés.

And now, sir, when we have a class of officers whose conduct is unexceptionable—for no part of the whole service of the Government has been more faithfully and honestly and efficiently conducted than the Internal Revenue Department—when we have a class of faithful and efficient officers in these positions, educated to fulfill their duties, experienced and trustworthy, in comes a bill from the Committee on Ways and Means to enable the Executive to thrust these officers out and to put in the political henchmen of the politicians who want to promote their own re-election to the Senate and House of Representatives and other positions within the gift of the Legislatures and the gift of the people.

Mr. VALENTINE. The gentleman must have got hurt; he must have got winged recently from the way he flutters.

Mr. BAYNE. The people have got hurt, and the Administration will get hurt, too, before it finishes its course.

Mr. DE MOTTE. You have stated here that this is to relieve the Administration from embarrassments; are you authorized to state that this is asked for by the Administration?

Mr. BAYNE. God forbid that I should be considered the mouthpiece of this Administration; I leave that to others. I will ask the gentleman in reply, do you, sir, approve the course of this Administration?

Mr. DE MOTTE. I do; yes. [Applause.]

Several MEMBERS. So do we!

Mr. BAYNE. Yes; there are a few gentlemen here who do.

Mr. HUMPHREY. "The woods are full of them."

Mr. BAYNE. I think you would have to go to the woods to find them.

Mr. HUMPHREY. And the Pennsylvania woods at that. [Laughter.]

Internal-Revenue Bill.

SPEECH

OF

HON. ROBT. B. VANCE,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 26, 1882,

On the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. VANCE moved the following amendment:

Amend after section 3: "*Provided*, That the money raised under the provisions of this bill shall be turned over to the States of this Union for the purpose of educating the people in the common schools on the basis of illiteracy, as shown by the census of 1880."

Mr. KELLEY. I make the point of order that the amendment does not relate to the subject-matter of the bill.

Mr. TOWNSHEND, of Illinois. I ask the gentleman from Pennsylvania to yield to a motion to rise.

Mr. VANCE. I suppose the gentleman from Pennsylvania referred to section 7 of Rule XIV. I submit the question to the Chair.

The CHAIRMAN. The Chair thinks this amendment does not relate to the same subject as the bill. This relates to an expenditure of money for school purposes, while the bill relates to another subject.

Mr. VANCE. Mr. Chairman, the resources of our country are so great that, after paying all its expenses, including a vast sum in pensions to the soldiers of our various wars, we are interested in the statement that there is a surplus of $150,000,000 in the United States Treasury. Why this surplus should be there is a strange problem. We yet owe a national debt of two thousand millions. It is asserted that the national banks, holding the bonds of the United States, do not wish to surrender them, and hence the money is not paid out for redeeming the bonds. Now, let us look at the situation. The people are taxed on salt, sugar, coal, blankets, tobacco, spirits, &c., to raise this immense sum. Repeated efforts have been made in the House by those favoring a reduction of taxes to get the taxes off such articles as are enumerated above. The majority in the House has even refused to take the taxes off leaf-tobacco, off the raw material, so that the farmer could sell in the leaf wherever he chose and could find a purchaser. General DIBRELL, of Tennessee, and Mr. HATCH, of Missouri, have both offered bills, and brought the House to vote upon them, in the interest of tobacco raisers, and in each instance without success.

On the 6th of June, 1882, Mr. TURNER, of Kentucky, moved to suspend the rules and pass the following bill, with the result set forth:

TRACE-CHAINS.

June 6, 1882.

A bill to abolish the duty on trace-chains.

Be it enacted, &c, That the duty on trace-chains is hereby abolished, and from and after the passage of this act no duty shall be collected on importations of trace-chains, and they shall be placed upon the free list. And all laws and parts of laws inconsistent herewith are hereby repealed.

The question was taken; and there were—yeas 73, nays 109, not voting 109; as follows:

YEAS—73.

Aiken,	Cox, William R.	Herbert,	Robertson,
Armfield,	Covington,	Herndon,	Scales,
Atkins,	Cravens,	Hoge,	Simonton,
Berry,	Culberson,	Holman,	Sparks,
Blackburn,	Darrall,	House,	Thompson, P. B.
Blanchard,	Davidson,	*Jones, George W.*	Tillman,
Bland,	Davis, Lowndes H.	Jones, James K.	Townshend, R. W.
Blount,	Deuster,	Kenna,	Turner, Henry G.
Browne,	Dibrell,	Knott,	Turner, Oscar
Buchanan,	Dowd,	Latham,	Vance,
Buckner,	Dunn,	Lowe,	Warner,
Caldwell,	Evins,	Manning,	Wellborn,
Cassidy,	Forney,	McMillin,	White,
Chapman,	Fulkerson,	Mills,	Williams, Thomas
Clark,	Garrison,	Muldrow,	Willis,
Clements,	Geddes,	Oates,	Wise, George D.
Cobb,	Gunter,	Phister,	
Cook,	*Haseltine*,	Reagan,	
Cox, Samuel S.	Hatch,	Richardson, Jno. S.	

NAYS—109.

Aldrich,	Fisher,	Marsh,	Smith, Dietrich C.
Bingham,	*Ford*,	McCoid,	Smith, J. Hyatt
Bisbee,	George,	McCook,	Spooner,
Brewer,	Godshalk,	Miles,	Steele,
Briggs,	Grout,	Miller,	Strait,
Buck,	Guenther,	Moore,	Taylor,
Burrows, Julius C.	Hall,	*Mosgrove*,	Thomas,
Burrows, Jos. H.	Hardenbergh,	Neal,	Thompson, Wm. G.
Butterworth,	Hardy,	Norcross,	Townsend, Amos
Campbell,	Harmer,	O'Neill,	Tyler,
Carpenter,	Haskell,	Page,	Updegraff, Thomas
Caswell,	Hawk,	Payson,	Urner,
Chace,	Heilman,	Peelle,	Valentine,
Crapo,	Henderson,	Peirce,	Van Aernam,
Crowley,	Hepburn,	Pound,	Wadsworth,
Cullen,	Hill,	Prescott,	Wait,
Cutts,	Hiscock,	Ranney,	Walker,
Davis, George R.	Hoblitzell,	*Rice, Theron M.*	Ward,
Dawes,	Horr,	Rice, William W.	Washburn,
Deering,	Hubbell,	Richardson, D. P.	Webber,
De Motte,	Hubbs	Ritchie,	West,
Dezendorf,	Humphrey,	Ross,	Williams, Chas. G.
Dingley,	Jones, Phineas	Russell,	Willits,
Dwight,	Joyce,	Scoville,	Wilson,
Ermentrout,	Kelley,	Shallenberger,	Wise, Morgan R.
Errett,	Lacey,	Sherwin,	
Farwell, Chas. B.	*Ladd*,	Skinner,	
Farwell, Sewell S.	Lewis,	Smith, A. Herr	

Thus it will be seen that the majority refused to remove the tax from trace-chains, an article used by every farmer. Bills were introduced to repeal the internal taxes, to repeal the duty on salt, &c., and others to reduce the tax on manufactured tobacco, spirits, &c.

The Committee on Ways and Means has steadily and persistently refused to report a bill to take the taxes off the products of the farmer, and finally reported the bill referred to and read in the beginning of my remarks on 24th June. It will be seen that the bill frees bank capital, bank deposits, matches, bank checks, patent medicines and perfumery from taxation, and reduces the taxes on licenses, cigars, and cigarettes, leaving the farmer with the taxes resting on his products. The amount of taxes reduced is about sixteen to seventeen million dollars.

I cannot vote for this bill, Mr. Chairman, in its present shape. Every effort up to this time to afford a measure of relief to the great masses of the people has been rejected. The national banks, with their enormous wealth, say 2,132 of them, with a capital of $2,358,000,000, can well afford to wait until the people are relieved from the burdens of taxation resting on labor.

The tax on matches is the only item of relief which is offered to the laboring-man. I voted once or twice in the House to remove the match tax, but it failed in the Senate in a former Congress. The tax is very small on matches and on patent medicines, as well as perfumeries, and it is a matter of doubt whether the people will save much by these reductions. The manufacturers are the parties who will make, and not the people, by the proposed reductions. It is the

old story, Mr. Chairman, help for the already rich and powerful and disregard of the toiling millions of our countrymen. The majority in this House have refused to pass Mr. RANDALL'S amendment to repeal the taxes on tobacco, manufactured and in the leaf, on cigars, snuff, cigarettes, &c., to take effect the 1st January, 1883. They voted down with a determination worthy of a better cause the efforts of the gentleman from Missouri [Mr. HATCH] to allow farmers to sell tobacco in the leaf without restriction, and the amendment of my colleague [Mr. SCALES] to reduce the tax on spirits to fifty cents and on tobacco to ten cents, besides other amendments which I cannot now take time to enumerate.

So I have offered an amendment to use a portion of the money to be collected by this act for educating the people in the common schools, which has been ruled out on a point of order. Why should this not be done? Fifty millions of people we have, Mr. Chairman, in this great country. The youth of the land should be educated. Said a great man: "Education is the cheap defense of nations;" yea, in my judgment, a better defense than forts and monitors and big guns. The intelligent, patriotic citizen-soldier is the protection and safeguard of American liberty. Behold, Mr. Chairman, 6,500,000 of the colored race, 4,000,000 being slaves in 1860, stretching out their arms to the Government for aid in educating the youth among them. That aid they ought to have, and my vote shall always be given for that purpose. The most of these people are poor and need a helping hand from the Government.

The State of North Carolina, Mr. Chairman, has covered herself with glory in what she has done for the colored children of the State. We have not only given them an equal share of the common-school money with the whites, but we have also established normal colored schools and erected asylums for the colored deaf and dumb and blind, and also for the insane of that race. The public domain of the United States, containing over 1,029,881,942 acres of land, ought to be sacredly set apart for the holy purpose of educating the youth of the land of all colors.

Mr. Chairman, I saw the chairman of the Committee on Appropriations report a bill in the House to supply deficiencies in the payment of pensions amounting to $16,000,000, which was passed in a few minutes. Ah, we ought to remember that "the victories of peace are no less renowned than those of war," and hasten to do something to educate those who are to follow us.

I clipped the following from the Raleigh (North Carolina) News and Observer, which I read with real pleasure:

STATE COLORED NORMAL SCHOOL.

Closing exercises of the State Colored Normal School at Fayetteville, North Carolina, Thursday, June 22, 1882—Fine declamations and recitations—An original oration "On Farming."

Your reporter, in conformity with a special invitation extended to him by Professor H. Clay Tyson, of the State Colored Normal School, at Fayetteville, to be present at the closing exercises of that institution, on the 22d instant, takes much pleasure in testifying to the graceful and creditable manner in which the students acquitted themselves. This school is a living monument to Democratic generosity. It was created and organized by a two thousand-dollar appropriation from a Democratic Legislature. The principal, Charles W. Chesnutt, it is said, speaks French and German fluently. He is nearly white and is exceedingly gentlemanly in his demeanor. He is very modest and unpresuming. He is a native of Cumberland County. He is ably assisted by Professor Tyson and Miss Libbie Leary, a niece of Lawyer Leary. All these teachers are thoroughly educated. Principal Chesnutt is doing much for his race. He has made this school what it is, every year making the imprint of his own intellectual power visible upon dozens of colored men and girls.

This school is under the general supervision of the State board of education and under the immediate supervision of a local board of managers. During the session just closed there have been in attendance sixty-five male and sixty female pupils, which is more than at any previous session. All acquitted themselves so well that it would be invidious to make a distinction. The oratory was excellent, the recital of poetry by the girls admirable, and the singing was exquisitely sweet. This school is doing a great deal of good in elevating the tone and character of the colored people; and it is a success, answering admirably the purposes of its creation. The money is well spent. It, however, needs a larger building. We were particularly struck by an original speech on farming by a student, A. Bailey, from Harnett, who is about twenty years old, and who has been at school only three years. It was a capital speech, and delivered in a highly creditable manner.

R. B.

This is substantial benefit, and the national Government ought to help in so good a work.

Now, Mr. Chairman, let the internal taxes be abolished on leaf tobacco as well as bank capital, on everything upon which they are laid. Let us reduce and reform the tariff rates, taking the taxes off sugar, salt, coal, and other necessary articles, and regulating those that remain on in a manner just and proper. This will enable the States to lay such taxes upon articles now included in the internal-revenue list as may seem wisest and best. It has been shown that we can dispense with the internal taxes, reduce and modify the tariff rates, and have abundance left to pay the expenses of the Government and to reduce the national debt satisfactorily without oppressing the people.

I do not hesitate to say, Mr. Chairman, that the internal-revenue system is the most corrupt one ever known to our people. Out of it has grown the great whisky rings and the most astounding frauds upon the Treasury. President Grant said a vast sum was lost between the collector's office and the Treasury.

By its unprecedented severity it has caused the death of the peaceable citizen: it has been the direct source of perjury; it has violated the law "every man's castle is his own;" it has brought about "moonshining," or illicit distilling; it has produced a crop of spies and informers; it has sent forth a vast army of office-holders to be fed off the people; it has sought, and is seeking to corrupt the young men of the country by teaching "You must come with us or get nothing," instead of teaching them from a stand-point of principle; and, not least, it has, with unblushing cheek, taken the money paid by the people to corruptly purchase a continuance in power by bribing the voter.

Gentlemen say let us have "a free ballot and a fair count." Good! I am with you, and while we are at a good work, let us add, "no assessments upon the poor employés of the Government; no more circulars, if you please, from the collector of internal revenue, calling on his staff for a portion of their money to use in buying votes."

When the time comes, Mr. Chairman, that the office seeks the man; when the use of money in buying votes is unknown, then, indeed, we will have "a free ballot and a fair count." Sin and wrong never make a man free. Under their dominion he is bound soul and body. The only freeman is the one who is true, gentle, and merciful; whose glad eye drinks in with joy the beautiful creations of his Maker as they glow in the rainbow, flash in the streamlet, and blush in the rose, conscious that all men are his brethren.

"Civil-Service Reform," so called.

"Honesty is the best policy" as well in political as in business affairs.

REMARKS

OF

HON. WILLIAM R. MOORE,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 19, 1882,

On the bill entitled "A bill to fix the term of office of collectors of internal revenue."

Be it enacted, &c., That hereafter collectors of internal revenue shall be appointed for a term of four years, and shall continue in office until their successors are appointed and qualified.

SEC. 2. That the commissions of all collectors of internal revenue who shall have served four years or more on the 30th day of June, 1882, shall on and with that date expire: *Provided, however*, That they shall hold after that date until their successors are appointed and qualified.

SEC. 3. That the commissions of all collectors of internal revenue who shall not have served four years on the 30th day of June, 1882, shall expire when they have completed their term of four years: *Provided, however*, That they shall hold after the expiration of that term until their successors are appointed and qualified.

SEC. 4. That all acts and parts of acts inconsistent with this act are hereby repealed.

CIVIL-SERVICE REFORM.

Mr. MOORE. The problem of good government is one which has occupied the most thoughtful attention of good men, patriots, and statesmen from the time when "the morning stars first sang together and all the sons of God shouted for joy," even until the present, and it is a problem than which probably none other could possibly more deeply concern the interests and well-being of the entire human race. Coming on down through all the ages that have intervened between the simple garden scene of Eden and the complex scenes which confront mankind to-day, the question of how best to govern themselves has ever been the perplexing problem of the people. When our forefathers threw off their allegiance to British authority, and established upon this continent a Government which all parties now take a special pride in designating as "of the people, by the people, and for the people," it was their habit to speak of this great work as the final achievement of the grand purpose, the complete accomplishment of the ever-desired end, and yet to-day we are not happy. We strive and fret and complain that things are steadily going to the bad, and each party claims to be ever contending for the supremacy of right, while charging upon the other motives of selfish if not unpatriotic aggrandizement.

My assertion, therefore, is that ours is a Government purely of parties, and in the very nature of things cannot but be, and of right ought to be. I will go further, and assert that being a Government of parties, composed of persons in the very essence and nature of things imperfect, the Government must necessarily partake more or less of the nature of its creators, and is therefore itself subject to defects, such as might be logically deduced from the premises. If, therefore, it be admitted, as I think it will, that this is a Government of parties, it will naturally follow that these parties, each promulgating and defending a different theory or theories, cannot be equally in the interest or for the advantage of the people to be governed. In other words, however sincere the adherents of either may be in the propagation of their respective theories, the fact will remain that the success of the principles of one of these parties will inure more to the general interests of the people than the success of the other. Now,

there are to-day substantially only two great political parties in our Government, the Democratic and the Republican. I shall not speak of the small factions of either.

Gentlemen on the other side of this House adhere to the Democratic party because they have been taught to follow its lead, and because their grandfathers did so before them. Some of us on this side think the Republican party the only party through which both individuals and nations may successfully reach their highest form of development, and upon this there is joined an earnest and serious issue by the people to see which party shall retain or get control of the governmental machinery in order to enable them to inaugurate and maintain their respective policies. I see nothing wrong or improper in any honorable efforts of either party to effect this purpose; and the very earnestness and industry with which both pursue it presuppose differences in their respective theories radically at variance with the other's preconceived ideas of right and propriety.

If, now, my position be accepted as fair and tenable, it follows that in order to faithfully carry out any party policy we must have active and sympathetic assistants, else we cannot reasonably hope to attain any positive success. If Democrats, for instance, desiring the propagation among the people of their free-trade theories, should send among them agents making tariff speeches and distributing "protection" literature, they could scarcely be surprised if disinterested observers were to charge them with—to speak it mildly—a want of good, political, business sense. For myself, I should certainly do so. If, furthermore, the Republicans of my own State, who are and have been earnestly and at great odds striving to maintain the credit and good name of Tennessee, should, after electing their ticket in the coming exciting campaign, set to work to fill all the minor offices with their late Bourbon competitors who sought to repudiate the debt and degrade the good name of the honest masses, would outside observers, could any sane man get his consent to compliment the party for its wisdom? I believe that even our wiser enemies would feel a contempt for such a policy.

Mr. Speaker, we hear, and have long heard, much said about "civil-service reform," and we have heard it, too, from men who have themselves been ever conspicuous as party leaders, men recognized everywhere as among the very foremost in setting up party platforms, and driving upon them sometimes reluctant followers. What inconsistency, therefore, in urging any party measure, and then, after a party success, turning one's back upon the very agents whose time, talents, and money have been given to said party through the influential appeals made by these same eloquent party leaders.

"The Civil Service Reform Association of Philadelphia" sets out in one of its pamphlets with the assertion that "a free country can only be governed by political parties; and the dominant party must, by election or appointment, fill with its representatives those offices which control that policy of which the country has expressed its approval by putting the party in power." Now, this seems to me an eminently sound principle, and is one with which I heartily agree. But the same pamphlet proceeds to add, that "the Government of the United States, the States, counties, cities, towns, and boroughs have employés whose duties are purely administrative and ministerial, without any political character or significance; and these employés, in number as the sands of the sea, constitute the civil service of the country," to which I join issue.

In a government like ours there are comparatively few civil offices completely dissociated from "political" influences. Wherever such an office may exist I can see no objection to this pretty theory; but their existence is so rare in a government by all the people, like ours, as to be almost phenomenal. We are a nation of politicians, and every American voter feels himself not only competant but called upon to express his opinion, and to contribute of his influence.

Senator PENDLETON, in his recent "civil-service reform" speech says:

> The offices of the Government, those *involving neither political power nor the choice of politics*, but routine administration only, touch at some point and in some degree the material interests of every one of our fifty million people.

Now, I do not believe there are any such offices; but that on the contrary every office, however subordinate, exercises a direct and sensible influence upon the surroundings through the occupant who may be performing its duties.

Take, for instance, one of the smallest cross-roads country post-offices. The so-called "civil-service reformers" would no doubt consider one of this class, paying a compensation of not over $12 a year, a non-political office; whereas I contend that the influence exerted even through that single office is so positive as to be difficult to accurately measure. If this little postmaster were not to utter during the year a single political preference or sentiment, the very knowledge alone and of itself that he was, in his convictions, even silently, friendly or unfriendly to the administration that conferred the office upon him, would exercise such an influence upon the unsophisticated rural neighbors that congregate about his office once a week to read their weekly newspapers as might decide the complexion of the vote in the little precinct, and in a close canvass be really the turning point that might carry the county and, indirectly at least, fix the political policy of a State or nation. It will not do to ignore these little matters. "Large streams from little fountains flow." If policies are worth cultivating it is worth while to place their execution in the hands of friends rather than enemies; for all men must, directly or indirectly, come under one or the other of these designations. There can be no such thing as an intelligent and conscientious "neutral." He must either serve God or Mammon, and "we do not gather grapes of thorns nor figs of thistles."

It is very frequently the case that subordinate employés, even in the more obscure offices, are discovered to be active and efficient agents in the dissemination of partisan theories either for or against the party in power, as the case may happen to be. Mr. PENDLETON further says:

> To say that the men best fitted for the work should be appointed to these offices, and should hold them until men still better fitted should appear, is to utter a truism which not one of these fifty millions will controvert.

Now, if we were ready to admit his assumption that "the men best fitted" for these same "unimportant" offices could not be found without going into the ranks of the enemy for them, then, indeed, there might possibly be some force in his argument. But we do not admit his premises. There are in either of the great parties enough men of capability and clerical accomplishments to fill, creditably, all the offices under the Government; and it would not be safe to say that these men were more numerous, capable, and accomplished in one party than the other.

I think it entirely safe to assert that each party has plentiful and capable material to fill creditably every office under the Government of the country, so far as clerical qualifications are concerned. The distinguished Senator has much to say about "the spoils system," which, if it be a bad one as he claims, is certainly not the child of Republican paternity. He says it opens up "to every man who will see even without thinking a vision of wrong, injustice, brutality, wastefulness, recklessness, fraud, peculation, degradation of persons and of parties," &c. Now, if offices were to be indiscriminately bestowed for no other reasons than that the occupant had performed a party service, even without regard to its honorable character, there might and would properly be much force in the favorite argument; but if the distinguished Senator is prepared to say that in even a small office, he, as a Democratic candidate for the Presidency of the United States, would not give the preference to a voter of his own party, all other qualifications and circumstances being equal, then is he prepared to make to me a reply which would not gain him many votes for the high position aspired to. I much mistake his character if he would risk such an admission.

The Democrat who invented the now famous phrase, "to the victors belong the spoils," spoke more nearly true than most of that party of this day. If he had said that party success gained in fair and honorable party warfare entitled the successful party to be wholly officered by its capable, efficient, and faithful party friends and adherents, he would have expressed what I believe to be the only wise and proper rule. I have no patience for nor sympathy with any party who, after climbing to success, deliberately refuses to prefer before its enemies the active and sympathetic friends who made its success possible. Call me what you will. That sort of sentimentality is totally distasteful and repugnant to my homely and practical ideas of patriotism and party propriety. I believe it better to be honest toward one's opponents, and tell them fairly and frankly that you mean by all fair and honorable efforts to defeat them if possible and reward your friends. "Honesty is the best policy" applies, I believe, as well in political as in business affairs; at any rate the experiment might be introduced into at least one general political campaign, in order to test its efficacy.

It is a habit among the advocates of the so-called "civil-service reform" to parade before the American people the government of England as a model to be adopted by our Government, and they never tire of telling us what has been accomplished there "after centuries of maladministration, and despite the opposition of blind conservatism and interested political and aristocratic influences;" as if the circumstances surrounding and peculiar to the two nations were in any manner analogous. The very nature and basis of our Government preclude the adoption by us of any monarchical precedents, and revolt at the bare idea of creating among us any aristocratic or privileged classes of permanent office-holders, as would necessarily grow up in this Government under the system advocated by the so-called civil-service reformers.

Rotation and change are principles irreversibly stamped upon the American mind as right and proper and expedient in their application to all the interests of good republican government, and are in accord with both the genius and spirit of our institutions; and until the favorite and now universally conceded theory that this is a government of, for, and by the people thereof is abandoned, the fixing of any permanent official classes upon them will, in my opinion, be a signal failure. What is the object of government? Is it not for the purpose of enabling a people to protect and enjoy the usufruct of their honest toil and labor? Is it not intended to protect them at least cost and trouble in the enjoyment of their rights, of life, liberty, and the pursuit of happiness? If so, then why wish to confine the legitimate and necessary honors and emoluments (I protest against the favorite word "spoils" as used always with such gusto by the so-called reformers) to a privileged and pampered few, to be fixed by this unwise system for a lifetime upon the helpless masses? Sir, it is a system that will not, in my opinion, be easily ingrafted upon the Government of the United States without first changing our entire form.

I can easily see how, for England or any other monarchical government, permanent official tenure could be consistently advocated, but I am unable to see how any American statesman can advocate the system under our form, unless he does so as an incipient step in a change which he would insidiously inaugurate in what is already proudly known as, or believed to be, "the best Government the world ever knew." No, no. That kind of "civil-service reform" is not the kind wanted by the American people. But what they do want is, as I believe, in substance, as follows, namely: They want a law defining and fixing terms of official service, and giving every man a fair and equal chance to the offices, honors, and emoluments of his Government. The Government has a right to claim his services when they are needed for defense, and should, in turn, grant him full and ample protection in all his legal rights, while throwing freely open, also, to him every avenue to public honor and distinction.

If the time should ever come when there is but one great party in this Government, then I might be heartily in favor of filling the offices by competitive examination from men regardless of political bias, for then there can be no impolicy in the plan, but so long as there exist two parties representing totally diverse theories of government, my common sense revolts at the idea of trying to carry out any set of political doctrines with officers or agents who are enemies to such doctrines and who conscientiously believe it to be their duty to defeat them. "Civil-service reformers" may be enabled to reconcile this paradox to their sense of consistency, but I must be permitted to confess my inability.

When the political millennium shall have come, then, indeed, may the Republican lion and the Democratic lamb be expected to lie down together, and the country be permitted to look upon the pleasing spectacle of the simple-minded, harmless, and unsophisticated Greenbacker gently leading them. But until then we shall have at least two great parties contending for the control and dispensation of the policy and patronage of this Government.

Let us for a moment examine the condition of parties to-day. The political power of the people is now on almost an equipoise, and great forces are silently and steadily at work, which must inevitably ere long sensibly disturb this balance.

Do we, who to-day hold this delicate and trembling balance, desire to increase or to relinquish our trifling advantage? This is an important party inquiry, and I would feel encouraged with a pleasing hope if the President and each member of his Cabinet were to give it even a passing thought. It could not damage the interests of our party were they to simply ask the question whether friends or enemies are to-day holding important official positions that furnish facilities to advance or retard the principles which have so conspicuously placed the great Republican party in the very vanguard of the mightiest and noblest of all the parties of the earth.

And in this connection it may not be wholly uninteresting to them and ourselves and to the country to lay before Congress a carefully-compiled statement of the official condition of the various departments of the Government at the present time.

They furnish a vast deal of nutritious food for political digestion, and if they shall tend to call forth official consideration my efforts will not have been in vain. I shall give these tables without note or comment, merely asking for them that careful examination, consideration, and comparison which their great importance demands, and which the glaring irregularities suggested by their figures so forcibly suggest. I ask their careful study, especially by those distinguished civil-service reformers, Senators HOAR, PENDLETON, George William Curtis, and all others who are following in the lead of these able and distinguished statesmen:

TABLE NO. 1.—*Treasury Department.*

Population of United States	50,155,783
Basis of representation, 1 for each	14,856½
Employés in Treasury Department, Washington	3,376
Total amount paid Treasury employés	$3,751,711

Population.	States and Territories.	No. of employés.	No. of employés to which entitled.	Deficiency.	Excess.	Amount received by each State and Territory.
1,131,116	New Jersey	69	76	7	.....	$93,910
648,936	Maine	69	43	.....	26	103,970
1,636,937	Michigan	65	110	45	.....	78,865
1,624,615	Iowa	62	109	47	.....	71,885
1,315,497	Wisconsin	59	88	29	.....	72,956
346,991	New Hampshire	47	23	.....	24	77,860
1,399,750	North Carolina	46	90	44	.....	39,275
2,168,380	Missouri	42	146	104	.....	47,100
1,542,180	Georgia	41	103	62	.....	44,610
332,286	Vermont	40	22	.....	18	47,545
622,700	Connecticut	39	41	2	.....	63,140
780,773	Minnesota	39	52	13	.....	45,370
1,131,597	Mississippi	39	76	37	.....	46,450
1,648,690	Kentucky	35	111	76	.....	37,540
1,262,505	Alabama	33	85	52	.....	35,935
618,457	West Virginia	32	41	9	.....	36,610
995,577	South Carolina	31	67	36	.....	37,030
939,946	Louisiana	29	3	34	.....	31,060
5,082,871	New York	386	346	.....	40	559,140
4,282,891	Pennsylvania	314	288	.....	26	399,280
3,198,062	Ohio	201	214	14	.....	250,860
3,077,871	Illinois	146	207	61	.....	187,520
943,943	Maryland	123	63	.....	60	126,300
1,512,566	Virginia	118	101	.....	17	109,405
1,783,085	Massachusetts	111	86	.....	25	177,475
1,978,301	Indiana	92	133	.....	41	116,895
20,789	Wyoming	2	2	.....	.....	1,550
119,565	New Mexico	2	8	6	.....	2,400
135,177	Dakota	1	10	9	.....	1,100
40,440	Arizona	1	3	2	.....	900
32,610	Idaho	1	2	1	.....	1,600
143,963	Utah	1	9	8	.....	900
75,116	Washington	1	5	4	.....	1,400
39,159	Montana	.....	3	3	.....	.....
177,624	District of Columbia	872	12	.....	860	622,480
.....	Indian Territory	.....	.....	.....	.....	1,200

TABLE NO. 1.—*Treasury Department*—Continued.

TABLE NO. 2.—*State Department.*

Total population of United States	50,155,783
Basis of representation, 1 for every	590,068
Total number of employés	85
Total amount paid employés per annum	$104,985

Population.	States and Territories.	No. of employés.	No. of employés to which entitled.	Excess.	Deficit.	Amount received by States and Territories.
5,082,871	New York	18	8.6	9.4	.....	$27,040
1,512,565	Virginia	5	2.5	2.5	.....	5,660
943,943	Maryland	4	1.5	3.5	.....	4,860
3,077,871	Illinois	3	3.3	.....	0.3	6,400
648,936	Maine	2	1	1	.....	5,300
618,457	West Virginia	2	1	1	.....	2,400
864,694	California	2	1.4	0.6	.....	3,000
1,399,750	North Carolina	2	2.3	.....	0.3	1,860
1,542,180	Georgia	2	2.6	.....	0.6	1,560
346,991	New Hampshire	1	0.5	0.5	.....	1,800
1,783,085	Massachusetts	1	3	.....	2	900
276,531	Rhode Island	1	0.4	0.6	.....	3,500
622,700	Connecticut	1	1	.....	.....	1,600
4,282,891	Pennsylvania	1	7.2	.....	6.2	720
3,198,062	Ohio	1	5.4	.....	4.4	1,200
1,978,301	Indiana	1	3.3	.....	2.3	900
62,266	Nevada	1	.....	1	.....	660
177,624	District of Columbia	37	0.3	36.9	.....	36,385
1,131,116	New Jersey	.....	2	.....	2	.....
1,633,937	Michigan	.....	3	.....	3	.....
1,624,615	Iowa	.....	3	.....	3	.....
1,315,499	Wisconsin	.....	2	.....	2	.....
2,168,380	Missouri	.....	3	.....	3	.....
332,286	Vermont	.....	0.5	.....	0.5	.....
780,773	Minnesota	.....	1	.....	1	.....
1,131,597	Mississippi	.....	2	.....	2	.....
1,684,690	Kentucky	.....	3	.....	3	.....
1,262,505	Alabama	.....	2	.....	2	.....
995,577	South Carolina	.....	1	.....	1	.....
939,946	Louisiana	.....	1	.....	1	.....
1,542,359	Tennessee	.....	3	.....	3	.....
1,591,749	Texas	.....	3	.....	3	.....
996,096	Kansas	.....	1	.....	1	.....
452,402	Nebraska	.....	1	.....	1	.....
146,608	Delaware	.....	0.2	.....	0.2	.....
269,493	Florida	.....	0.4	.....	0.4	.....
194,327	Colorado	.....	0.3	.....	0.3	.....
174,768	Oregon	.....	0.3	.....	0.3	.....
802,525	Arkansas	.....	1	.....	1	.....
20,789	Wyoming	.....	.....	.....	.....	.....
119,565	New Mexico	.....	.....	.....	.....	.....
135,177	Dakota	.....	.....	.....	.....	.....
40,440	Arizona	.....	.....	.....	.....	.....
32,610	Idaho	.....	.....	.....	.....	.....
143,963	Utah	.....	.....	.....	.....	.....
75,116	Washington	.....	.....	.....	.....	.....
39,159	Montana	.....	.....	.....	.....	.....

(1) Twenty-eight States and Territories have no representation.
(2) The fractions are approximated, as equality can only be secured in salaries and not in numbers.
(3) Only those persons employed in the city of Washington are given.

TABLE No. 3.—*Post-Office Department.*

Population of United States	50,155,783
Basis of representation, 1 for each	103,677
Total employés in Washington	484
Total amount paid employés	$599,030

Population.	States and Territories.	No. of employés.	No. of employés to which entitled.	Excess.	Deficit.	Amount received by States and Territories.
1,262,505	Alabama	4	12	.....	8	$3,960
802,525	Arkansas	2	8	.....	6	3,400
864,694	California	4	8	.....	4	5,300
194,327	Colorado	3	2	1	.....	2,820
622,700	Connecticut	7	6	1	.....	9,500
146,608	Delaware	4	1	3	.....	6,100
269,493	Florida	1	2	.....	1	1,200
1,542,180	Georgia	7	15	.....	8	8,300
3,077,871	Illinois	15	30	.....	15	19,340
1,978,301	Indiana	15	19	.....	4	21,470
1,624,615	Iowa	3	16	.....	13	3,800
996,096	Kansas	8	10	.....	2	11,370
1,648,690	Kentucky	1	16	.....	15	900
939,946	Louisiana	7	9	.....	2	8,300
648,936	Maine	9	6	3	.....	10,400
943,943	Maryland	41	9	32	.....	46,620
780,773	Minnesota	2	8	.....	6	2,400
1,783,085	Massachusetts	16	17	.....	1	22,900
1,636,937	Michigan	11	16	.....	5	17,800
1,131,597	Mississippi	2	11	.....	9	2,800
2,168,380	Missouri	4	21	.....	17	4,900
452,402	Nebraska	3	4	.....	1	3,500
62,266	Nevada	.....	1	.....	1	.....
346,991	New Hampshire	3	3	.....	.....	4,400
5,082,871	New York	47	50	.....	3	64,050
1,131,116	New Jersey	14	11	3	.....	17,640
1,399,750	North Carolina	4	13	.....	9	3,760
3,198,062	Ohio	20	31	.....	11	25,460
174,768	Oregon	2	2	.....	.....	2,600
4,282,891	Pennsylvania	38	42	.....	6	50,040
276,531	Rhode Island	2	2	.....	.....	1,860
995,577	South Carolina	6	10	.....	4	7,200
1,542,359	Tennessee	27	15	12	.....	31,800
1,591,749	Texas	4	15	.....	11	4,060
332,286	Vermont	7	3	4	.....	9,400
1,512,565	Virginia	30	15	15	.....	31,980
618,457	West Virginia	9	6	3	.....	9,720
1,315,497	Wisconsin	7	13	.....	6	9,260
40,440	Arizona	.....	4	.....	4	.....
177,624	District of Columbia	95	2	93	.....	108,720
20,789	Wyoming	.....	.....	.....	.....	.....
119,565	New Mexico	.....	1	.....	1	.....
135,177	Dakota	.....	1	.....	1	.....
32,610	Idaho	.....	.....	.....	.....	.....
143,963	Utah	.....	1	.....	1	.....
75,116	Washington	.....	.....	.....	.....	.....
39,159	Montana	.....	.....	.....	.....	.....

TABLE No. 4.—*War Department.*

Population of the United States	50,155,783
Basis of representation, 1 for each	53,414
Total employés in Washington	934
Amount paid employés in Washington	$1,087,500

Population.	States and Territories.	No. of employés.	No. of employés to which entitled.	Excess.	Deficit.	Amount received by States and Territories.
5,082,871	New York	124	95	29	.....	$157,700
4,282,891	Pennsylvania	90	80	10	.....	111,900
943,943	Maryland	55	17	38	.....	63,700
3,198,062	Ohio	51	59	.....	8	61,400
1,783,085	Massachusetts	39	33	6	.....	50,300
1,512,565	Virginia	30	28	2	.....	34,900
648,936	Maine	23	12	11	.....	27,700
1,624,615	Iowa	23	30	.....	7	26,600
3,077,871	Illinois	18	57	.....	39	23,300
622,700	Connecticut	16	12	4	.....	18,600
1,131,116	New Jersey	16	21	.....	5	18,100
346,991	New Hampshire	14	6	8	.....	17,800
1,633,937	Michigan	14	31	.....	17	15,100
1,978,301	Indiana	12	37	.....	15	13,600
332,286	Vermont	12	6	.....	.....	14,600
996,096	Kansas	11	19	.....	.....	12,300
2,168,380	Missouri	11	41	.....	.....	11,400
1,315,497	Wisconsin	11	25	.....	.....	13,900
780,773	Minnesota	10	15	.....	.....	11,100
1,684,690	Kentucky	9	31	.....	.....	9,300
618,457	West Virginia	9	12	.....	.....	10,800
864,694	California	8	16	.....	.....	8,300
1,591,749	Texas	7	29	.....	.....	7,200
146,608	Delaware	6	3	.....	.....	6,900
1,542,359	Tennessee	6	29	.....	.....	7,200
1,262,505	Alabama	6	23	.....	.....	5,900
269,493	Florida	5	5	.....	.....	5,800
1,131,597	Mississippi	5	21	.....	.....	5,000
995,577	South Carolina	4	19	.....	.....	4,800

TABLE No. 4.—*War Department*—Continued.

Population.	States and Territories.	No. of employés.	No. of employés to which entitled.	Excess.	Deficit.	Amount received by States and Territories.
452,404	Nebraska	4	9	.....	.....	$3,700
939,946	Louisiana	3	18	.....	.....	2,700
276,531	Rhode Island	3	5	.....	.....	3,400
802,525	Arkansas	2	15	.....	.....	2,000
62,266	Nevada	2	1	.....	.....	2,200
174,768	Oregon	1	3	.....	.....	1,200
40,440	Arizona	1	1	.....	.....	2,000
119,565	New Mexico	1	2	.....	.....	1,200
1,542,180	Georgia	1	29	.....	.....	1,000
75,116	Washington Territory	1	1	.....	.....	1,200
177,624	District of Columbia	275	3	.....	.....	292,000

TABLE No. 5.—*Interior Department.*

Population of the United States	50,155,783
Basis of representation, 1 to each	33,533
Employés in Interior Department, Washington	1,496
Total amount paid said employés per annum	$1,779,520

Population.	States and Territories.	No. of employés.	No. of employés to which entitled.	Excess.	Deficit.	Amount received by States and Territories.
1,262,505	Alabama	6	34	.....	18	$7,320
802,525	Arkansas	8	24	.....	16	8,820
864,694	California	18	26	.....	8	19,100
622,700	Connecticut	40	19	21	.....	54,500
194,377	Colorado	4	5	.....	1	4,220
146,608	Delaware	7	4	3	.....	8,000
269,492	Florida	4	8	.....	4	5,000
1,542,180	Georgia	12	46	.....	34	12,900
3,077,871	Illinois	69	91	.....	22	88,840
1,978,301	Indiana	35	58	.....	23	48,720
1,624,615	Iowa	47	46	1	.....	62,280
996,096	Kansas	24	30	.....	6	34,380
1,648,690	Kentucky	14	46	.....	32	14,760
939,946	Louisiana	16	30	.....	14	16,880
648,936	Maine	32	19	12	.....	44,720
943,943	Maryland	71	28	43	.....	76,220
1,783,085	Massachusetts	41	53	.....	12	50,180
1,636,937	Michigan	59	46	13	.....	76,130
780,773	Minnesota	32	23	9	.....	39,260
1,131,597	Mississippi	12	23	.....	11	13,700
2,168,380	Missouri	31	65	.....	34	37,260
452,402	Nebraska	6	13	.....	7	8,400
346,991	New Hampshire	25	10	15	.....	32,320
1,131,116	New Jersey	23	34	.....	9	26,260
1,399,750	North Carolina	24	42	.....	18	27,640
3,198,062	Ohio	92	95	.....	3	117,280
4,282,891	Pennsylvania	120	128	.....	8	150,240
5,082,871	New York	187	151	36	.....	228,110
62,266	Nevada	1	1	.....	.....	1,600
276,531	Rhode Island	10	8	2	.....	9,860
995,577	South Carolina	7	30	.....	23	7,740
1,512,566	Virginia	88	45	43	.....	97,320
1,542,359	Tennessee	25	46	.....	21	26,780
1,591,749	Texas	10	47	.....	37	14,300
332,286	Vermont	24	10	14	.....	29,700
618,457	West Virginia	17	18	.....	1	21,000
1,315,497	Wisconsin	39	39	.....	.....	41,640
174,768	Oregon	.....	5	.....	5	.....
135,177	Dakota	1	4	.....	3	1,200
119,565	New Mexico	2	3	.....	1	2,440
143,963	Utah	1	4	.....	3	900
75,116	Washington	1	2	.....	1	1,200
.....	Indian	1	.....	.....	.....	900
177,624	District of Columbia	210	5	205	.....	209,700
39,159	Montana	.....	1	.....	1	.....
20,789	Wyoming	.....	1	.....	1	.....
40,440	Arizona	.....	1	.....	1	.....
32,610	Idaho	.....	1	.....	1	.....

Now, Mr. Speaker, it will be seen by the above carefully-prepared tables, which it is believed on examination will be found substantially correct, that gross inequalities and great disproportions exist in all the governmental departments in Washington; and that a thorough and real civil service reform should be at once set on foot at the fountain head of political power. The present total apparent absence of system should be superseded by one which recognizes first the right of each State and Congressional district to be proportionally represented in the various departments; and second that these places should be filled only by those who are clerically qualified and in full sympathy with the policy of the controlling party. As it is at present the Departments are filled in some places, it is said, by those who are not even citizens of the United States. In others by those who, while being credited to certain States and sections, are almost total strangers to, if indeed they ever saw, the places which they falsely claim to represent. This is wrong. It is

bad policy because it is wholly unjust, and therefore highly inexpedient. Any policy which is admittedly unjust ought not to receive the sanction of rulers laying claims to statesmanship. Wisdom and justice and expediency, each and all, demand that every State and every Congressional district shall be fairly and proportionally represented in a people's government like ours. The Boston Herald says:

Congressmen have no business to meddle with appointments to office. They are elected to make laws. Appointment to office is an executive act. How hard it is to surrender a usurped prerogative! How like grim death the average Congressman hangs on to the spoils!

Of course Congressmen have no constitutional right to make appointments. Nobody ever claimed that they had, but if they are not elected and sent to Washington to consult, advise, and confer especially with the President in regard to all political affairs in their respective districts, including the "appointments" to offices within their jurisdiction by the President as well as "to make laws," then the scope and extent of their duty, authority, and calling are sadly misunderstood by everybody but the Boston Herald and its intelligent followers. How is it possible for the President to know the local wants of every Congressional district throughout this stupendous country unless he first obtains the information from some reliable source, and from what sources is he so likely to obtain it as from the Congressional Representative whom the people have honored with their confidence for the express purpose of furnishing such official information? The President must have advisers. His Cabinet cannot, in the nature of things, give all this necessary local information. Who, then, can presumably be so well fitted and qualified to furnish it? Surely no one so accurately and so safely as the member of Congress. I conclude, therefore, that if there be one thing in all our political system more wise and proper than another, it is that custom and usage which recognize the right of Representatives to confer and advise with their President in all appointments relating to offices in their respective Congressional districts throughout the United States. Nobody pretends to assert that the President should relinquish any of his present constitutional power and prerogative in respect thereto; but we do mean to say that any President who would fail so to confer and advise, or who would wholly disregard the principle which has by common consent so long and so wisely governed the conduct of the Executive, would, in a very brief time, find himself so hedged about with disfavor, difficulties, and opposition as to render him anxious to end the brief term of a single unsuccessful administration. We would not assert that the President should be at all times restricted and bound by the advice of the Representative, but we do mean to say that he should be well satisfied of his own position before ignoring such advice, conference, and consultation.

No man, Mr. Speaker, is more in favor of civil-service reform than myself, but I want a real not a sham civil-service reform. I do not want, I would not have, any person to hold any official position unless he was first honest, capable, and efficient, and I would never, moreover, consent that an aspirant, possessing even these necessary qualifications, should hold office unless he was additionally qualified by a positive sympathy with and hearty indorsement of the principles of the party in control. If the party has principles worth contending for in an arduous and toilsome campaign, I consider it the height of folly after its success at the polls to turn over its management to those against whom it has lately been contending, and those, too, who honestly believe its principles to be erroneous.

It is, in my opinion, utterly out of the question as a practical matter—and that which is not practical in politics is as valueless as in other affairs of real life—to think of building up and maintaining the ascendency of any party unless both the official honors and emoluments of the Government, legitimately inhering, shall be always open to honorable and manly competition from all aspirants. There are now sixty-eight men directly affected by the operations of the law under consideration, and these men have held their places from twenty years downward. I can see no sound reason why they should be singled out from all the other departments of the Government and made invidious and partial exceptions. The fact that they are honest men, capable men, and men of unblemished character offers no sufficient justification. There are others outside equally capable and worthy, and as the policy of the Government recognizes changes in other offices, why not adopt a general rule and enable this class also to present their claims to the Government, that all should have an honest pride and ambition in serving?

Let this system of pampered petting be once fixed upon the policy of the Government; let it be understood (as some in the country are already beginning to conclude) that this Government, claimed to be "of, by, and for the people," is really, after all, only a Government for the benefit of a few favored officers in the Department of Internal Revenue—and there are probably no other more worthy officers in the country—I say, let this idea become fastened upon the people, and it will require no extraordinary prescience to foretell the speedy decay and dissolution of the party which may be responsible for its authorship and advocate of its continuance.

The great difficulty with the advocates of so-called civil-service reform is that they would try and cheat themselves into the belief in the existence here all of a sudden of a sort of millennial Arcadia; that by some magical political act of legislative legerdemain our poor human nature can be all at once metamorphosed into a condition where strivings for individual promotion and honorable contentions for party supremacy have forever ceased. The bare contemplation of this foolishness by those who know that we still are but men and subject to the jealousies and rivalries which have ever characterized humanity excites general public derision. If, therefore, we accept this view, which logically leads to the absolute necessity of parties, it were worse than futile to undertake to combat the wisdom of sustaining by all our might that party policy which most nearly meets the approbation of our judgment and the indorsement of our common sense.

Parties are built up, presumably, upon the basis of great and just principles; and when there is an absence of such basis, as in the case of the present Bourbon Democratic party, of course there can be no steady or assured success. The Republican party grew into a successful and magnificent existence because it has always had a conscience, and because, also, it has never been afraid to labor and fight for its convictions. The Bourbon Democracy, on the contrary, has never had an honest conviction, but has for the past twenty-five years boxed every point of the political compass in search, not of any principle, but of some meaningless subterfuge upon which they might ride temporarily into power; and to hear them now, after their malodorous record of the past quarter of a century, crying "Reform!" "Reform!" is very like parading up and down the public highway the scarlet queen of the political *demi-monde*, with "virtue" in large red capitals boldly inscribed upon her brazen forehead. There are too many spelling-books, railways, telegraphs, and printing-presses in the country to-day to prevent the honest masses being led away from the great living issues of the grand Republican party. They know already too well how thoroughly conscienceless and characterless the Bourbon Democracy is. They know that the exhibition of a single accidental spasm of conscience, of common sense, of virtue, and of common honesty by that political harlot would furnish an item of morning news that would thrill and startle every breakfast table throughout Christendom.

Why not try to be fair and square and honest toward ourselves, toward each other, and toward the country? Why pretend or lay claim to a superserviceable, sublimated, ethereal virtue altogether above this wicked world, and too pure to breathe its atmosphere? I do not believe it either wise or expedient to assert such claims. Let us therefore accept and recognize the homely fact that we are all at best "of the earth, earthy." Let us remember that parties are necessary in order to organize and sustain our earthly governments; that neither parties nor governments can be run successfully without money; that the friends of a given party, and not its enemies, are expected to contribute to its support; and that there is not only no impropriety nor injustice in asking voluntary contributions from both its official and non-official adherents, but that it is eminently wise, proper, and just that it should be done.

Internal-Revenue Bill.

SPEECH

OF

HON. J. RANDOLPH TUCKER,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 27, 1882,

On the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. TUCKER said:

Mr. SPEAKER: I desire to give my reasons for not voting for this bill. It is not that I do not approve of taking off the taxes on checks, matches, medicines, and reducing those on cigars and cigarettes. Nor is it because I do not favor the repeal of taxes on capital and deposits of private bankers and of State banks. All of these taxes are special. The Government, without any view to equality of burden, selects these for its victims. It singles out the depositor in a bank, whose money is no more justly liable to tax than the money of a man which he keeps in his private vault. Yet the depositor is taxed, and his right to withdraw his deposits by check is taxed. This is invidious, unequal, and unjust.

Why should the capital of a banker be taxed any more than that of a manufacturer or a merchant? Burdens are unequally laid by this special system of taxation, and Government has no right capriciously to strike directly at any business which the States allow, or indirectly through taxation. Capital and deposits in national banks stand on a different basis. These banks have special benefits of great value conferred on them, and in recompense for these special benefits the Government may impose special burdens; but I would not oppose the repeal of these taxes on capital and deposits of national banks, not because they are special objects of my sympathy, but because banks make these taxes a pretext, as they are doubtless one

main cause for the increase of the rate of interest on their loans, and the tax is thus not really, though directly, paid by the banks, but by the borrowers from them, whose rate of interest is increased to compensate for the taxes paid directly by the banks. The repeal of these taxes on bank capital and deposits is in the interest of a decrease in the rate of interest and for the relief of the people, not of the banks. I favor it.

The proposed reduction of the tax on cigars and cigarettes is right, because it equalizes the tax on the tobacco in them with smoking-tobacco in packages. I go further. I favor the bill because it reduces revenue about $20,000,000. This with me is a strong ground on which to support it. A full Treasury invites extravagance; a scant Treasury compels economy.

In 1875, when I entered Congress, the revenue was $288,000,051.10. It is estimated for this year at $400,000,000. The annual interest in 1875 was $103,093,504.57. For this year it is estimated at $70,000,000. Our expenditure in 1875 was $274,623,392.84; or, deducting interest, was $171,529,888.27. In 1882, it is estimated at $270,000,000; or, less interest, at $200,000,000. For 1883 it is estimated at $294,850,793.43; or, less estimate for interest—$65,000,000—it will be about $230,000,000. This increase, it is true, is largely for arrears of pensions. See how we tend to extravagance as our revenues increase!

The figures for the period from 1875 to 1883, actual and estimated, by the last report of the Secretary of the Treasury, are instructive, and I give them, only saying that this Congress will exceed the estimate for the coming year. During the period of Democratic ascendency in this House we reduced expenditures, less pensions and interest, to about $107,000,000 in 1878. This year it will reach $160,000,000:

REVENUE.

Year.	Total.	Customs.	Internal revenue.
1875	$288,000,051 10	$157,167,722 35	$110,007,493 58
1876	287,482,039 16	148,071,984 61	116,700,732 03
1877	269,000,586 62	130,956,493 07	118,630,407 83
1878	257,763,878 70	130,170,680 20	110,581,624 74
1879	273,827,184 46	137,250,047 70	113,561,610 58
1880	333,526,610 98	186,522,064 60	124,009,373 92
1881	360,782,292 57	198,159,676 02	135,264,385 51
1882, (estimated)	400,000,000 00	.....	.....
1883, (estimated)	400,000,000 00	.....	.....

EXPENSES.

Year.	Total.	Pensions.	Interest on the public debt.
1875	$278,623,392 84	$29,456,216 22	$103,093,544 57
1876	258,459,797 33	28,257,395 69	100,243,271 23
1877	238,660,008 93	27,963,752 27	97,124,511 58
1878	236,964,326 80	27,137,019 08	102,500,874 65
1879	266,947,883 53	35,121,482 39	105,327,949 00
1880	267,642,957 78	56,777,174 44	95,757,575 11
1881	260,712,887 59	50,059,279 62	82,508,741 18
1882, (estimated)	270,000,000 00	80,000,000 00	70,000,000 00
1883, (estimated)	294,850,793 43	100,000,000 00	65,000,000 00

No man believes that the arrears of pensions bill or any other of the bills for increased expenditure passed at this session could have been passed seven years ago. Why? Because then we had not the means for extravagance; now we have. Then we had necessity for economy; now we have none. Under our system of an unchangeable and permanent revenue we have in flush times a redundant income; in tight times a stinted income. We are lavish in expense when full-handed and become economical only when driven to it by the reduction of our revenue. I go for reduction of taxes in order to reduce revenue and in order thereby to compel economy. Let the people keep their own money and spend or invest it as they please. They will do it better than it can or will be done by the Government which takes it from them by taxation, and then spends it on the favored objects of its bounty. It is a great mistake to say the people get back the money they pay in taxes. Tax money rarely gets back to the pocket from which it was abstracted. Our people need to learn that taxation and expenditure by governments is the great means by which a distribution of the wealth of the many may be and is transferred to the few, and our true policy consists in limiting this double process of abstraction from the many and bestowment on the few to the narrowest bounds consistent with the efficiency of the Government to secure the peace and order of society.

If, then, this bill does so much that I favor, why will I vote against it? I answer, it is not that I oppose what it does, but for what it fails to do. "These ought ye to have done, but not to leave the others undone." In vain did we in committee, as in this House, ask the dominant party to lift the burden of taxation from tobacco and let it go free. We asked to take off duty from beer, to reduce it on whisky, but the Republican party, with almost solid negative voice, refused. The tax on capital and deposits in banks is very small. It is one-half of 1 per cent; that is, taking the rate of interest at even as low as 4 per cent. It is only 12½ per cent. on the annual product of the capital. It is paid by the bankers and banks or their well-to-do borrowers, for the very poor do not borrow much from banks.

The tax on checks is annoying, but it is a slight per cent. upon the means of the depositor. But look at your tax on tobacco. It has been said on this floor that the free-leaf amendment is inadmissible, because in order to collect the tax on tobacco the Government must keep a watch on it from its planting to its sale. The planter is not free to sell to everybody, lest fraud may creep in and cheat the Government of its tribute. The tax cannot be collected unless the planter is watched and trammeled as to the sale of his crop. Spies must dog his steps and keep their eyes upon his dealing with his own product in order that the tax may all be collected.

Under our free institutions one would think that a tax which can only be collected by such a system of espionage should be repealed and not perpetuated. But this is not the view of the party in power.

Tobacco is the only product of agriculture which is taxed by this Government, and to deal in which freely by the producer is a crime. His freedom to trade in his own hard-earned product is prohibited that the Government may get its tax. And what is the tax?

The total crop of tobacco for 1880 was 427,000,000 pounds, of which 227,000,000 was exported and not taxed, valued at, say, $42,700,000. The taxes collected on it last year were about $42,000,000, or 100 per cent. on the whole crop, and more than 200 per cent. on that not exported. But this does not present the whole case. Tobacco ranges in price from 3 to 50 cents per pound. The average price is about 10 cents per pound. The same tax is laid on all, and as the low-priced is consumed by the poor, and the high-priced by the rich, it follows that while the highest-priced pays 16 cents tax per pound, or from 50 to 100 per cent. revenue, the lowest-priced pays the same specific tax, or over 500 per cent. ad valorem. The poor pay five times as much in proportion to the value of the article consumed as the rich. Is not this a gross injustice on the various classes of consumers?

But this tax presses on the producer. It is true the consumer ordinarily pays the tax. If it is a low tax, he may be said always to do so. But as the tax becomes higher the producer, in order to hold on to the market, will have to abate his price, thereby paying the tax in part. But when the market can no longer be retained without a loss the production will cease wholly.

And this has been the result in parts of Virginia where the low-priced tobacco is raised. Production has ceased. You have taxed the planter out of his right to use his own land for the growing of tobacco. You have lessened the value of his land and impaired his title; but his outcry for the repeal of this tax you will not heed.

You tell him it is a luxury. Is the tobacco of the poor as great a luxury as that of the rich? Why, then, tax the rich man's tobacco at one-fifth the rate you impose on that of the poor? Do you mean to forbid a luxury to the poor which you permit to the rich?

But what right has this Government to forbid production by the owner of land in a State, on the ground that it is a luxury? Has this Federal Government the right to pry into the industries permitted by the States and set up one and put down another? While it protects manufacturers in their products by bounties exacted as a tribute from the planter, can it strike down the planter by taxing him out of his right and power to produce at all? Is this equality and justice? Is it not rank injustice?

We, the Democrats of the House, asked the repeal of this tax—this tax so destructive of the products of the planter, so unjust to the consumer. The banks asked the repeal of the tax of 12½ per cent. on the annual interest of their capital. The repeal we asked was of a more grievous burden of from 100 to 500 per cent. on the annual crop of the planter. You lift the light tax from moneyed capital and leave the heavy tax on the landed capital of the planter. Reverse the case. What would banks think if 100 per cent. was laid on the interest of their capital, or 400 per cent.? Tobacco would gladly exchange with moneyed capital and take the tax of which capital complains to be relieved from that which you leave tobacco to bear. A party caucus of the Republicans forbade the repeal of the tax on tobacco, but required the repeal of the tax on bank capital. And this bill is the result—to lift light burdens from the banks and their customers and leave heavy burdens on the planter and the consumers of his tobacco.

Now the question is, What ought I to do in respect to this measure?

I have already voted in Committee of the Whole to take off all the taxes proposed to be repealed by this bill, as it will pass. I know that will be done. But this bill refuses, with emphasis, the repeal of taxes more onerous on the tobacco planters than those it removes from banks and bankers. If I vote for it I will seem to sanction this refusal to repeal, as well as the repeal it effects. This I cannot, will not do. I must therefore vote against this bill, because it is a mockery of right and justice. It takes off light burdens and retains heavy ones. It relieves those who least need relief, and refuses to relieve those who most need it.

Those who are thus relieved would have been willing to vote relief to the tobacco planter if it was needed to secure their own. We have tried to make them go together; but Republican tactics have defeated us, and the Republican party will secure by the passage of this bill relief to the bank power, and leave under their heavy burdens the planters of tobacco. The latter are left to endure an op-

pressive tax which the former, being free, will have no interest in future to aid us in removing.

I shall therefore vote against the bill; for I know, if thereby it is defeated, the banks would be ready by a new bill to achieve their own relief by according like relief to the tobacco planters. If it is not defeated, the bankers will never hereafter aid us in repealing our burdens, but like the butler released from the Egyptian prison, will forget the Joseph who remains in bonds.

I know it is argued the Government cannot afford to let go its tobacco tax, and that by so doing we will induce a higher tariff.

A word on each of these points. First, the repeal of the tobacco tax would reduce the revenue, say, $50,000,000. This would make a total reduction by this bill of, say, $70,000,000. The revenue for this year from all sources will be about $400,000,000. By the proposed reduction the annual revenue would be, say, $330,000,000. Annual ordinary expenditures for the next year will be $145,000,000. Pensions, say, $100,000,000, and interest on public debt about $60,000,000; in all $305,000,000. This would leave a surplus for the sinking fund, and by leaving only so small a surplus would make us so cautious in expenditure that we would really reduce the ordinary expenses and avoid extravagances in other directions. Second, would a repeal of these taxes induce a resort to a high tariff? On the contrary, if the Government for its revenue were left to a tariff on imports, it would be driven to reform the tariff on revenue principles. Duties would be laid to increase revenue, not to prohibit imports, thus destroying revenue. A revenue tariff would be the necessity of the Government if internal taxes were repealed.

Let the friends of revenue reform and the Democratic party stand firm. Economy in public expenses is our cardinal principle. Decrease of taxes another. Lighten the people's burdens. Decrease of revenue resulting from a decrease of taxes would diminish jobs and plunder and patronage. This is in the direction of true civil-service reform. The internal-revenue system is a fearful nest, from which public patronage hatches the instruments for controlling elections in the States. We must labor to repeal the whole system. Duties laid with a view to the required revenue upon our largely increasing imports will suffice for an economical and efficient administration of the Government, and will less interfere with the freedom of political opinion in the country, now so much menaced by Federal patronage. Corruption, which is produced always by extravagance, which itself is induced by an overflowing Treasury, would be checked by a return to a strictly revenue system and an economical administration of public affairs. The abolition of the internal-revenue system would break up those nests of Federal patronage which have infested the States for twenty years, and have been the source of more petty tyranny and of more interference with the freedom of elections by the patronage of the Federal power than has ever been known in the history of the country. With these principles and this policy the Democratic party will win a victory for right, justice, purity, liberty, and the Constitution.

Correction of Error in Duties on Hosiery and Knit Goods.

SPEECH

OF

HON. OSSIAN RAY,

OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, July 3, 1882,

On the bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States.

Mr. RAY said:

Mr. SPEAKER: Was there a blunder or mistake made by the revisers in compiling the laws of the United States in force December 1, 1873, touching the duties on woolen hosiery and other woolen knit goods? The commissioners were authorized and directed to revise and consolidate the statutes of the United States then in force, but not to change or vary in substance any existing law. The object was to compile into a single volume all of the United States laws of a public and general character for the sake of convenient and easy reference.

The trouble is that some of the same articles are included in both Schedules L and M and are subjected to the payment of different duties. In Schedule L (Revised Statutes, last edition, pages 471–472) custom duties are laid upon—

All manufactures of wool of every description made wholly or in part of wool, not herein otherwise provided for, 50 cents per pound, and in addition thereto 35 per cent. ad valorem; * * * knit goods * * * and all manufactures of every description composed wholly or in part of worsted, * * * except such as are composed in part of wool, not otherwise provided for, valued at not exceeding 40 cents per pound, 20 cents per pound; valued at above 40 cents per pound and not exceeding 60 cents per pound, 30 cents per pound; valued at above 60 cents per pound and not exceeding 80 cents per pound, 40 cents per pound; valued at above 80 cents per pound, 50 cents per pound; and in addition thereto, upon all the above-named articles, 35 per cent. ad valorem. Clothing, ready-made, and wearing apparel of every description * * * composed wholly or in part of wool, worsted, * * * made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods, 50 cents per pound, and in addition thereto, 40 per cent. ad valorem.

It is clear that the foregoing provisions include every possible variety of woolen knit goods and hosiery.

Now, in Schedule M, page 474, of the Revised Statutes, immediately after Schedule L, we find the following:

Clothing, ready-made, and wearing apparel of every description, of whatever material composed, except wool, silk, and linen, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, not otherwise provided for, caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed, except silk and linen, worn by men, women, or children, and not otherwise provided for, articles worn by men, women, or children, of whatever material composed, except silk and linen, made up, or made wholly or in part by hand, not otherwise provided for: 35 per cent. ad valorem.

The second and last clauses of this paragraph are embraced within the first clause; but while the word "wool" is included in the first clause, it is omitted in the last two clauses. From this all the trouble has come. This was a mere mistake on the part of the commissioners. After inserting "clothing, ready-made, and wearing apparel of every description, of whatever material composed, except wool, silk, and linen, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, not otherwise provided for," they might have stopped, because anything made of wool had already been excepted.

Why insert wool in the first clause of this paragraph in connection with silk and linen, and not in the other two clauses? Why except silk and linen knit goods from the operation of the 35 per cent. ad valorem duty, and not knit goods made of wool? The most reasonable explanation of this absurdity is a mistake in the revision. Knit goods manufactured wholly or in part of wool are certainly subject to the pound duty and also to 35 per cent. ad valorem by the provisions of Schedule L, while in Schedule M all knit caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed, except silk and linen worn by men, women, or children; indeed, all knit articles worn by men, women, or children of whatever material composed, except silk and linen, whether made up or made wholly or in part by hand, are only subject to the single ad valorem duty of 35 per cent.

Thus we have in Revised Statutes the article of woolen knit goods included in both Schedules L and M, but subjected to entirely different and inconsistent rates of duty. Both duties on the same goods ought not to be and cannot be collected. No such absurdity was ever intended by the law-making power. Did this blunder happen in the enactment or revision of the laws?

The Supreme Court, in the recent case of Vietor against Arthur, not yet reported, following a well-known rule of construction, held that although leggins, mitts, socks, wove shirts, drawers, &c., would naturally and properly be included in the general description of knit goods mentioned in Schedule L as subject to the double duty, still, finding the above kinds of knit goods specifically named in Schedule M, when not made of silk and linen, subject only to the 35 per cent. ad valorem duty, were obliged to decide as they did, that the double duty cannot be imposed upon the particular kinds of knit goods specified in Schedule M as subject only to the ad valorem 35 per cent. duty. The court expressly says, however, "It may be true, as suggested, that if there had been no revision, and if it had been required to construe the statutes as they stood before December 1, 1873, [the time of the revision,] a different conclusion might have been reached."

The next inquiry is, what was the lawful duty on woolen hosiery and knit goods, so called, December 1, 1873? The tariff act, approved March 2, 1867, was the last law passed by Congress upon this subject before the revision of 1873. So far as is material to the present discussion, the following provisions of that act may be referred to:

SEC. 2. *And be it further enacted*, That in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty; that is to say:

On woolen cloths, woolen shawls, and all manufactures of wool of every description, made wholly or in part of wool, not herein otherwise provided for, 50 cents per pound, and in addition thereto, 35 per cent. ad valorem.

On flannels, blankets, hats of wool, knit goods, balmorals, woolen and worsted yarns, and all manufactures of every description composed wholly or in part of worsted, the hair of the alpaca, goat, or other like animals, except such as are composed in part of wool, not otherwise provided for, valued at not exceeding 40 cents per pound, 20 cents per pound; valued at above 40 cents per pound and not exceeding 60 cents per pound, 30 cents per pound; valued at above 60 cents per pound and not exceeding 80 cents per pound, 40 cents per pound; valued at above 80 cents per pound, 50 cents per pound; and, in addition thereto, upon all the above-named articles, 35 per cent. ad valorem.

On clothing ready-made, and wearing apparel of every description, and balmoral skirts and skirting, and goods of similar description, or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other like animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods, 50 cents per pound, and, in addition thereto, 40 per cent. ad valorem. (14 Statutes at Large, 561.)

It is certain that "all manufactures of wool of every description, made wholly or in part of wool," are subject to a duty of 50 cents per pound and 35 per cent. ad valorem. It is also perfectly certain that flannels, blankets, wool hats, knit goods, &c., are subject to a pound duty graded as above specified and 35 per cent. ad valorem.

It is equally clear that ready-made clothing and wearing apparel of every description, &c., composed wholly or in part of wool, worsted, &c., made up or manufactured wholly or in part, &c., except knit goods, were subject to a duty of 50 cents per pound, and in addition thereto 40 per cent. ad valorem by that act.

These were the duties laid upon such articles and manufactures by the tariff act of March 2, 1867, and which were in force December 1, 1873, at the time of the revision of the statutes. Now, note the peculiar and explicit wording of the enacting clause of section 2, which is, that "in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned there shall be levied, collected, and paid on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty; that is to say," &c. What stronger or more unmistakable language than the foregoing could be employed to abrogate all prior duties on the articles and manufactures embraced in the act of 1867 without saying in terms that all former legislation on the same subject was thereby repealed?

The authorities are abundant also to establish the doctrine that the language used in this enacting clause repeals all former duties on the articles "enumerated and provided for" in that section. Manufactures of wool of every description, whether made wholly or partly of wool, and woolen knit goods, are mentioned, enumerated, and provided for therein. Hence it is not only "plain as a pikestaff" but good common sense, as well as settled by ample legal authority, that the former duties on these goods were, by the words used in the latter act, repealed.

It has been argued by the distinguished gentleman from Kentucky [Mr. CARLISLE] that because the words "not otherwise provided for" are found in this section they are applicable to woolen knit goods and hosiery; that as to such goods and hosiery previous tariff acts relating thereto were not repealed by the act of March 2, 1867. This view I believe to be utterly unsound. The case of Smythe *vs.* Fiske, in 23 Wallace, 374, decided by the Supreme Court in 1874, is a direct authority against his position. The syllabus of that case, referring to the tariff act of June 30, 1864, wrongly given throughout the case as July 30, (13 Statutes at Large, 210,) is as follows:

> The words "not otherwise provided for" mean not otherwise provided for by previous parts of the section of which they make the closing words, and exclude reference to the acts of 1861 and 1862, which laid a duty of but 35 per cent. on "articles worn by men, women, or children, of whatever material made."

Mr. Justice Swayne, who delivered the opinion of the court, says, on pages 380, 381:

> The object of the statute was to increase the duties before imposed upon the things which it embraces. The title and the context alike show this. The preceding part of the section contains a very full enumeration of articles of silk, both manufactured and unmanufactured. It was evidently intended to be exhaustive. The last clause seems to have been added, as it is not unusual in such cases, out of abundant caution, that nothing might escape. Hence the phrase "not otherwise provided for" was interposed, and meant to apply not to preceding acts which may not have been present to the mind of the draughtsman, and to which there was no necessity to recur, but to the preceding enumeration in the same section, which it supplemented.
>
> The section thus construing this clause covers the whole subject of silk in all its variety of forms. It was complete in itself. There was no need to refer generally or specially to any prior act. If there was conflict the prior legislation yielded necessarily *ipso facto* to the later.

This is a case in point. It appears to me, therefore, after a careful consideration of the terms, scope, and purpose of the act itself, that upon whatever articles or manufactures duties were levied by the tariff act passed March 2, 1867, all prior duties thereon were repealed. Its sweeping and comprehensive provisions, which cover all manufactures of wool of every description, whether made wholly or partly of wool, and particularly woolen knit goods, as being subject to the duties therein levied, and the enacting clause of the section referred to distinctly declaring such duties to be "in lieu of all duties heretofore imposed by law," render it entirely unnecessary to refer to the earlier tariff laws on the subject. All prior tariff laws touching the goods, wares, or merchandise enumerated in the act of 1867 are immaterial to this discussion. In the consideration of the question whether or not a blunder in regard to the duties on knit woolen goods was committed in the revision of the statutes in 1873 we start with the act of 1867, which alone, so far as woolen goods are concerned, should have been put into the Revised Statutes, and the provisions whereof in respect to such goods alone appear in Schedule L, Revised Statutes, page 471, 472.

But the commissioners having charge of the revision, or possibly a clerk employed by them, through some oversight or inattention in the preparation of Schedule M, put into that schedule, instead of putting them into Schedule A, relating to "cotton and cotton goods," as they should have done, the following paragraphs from the tariff act, approved March 2, 1861, which imposed a duty of 30 per cent. ad valorem, from and after April 1, 1861, (increased to 35 per cent. by the act approved July 14, 1862,) on the articles named therein, which, as already shown, had been repealed as to manufactures of wool ever since the tariff act of March 2, 1867, took effect, and which had been repealed as to manufactures of silk and linen ever since the tariff act of June 30, 1864, came in force:

> Articles worn by men, women, or children, of whatever material composed, made up, or made wholly or in part by hand, not otherwise provided for.
>
> * * * * * * *
>
> Caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed, worn by men, women, or children, and not otherwise provided for.
>
> * * * * * * *
>
> Clothing, ready-made, and wearing apparel of every description, of whatever material composed, except wool, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer.

These three clauses of the tariff act of 1861, found on page 191, in 12 Statutes at Large, reversing the order in which they appear there, and above, constitute the entire paragraph before referred to in Schedule M of the Revised Statutes, page 474, with the exceptions relating to silk and linen, which the revisers inserted. Indeed the 35 per cent. duty laid on the articles mentioned in those three clauses, pursuant to the act of 1861, amended by the act of 1862, was superseded by the act approved June 30, 1864, entitled "An act to increase duties on imports, and for other purposes," by which the duty on all woolen manufactures not otherwise provided for, including ready-made clothing and wearing apparel of every description, made wholly or in part of wool, except hosiery, was fixed at 24 cents per pound, and in addition thereto 40 per cent. ad valorem. On shirts, drawers, and woolen hosiery, or of which wool was a component material, not otherwise provided for, 20 cents per pound, and in addition thereto 30 per cent. ad valorem. (13 Statutes at Large, pages 207, 208.)

I am surprised at the position now taken by the gentleman from Illinois [Mr. MORRISON] and by the gentleman from Kentucky [Mr. CARLISLE] that no blunder in the revision of the United States Statutes of 1874 touching the duty on knit woolen goods, so called, was made. When this bill was before the House a month ago the gentleman from Illinois [Mr. MORRISON] stated as follows:

> I believe this article was admitted or placed in the wrong section and classified wrong, unintentionally placed in a class paying but 35 per cent. when it was of a kind to be classed in a different section where they paid about 85 per cent. The court does not say so, but I will have read in this connection what the court did say.
>
> The Clerk read as follows:
>
> "In United States *vs.* Bowen, 100 United States, 513, we held that the Revised Statutes must be treated as a legislative declaration of what the statute law of the United States was on the 1st of December, 1873, and that when the meaning was plain the courts could not look to the original statutes to see if Congress had erred in the revision. That could only be done when it was necessary to construe doubtful language."
>
> * * * * * * *
>
> "It may be true, as suggested, that if there had been no revision and we had been required to construe the statutes as they stood before December 1, 1873, a different conclusion might have been reached. We have not deemed it necessary to institute such an inquiry."

The extract read by the Clerk is taken from the opinion of the Supreme Court in the case of Vietor *vs.* Arthur, finally decided the 8th of May last; and, although the court did not declare in terms that the blunder complained of, which the bill now before the House seeks to correct, is an error of revision in compiling the United States laws then in force into the Revised Statutes, still the implication is quite strong in the mind of the court, apparently, that such was the only plausible explanation which could be given. We have, moreover, the opinion of the present Secretary of the Treasury, long an eminent judge of the highest court of New York, expressed in a letter addressed May 25, 1882, to Mr. KASSON, of the Committee on Ways and Means, that the error "is undoubtedly one of revision." It is also perfectly clear from the time the "act to provide increased revenue from imported wool, and for other purposes," (14, Statutes at Large, 559,) passed, March 2, 1867, down to June 22, 1874, when the Revised Statutes took effect, a period of seven years and upward, that the pound duty, graduated according to value, as well as the 35 per cent. ad valorem duty was collected on these goods throughout the country, substantially without litigation or controversy.

What new light has appeared to the distinguished gentleman from Illinois [Mr. MORRISON] on this subject since the first Monday in June? Since then he says he has carefully examined the subject and does not now believe that any such mistake of revision was made, and declares as the result of his examination that he finds the revisers left the law as they found it, making no change. He produces a copy of a protest made to Collector Arthur at the port of New York, in September, 1873, against the collection of the higher rate of duties claimed on gloves, wristlets, and similar articles made on frames, &c., protesting that such articles were only liable to duty under section 22 of the tariff act of March 2, 1861, and section 20 of the tariff act of July 14, 1862, at the rate of 35 per cent. ad valorem.

But he omitted to state a fact which he may not have been aware of, that the point now raised by him was judicially determined in a suit which may have arisen out of the same transaction to which his protest relates. I refer to the case of Krause *vs.* Arthur, decided by the United States circuit court for the southern district of New York, at the October term, 1877, wherein it was held that the law in force when Krause's cause of action arose (namely, the act of March 2, 1867) did authorize the imposition of pound duties on these knit woolen goods, as well as the 35 per cent. ad valorem duty. That decision was never appealed from, and is valuable as a judicial interpretation of the act of March 2, 1867, upon the point now in controversy.

So it appears that importers of woolen knit goods and hosiery, acting presumably upon the advice of counsel skilled in the law, paid into the Treasury the double duty imposed on such goods from March

2, 1867, to June 22, 1874, without question, and, except in the single case named, without litigation; and in that case rested quietly, without appeal to the Supreme Court, upon a decision against them by the circuit court. A contemporaneous practical construction of the law is frequently of considerable value in the interpretation of its intent and meaning, especially in cases where the language used is susceptible of two or more constructions. I do not admit, however, that the law of 1867 fixing the duties on knit woolen hosiery and other goods is susceptible of two constructions. Indeed, it is quite clear from an examination of the act of 1867 that such goods were in terms made liable to the graded pound duty and the 35 per cent. ad valorem.

Again, the same gentleman and the gentleman from Kentucky [Mr. CARLISLE] both call attention to the fact, as alleged by themselves, that Messrs. Heyl, Morgan, and Ogden, government experts at New York, Philadelphia, and Baltimore, in their books on "tariff and tariff rates," giving the duties on imported goods from 1867 until the present time—before as well as since the revision of the statutes—all mention the rate of duty on knit goods made on frames, &c., as being only 35 per cent. ad valorem. Against this I desire to set off as a full and satisfactory answer the fact of a contrary adjudication in the case of Krause *vs.* Arthur, before alluded to. Also, that at every port in this country where woolen hosiery and knit goods were imported into the United States the Government uniformly collected the compound duty instead of the 35 per cent. ad valorem duty only. Thus the uniform practice of the government in levying and collecting the double duty without objection save in a single instance, and that case a judgment unappealed from in favor of the Government, affords to my mind a conclusive answer to any supposed confirmation of the gentlemen's views which may be found in Heyl, Morgan, or Ogden's tariff books, which I am not prepared to admit.

Indeed, I am surprised to find that both these gentlemen, so far as Heyl is concerned, (and probably the others,) are entirely mistaken. In Heyl's United States Import Duties, published in 1877, the knit goods made on frames, &c., referred to by both gentlemen as being subject to only a 35 per cent. duty, were cotton goods, and not those made wholly or in part of wool. They evidently were misled by what is found in the schedule of duties on page 4 of part 2, while the act of March 2, 1867, on pages 93 to 97 inclusive, is given as being in full force at the time the book was published, and on page 78 of the schedule of duties, in part 2, woolen knit goods, including hosiery, &c., the pound duty graded according to value, as well as the 35 per cent. ad valorem, is given.

The gentleman from Kentucky, [Mr. CARLISLE,] who took no part in the discussion on this subject the first Monday in June, declares that the claim set up in the report of the Committee on Ways and Means, and in the speeches of gentlemen on the floor of the House, that the act of 1861, so far as it related to woolen hosiery made on frames, &c., was repealed either by the act of 1864 or by the act of 1867, is wholly without foundation. Mr. CARLISLE argues the act of 1861 was modified but not repealed by the act of 1864, and was in full force when the revision of the statutes was made, and if the revisers had undertaken to except woolen hosiery and knit goods from the provision in Schedule M they would have been changing the law instead of merely revising it. I think I have already made sufficiently plain the error of the gentleman, and have shown that the act of 1867 embraced all the duties on woolen knit goods from that time to the mistake in the revision of 1873.

The same gentleman also argues from the various tariff acts from 1842 down to the revision of the statutes in 1873 that the provision relating to knit goods made on frames has been preserved, and claims that there is no such error in the revision as the Secretary of the Treasury suggests and the report of the Committee on Ways and Means shows. The expression "made on frames" has no practical significance at the present time. The frames on which knit goods and hosiery were made thirty or forty years ago are no more like the machines on which such articles are now made "than a hawk is like a hand-saw." Knit goods are now chiefly made on circular knitting machines, sometimes called heads, which have been invented within the last twenty or twenty-five years. Hence the expression "made on frames" has long been obsolete.

What sound reason can anybody give for imposing a duty of only 35 per cent. ad valorem on knit goods made on frames and imposing the same duty and a pound duty besides on knit goods not made on frames? There is no distinction between the two classes of knit goods; none has been pointed out; none exists in fact. The protection desired is equally necessary to both classes, whether knit on frames, needles, or otherwise.

I cannot help thinking the distinguished gentleman from Kentucky [Mr. CARLISLE] has fallen into a grave error both in his examination of the important provisions of the acts approved June 30, 1864, and March 2, 1867, and the decisions of the Supreme Court of the United States upon the subject.

The gentleman from Illinois [Mr. MORRISON] alleges that if the pound duty is also imposed upon the goods provided for by this bill, besides the 35 per cent. ad valorem, they will be subjected to the high rate of 85 to 100 per cent. duties, and the gentleman from Kentucky, usually so accurate in his suggestions, also maintains that by amending Schedule M in the Revised Statutes by inserting the word "wool" in the two places referred to the duties on these goods will be increased to not less than 85 per cent., and it may be to over 100 per cent. ad valorem, according to the quality and value of the goods. I desire to emphatically controvert these statements touching the amount of duty thereby imposed upon this class of goods. The gentlemen have made a blunder in their calculations. There is a misfit somewhere in their figures, and against the two gentlemen who substantially make the same statement I will cite Mr. Spofford, the accurate author of the American Almanac, who in this instance certainly shows his superiority in arithmetic to both. On page 83 of the American Almanac for 1882, Mr. Spofford says the duty on hosiery worth over 80 cents per pound, being a pound duty of 50 cents and 35 per cent. ad valorem, the whole reduced to an ad valorem standard amounts to a fraction less than 56 per cent. duty. Shirts, drawers, &c., worth over 80 cents per pound, reduced to the same standard, will pay a duty of a fraction less than 68 per cent.; so that the entire duty imposed or collected, both specific and ad valorem, does not exceed 68 per cent., and may be as low as 56 per cent., or a general average of 62 per cent. A little inaccuracy of only about 25 per cent. in the statements of the gentlemen in this particular may be worthy of correction.

If this bill does not pass, the duties on woolen hosiery and knit goods are 20 per cent. less than on most of the crude wool imported from which they are made; in other words, duties on the manufactured article are 20 per cent. less than on the raw material out of which they are made. Does Congress want to discriminate against American manufacturers of knit woolen goods and in favor of foreign manufacturers to the extent of 20 per cent.?

Again, both gentlemen aver in substance that the profit on the manufacture of these knit goods in 1880 was 47 per cent. on the amount of capital invested. I quote from the remarks of the gentleman from Kentucky, [Mr. CARLISLE,] taken from the RECORD of July 6, page 18:

> According to the last census report the total capital invested in the manufacture of these goods in 1880 was $15,133,991, and the value of the product was $28,613,727. The whole cost of labor was $6,530,576, and the whole cost of material used in the manufacture was $14,954,199, making a total of $21,484,775 for labor and materials. The excess of the value of the product over the total cost of labor and material was $7,128,952, or 47 per cent. on the whole amount of capital invested. If this capital of $15,133,991 had been loaned at 6 per cent., which is about twice as much as the farmers of the country receive annually on their investments, it would have yielded an income of $908,039.46; but being invested in the manufacture of hosiery and knit goods, and being protected at the expense of the consumers by high rates of duty, it in fact yielded, as already stated, $7,128,952, or nearly eight times as much as the usual legal rate of interest on money.

Now, the statistics from the Census Office, showing the product of this industry for 1880, are given in totals, as follows: Amount of capital invested in 354 establishments is $15,133,991; amount paid out for wages, $6,530,576; value of the materials used, including wool, $14,954,199. The labor and materials together make $21,484,775; that deducted from the value of the product for 1880, which is $28,613,727, leaves $7,128,952. The last-named sum is treated by both gentlemen as the profit made by the manufacturers of these goods upon their investment of capital of $15,133,991.

But this statement falls far short of giving the exact truth in regard to net profits. Out of the $7,128,952 which, as the gentlemen say, represents about 47 per cent. of the invested capital, must be paid a heavy annual expenditure for renewals and changes in machinery necessary to keep up with the ever-varying styles of goods required for the markets. Every separate style of goods requires a new machine, and many styles of hosiery go out of fashion and come into fashion every year. Also, a considerable outlay is necessary for the wear and tear of the machinery. Good judges estimate this item alone costs manufacturers on an average 12 per cent. of their capital. The machinery is costly, of delicate construction, and needs frequent repairing or replacement with new machinery. No account of this item is taken by either of the gentlemen. A deduction of 12 per cent. probably should be made for this item, which would be $1,815,982.

Again, I have it upon excellent authority that the cost of disposing of the goods manufactured—commissions on sales—is a large item of expense to the proprietors of these mills. Ten per cent., I am informed, is not an extravagant sum to reckon as the cost of selling the annual product, including the proprietor's time, his losses by bad debts, payments for insurance, &c. Ten per cent. on the annual product of 1880 is $2,861,372. This, with the other deduction of 12 per cent., leaves only $2,451,598 as compensation for the rental of fixed and permanent capital valued at $15,133,191, which leaves no such enormous profit as 47 per cent. on the capital invested, as both gentlemen have represented. Indeed, it is a business requiring skill, diligence, and close attention in order to insure any profits to the manufacturer.

Stimulated and encouraged by the protection afforded under the tariff act of 1867 and prior acts, many business men have engaged in the manufacture of woolen knit goods, and owing to competition among them and the invention and use of new machinery the price of woolen hosiery and other knit goods has largely been reduced. Consumers do not pay one-half what they did for the articles fifteen or twenty years ago. Mr. George C. Bosson, of Boston, Massachusetts, a very intelligent and extensive manufacturer, gave the following testimony before the Ways and Means Committee:

> There is no industry in the country producing textile fabrics in which so large

a proportion of its value is represented in cash paid for labor as knit goods. And there has been no industry started here that has done more for the preservation of health and the prolongation of life than knit goods, because we put it within the reach of every individual to provide himself with comfortable underclothing. We furnish the laboring-man with a comfortable woolen undershirt, drawers, and socks, all three, for $1.12.

Besides, crude wools imported and used in the manufacture of knit goods and hosiery pay a duty of 46 to 55 per cent. ad valorem. It would be singular if Congress, or any other body of sensible men in this country, should purposely impose a much higher duty on raw material like wool than on the manufactured article like what is now claimed in respect to imported woolen hosiery and knit goods.

Now, then, the mistake or blunder has been made and we are asked in the interest of a large number of the American people to correct it. The men, women, and youths at work for remunerative wages in the two hundred and fifty odd knit-goods establishments scattered throughout nineteen States of this Union are interested in the continuance of the business which affords them the means of livelihood and gives them employment from day to day. The farmers, who dispose of more than nine million pounds of wool per annum to these various factories, desire a continuance of the market thus afforded for the product of their domestic animals. Why not correct it? What class or interest in the country calls for or demands that the effect of this blunder should be continued?

None but a free-trade class or interest; none but those interested in the importation of goods manufactured in foreign lands by foreign workmen with foreign capital, and imported here in foreign ships, ask for it. What is our duty here as Representatives? To legislate in the interest of our own people, or in the interest of foreign manufacturers, foreign laborers, and foreign capital? A bare statement of the proposition ought to be sufficient to influence every candid mind in favor of this bill, irrespective of political considerations or of abstract notions concerning the doctrines of free trade or protection. The gentlemen who oppose the correction of the blunder and who are willing to see an interest built up in our country under a protective tariff of the magnitude of the hosiery and knit goods business in the United States crippled or sacrificed, assume and argue in the same breath with their opposition to the bill that the tariff commission will do nothing to revise and reform our tariff; that it is a mere make-shift and subterfuge invented by the protective-tariff men for delay.

I find in this argument, if there is any truth in it—if the effect of the tariff commission shall be what these gentlemen predict—an additional and stronger reason why we should act promptly and speedily for the benefit of our constituents, whose business interests have been so seriously imperiled by this mistake. I believe, sir, that the tariff-commission bill was in the interest of the people of this country, that it will prove of value to the American Congress, and will aid them largely in a proper revision of our present tariff laws. But if it were not so, as before stated, then a double reason exists for us to correct this error in behalf of the worthy and respectable and thrifty business men scattered all over our country who have invested their capital and have devoted their brains to the building up of a large industry and who are as much entitled to respectful consideration here as any class which ever came before Congress for relief.

APPENDIX.

Hosiery and knit goods. (*From Census of* 1880.)

State.	Number of establishments.	Capital.	Hands employed.				Amount paid in wages.	Wool consumed.				Value of materials, (including wool.)	Value of products.
			Males over sixteen.	Females over fifteen.	Youths.	Total.		In the condition received.		Foreign and domestic scoured.	Value.		
								Foreign.	Domestic.				
								Pounds.	*Pounds.*	*Pounds.*			
The United States	354	$15,133,991	7,395	17,397	3,536	28,328	$6,530,576	448,758	8,146,137	5,927,692	$3,821,183	$14,954,199	$28,613,727
Connecticut	14	1,966,431	659	1,187	365	2,211	664,293	126,174	975,501	587,113	377,371	1,013,949	2,432,271
Illinois	14	105,800	160	471	76	707	92,385	.....	60,000	60,000	21,000	290,895	484,124
Indiana	5	45,000	26	201	57	284	24,700	.....	.....	.....	.....	103,280	158,200
Iowa	3	2,200	3	3	.....	6	460	.....	.....	.....	.....	1,554	2,908
Maine	1	500	1	20	.....	21	801	.....	.....	.....	.....	1,800	3,000
Maryland	1	250	.....	1	.....	1	100	.....	.....	.....	.....	500	720
Massachusetts	57	1,467,375	786	2,413	212	3,411	608,067	7,266	1,081,418	674,009	446,760	1,394,748	2,483,596
Michigan	11	147,389	80	706	176	962	92,324	.....	180,000	90,000	60,000	226,627	377,249
Minnesota	1	8,000	8	4	.....	12	2,819	.....	.....	.....	.....	5,000	10,000
Missouri	4	29,400	3	114	1	118	19,300	.....	.....	.....	.....	41,575	85,000
New Hampshire	24	1,224,000	540	1,098	115	1,753	536,117	76,000	1,680,332	1,118,078	755,903	1,249,600	2,362,779
New Jersey	6	804,570	320	604	146	1,070	239,761	5,400	169,784	113,552	82,266	258,043	861,181
New York	74	5,304,876	2,364	4,436	990	7,780	2,018,627	186,326	2,362,643	2,084,734	1,373,524	5,042,606	9,829,540
Ohio	23	187,000	53	574	118	745	94,858	.....	.....	.....	.....	241,583	418,825
Pennsylvania	104	3,328,190	2,240	5,294	1,249	8,783	2,022,463	47,592	1,235,126	857,373	498,353	4,696,838	8,451,647
Rhode Island	1	6,000	6	24	9	39	8,400	.....	.....	.....	.....	14,838	36,000
Vermont	6	492,000	138	227	18	383	101,037	.....	401,333	342,833	206,006	359,938	595,270
West Virginia	1	5,000	2	.....	2	4	700	.....	.....	.....	.....	1,700	2,600
Wisconsin	4	10,010	6	20	2	28	3,364	.....	.....	.....	.....	9,125	18,817

Letter from J. W. Busiel & Co., of Laconia, New Hampshire, to Hon. H. W. Blair.

LACONIA, NEW HAMPSHIRE, *April* 16, 1881.

DEAR SIR: We desire to call your attention to a recent decision of the United States Supreme Court by which the duty on hosiery has been changed so that it now stands at 35 per cent. ad valorem. This change means *ruin* to our hosiery industry in this country, inasmuch as it reduces the duty from fifty cents per pound weight and 35 per cent. ad valorem to a simple ad valorem duty of 35 per cent. An examination of the annual reports of the Chief of the Bureau of Statistics shows that the average duty on fine wools, or class 1 under Schedule L, equals 70 per cent. This decision makes the duty on all knit goods made of wool by machinery 35 per cent. ad valorem. Supposing all goods were honestly invoiced at a full foreign valuation, and leaving out of the question the difference in the cost of labor and interest on capital, there is a premium of 35 per cent. in favor of the foreign manufacturer on all the wool of which such goods may be made. To state a special case it would be as follows: cost to an importer of a stocking weighing two pounds, value $3 per dozen, under Schedule L of tariff before decision was made, $5.05 per dozen; cost of same stocking under the decision just made $4.05. In other words, the decision has reduced the tariff on stockings $1 per dozen; on shirts and drawers the reduction amounts to $4 to $8 a dozen according to the weight of the goods. Such a reduction is ruinous to Laconia, Meredith, Belmont, Tilton, Franklin, Lake Village, and hurts Manchester severely. It strikes many other towns in our State very hard. It strikes in Massachusetts, Ipswich, Needham, Waltham, Ware, Graniteville, and many other places. It strikes in Connecticut very large manufacturing interests, and in New York and Pennsylvania the interests are enormous. We simply give you a rough idea, but you can get a pretty clear insight into the importance of the industry threatened by the statement that can be verified we think without much labor of the number of sets of cards employed on hosiery. The aggregate of all kinds of woolen cards at work in this country is now between eight thousand and nine thousand sets; of these the hosiery industry is thought to employ 1,700. The Census Bureau can easily set right any errors in our estimate, but we give you the estimate of good judges.

As the matter now stands we have *got to go to Canada* in order to manufacture. Wool that costs us ninety-five cents here we can get there and work there at a cost of forty-five cents and can afford to pay the duty of 35 per cent. on goods so made and sell at what the goods *cost us* here, and in so doing make a better profit than we are now getting. New Hampshire maintains by her hosiery industry many thousands of her people; many of these came from Canada and would very gladly go back if mills should be established there, as they certainly will be if this decision were to stand. It is unnecessary for us to say much to you about the importance of the matter, as you are where you can get information so easily, but there is no doubt that some fifty million dollars is now employed in hosiery in the mills, stock, and capital used.

We see no remedy that can be applied save an extra session of Congress to set the matter right, and certainly every hour that passes without a remedy is working great mischief to our trade all through the country and will paralyze it completely within twelve months. No man will dare to operate in face of this decision beyond his immediate orders, and hence the future is all uncertain to us. We must have relief, and that speedily, or much suffering will surely result. If not a presumption on our part, we ask you to confer with the Senators from New York, Pennsylvania, Massachusetts, Connecticut, Illinois, Ohio, Maine, Vermont, and New Jersey, which are directly and heavily interested in this matter. If we go a step beyond our industry to the raising of wool you need add to our list above California, Oregon, Texas, Virginia, West Virginia, Wisconsin, Indiana, Nevada, Louisiana, in short every wool-growing State. As cotton enters largely into some grades of our goods we need only to refer to this to show that every Southern State is interested in the decision by its depressing effect upon the price of cotton. Wherever we have used the term "hosiery" it would have been more correct to say knit goods, as that is the idea we have in mind, and without changing that in our letter we desire to have it so understood.

Before closing we desire to say that the knit-goods industry in New Hampshire has nearly doubled in the last ten years, and if value of product is taken as a basis it has more than doubled.

If there be any method of action that you can suggest to us we shall be glad to avail ourselves of it. There is a great commotion among the manufacturers, who are as yet not concerted in their action, but are preparing to unite and present the matter with whatever power they are able to command. We see it intimated that the circular instructions may be suspended to await action of Congress. Of course, this may help us out until then. We trust you will favor us by giving it your attention, and much oblige,

Yours, truly,

J. W. BUSIEL & CO.

Senator H. W. BLAIR.

Election Contest—Lowe vs. Wheeler.

SPEECH

OF

HON. GEORGE C. HAZELTON,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, June 3, 1882.

The House having under consideration the contested-election case of Lowe *vs.* Wheeler, from the eighth Congressional district of Alabama—

Mr. HAZELTON said:

Mr. SPEAKER: The Constitution ordains that each House of the American Congress shall be the judge of the elections, returns, and qualifications of its own members. This constitutional power upon which there is no limitation, a power absolutely essential to the independence and purity of the law-making branch of free governments, did not originate with the fathers of the Republic, but far back in English history in the great struggles for freedom between the Commons and the Crown.

It is a power absolutely necessary to be exercised in order that this body may represent what it ought to represent, that it may contain what it ought to contain, the honestly-elected representatives of the American people. No stuffed ballot-boxes can stand in the way of its exercise; no dishonest inspector of election can defeat its purpose; no governor's certificate usurp its power or dictate its action; no rule of this House can stand in the way of its exercise by this great Congress of the American people. It knows no master but the American people.

In the exercise of that sovereign power we come here to-day to pass judicially upon this contested-election case coming from the eighth Congressional district of the State of Alabama; to decide honestly and fairly, and upon all the evidence and upon all the law, which of these two gentlemen, the contestee, Mr. Wheeler, or the contestant, Mr. Lowe, is entitled to the seat in controversy. In other words, we come here to determine the honest will of the people of that Congressional district, and we come to its consideration in the light of justice and of fairness, and under the obligation of our oaths as members of this great legislative body.

This happens to be one of those cases where no man can charge that we are influenced by any partisan prejudice or bias. We are passing upon a case where one man is a Greenbacker and the other is a Democrat of the Bourbon school in this country.

We make no attack upon the character of either of these men. We concede, for the purposes of the discussion of this case, that they are both honest and respectable. We are contesting a question where the will of the people is involved, and undertaking to determine which of these two men should sit here to represent the people of that Congressional district.

The testimony in this case is voluminous, amounting to about 1,500 printed pages. Able arguments have been made on both sides by learned and distinguished attorneys. The committee have taken a long time to investigate this case, and have tried hard to reach a just conclusion. In this discussion thus far before the House questions have been raised that have no pertinency to the real issues involved, that are not in the case at all. The gentleman from Illinois [Mr. SPRINGER] fancies that he has made a great discovery and pushes forward into the arena of debate to announce it to the House and to the country. He charges that many of the Lowe ballots were tissue ballots and were rejected by the inspectors on that account. The charge has no foundation whatever in the whole testimony of the case. I challenge the gentleman to find the testimony in the case that will warrant or sustain the declarations he has made in this regard. Now and here for the first time that question has been raised even in the investigation or the adjudication of this case from the beginning to the end.

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

Mr. HAZELTON. Yes.

Mr. SPRINGER. In the argument of Mr. Paine, on page 11, the argument submitted by him to the committee, fac-similes of this ticket were produced, and the argument was in favor of rejecting them.

Mr. HAZELTON. You have said that two or three times, I believe. I will come right to the issue, and if I am permitted to do so I will show that there never was a tissue ballot thrown out of a box in that district on the ground that it was a tissue ballot, not one; and I will show you, furthermore, that there is no evidence of any one man having cast two tissue ballots, or any man casting over one ballot that was counted for Mr. Lowe in this entire election contest.

And when you come here and raise the question of tissue ballots, then I will come back to you and say that, while you on that side may understand all about tissue ballots, this is not that class of ballots, not a ballot made on a scale of small dimensions, with fine print and on the thinnest kind of tissue paper, where very many could be folded up together and put into the box and be counted, as they have been counted in some cases, so as to affect the result and utterly subvert the will of the majority.

A ballot has been brought in here, but not a ballot which was rejected because it was a tissue ballot. And the very ballot brought in here and exhibited by my friend from Illinois [Mr. SPRINGER] is not one of the original ballots which have been presented in proof, and cannot be claimed as a tissue ballot within the meaning of that term.

The ballot presented here may be a ballot on paper thinner than some other paper, but it is on paper thick enough to receive the imprint of the names of the candidates, thick enough to be within the law of every State so far as the texture of the paper and the character of the printing are concerned. I will show you hereafter the ballots as cast and received, and they will speak for themselves.

Before I go further with that, however, let me state the situation of this case for the benefit of members of this House. On the certificate as it came from the secretary of state of Alabama, Mr. Wheeler was declared elected by 43 majority. The vote is stated 12,808 for Mr. Wheeler and 12,765 for Mr. Lowe; giving Mr. Wheeler upon the statement of the secretary of state 43 majority.

The votes as cast and received, as admitted by the counsel for the contestee, and as shown beyond all cavil and all question—the votes as cast and received by the inspectors of election in that district were for Mr. Wheeler 12,808, and for Mr. Lowe 13,390; giving Mr. Lowe 482 majority. We claim that, taking into consideration other items, the real majority is 847 for Mr. Lowe.

But for the purpose of the argument and the decision in this case, accepting only that which is undisputed, that which stands beyond cavil, we say that taking the votes which should have been counted and returned, Mr. Lowe must be declared to have been elected by 482 majority; the lowest estimate that could be made——

Mr. WHEELER. Will the gentleman allow me one word?

Mr. HAZELTON. Certainly.

Mr. WHEELER. You are mistaken about its being conceded; it is denied. The counsel simply say it is alleged so and so.

Mr. HAZELTON. All right; you are welcome to the benefit of your statement. Now, I ask why were these votes thrown out? Why do these great volumes of testimony which I have here before me show that these inspectors of election cast out the number of votes which we claim were received by Mr. Lowe? It was done by this method: first, it was claimed that under the law of the State of Alabama the inspectors of election under their oath were called upon to throw out that class of votes. Now, the law of Alabama is this:

That section 274 of the code of Alabama be amended so as to read as follows: The ballot must be a plain piece of white paper, without any figures, marks, rulings, characters, or embellishments thereon, not less than two nor more than two and one-half inches wide, and not less than five nor more than seven inches long, on which must be written or printed, or partly written and partly printed, only the names of the persons for whom the elector intends to vote, and must designate the office for which each person so named is intended by him to be chosen; and any ballot otherwise than described is illegal and must be rejected.

Now, I will take one instance to illustrate the declaration which I am making here, and to illustrate the methods which were used by the inspectors of election under that law in order to throw out this column of votes which belonged to Mr. Lowe. One of the inspectors of elections was sworn, and his testimony will be found on page 47:

Question. When did you first hear a suggestion that the Greenback Lowe ballot containing the numerals should be rejected?

Answer. That night when we commenced to count, in a few minutes after we had commenced it.

Q. From whom did you hear it?

A. I heard it from the inspector, Captain McGehee.

Q. What did he say?

A. Well, I would have to detail the circumstances to show what he did say. We commenced the count, and right at once we struck on those tickets, and McGehee said he thought they were illegal on account of the numerals on the side of the ticket, and that was after we had counted two of them; and then we passed the matter over until afterward, and that was about all I heard about the tickets being illegal at that time; but in counting the ballots we took all of those tickets and laid them one side, and the reason why we laid them one side was because they were scratched or split tickets, or Greenback tickets. All were laid in one pile.

* * * * * * *

Q. Now, in the count which of these tickets laid aside were counted and which rejected?

A. I don't know. Yes, I do; we counted all of the tickets in the above pile, except those tickets that had numerals on the side.

Q. How many of those tickets having numerals on the side were for Colonel Lowe?

A. Sixty-one.

And so it is throughout all this testimony, wherever you go and find the number that was thrown out in the different precincts you find that every one of them, amounting to 535, was rejected on that ground—was rejected under the law which I have read—because of numerals on the ticket, which it was claimed violated that law and vitiated the ballot itself; the merest subterfuge.

Now, sir, these men had notice, every one of these inspectors who threw out these different precincts, that under the law they must throw them out, whether it was right or wrong. So far as I can ascertain, (and I have examined the proof in this case, and I think it shows it very clearly,) that intimation came from the central Democratic committee of that district. It is a little marvelous when you look at this notice, which was called the "yellow circular" in that district, and see how it reads. This is the circular:

DEAR SIR: As soon as the polls are closed inform the inspectors of the election that the Lowe tickets with Hancock electors on them are illegal. They contain the figures 1st, 2d, &c., designating the district. These are marks or figures which are prohibited by the election laws; see acts 1878–9, page 72; and all such tickets should be rejected when the votes are counted after the polls are closed.

Now, I challenge any man from the eighth Congressional district of Alabama to show to me, or to convince any honest jury of his countrymen, that this whole scheme to strike out 500 ballots which represented the sovereign will of 500 voters, was not concocted and directed by the central Democratic committee of that district.

This yellow circular was printed in the papers of this district. It was brought down to the polls on the evening when they were met to count the vote. This inspector swore, the same inspector to whom I have before alluded, that it was on that very evening they had the first intimation this law was to be enforced as directed by this infamous circular.

Now, Mr. Speaker, that circular was indorsed on the back "to be shown only to very discreet friends," and the discreet friends who received it were the friends who obeyed its mandates and struck down more than 500 votes, which gave Mr. Lowe a straight honest majority in that district.

Mark how this sovereign will of the real and true majority of that district was wiped out, and how the minority was made to usurp its true power and place; how the dictation of a partisan circular, how trick manipulation and fraud deprived the citizen of that district of the most sacred of all his rights as a free man—his right to vote and have that vote honestly and fairly counted, certified, and returned, so that it should have its true force and effect upon the law-making power of this nation. The inspectors rejected in the count the tickets which read as follows:

FOR ELECTORS FOR PRESIDENT AND VICE PRESIDENT:

STATE AT LARGE.

W. L. BRAGG.

E. A. O'NEAL.

DISTRICT ELECTORS.

1st District—D. P. BESTOR.

2d District—JOHN A. PADGETT.

3d District—J. F. WADDELL.

4th District—JOHN ENOCHS.

5th District—THOS. W. SADDLER.

6th District—J. G. HARRIS.

7th District—F. W. BOWDON.

8th District—H. C. JONES.

FOR CONGRESS—EIGHTH DISTRICT.

WILLIAM M. LOWE.

FOR ELECTORS FOR PRESIDENT AND VICE PRESIDENT:

STATE AT LARGE.

JAMES M. PICKENS.

OLIVER S. BEERS.

DISTRICT ELECTORS.

1st District—C. C. McCALL.

2d District—J. B. TOWNSEND.

3d District—A. B. GRIFFIN.

4th District—HILLIARD M. JUDGE.

5th District—THEODORE NUNN.

6th District—J. B. SHIELDS.

7th District—H. R. McCOY.

8th District—JAMES H. COWAN.

FOR CONGRESS—EIGHTH DISTRICT.

WILLIAM M. LOWE.

Over five hundred ballots like these the inspectors of the election rejected because they contained the numerals 1st, 2d, 3d, &c., as they appear thereon before the word "district;" and there was only a margin then for Wheeler of 43 majority, upon which he received the certificate of the governor of the State; and when I state, what the testimony clearly shows, that these inspectors were compelled, in order to save Wheeler at all, to count and return over fifty votes cast for him which were illegal and void under their theory of the Alabama law because they contained a numeral or numerals upon them, it furnishes an illustration of the real character of these election managers more fitting than any words within our language could give. But, sir, those Wheeler votes were not included within the mandate of the yellow circular sent out by the Democratic managers, and they were accordingly counted for Wheeler.

For twenty years, Mr. Speaker, Alabama has been casting votes on both sides precisely like these Lowe tickets which were rejected. We have them here, as shown in these volumes of testimony, running back for twenty years; and yet when this number of tickets came up from the sovereign will of that people, whether poor or rich, and went into the ballot-box, when these tickets were so cast and honestly and fairly received, those which had numerals on them for Lowe were struck down, while those for Wheeler which had numerals on them were counted and returned.

Mr. WHEELER. I ask the gentleman from Wisconsin to explain the difference between them.

Mr. HAZELTON. Any one that had a number on it, according to your construction of the law, broke that ticket to pieces. Just as it was in the State of Mississippi, where a little dash on a ticket broke it down and rendered it invalid. A mere printer's dash between the great names of Garfield and Arthur was sufficient under the construction given to the law by the inspectors of elections of that State and the decisions of their courts to strike down those ballots, however honest the voter may have been who cast them.

Mr. WHEELER. Will you not state that there is nothing in the answer of the contestee, or in the proof, or in the argument insisting on anything of that sort?

Mr. HAZELTON. Insisting on it?

Mr. WHEELER. Yes; that figures made it illegal.

Mr. HAZELTON. This is the circular; let it answer you. Here is the circular which commanded your inspectors to strike them down. [Laughter and applause.] For what? Where they contained figures 1st, 2d, 3d, &c., designating the districts. After the polls were closed what did you do? Every one of your inspectors did strike them out according to that order contained in the yellow circular. Every one of them so swears in this testimony, but I cannot now go through it. I can give you the names. Every one of them swears that those tickets were rejected for having numerals upon them, and nothing else in the world. The point as to tissue ballots was never made in the whole contest. You never made it?

Mr. WHEELER. No.

Mr. HAZELTON. Because your tickets were as large as his, and his were as large as yours, and you both got the best paper you could and had them printed and cast. But the only trouble is this: the reason which struck down this number of votes cast for Lowe should precisely, under the same condition of things, have struck down the votes which were cast for Wheeler. But such was not the fact. They threw out the Lowe votes and counted the Wheeler votes.

Now, sir, the pages of the record which I will give show that every one of these witnesses who testify at all on this point swears that they struck out and rejected these ballots because they contained the numerals, and for no other purpose whatever. The pages are, 302-5, 338-341, 349-351, 352-362, 101-2, 1226-7-8, and I challenge the gentleman from Illinois to a prudent husbandry of his time and resources. I challenge him to-night to take this record and these witnesses that I can point out, and that have testified in this case, and he cannot find a word of substantial testimony that places the rejection of these votes upon any other ground than that I have given here, to wit, the existence of these numerals upon them.

It is a part of this great method adopted by this Bourbon party to maintain itself in this country and in the South. It is perfectly legitimate under their purposes and for carrying out their intentions. Why, we all know that the power which was lost on the battle-field it was attempted to gain by these methods which I am recounting, and which I condemn. Reconstruction was rapid in this country, considering all the circumstances. Rights forfeited by rebellion were restored by our Government quicker than it had ever been done before in the history of nations under amnesty, under forgiveness to those who had rebelled and waged war. But that power, when restored, meant an honest ballot and an honest vote. It meant the assertion of the honest will of the people in these States.

First, then, the Kuklux, whose weapons were murder and intimidation, struck them down. That was one method. Then came the tissue ballot, making its way from Mississippi over the States of the South. That was another method. Then came another method, in which courts and Legislatures and all the Bourbon party united. What was that? To create a system and web of law by which the partisan inspectors of their elections could, under their pretended forms of law, destroy and wipe out the same great sovereignty which they feared. Where do you find these men and methods? Texas comes with a statute in which she says if a name is inserted for my

brother JONES, for example, it must be in BLACK INK on the ticket. And then when it comes around to the partisan inspector of the Bourbon school he looks at it and says, "I think that looks a LITTLE too red, and we will throw that out." The mere color of the ink to be left to the judgment, to the eye of the man who has to count the ballots!

Mr. HOOKER. Let me ask the gentleman if I understand him to say that the tissue ballots come from Mississippi?

Mr. HAZELTON. I understood so, and have been misinformed if it is not the case.

Mr. HOOKER. I do not think the gentleman will find it so if he will examine.

Mr. HAZELTON. Well, a good many things come from Mississippi, and my friend is not the worst of them.

Mr. HOOKER. I hope you will give me time to answer the assertion as well as some of the other things that have been said by gentlemen on that side about Mississippi.

Mr. HAZELTON. That is what Texas did. I do not know that I blame Texas; but the Bourbon party in Texas was strong and I cannot understand—I may be mistaken—but I cannot understand or interpret that provision of the law in any other way than from an intention to control the elections independent of the will of the voters. I am unable to place any other interpretation upon a law which says that if my name comes in for Congress on a ticket of a voter who desires to support me for that office, and which says that vote must be absolutely in black ink, that the inspector, if it is a qualified vote in every other respect, if he is a citizen of the State and of the United States, if under all law and all constitutions of the State and Government he has a right to cast it for me, that the inspector has the power to wipe out the sovereign will of that voter at the ballot-box by simply saying that ink in which the name is printed is too nearly blue, and I will throw it out.

You go down and take Alabama. Here is a law which says if I put 1, 2, 3, and so forth, on the ballot, if five hundred of us, tax-payers and citizens of that State; if a thousand of us, honest, straightforward, loyal men of the State, put 1, 2, 3 on our tickets it invalidates our votes and destroys our sovereign will in the law-making executive power of that State and of the government. Now, legislation does that, and it sets aside their own law for twenty years past; and is not the purpose manifest? The sacred bill of rights of Alabama was grand in its assertion——

Mr. BUCHANAN. Will the gentleman allow me to interrupt him a moment?

Mr. HAZELTON. Not now. I say the bill of rights of Alabama was grand in its assertion that the State and the Legislature may make laws to protect the ballot; it never intended the Legislature should make a law to strike down the ballot, and for the first time in this period or for the third time, I might say, in this systematic scheme of maintaining the Bourbon power in the South, and for maintaining the solid South, they reverse the whole policy of the law of the State in regard to the ballot, and hinge that mighty power of the freeman upon a punctuation mark or a numeral.

Under that clause of the election law which provides that the ballot must be "not less than two nor more than two and one-half inches wide, and not less than four nor more than seven inches long," although expressing the clear intent of the voter, and although a substantial compliance with the statute, they draw their construction so fine as to place the ballot under the actual test of the tape-line and yard-stick, and condemn and reject the same for the variance of the smallest fraction of an inch in length or breadth from the technical dimensions prescribed by law. I quote the following from page 124 of the record that the House may see how skilled in this kind of political legerdemain the Bourbon inspectors of this election were in dealing with tickets cast for Mr. Lowe:

Question. Have you now in your possession the Lowe tickets that you refer to as being too short?

Answer. I have; yes, sir.

Q. How much less than five inches are they respectively?

A. No. 1 is a sixteenth short on both edges; No. 2 is a sixteenth short on both edges; No. 3 is a thirty-second short on both edges; No. 4 is a thirty-second short on both edges; No. 5 is a sixteenth short on both edges; No. 6 is a sixty-fourth short on both edges; No. 7 is a sixteenth short on both edges; No. 8 is a sixteenth short on both edges; No. 9 is a sixteenth short on both edges; No. 10 is a sixteenth short on both edges; No. 11 is a thirty-second short on one edge, and five inches on the other; No. 12 is a sixteenth short on both edges; No. 13 is a thirty-second short on one edge, and full length on the other; No. 14 is a sixteenth short on both edges; No. 15 is a sixteenth short on both edges; No. 16 is a thirty-second short on both edges; No. 17 is long enough on one edge, and lacks a thirty-second on the other; No. 18 is a sixteenth short on both edges; No. 19 is a sixteenth short on both edges; No. 20 is a thirty-second short on both edges; No. 21 is a fourth short on one edge, and a sixteenth on the other edge; No. 22 is a sixteenth short on both edges; No. 23 is a sixteenth short on one edge, and a thirty-second on the other.

Q. Please place those tickets in an envelope, seal it, write your name across the seal, and make it Exhibit No. — to your deposition.

A. I have done so.

Q. Would you have rejected those tickets if you had discovered their real length while counting them?

A. I would; had they been for Wheeler, Colonel Lowe, or anybody else.

Q. Did you sanction and approve the rejection of the Greenback-Lowe ballots?

A. Yes, sir; I did.

Q. Do you still sanction and approve their rejection?

A. I do, upon my construction of the law.

You turn your attention for a moment to my friend's State of Mississippi. They have a law lately enacted, and substantially the same as this. They are advancing toward a new order of things. A ballot voted in good faith by 10,000 men, enough to constitute an army of defense for a nation, tax-payers of your district, citizens of the State and nation, entitled under its Constitution and laws to a voice in all its political, representative, and administrative power, near and remote, may be set at naught by the caprice and at the partisan will of the inspector of elections. We have already seen what course was pursued in a noted case from that State by the election inspectors, which this House condemned by awarding the seat to Mr. LYNCH.

The inspectors raised the point that there is a dash between two names, a printer's dash. Then, first, who cast the tickets? Republicans. Second, for whom did they vote? Republicans. And then the dash becomes a distinguishing mark between the first two names that invalidates that great act of the sovereign voter under the law.

Then you submit this construction to the supreme court of Mississippi, as if that court of Mississippi could stand in the way of the mighty power of this Congress, or the mighty power of the Republican party that holds the issues of the nation in its hands; as if they could say to us "You shall not reach down to Mississippi and take by the hand the honest voter and say to him 'we will recognize your sovereign will in the make-up of this great Congress.'" They submitted it to the court, and the court indorsed the construction and the act of the inspector; a partisan court, for I tell you, sir, no Marshalls, no Storys would ever give such a construction to that law or strike down the ballot of a freeman for such a reason.

I can but contrast this court with the judge whose findings in another case that has been lately before this House fearlessly found judicially that a ballot-box had been tampered with by a board of county commissioners, although of his own political party. But these judges in the State of Mississippi wearing the judicial ermine, supposed to have the interests of the great people at heart, supposed to be judges who would give such consideration and interpretation to the law as would give the sovereign vote of that State expression wherever it ought to be expressed—they decided that a printer's dash between two names, a punctuation mark, a colon or period, absolutely necessary in the printer's art and trade, should strike down the sovereign will of every Republican voter. Why, sir, under the very logic of the Mississippi court a house-fly can overwhelm the sovereignty of a State. And an army of flies can beat an army of voters. [Laughter.]

But I must pass on because we want to take the vote, and I come to the second branch of this case. It is not a difficult case to understand, because, if the Lowe votes of which I have spoken remain in, if they had been received and counted as they were cast, then Mr. Lowe was elected by a column of votes that cannot be shaken.

How does my friend from Alabama undertake to sustain himself against that position? Why, he comes here and says that there were a large number of voters that were not registered, and that under the constitution and the laws of Alabama those voters whose names were not registered were illegal voters, and he has a right to take them out and offset them against this column in favor of Lowe. This point was raised for the first time after this contest reached Congress. It was an after-thought, and an invention which came when they had an idea that perhaps the Committee on Elections would not adopt their views, and would reinstate those five hundred and odd votes in favor of Lowe, which would elect him.

They claim that under the constitution of Alabama, without any law, they are entitled to strike down every vote cast by those whose names were not registered at the time they voted. I cannot so interpret the constitution of that State. The constitution of Alabama, article 8, section 5, provides:

The General Assembly may, when necessary, provide by law for the registration of electors throughout the State, or in any incorporated city or town thereof, and when it is so provided no person shall vote at any election unless he shall have registered as required by law.

Now, my construction of this provision was and is that registration could not be made a prerequisite to voting unless it existed in the law itself creating the registration.

I can see nothing in the language of the provision to warrant any other conclusion. If the framers of that instrument had intended to make registration a constitutional condition precedent to the right to vote they could and would have said so in plain, direct, and unequivocal language. Such a constitutional condition upon suffrage exists in but very few of the constitutions of the several States of the Union—in the constitution of Florida, and perhaps one or two others. The language of the constitution of Florida on this subject is as follows:

The Legislature at its first session after the ratification of this constitution shall by law provide for the registration by the clerks of the circuit court in each county of all the legally qualified voters in such county and for the returns of elections; and shall also provide that after the completion from time to time of such registration no person not duly registered according to law shall be allowed to vote.

This, it will be observed, is a provision clear and explicit. That of the Alabama constitution many lawyers of that State claim is open to two constructions. It has not yet received a judicial interpretation from the supreme court of the State.

First. The necessity of registration at all is left in the discretion of the Legislature. Not so in Florida. If the constitution *per se* makes registration a qualification of voting, I am at a loss to see why it should vest such a discretion as it has in the Legislature over

the main question. Suppose the Legislature should not recognize a necessity for a registration of electors, how far would the constitution operate then in the direction claimed by the contestee and his counsel? It seems to me that the reasonable construction is that the General Assembly is authorized to enact a registry law and provide in that law that no person shall vote at any election unless he shall have registered as required by law; and when such law so provides, and not otherwise, registration becomes an absolute condition of the right to vote. The present registry law of Alabama does not contain any such condition.

Indeed, sir, it is hardly entitled to be called a registry law. It is crude and imperfect and its execution has been of the same character. Registration made in 1875, under that law, is a complete registration to-day. Registration in one Congressional district or in one town or precinct is registration, under that law, in any other within the State. And when you go to-day to pick up the registrations down there where it is provided each county judge shall have a book containing a list of the registered voters, you find it existing in mere fragments.

Judge after judge, constituted by law the custodian thereof, swears he does not know where his book of registry is. Another judge swears he has a few scraps of paper, that they call a registration list, in his office. So it goes. The law has never been executed as it is. And the law never required any man to register in order to have a right to vote. The law provides any man going to the polls who is not registered shall have the privilege of going to a registrar, appointed on the morning of election, and may register. And that is a compliance with the law.

Well, my friend Mr. Wheeler comes here and he tells us that he has found a column of voters away up into the thousands that voted for Lowe and were not registered, and therefore, if we are going to put back the 500 and odd voters rejected on account of the numerals, he will take out on the other hand those who were not registered, and still remain in his office as member of this body. Well, it is an ingenious process. I do not know whether the gentleman originated it or some attorney for him; or whether he has consulted the board that issued the yellow circular. I cannot tell, but it is the most ingenious thing that ever was done. Still it has no bottom, or strength, or merit in it from beginning to end. There is not a fact connected with it that is true; not one. And when you tell me that you have looked over these registered lists, imperfect as they are, and that you find a large number of those voters were not registered, and yet that they voted for Lowe, I state this in reply: first, you have no proof that they ever voted for Lowe any more than for yourself. And second, you have no proof but what they were registered. In order to test it we took the pains the other day to run over a few of your lists of names, and we found that where you alleged names were not on the registry list which were on the poll list we found a whole lot of names, which I have here on this paper. We found all these names, gleaning right over your track, on the very registration list where you claimed they were not and did not exist. Here is a long list of them which I have rolled up here—a roll as long as the moral law; it contains five hundred names and more.

Again, I call your attention to the certificate of Judge Richardson, a probate judge in this district. Under the law he was the custodian of this registration list. Let us see what he says:

I further certify that registration book No. 1 of said precinct has been lost or mislaid; that diligent search has been made for it, and that it cannot be found.

And yet right out of that very book that is lost, gone where the woodbine twineth, [laughter,] the gentleman certifies to 275 names as not having been registered. That is part of the method, you know.

Mr. WHEELER. He puts in the original registration list in place of the registration book.

Mr. HAZELTON. Oh, yes; after the registration list is lost he puts that in instead of the other.

Mr. WHEELER. The original registration list is one thing; the registration book is another thing.

Mr. HAZELTON. He swears it was lost. Another man swears somewhere that he has a few slips and scraps of paper in a pigeonhole, and he calls that a registration list. But under your law no man is required to register.

Another thing: suppose there was not one of this whole list of voters registered. They were never challenged at the polls for non-registration, and you know that every vote was received and put into the ballot-box, received from the sovereign voter, and not one of the whole number was challenged on account of not being registered. Now, if there is any principle of law in the world that is settled it is that where a man otherwise qualified to vote is not challenged for non-registration and the registration law contains no condition that he must be registered in order to vote, his vote shall be received and counted and certified. Tell me if that is not the law everywhere?

Mr. WHEELER. No, sir; it is not the law in Alabama.

Mr. HAZELTON. It is not the law in Alabama, you say. It is the law wherever man is civilized or understands the law. [Laughter.] It is the law in my State, and I believe it is the law in Alabama.

Mr. WHEELER. Your supreme court in Wisconsin says that a vote like the "Lowe" vote is not a legal vote.

Mr. HAZELTON. Furthermore, just see how——

Mr. WHEELER. And your committee in the Bisbee case said that such a vote as this was illegal; that a man who was not registered had no qualification as a voter, and on Thursday you put a man out on just such a decision.

Mr. HAZELTON. That is all right; you have said what you wanted. [Laughter.] Again, let us examine this little registration business once more.

Mr. HOOKER. Does the gentleman say that where a registration law prevails a man has a right to vote if he is not registered?

Mr. HAZELTON. The law is this: if a man is qualified in every other way, and the inspectors of election receive his ballot unchallenged on the ground of non-registration, and the law fails to make registration an absolute prerequisite to the right to vote, his vote must go in, and neither you nor anybody else can stop it.

Mr. WHEELER. And let me say——

Mr. HAZELTON. That is to say, conceding that you have a registration law in Alabama, which I do not concede at all.

Mr. HOOKER. Everywhere where the registration law prevails it is the duty of the inspector of election to look at the list, and if the name of the person applying to vote is not there he cannot vote. My own vote has been refused for that reason.

Mr. DAVIDSON. Apply the rule in this case that you did in the Florida case.

Mr. WHEELER. Let me say——

Mr. HAZELTON. Only two or three at a time. [Laughter.] This registration law provided that the inspectors of election should have at every poll in the district, at every precinct, a man with registration certificates; and whenever a voter was not registered he could apply to that man and be registered right there and vote. Now, are we to presume in the face and eyes of evidence, which says to us that their registration books were scattered to the four winds of heaven, with only a few scraps of paper in pigeon-holes, that this man did not sit at that poll under the law and qualify these voters by giving them certificates? There is not a particle of proof in the case to show that such was not the case at every poll.

Mr. WHEELER. Allow me to say one thing: the law provides that that registration list of men who register on the day of election shall be sealed up with the returns and sent to the probate judge; and the probate judge cannot get the returns without getting that list. That list is evidence to show the registration on that day, and such lists were sent in from twenty-six districts.

Mr. HAZELTON, (to Mr. Wheeler.) You certainly now cannot complain that I do not allow you your time.

Mr. WHEELER. I do not.

Mr. HOOKER. And does not the gentleman know that in the Florida case you threw out votes for that reason?

Mr. HAZELTON. Yes; and the constitution of Florida provides that there shall be a registration and that the voter must be registered in order to vote.

Mr. DAVIDSON. And so it is provided in Alabama.

Mr. HAZELTON. Which I deny.

Mr. HOOKER. You construe the law to suit you in each case.

Mr. HAZELTON. Yes; and I am regarded as a fair lawyer, and I do not construe the law except in the right way. [Laughter.]

Now look at this. Here is the form of oath required to be taken in such a case:

STATE OF ALABAMA, —— *County*:

I, —— ——, do solemnly swear (or affirm, as the case may be) that I have known (here insert the name of the person offering to vote) for the last twelve months preceding this election, and that he has been a resident of this State for said time, three months in this county, and that he has actually resided in this precinct (or ward) for the last thirty days, and I believe he is twenty-one years of age or upward, and that he has not voted before on this day, at any general or special election. So help me God.

And just above that I find the form of oath which the voter is required to take:

STATE OF ALABAMA, —— *County*:

I, —— ——, do solemnly swear (or affirm) that I am a duly qualified elector under the Constitution and laws of the United States, and the constitution and laws of the State of Alabama, and that I have resided in the State of Alabama one year next preceding this election, three months in this county, and have actually resided thirty days in this precinct or ward (as the case may be) next preceding this day, and that I am twenty-one years of age, or upward, and that I have not voted before on this day at any general or special election, at the place of voting, and that I have not been convicted of treason, embezzlement of public funds, malfeasance in office, or of any crime punishable by law with imprisonment in the penitentiary, larceny, or bribery. So help me God.

And then the law of Alabama provides:

And upon such oath being duly taken and subscribed, the ballot of the person offering to vote must be received and deposited, as other ballots of qualified electors.

And this law is no part of the registry law, and confers this right outside of it.

Mr. WHEELER. Suppose he should be an illegal voter?

Mr. HAZELTON. I do not care what he is. He can swear in his vote under that law, and if he swears falsely then the law says he shall go before the next grand jury sitting in that county and be tried. But when he comes to the polls and makes that oath, under the privilege and right which the sovereignty of Alabama gives him, she has no right nor has any one to intervene or interpose between the right she has given him and his right to vote.

Mr. WHEELER. Suppose he was not a legal voter?

Mr. HAZELTON. But I do not want any supposing. I am talking business. [Laughter.] I say there is no man in Alabama, registered or unregistered under your law, who applies under this great privilege which your State has given him and complies with that form, who can be deprived of his vote by any person there.

Mr. WHEELER. Let me ask you this one question: suppose that a Republican should prove that the man who voted was an illegal voter?

Mr. HAZELTON. I cannot stop to answer all your suppositions. I cannot take up my time in that way. I have told you three or four times that if the man voted illegally he must take his chances before the grand jury; but the result of the election cannot wait for the grand jury.

I can go to the evidence and find you instance after instance in which affidavits were made by Democratic inspectors of election showing that they were enjoying this great privilege which the State of Alabama had given them. My friend from Texas [Mr. MILLS] states that these affidavits were not certified. Sir, every one of them was certified but one; and in regard to that one our committee obtained an amended certificate from the very party who was competent to make it. And that amended certificate came to our committee, covering all these cases. It is referred to in Mr. RANNEY'S views, and the contestant and his attorney and every man connected with this case knew that that question was foreclosed when that additional certificate came into the committee-room.

Mr. WHEELER. The clerk of the committee told him that there had been no such certificate there.

Mr. HAZELTON. Yes, there is.

Mr. WHEELER. I have inquired for it.

Mr. HAZELTON. Your attorneys understood it was there. I have it here myself.

Mr. WHEELER. I wish you would read it.

Mr. HAZELTON. There was a certificate on every one of the depositions but one, and as you made such a fuss about it we sent down there to the officer and got a certificate which covered that very deposition. It was sworn to there, and it comes back here, and not only covers that one deposition but every other deposition in the case, and ends the question.

Mr. WHEELER. I ask to have it read. The clerk of the committee said there was nothing of the sort here.

Mr. HAZELTON. It is here for everybody to see.

Mr. WHEELER. I would like to have it read, because I say the clerk says it never was there.

Mr. HAZELTON. Here it is; it covers every case:

Personally appeared before me, A. W. McCullough, a United States commissioner of said court, Robert W. Figg, who being duly sworn deposes and says, that the certificate signed by him and printed at page 1263 of the record in the case of William M. Lowe *vs.* Joseph Wheeler, was duly made by him and was attached to and relates to all of the depositions taken before him as a notary public in said cause—

Here, Mr. Reporter, take this and print the whole of it. [Laughter.]

The certificate is as follows:

Circuit court of the United States for the northern district of Alabama.

STATE OF ALABAMA, *Madison County:*

Personally appeared before me, A. W. McCullough, a United States commissioner of said court, Robert W. Figg, who, being duly sworn, deposes and says, that the certificate signed by him, and printed at page 1263 of the record in the case of William M. Lowe *vs.* Joseph Wheeler, was duly made by him and was attached to and relates to all of the depositions taken before him as notary public in said cause, to wit, the depositions of Thomas W. White, record, page 37; William L. Goodwin, record, page 42; Nicholas Davis, record, page 47; Joseph H. Sloss, record, page 55; James A. Pickard, record, page 116; Robert Brandon, record, page 128; Thomas B. Hopkins, record, page 129; Lockhart Bibb, record, page 137; George W. Maples, record, page 140; William L. Christian, record, page 143; Robert J. Wright, record, page 147; Edward C. Lamb, record, page 149; William W. Hayden, record, page 151; Nathan Whittaker, record, page 153; Richard H. Lowe, record, page 156; John Hertzler, record, page 173; Lowe Davis, record, page 190; George Rugland, record, page 197; James Jones, record, page 200; John Kibble, record, page 202; Alex. Jamar, record, page 203; Pope McDaniel, record, page 206; William Wallace, record, page 215; Wade Blankenship, record, page 231; John Wesley, record, page 243; John H. Battle, record, page 248; Felix Forbes, record, page 252; William E. Matthews, record, page 294; Dr. John R. McDonald, record, page 297; Dickson Cobb, record, page 300; William M. Lowe, record, page 1226; Richard H. Lowe, record, page 1263; John Fennel, record, page 1264; Robert Lanier, record, page 1266; Sumner Fennel, record, page 1268; Stafford Holmes, record, page 1269; Ed. Davis, record, page 1270; Jerry Horton, record, page 1271; Lige Erwin, record, page 1271; Jordan Wan, record, page 1272; Braccus Eldridge, record, page 1272; Reuben Toney, record, page 1273; John Mason, record, page 1274; James Goovens, record, page 1274; Bill Owens, record, page 1275; Reuben Lankford, record, page 1276; Anthony Wilkins, record, page 1276; Charley Law, record, page 1277; Bill Holding, record, page 1277; Dick Horton, record, page 1278; Wash. Johnson, record, page 1279; Larkin Holding, record, page 1279; Coleman Williams, record, page 1280; Nat. Donegan, record, page 1280; Edmund Wiggins, record, page 1281; Jarrett Jones, record, page 1282; Richard Chapman, record, page 1282; Anthony Lipscombe, record, page 1283; Anthony Echols, record, page 1284; Levy Holding, record, page 1286; William Mendum, record, page 1287; Charles Anderson, record, page 1287; Wesley Weeden, record, page 1288; Frank Lightfoot, record, page 1289; Bascom Lightfoot, record, page 1289; Scip Shelby, record, page 1289; Albert Lanier, record, page 1290; Cal. West, record, page 1290; Charles West, record, page 1291; Cagg Kelly, record, page 1292; Casey Baldridge, record, page 1292; Richard Farley, record, page 1293; John Landman, record, page 1293; John Brown, record, page 1294; William Grier, record, page 1294; Rufus Smith, record, page 1295; Davy James, record, page 1295; Henry McVay, record, page 1296; N. Shelley Harris, record, page 1296; Tyson Moore, record, page 1297; Madison Holding, record, page 1297; Charles Slaughter, record, page 1298; Joe Jamar, record, page 1299; Tom Smith, record, page 1299; Jim Lundy, record, page 1300; Randal Thompson, record, page 1300; George Chapman, record, page 1301; Edmond Patton, record, page 1301; Virgil McDaniel, record, page 1302; Daniel Taylor, record, page 1302; Edward Johnson, record, page 1303; George Ragland, record, page 1303; Boney Toney, record, page 1304; Mat. Madkins, record, page 1305; Washington Miller, record, page 1305; George Adams, record, page 1306; Caleb Toney, record, page 1306; Julius Ragland, record, page 1307; Wash. Lundy, record, page 1307; Charles Arnett, record, page 1308; Milton Lanier, record, page 1309; Richmond Toney, record, page 1309; Frank Martin, record, page 1310; Harrison Hunter, record, page 1310; Frank Madkins, record, page 1311; Thomas Cain, record, page 1312; Henry Williams, record, page 1312; John Lankford, record, page 1313; Nelson Dandridge, record, page 1313; Jackson Rogers, record, page 1314; Harrison Madkins, record, page 1314; Peter Kelly, record, page 1315; Henry Robinson, record, page 1315; Jesse McDonald, record, page 1316; Mingo Lanier, record, page 1317; Thomas Robertson, record, page 1317; Tom Abrams, record, page 1318; Richard Beadle, record, page 1318; Edmond Kelley, record, page 1319; Isham Fennell, record, page 1320; Calvin Jordan, record, page 1321; William Turner, record, page 1321; Abram Brown, record, page 1322; Add. Bond, record, page 1322; William Smith, record, page 1323; Ned Rice, record, page 1323; Riley Smith, record, page 1324; Jerry Lanier, record, page 1324; Andrew Tate, record, page 1325; Jeff. Kebble, record, page 1326; Jim Carmichael, record, page 1326; Tom Gladdis, record, page 1327; Ben Lewis, record, page 1327; Henry Sullivan, record, page 1328; Jerry McDonald, record, page 1328; Preston Harbut, record, page 1329; James Clay, record, page 1330; Henry Kibble, record, page 1331; Chancy McCrary, record, page 1331; Burt Scruggs, record, page 1332; Crochet Lanier, record, page 1332; Tinsley Taylor, record, page 1333; Robert Jordan, record, page 1333; Robert Graves, record, page 1334; Scipio Ragland, record, page 1335; Joe Wiggins, record, page 1336; Frank Toney, record, page 1336; Major Toney, record, page 1337; Sam Gaines, record, page 1338; Moses Love, record, page 1339; Tobe Horton, record, page 1340.

ROBT. W. FIGG

Subscribed and sworn to before me this 24th day of March, 1882.

A. W. MCCULLOUGH,
U. S. Commissioner.

Mr. WHEELER. That is the first time our side ever heard of that.

Mr. HAZELTON. Did you ever hear of the charge of forgery in the minority report of this case? You will find there in the back end thereof, covered up in a mysterious manner, the statement that certain things were forged by my friend or his attorneys in this case.

Mr. WHEELER. Do you say I forged anything?

Mr. HAZELTON. I protest against these constant interruptions.

Mr. WHEELER. You say I forged.

Mr. HAZELTON. I have not yet made such a charge. I refer to the charge or insinuation in the minority report against Mr. Lowe, the contestant, or his attorneys.

You will find in the last page but one of the views of the minority the statement to which I refer. It is as follows:

It is also claimed by Mr. Lowe that Flint precinct was not counted in the returns of Morgan County, and that this precinct gave him 17 majority, but the proof regarding this matter is contradictory, and is tainted by a forgery, which the affidavit of the probate judge shows was indorsed upon it after it went in the hands of Mr. Lowe or his attorneys.

So far as reaching the meaning indicated, it is an absolute fabrication. What is this "taint" of forgery? In making up the official vote of Morgan County the proper officer had omitted to include by mistake, evidently, in his certificate the result of the vote at Flint box precinct, and this fact of omission was afterward noted on the outside of the certificate by the following memorandum: "Flint box not given; Lowe, 76; Wheeler, 59;" and was no doubt so noted by the returning officer or his clerk. In the light of the facts such an insinuation is an impeachment of the men who make it, and not of Lowe and his attorneys.

But, sir, if this be forgery; if such a circumstance constitutes forgery; how shall Wheeler escape the responsibility of such an imputation of crime—what shall he say to the facts which confront him upon the record of this case? Here they are:

HUNTSVILLE, ALABAMA, *March* 24, 1881.

DEAR SIR: I have just been informed that after the depositions for contestant were taken before you, that General Wheeler appeared before you and caused objections to be interpolated into the record. I desire respectfully to protest against this action as illegal. After the depositions were signed he had no right to make any changes in the record kept by you, nor to interpolate objections not made by him in writing while the evidence was taking. I beg that you will furnish me with a literal copy of the changes in the record so made by contestee, or by his direction, together with the date of such changes, and whether the same were made in the daytime or at night, and who, if any one, was present representing the contestant or claiming to represent him.

Yours, respectfully,

DAVID D. SHELBY,
Attorney for William M. Lowe.

Mr. ALEX. J. BENTLEY, *N. P., Meridianville, Alabama.*

The following, to wit, "And because no notice of any kind whatever has been served on contestee in any way whatever that said witness would be examined," was put on said deposition after it was signed, without my knowledge or consent.

A. J. BENTLEY, *Commissioner.*

And further than this:

The following letter, written by Mr. Bentley, the commissioner, to one of contestant's attorneys, shows clearly and distinctly what General Wheeler did at Meridianville. Here is Mr. Bentley's letter:

MARCH 10, 1882.

DEAR SIR: Yours of the 9th received. In reference to that part of the objections to the deposition of Dennis Donaldson, which is in these words, "And because no notice of any kind whatever has been served on contestee in any way whatever that said witness would be examined," I have this reply to make:

First. My recollection is that said words are in the handwriting of General Wheeler, the contestee.

Second. This entry was made some time between nine and eleven o'clock on the night we finished taking depositions at Meridianville for contestant.

Third. My best recollection is that no such objection to the taking of Dennis Donaldson's deposition was made at the time of the taking of said deposition.

Yours, &c.,

A. J. BENTLEY, *Commissioner.*

DAVID D. SHELBY, *Attorney for Wm. M. Lowe.*

Now, Mr. Speaker, this insinuation against the integrity of Mr. Lowe and his attorneys found its way into the minority report, as I believe, not from the facts in this case, not from the judgment or convictions of the distinguished men who made and submitted the report to this House, but in deference to the policy of a party caucus of the minority of this House, that had resolved to override the sovereignty of a majority of the American Congress in the execution of an unlimited power of the Constitution, the absolute right and power of this House to judge of the elections, returns, and qualifications of its own members, upon the mere pretense of forgery or fraud which was to appear upon the face of all minority reports in the election cases of this House involving the unseating of members on the other side of this Chamber, and furnish thereby an excuse for delay in the public business by filibustering as has confronted us for days in the South Carolina case of Mackey against Dibble.

I insist therefore that this imputation against Lowe and his attorneys is baseless upon the facts, and was made at the dictation of a party caucus and for party purposes.

Mr. WHEELER. There is the evidence; will you read it?

Mr. HAZELTON. No, sir; I am acquainted with it now.

Mr. Speaker, I have said this much upon the merits and the law of this case. I believe that the House will sustain me in the views which I have presented and the conclusion which I have reached, that Mr. Lowe is justly entitled to the seat now held by the contestee, Mr. Wheeler.

But, sir, I must not forget to state that this case has a higher importance and a broader significance than the mere controversy between two individuals, however distinguished, over the right to a seat in the American Congress. It is a truthful informer of the ways and means by which the Bourbons of the State of Alabama have betrayed the rights of its citizens and robbed the ballot-box of its purity and its sovereignty; far broader than this, it illustrates the "deep damnation" of that elective system conceived and maintained by the same power throughout the South whereby election precincts have been made the dens of political gamblers, and elections, State and national, among the most sacred of all our free institutions, have been for years a mockery and a crime.

It illustrates how the walls of the solid South have been built, how law has been defied, how the rights of the citizen have been trampled down, how the fountains and sources of political power have been poisoned in State after State of the South, in order to maintain and perpetuate against the honest will of the people a party of usurpation and wrong. It raises the highest question known to American politics. It appeals to the highest order of American patriotism.

The nation must die unless the ballot-box be redeemed from fraud and corruption. An honest ballot is the nation's life and the nation's salvation. The Bourbon of the South has betrayed its best interests in every direction. It is left for the Republican party to maintain and redeem the guarantees of the Constitution to the freemen of the nation.

Grattan once said on the floor of the Irish Parliament:

I will never be contented so long as an Irishman shall wear the link of a British chain clanking to his limbs; he may be poor, but he shall not be in irons.

In the same lofty spirit the Republican party, whose history is composed of the grandest and best triumphs of liberty and humanity, will never be contented until the ballot-boxes of this Union shall assert the free will of a free people; a people whose mission and destiny is the grandest on earth. [Great applause.]

The Customs-Collection Laws.

SPEECH

OF

HON. OLIVER L. SPAULDING,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 7, 1882,

On the bill (H. R. No. 6682) to fix the salary of the collector of customs of the district of Chicago.

Mr. SPAULDING said:

Mr. SPEAKER: The bill to establish a fixed salary for the collector of customs at Chicago, in lieu of payment by fees and commissions, is a step in the right direction. It stops, however, short of the demands of the service. It should go further, and fix the salaries of all collectors of customs and abolish the fee bill.

And the several bills pending for creating new collection districts should, in my opinion, give way to general legislation having regard to our entire territory, abolishing useless districts, and creating new ones only when demanded by general and not by mere local interests.

Congress having taken action looking to a revision of the tariff, it is an appropriate time to consider the methods of its collection.

The laws relating to the collection of customs, the establishment of collection districts, and the rates of duty on imported merchandise are embraced in statutory enactments from the first to the present Congress. They are, as a whole, antiquated, contradictory, complex, and obstructive; an exhibition of legislative patch-work, curious to look at, but embarrassing to handle. The revision of 1874 sought to reduce them to a systematic order of arrangement, but made no change in substance and took no steps toward modernizing a system based on the business ways and ideas of the early days of the Government. Changed conditions and the wants of modern commerce call for a radical change of system and laws. The demand so far has been met grudgingly and with temporary expedients.

A law of 1793 found in sections 4349 to 4351 of the Revised Statutes, having regard among other things to the then existing excise laws, requires entry and clearance of vessels engaged in a certain coasting trade and the collection of fees therefor. The reason for the law has ceased.

Steamers have taken the place of sailing vessels, and the demands of rapid transit and carriage of domestic merchandise on certain coastwise lines forbid the useless formality of entry and clearance, but the law is kept in sufficient life to compel the payment of the fees for services the Government does not render.

Section 3086 provides that all merchandise seized for violation of the customs laws shall be placed in the custody of the collector or other principal officer of the customs of the district in which the seizure is made. Under our present laws dutiable goods find their way into the interior outside any collection district and if there seized the law designates no officer as the legal custodian.

The act of March 2, 1831, authorizes a certain procedure in regard to entry and transportation of imported merchandise to ports on the Mississippi River. Our present warehousing laws prescribe another system of transportation, yet the old law, obsolete for twenty-five years, has been carried into the revision.

Section 2643 permits the purchase of stationery by the collector, while section 2646, just following, directs it shall be furnished by the Secretary of the Treasury.

The law requires the importer to produce a consular invoice at the time of making entry of imported merchandise, but he is permitted to make entry on a *pro forma* invoice, giving a bond to produce the consular invoice. If entry on consular invoice is increased 10 per cent. on appraisement a penal duty of 20 per cent. attaches, but an increase on entry on *pro forma* invoice involves no penalty.

A premium is thus offered to violate the law and withhold the consular invoice till after the liquidation of the entry.

These inconsistencies and incongruities in the law are not exceptional, but are cited to show the need of a thorough and intelligent revision.

Steamships and railroads have changed the course of commerce, and our foreign trade is centered at a few leading ports.

Foreign goods are no longer brought by sailing craft to numerous small ports, there to pay duty and be distributed by slow carriage to the fringe of population along the sea-cost. Often as soon as landed they are carried by rail hundreds of miles inland to pay duty at the place of destination instead of the first port of arrival in the United States as contemplated when our customs laws were framed and our collection districts marked out. Reference to our statutes shows that districts were formed with regard only to commerce by water. The statutory phrase of their formation is "to comprise the waters and shores," &c. Nowhere is the interior recognized, and no provision is made for districts to be reached only by rail. The demands of a new trade have called for ports of delivery, which ought to be ports of entry outside and beyond the limits of any present district.

On the other hand, considerable ports of fifty years ago have been forgotten by the foreign trade, and left high and dry out of sight of the present channels of commerce. Occasionally a sailing-vessel creeps lazily into the waters of one of these old-time ports, but brings no dutiable goods. The duties of the customs officers are confined to the enrollment and license of coasting vessels, the collection of hospital dues and fees, which ought to be abolished, and the prevention of smuggling. And for this service they have all the machinery of a district, so long unused as to be rusty and out of gear, and of the workings of which they are ignorant. Such districts should be dismantled and a reorganization had in the interest of economy and efficiency.

In every district there must be a collector, with certain deputies and inspectors. Each collector, though doing little business, is required to render accounts and reports in the same manner as if a large business were done; and these must be examined and audited by the proper officers of the Treasury. If these districts were merged in the more important ones, the vessel business could be as well done and the revenue as well guarded by a single deputy at each port as by the present corps of officials, while the number of accounts coming to the accounting officers of the Treasury would be reduced. Not only should consolidation be had in such cases but the entire country inland should be mapped into new districts or annexed to the old.

En route to their place of appraisal immediate-transportation goods are without the bounds of any district and beyond the jurisdiction of any collector, though the law presumes such jurisdiction and requires it in case of seizure. For example, Indianapolis, Atlanta, and Denver by recent laws are ports of delivery; yet neither is

within a customs district. Each surveyor has jurisdiction at his port, but none outside by the letter of the law. He would have as little authority over dutiable goods in the territory intervening between his port and the limits of the next district as would the collector of that district. And a case has just arisen involving the importers of Saint Louis in needless expense because the surveyor of that port has no jurisdiction of East Saint Louis.

The district of New Orleans is constituted as follows: "To comprise the waters and shores of the State of Louisiana east of and including the northern portion of the Atchafalaya River down to a point due west from the northern boundary of the town of Plaquemine, in the parish of Iberville and east of the Bayou La Fourche and all the waters and shores of the Mississippi River, and of the rivers which empty into it or any of its branches, except the waters and shores within the State of Mississippi, and except the west bank of the Mississippi River, between the towns of Plaquemine in the parish of Iberville and Donaldsonville, in the parish of Ascension, in which New Orleans shall be the port of entry, and the ports of delivery shall be as follows: Bayou Saint John; Pontchartrain, on Lake Pontchartrain; Pittsburgh, in Pennsylvania; Wheeling, in West Virginia; Cincinnati, in Ohio; Louisville, in Kentucky; Saint Louis, in Missouri; Nashville, in Tennessee; Memphis, in Tennessee; Evansville, in Indiana; Burlington, in Iowa; Galena, in Illinois; Alton, in Illinois; Quincy, in Illinois; Lakeport, to include the terminus of the new canal; Madison, in Indiana; Paducah, in Kentucky; Jeffersonville, in Indiana; Cairo, in Illinois; Keokuk, in Iowa; Dubuque, in Iowa; Parkersburgh, in West Virginia; Leavenworth, in Kansas; Omaha, in Nebraska; Kansas City, in Missouri; Saint Joseph, in Missouri; Shreveport; La Crosse, in Wisconsin."

The law-book makes New Orleans the port of entry for this vast district. The laws of trade deny it. The sensible thing to do is to change the statute and conform it to the fact of our railroad system and the course of inland transportation. Changed conditions demand new legislation, and we cannot afford to cling to old methods simply because they were good enough once. The more important of these ports of delivery should become ports of entry by law as they now are in fact, and all should be brought within proper and convenient districts. It would involve no additional expense. The number of officers and the machinery would remain unchanged, but the entire country would be embraced within some district and within the jurisdiction of the chief customs officer, who would be known as collector instead of surveyor.

As the district is now constituted no officer other than the collector at New Orleans is entitled to the custody of goods seized outside these several ports of delivery, and even his jurisdiction is doubted beyond "the waters and shores" of the Mississippi River and its tributaries.

The immediate transportation business, coming both from the Atlantic and the Pacific, is immense, and this question of jurisdiction should be settled by appropriate legislation in view of probable litigation and loss to the revenue.

New districts are erected by nearly every Congress. It is a local and fragmentary kind of legislation that should give way to a general law covering the entire subject and embracing the whole country.

Special legislation is not likely to be the best, and the case under consideration furnishes no exception. It is not hard to find proof of this in examples ready to hand. A district made only a few years ago has never collected a dollar of duties, and is not situated to invite smuggling. Last year but two foreign and ten coastwise vessels entered its waters, and but three foreign and eight coastwise cleared from its ports. The district was the result of a local, not a general, demand. It cost the Government $2.18 to collect each dollar received, and the disparity between receipts and expenditures was largely because of the equipment of a district.

In the fiscal year ending June 30, 1881, twenty-two ports of entry collected no duties, and in thirty-two districts the collections from all sources did not equal the expenditures.

The following tables show the business transacted in each district for the time above named, and the expense of maintaining certain districts, with the estimated saving to be effected by the bill introduced by me early in the session for the consolidation of customs districts and the abolition of fees:

Statement showing business transacted in each of the several customs-collection districts for the fiscal year ended June 30, 1881.

Districts.	Vessels entered.		Vessels cleared.		Entries of merchandise.	Vessels documented.	Duties and tonnage tax.	Aggregate receipts.	Value of exports.		Expenses.	Average number of persons employed.	Cost to collect $100.
	Foreign.	Coastwise.	Foreign.	Coastwise.					Foreign.	Domestic.			
Alaska, (Sitka.) Alaska	42	38	40	38	121	7	$2,970 35	$4,255 85		$69, 83 00	$11,471 85	7	$269 55
Albemarle, (Edenton,) N. C	1	158		3		90		1,831 05			4,995 76	5	272 83
Alexandria, Va	21	107	12	65	17	105	1,140 41	2,556 50		124, 00	2,758 49	3	107 90
Annapolis, Md						71		699 47			2,053 20	4	293 53
Apalachicola, Fla	12	36	8	50	5	09	729 28	8,103 88		17,102 00	1,771 46	6	57 07
Aroostook, (Houlton,) Me					732		14,534 19	17,252 29		14,790 00	7,538 10	8	43 66
Baltimore, Md	1,533	1,274	1,502	2,042	6,925	1,512	3,012,121 07	3,088,076 56	$27,280 00	72,444,413 00	308,964 65	218	10 00
Bangor, Me	19	153	37	15	176	234	21,593 02	25,631 38		121,081 00	8,451 10	8	32 97
Barnstable, Mass	30	43	31	9	465	511	462 36	2,629 17			6,018 16	23	228 89
Bath, Me	13	2,165	9	2,197	416	314	85,213 62	90,490 17		545 00	7,937 13	7	8 77
Beaufort, N. C	1	10	4	24	4	56	13 84	659 13			2,370 28	4	359 60
Beaufort, S. C	125	109	128	65	24	32	161,763 52	163,572 20		2,639,251 00	7,238 23	8	4 42
Belfast, Me	13	17	9	43	180	267	1,316 35	3,640 10		1,762 00	4,015 07	10	110 30
Boston, Mass	3,042	898	3,124	1,140	41,076	1,183	21,262,704 64	21,410,399 05	1,348,439 00	72,100,193 00	649,663 10	589	3 03
Brazos, (Brownsville,) Tex	25	47	21	23	2,230	17	34,914 45	52,739 01	1,361,653 00	1,252,774 00	56,783 73	32	107 66
Bridgeton, N. J						404		3,155 74			190 00	1	6 02
Bristol and Warren, R. I		47	1	1		56		641 81	169 00	10,583 00	1,590 27	3	247 77
Brunswick, Ga	262	370	274	319	14	84	29,471 62	33,248 33		1,327,198 00	7,609 61	9	22 88
Buffalo Creek, N. Y	490	3,622	444	3,789	10,805	359	769,565 89	813,460 05	1,544 00	276,312 00	44,079 49	34	5 42
Burlington, (Trenton,) N. J						50		746 02			186 00	2	24 93
Cape Vincent, N. Y	1,562	476	1,557	477	1,993	56	88,938 82	93,437 14		141,356 00	14,655 50	16	15 68
Castine, Me	4	8	13	5	50	394	500 11	2,264 41		1,200 00	5,575 92	6	246 24
Champlain, (Plattsburgh,) N. Y	1,210	55	1,492	943	6,645	401	319,147 78	332,016 85		2,688,379 00	28,231 52	27	8 50
Charleston, S. C	301	415	331	262	253	233	83,470 34	98,730 11		26,498,825 00	24,109 48	33	24 42
Cherrystone, (Eastville,) Va						563		2,326 38			2,943 57	6	126 53
Chicago, Ill	379	12,296	405	10,399	7,632	611	2,604,845 55	2,650,190 98	12,468 00	4,189,255 00	91,485 99	68	3 45
Corpus Christi, Tex	2	154	2	77	494	44	67,515 08	74,685 41	85,061 00	579,119 00	22,717 84	15	30 41
Cuyahoga, (Cleveland,) Ohio	258	3,195	246	3,169	710	314	180,517 43	196,296 66		652,816 00	20,760 84	16	10 57
Delaware, (Wilmington,) Del	7	60	13	13	25	245	15,668 01	20,558 07		203,073 00	8,867 53	12	43 13
Detroit, Mich	2,765	2,351	2,786	2,499	4,750	476	293,749 58	337,132 61	100,069 00	2,559,528 00	55,414 54	64	16 43
Duluth, Minn	127	413	129	411	1,164	14	3,756 98	8,371 33	24,017 00	815,076 00	8,279 34	5	98 91
Dunkirk, N. Y	15	20	14	21	14	2	120 00	186 45		10 00	2,192 50	2	1,175 91
Eastern, (Crisfield,) Md		1	1			869		6,562 98			3,242 00	2	49 39
Edgartown, Mass	58	2	4		2	30	855 98	2,103 35		121 00	5,110 26	8	242 95
Erie, Pa	42	757	38	757	27	75	18,748 71	22,524 21		15,381 00	5,163 96	4	22 92
Fairfield, (Bridgeport,) Conn	26	1,591	21	1,420	30	237	1,911 78	5,186 00		240 00	3,340 97	4	64 42
Fall River, Mass	32	700	32	648	44	182	9,177 74	14,782 02			5,172 01	4	34 98
Fernandina, Fla	43	234	67	218	72		8,920 04	10,802 09		355,090 00	4,231 47	6	39 17
Frenchman's Bay, (Ellsworth,) Me	6	6	7	2	76	340	192 19	2,734 01			4,977 58	6	182 06
Galveston, Tex	276	388	256	413	639	269	1,506,847 99	1,523,222 02	81,859 00	26,685,248 00	46,285 29	30	3 03
Genesee, (Rochester,) N. Y	564	62	584	71	1,331	26	181,516 60	183,666 82	29 00	225,936 00	23,628 13	20	12 86
Georgetown, D. C	14	155	1	15	130	133	15,038 47	18,336 88		2,815 00	4,879 82	4	26 61
Georgetown, S. C	1	37	12	2		17	43 20	1,049 34		31,306 00	1,137 68	3	108 41
Gloucester, Mass	158	16	113	20	1,863	602	6,691 87	20,242 29	430 00	10,015 00	14,464 00	12	71 45
Great Egg Harbor, N. J	1			2	3	162	1,158 82	2,715 90			2,584 80	4	95 17
Huron, (Port Huron,) Mich	1,103	3,936	1,110	1,507	15,319	485	231,339 05	277,690 26	531,243 00	9,229,394 00	44,044 05	47	15 82
Kennebunk, Me		2		1	25	40		177 39			754 87	4	425 54
Key West, Fla	364	143	363	141	1,938	120	163,219 99	172,678 46	592 00	792,279 00	28,298 15	31	16 38
Little Egg Harbor, N. J						72		831 98			3,191 20	5	383 56
Machias, Me	10	40	180	9	7	367	426 08	3,203 22	2,400 00	31,741 00	3,889 50	4	121 42
Marblehead, Mass	38	7	27	4	46	63	2,211 54	3,165 24		30 00	2,373 83	3	74 99
Miami, (Toledo,) Ohio	396	1,845	432	1,824	102	59	35,997 04	39,980 61		4,365,108 00	6,649 44	5	16 63

Statement showing business transacted in each of the several customs-collection districts, &c.—Continued.

Districts.	Vessels entered.		Vessels cleared.		Entries of merchandise.	Vessels documented.	Duties and tonnage tax.	Aggregate receipts.	Value of exports.		Expenses.	Average number of persons employed.	Cost to collect $100.
	Foreign.	Coastwise.	Foreign.	Coastwise.					Foreign.	Domestic.			
Michigan, (Grand Haven,) Mich	43	9,440	37	9,826	155	504	$1,921 58	$22,710 27	.....	$68,016 00	$8,286 23	16	$36 48
Middletown, Conn	.....	319	1	.....	266	158	62,617 85	66,196 73	.....	.....	5,392 33	4	8 14
Milwaukee, Wis	73	8,444	22	8,496	580	545	187,106 38	206,232 90	.....	590,594 00	10,949 23	10	5 30
Minnesota, (Pembina,) Minn	81	.....	84	.....	875	87	29,136 95	39,264 84	$3,506 00	1,460,087 00	18,150 61	12	46 20
Mobile, Ala	137	57	146	50	114	185	241,283 38	258,594 35	.....	6,595,140 00	24,235 84	22	9 37
Montana, (Helena,) Mont	.....	.....	.....	.....	13	.....	266 76	334 78	.....	.....	2,921 10	3	872 54
Nantucket, Mass	.....	2	1	.....	.....	31	.....	206 02	.....	116 00	1,586 35	3	769 99
Natchez, Miss	.....	.....	.....	.....	.....	.....	.....	170 60	.....	.....	375 00	1	219 81
Newark, N. J	49	43	6	4	91	130	7,355 65	9,361 06	.....	5,109 00	3,383 21	3	36 14
New Bedford, Mass	68	116	59	7	195	167	24,401 37	26,903 44	685 00	100,063 00	5,617 60	6	20 88
Newburyport, Mass	29	362	35	328	58	55	2,255 52	3,266 46	.....	3,659 00	2,693 91	4	82 47
New Haven, Conn	90	860	44	710	336	326	219,504 50	225,048 41	.....	97,636 00	16,655 47	18	7 40
New London, Conn	29	58	7	39	40	229	60,771 12	72,269 45	2,175 00	24,198 00	7,199 13	5	9 96
Newport, R. I	24	292	36	429	4	156	1,025 25	2,839 93	.....	.....	3,772 72	7	132 84
New York, (New York,) N. Y	7,257	2,441	6,857	3,486	250,778	4,550	138,856,255 97	139,579,562 83	16,429,998 00	402,305,090 00	2,579,910 76	1,364	1 84
New York, (Albany,) N. Y	.....	14	.....	2	347	474	137,204 48	149,647 14	.....	.....	11,446 37	7	7 64
New York, (Patchogue,) N. Y	.....	.....	.....	.....	.....	178	.....	860 33	.....	.....	232 90	2	27 07
New York, (Port Jefferson,) N. Y	.....	.....	.....	.....	.....	134	.....	1,097 62	.....	.....	207 95	2	18 94
Niagara, (Suspension Bridge,) N. Y	296	389	305	378	9,172	14	430,674 47	455,932 80	51,834 00	45,566 00	47,170 94	37	10 34
Norfolk and Portsmouth, Va	174	1,248	121	997	55	481	34,947 70	49,153 30	16 00	17,864,770 00	16,842 85	15	34 26
New Orleans, (New Orleans,) La	969	304	954	283	7,808	606	2,608,753 30	2,673,112 55	321,406 00	103,707,065 00	242,345 85	172	9 06
New Orleans, (Burlington, Iowa)	.....	.....	.....	.....	.....	64	39 32	1,954 74	.....	.....	634 40	2	32 45
New Orleans, (Cairo, Ill.)	.....	.....	.....	.....	.....	40	.....	2,585 92	.....	.....	1,400 00	2	54 14
New Orleans, (Cincinnati, Ohio)	.....	.....	.....	.....	2,320	209	605,043 13	625,894 61	.....	.....	28,885 91	20	4 61
New Orleans, (Dubuque, Iowa)	.....	.....	.....	.....	.....	31	881 82	2,789 56	.....	.....	612 80	2	21 96
New Orleans, (Evansville, Ind.)	.....	.....	.....	.....	.....	90	.....	4,751 32	.....	.....	850 00	2	17 88
New Orleans, (Galena, Ill.)	.....	.....	.....	.....	.....	29	.....	5,512 56	.....	.....	895 25	2	16 23
New Orleans, (La Crosse, Wis.)	.....	.....	.....	.....	.....	55	.....	2,557 72	.....	.....	1,275 00	2	49 84
New Orleans, (Louisville, Ky.)	.....	.....	.....	.....	426	114	69,188 70	77,792 90	.....	.....	11,561 28	9	14 86
New Orleans, (Memphis, Tenn.)	.....	.....	.....	.....	40	102	15,232 12	24,412 53	.....	.....	5,597 71	4	22 92
New Orleans, (Nashville,) Tenn.)	.....	.....	.....	.....	14	50	1,934 35	5,498 63	.....	.....	879 24	2	15 99
New Orleans, (Omaha, Nebr.)	.....	.....	.....	.....	3	29	1,566 86	2,844 96	.....	.....	1,351 83	2	47 51
New Orleans, (Pittsburgh, Pa.)	.....	.....	.....	.....	428	207	346,371 53	363,755 64	.....	.....	7,939 56	7	2 13
New Orleans, (Saint Louis, Mo.)	.....	.....	.....	.....	2,385	480	1,187,328 31	1,218,122 44	.....	.....	42,056 74	26	3 45
New Orleans, (Wheeling, W. Va.)	.....	.....	.....	.....	10	160	1,748 73	11,645 69	.....	.....	1,023 56	2	8 78
Oregon, (Astoria,) Oreg	15	201	30	189	16	78	61,593 34	64,507 75	.....	1,463,995 00	8,724 80	7	13 52
Oswegatchie, (Ogdensburgh,) N. Y	778	466	737	462	5,938	37	252,371 36	262,242 13	3,715 00	508,079 00	23,872 38	22	9 10
Oswego, N. Y	2,282	339	2,237	410	3,192	130	880,277 76	891,178 95	53,703 00	1,123,310 00	24,778 31	22	2 79
Pamlico, (New Berne,) N. C	14	199	14	5	39	143	2,804 53	4,853 45	.....	20,238 00	4,665 74	10	96 13
Paso del Norte, Tex	.....	.....	.....	.....	919	.....	36,125 72	38,313 76	.....	.....	22,226 90	17	58 01
Passamaquoddy, Me	388	266	513	142	1,479	821	87,559 48	98,026 82	525 00	363,760 00	22,693 97	20	23 15
Pearl River, (Shieldsborough,) Miss	128	20	124	45	10	152	10,193 03	13,529 92	.....	444,852 00	6,337 87	6	46 84
Pensacola, Fla	422	153	395	167	105	206	147,798 41	154,391 67	.....	2,129,881 00	23,325 43	26	15 10
Perth Amboy, N. J	18	72	46	59	23	467	39,526 44	44,563 16	.....	83,486 00	7,662 34	7	17 19
Petersburgh, Va	1	319	.....	144	1	10	57 00	598 42	.....	.....	3,440 12	5	574 86
Philadelphia, Pa	1,339	891	1,250	1,317	5,937	1,174	11,122,457 19	11,213,825 44	82,409 00	44,149,196 00	377,898 26	259	3 37
Plymouth, Mass	20	8	16	4	53	49	36,981 44	37,309 39	.....	16 00	1,841 70	4	4 93
Portland and Falmouth, Me	277	544	420	428	4,092	525	450,454 21	479,626 18	256,782 00	3,929,371 00	73,823 71	53	15 39
Portsmouth, N. H	29	22	30	1	110	123	36,779 64	38,041 13	.....	2,761 00	7,910 25	7	20 79
Providence, R. I	122	682	84	135	914	211	193,299 19	199,985 86	.....	5,378 00	27,441 33	19	13 72
Puget Sound, Wash. Ter	314	109	312	78	233	145	8,290 20	17,841 36	.....	446,795 00	21,890 25	17	122 69
Richmond, Va	35	973	116	614	30	104	18,871 95	22,486 75	.....	2,181,363 00	12,232 96	11	54 40
Saco, Me	2	5	2	4	11	31	16 10	267 86	.....	.....	847 05	2	316 22
Sag Harbor, N. Y	.....	2	.....	.....	.....	367	.....	2,415 99	.....	12,000 00	1,010 11	3	41 80
Salem, Mass	144	14	149	3	177	65	15,221 41	16,631 76	.....	.....	7,691 54	8	46 24
Saluria, (Indianola,) Tex	22	130	32	37	278	51	13,207 60	15,250 47	12,886 00	430,577 00	14,078 59	11	92 31
San Diégo, Cal	54	103	52	24	214	42	34,383 30	35,963 56	224 00	371,810 00	9,025 58	9	25 09
Sandusky, Ohio	164	1,413	157	1,429	767	125	618 82	4,595 91	.....	24,083 00	2,721 08	9	59 20
San Francisco, Cal	748	240	774	329	23,150	1,026	6,291,516 48	6,396,015 39	2,834,074 00	39,143,194 00	371,796 81	220	5 81
Savannah, Ga	311	348	295	324	232	140	368,511 53	387,343 68	.....	27,575,161 00	25,601 39	20	6 60
Saint Augustine, Fla	1	40	6	35	1	4	59 70	314 14	.....	3,560 00	1,798 05	6	572 37
Saint John's, (Jacksonville,) Fla	31	395	75	396	10	116	894 95	4,751 15	.....	80,522 00	3,816 53	5	80 32
Saint Mark's, (Cedar Keys,) Fla	40	93	15	112	26	54	4,906 38	6,750 09	.....	22,561 00	6,306 98	7	93 43
Saint Mary's, Ga	26	10	29	5	1	8	1,704 20	2,212 29	.....	125,225 00	2,279 73	4	103 04
Southern Oregon, (Empire City,) Oregon	2	10	3	8	.....	16	.....	632 44	.....	4,125 00	1,382 80	3	218 64
Stonington, Conn	4	321	5	317	3	127	264 47	2,511 69	.....	.....	1,476 76	5	58 79
Superior, (Marquette,) Mich	290	2,084	278	2,093	655	133	7,022 56	14,668 32	.....	38,588 00	10,466 16	16	71 35
Tappahannock, Va	.....	101	.....	1	.....	243	.....	1,177 54	.....	.....	1,088 38	2	92 42
Teche, (Brashear,) La	6	974	11	959	20	119	235 86	2,829 10	.....	91,263 00	7,165 17	7	253 26
Vicksburgh, Miss	.....	.....	.....	.....	.....	18	692 71	1,973 85	.....	.....	658 35	2	33 35
Vermont, (Burlington,) Vt	1,072	.....	1,065	4	554	32	1,060,027 91	1,100,596 19	.....	1,358,139 00	72,109 81	65	6 55
Waldoborough, Me	149	34	161	10	232	597	1,908 88	7,263 77	.....	675 00	7,087 25	7	97 56
Wiscasset, Me	4	15	12	16	169	191	662 31	2,284 76	.....	12,106 00	3,589 50	4	157 10
Wilmington, N. C	244	143	312	81	123	135	69,665 39	74,754 36	.....	5,583,614 00	19,979 56	21	26 72
Willamette, (Portland,) Oreg	71	122	86	88	398	122	382,639 78	395,945 54	111	3,082,694 00	27,068 51	20	6 83
York, Me	.....	.....	.....	.....	.....	20	.....	38 40	.....	.....	262 95	2	684 76
Yorktown, Va	.....	.....	.....	.....	.....	253	.....	1,216 33	.....	.....	1,698 47	3	139 63
	34,277	74,709	34,438	70,673	467,300	35,002	198,005,460 71	200,079,150 98	23,631,302 06	898,152,891 00	6,022,447 33	4,427	

Statement showing present expense of maintaining certain customs-collection districts and saving to be effected by consolidation, fiscal year 1881.

Districts.	Duties and tonnage collected.	Expenses.	Estimated expense under consolidation.	Estimated saving.
MAINE.				
Belfast	$1,316 35	$4,015 07	$2,295	$1,720 07
Castine	500 11	5,575 92	2,295	3,280 92
Frenchman's Bay	192 19	4,977 58	1,695	3,282 58
Kennebunk		754 87	300	454 87
Machias	426 08	3,889 50	1,695	2,194 50
Saco	16 10	847 05	300	547 05
Waldoborough	1,908 88	7,087 25	2,595	4,492 25
Wiscasset	662 31	3,589 50	2,190	1,399 50
York		262 95		262 95
MASSACHUSETTS.				
Barnstable	462 36	6,018 16	2,100	3,918 16
Edgartown	855 98	5,110 26	1,395	3,715 26
Marblehead	2,211 54	2,373 83	1,095	1,278 83
Nantucket		1,586 35	300	1,286 35
Newburyport	2,255 52	2,693 91	1,460	1,233 91
RHODE ISLAND.				
Bristol and Warren		1,590 27	300	1,290 27
Newport	1,025 25	3,772 72	1,095	2,677 72
CONNECTICUT.				
Fairfield	1,911 78	3,340 97	1,695	1,645 97
Stonington	264 47	1,476 76	300	1,176 76
NEW YORK.				
Sag Harbor		1,010 11	300	710 11
Dunkirk	120 00	2,192 50	1,095	1,097 50
NEW JERSEY.				
Great Egg Harbor	1,158 82	2,584 80	1,095	1,489 80
Little Egg Harbor		3,191 20	1,695	1,496 20
Burlington, (Trenton)		186 00		186 00
Bridgeton		190 00		190 00
MARYLAND.				
Annapolis		2,053 20	900	1,153 20
Crisfield		3,242 00	2,190	1,052 00
VIRGINIA.				
Alexandria	1,140 41	2,758 49	1,095	1,663 49
Cherrystone		2,943 57	1,200	1,743 57
Petersburgh	57 00	3,440 12	1,095	2,345 12
Tappahannock		1,088 38	300	788 38
Yorktown		1,698 47	300	1,398 47
NORTH CAROLINA.				
Beaufort	13 84	2,370 28	1,095	1,275 28
Pimlico, (New Berne)	2,804 53	4,665 74	1,200	3,465 74
Albemarle		4,995 76	1,200	3,795 76
SOUTH CAROLINA.				
Georgetown	43 20	1,137 38	600	537 38
GEORGIA.				
Saint Mary's	1,704 20	2,279 73	1,395	884 73
FLORIDA.				
Apalachicola	729 28	1,771 46	1,095	676 46
Saint Augustine	59 70	1,798 05	900	898 05
Saint John's	894 95	3,816 53	1,695	2,121 53
Saint Mark's	4,906 38	6,306 98	2,190	4,116 98
MISSISSIPPI.				
Pearl River	10,193 03	6,337 87	2,190	4,147 87
Vicksburgh		658 35		658 35
Natchez		375 00		375 00
LOUISIANA.				
Tèche	235 86	7,165 17	2,190	4,975 17
OHIO.				
Sandusky	618 82	2,721 08	1,095	1,626 08
Total	36,688 94	131,941 14	51,215	80,726 14

Custom-house fees were established in 1799 upon the theory that the customs service should be self-sustaining. It was a bad theory and a failure in practice. The fee bill still exists, but no custom-house has paid its way in fees for years.

From a late report of an officer of the Treasury Department I quote the following, which I believe is indorsed by every officer of experience in the customs service:

These fees are made up of a great number of small and annoying exactions from importers and ship-owners, are difficult to collect, and involve a great and unprofitable amount of clerical work in keeping, stating, and auditing fee and emolument accounts. There is also an unavoidable uncertainty as to how much of the revenue from official fees is duly accounted for, how much is uncollected or intercepted by the way, and how many illegal and oppressive exactions are made by ignorant or unscrupulous officials.

All officers should be paid by fixed salary in no way dependent upon fees collected. This is now the case at seven leading ports—to which it is now proposed to add Chicago—but at the others collectors are paid by fees and commissions, with the addition in most cases of a small salary, the whole not to exceed a certain maximum sum, generally fixed at $2,500 or $3,000 per annum. They are allowed, in addition, compensation for storage, not to exceed $2,000 per annum, where there are bonded warehouses. This allowance is based upon the theory that the collector is responsible for the custody of bonded goods, and that the money paid by proprietors of bonded warehouses to reimburse the Government is in the nature of storage. In such cases the Government pays the salary of the storekeeper and is reimbursed by the warehouse proprietor; but as the money is regarded as storage and is allowed to the collector, the intent of the warehouse laws, that the custody of bonded goods should be free of cost to the Government, is defeated to the extent of such allowance.

Under this system opportunity is given to obtain fraudulent allowance of storage by fictitious payments to employés of warehousemen improperly appointed as storekeepers, or to men of straw in order to establish a basis for a claim for storage.

The fee system is also objectionable because it furnishes an uncertain and sometimes an inadequate compensation to the officer, who is thus tempted to grant privileges to importers not only unknown but contrary to law, to bring business from other ports to his own. In a word, the system of compensation by fees, commissions, and other allowances is objectionable because—

First. It necessitates voluminous and complicated emolument accounts, the preparation and auditing of which involve much clerical labor.

Second. It furnishes an inducement for overcharges as to fees and fraud as to storage allowances.

Third. It is uncertain and irregular, affording in some cases excessive and in others insufficient compensation to collectors.

I have no doubt the abolition of the fee system for fixed salaries would be met by advantages fully compensating any loss to the revenue from this source. If, however, it is to be continued, the fee bill should be revised and the present loose and annoying methods of collection give way to collection by stamps. Our vessel interests justly complain of certain burdens incident to the custom-house. How far relief can be extended to vessels in foreign trade I shall not now discuss. But vessels trading on our inland waters are burdened with taxes for which there is no excuse. The law, which I have before cited, requires all vessels trading between ports in different collection districts to report and clear at the custom-house and pay a prescribed fee.

The intent is to protect our revenue from frauds incident or possible to the foreign trade. The reason of the law ceases when applied to domestic trade in inland waters. Yet it is broad enough to burden this trade with a tax benefiting no one, and for which the Government renders no equivalent. It subserves no possible interest, public or private, that vessels trading only on Lake Michigan should be annoyed by this formality, and a business none too remunerative should be burdened by an inexcusable tax. A law only necessary in its application to vessels in the foreign trade should not rest on boats carrying strawberries and peaches from Western Michigan to Chicago, and its amendment as to domestic interior trade cannot come too soon.

Among our customs machinery is found a comparatively modern invention quite expensive and altogether useless. The inventor of the consular invoice and certificate acted upon a plausible theory not justified by its practical workings. The system is not simply a failure, it is costly and obstructive. These papers are made in triplicate and are intended to give the foreign market value of imported merchandise and other information to aid the appraising officers in fixing dutiable value.

As a matter of fact they do no such thing, and no appraiser accepts the invoice value as his appraisement without evidence that would be convincing without the invoice. Were he to do so it would be the old story of the blind leading the blind with the usual ending. In some instances the rush of business and hurry in shipping forbids inquiry as to the true value by the consular officer before certifying the invoices, but in more cases it is not improbable he accepts without inquiry the value given him by the owner. Instances can be cited where the same consul on the same day has certified the value of the same class of goods at quite different values. And it has come within my own knowledge as a customs officer that invoices, certified and sealed, have been given in blank to importers to fill up as they might require them.

It has resulted that consular agents have been appointed in interior towns who divide their fees with their principal, and whose efforts are greater to sell invoices for the statutory fee of $2.50 and

notarial fees added than to get accurate information for the Government.

The customs service would be better off without these officers, and importers ought to be relieved of the delay and tax incident to the invoice. Consuls should be stationed at all foreign ports reached by our shipping, or where required by the State Department, but the Treasury Department can afford that interior consulates, commercial and consular agencies, and consular certificates disappear together. And with these should go custom-house oaths. They afford no protection to the revenue not obtainable without imposing upon the importer the hardship of personal attendance at the custom-house.

A simple declaration of the importer, attested by a notary and made by law of the binding force of an oath, is recommended as safe for the Government and a relief to the importer.

Our customs laws are the gradual growth of years and the work of all political parties. Experience has condemned some; others have outlived their day. Their revision is not a matter of politics, but of business. I have suggested some needed changes; many others will occur when the work is undertaken.

Internal-Revenue Taxation.

SPEECH

OF

HON. ANDREW G. CURTIN,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 27, 1882.

The House having under consideration the bill (H. R. No. 5538) to reduce internal-revenue taxation—

Mr. CURTIN said:

Mr. SPEAKER: If this Congress at its assemblage had approached an empty Treasury I cannot but feel that its action might have met with the much more hearty approbation of the people who sent us here. We would have been compelled to legislate in the direction of economy, and would have endeavored to originate measures by which the Treasury would have been supplied so as to maintain the national faith and pay the necessary expenses of the Government. It would, no doubt, have been the general sentiment as well as the disposition of the members of the House to have so legislated in the interest of economy as to reduce the expenses of the Government; and, really, it seems to me that it would be better for the country and its future, and more creditable in the legislative action of Congress, for us to endeavor, as far as possible, to retrench and lighten the burdens now resting upon a tax-paying people.

We have legislated lavishly from a full Treasury. We have provided for the erection of court-houses and custom-houses and post-offices where such conveniences may have been needed, but I fear they were in many instances passed by combinations in this House, where there was no actual necessity for them. We have been liberal, and it might not be unjust to say lavish in appropriations for the improvement of river navigation to facilitate internal commerce and the improvement of harbors for the better accommodation of our foreign commerce. We were invited to a full Treasury when we came here, and we seem by our actions to have accepted the invitation.

WHAT RELIEF IS OFFERED TO INDUSTRY?

When the session commenced it was expected by the people that a large reduction would be made to relieve the people from the burdens of internal taxation, and thus afford a measure of relief to the productive interests and industries of the country. In the bill presented to the House from the Committee on Ways and Means I now ask what measure of relief is afforded to those who produce? I presume the bill under consideration is to pass as it comes from the committee under the inexorable will of the majority, trained, disciplined, and ready for action. It was certainly anticipated before the introduction of this bill, and it is even not unjust to say that it was promised that there would be actual relief to the industrial interests of the country and to the pursuits of productive labor.

The bill now about to become a law has offered a broad field for discussion in this House, and no doubt many of the speeches made were intended for home consumption, and will find their way into districts represented by gentlemen on this floor. The Democrats stoutly contend for large reductions, and many of them for the repeal of all the war taxes, the entire abrogation of the internal-revenue system and with it the four or five thousand public officers who find their means of support in the continuance of the system. The bill on passage does afford relief to the people in relieving them from the tax on matches that nobody seriously felt and which is scarcely appreciable, for, as was repeatedly stated on this floor, especially by the distinguished gentleman who stands at the head of the Ways and Means Committee, that relief was to be afforded to the producer, and as the tax on matches is the only relief which is offered by the bill, not much in that direction has been accomplished.

ARBITRARY AND OPPRESSIVE TAX LAWS.

Early in the session the gentleman from Missouri [Mr. HATCH] introduced a bill to relieve the onerous taxation from which the tobacco interests of his constituents suffered. He represented that the law as it then existed rested oppressively upon a large portion of his constituency, and his presentation was so clear and the justice of his demand so impressed the House that he came within seven votes of the two-thirds necessary to have the bill taken up out of order and passed; and yet of the number of amendments offered to this bill, directed to the relief of that interest by that gentleman and others, not one of them was accepted by the majority.

Gentlemen had changed their views and political considerations had affected their judgment and their conscience and the force of discipline made the majority solid in the House with very rare exceptions. I voted for every amendment offered to the bill to give relief from that oppressive tax and the manner of its collection, and I cannot but be of opinion that this bill when passed will afford no relief to that industry without that provision in it.

I will not pretend to offer to this House the various acts of Congress on the taxation of tobacco and its means of collection that have been reiterated over and over again and are well understood, but will confine myself to a presentation of the various laws and their oppressive features as briefly as possible.

The dealer in tobacco who is licensed pays an annual fee of $25. The farmer who produces the tobacco can sell to him, but only by the bale or hogshead. There is a fictitious retail dealer in leaf tobacco, so called, but there is none in fact, and the proviso of the statute is a delusion, for the very conclusive reason that the law which pretends to license him to deal in leaf tobacco by retail fixes the tax and license he is required to pay so high that it is impossible for any one to follow the business. For example, he is required to pay a license of $500, and for every dollar's worth of tobacco he deals in over $1,000 he is required to pay fifty cents to the Government. Of course no one can afford to follow a business in which he is required to pay one-half of its proceeds as a tax, and it follows as a logical sequence that there are no retail dealers in leaf tobacco; and therefore no one of that class fixed by the law to whom the producer can sell in quantities less than a hogshead.

This must necessarily prove oppressive to small farmers who do not raise a hogshead of tobacco. There is a pretense in the bill now under consideration that the small producer may be relieved by a reduction of the license of the dealer in leaf tobacco to $250, and requiring him to pay thirty cents on every dollar's worth of tobacco he sells over $1,000; but this of course is quite as much a prohibition to retail dealers as the provision in the law it is intended to repeal, for no one can afford to pay a license of $250 and then pay thirty cents on each dollar of the proceeds of his business for all he sells above $1,000 worth. So in this respect the bill is simply a deception, unworthy of our Government, and was drawn in ignorance of the law or was designed for the continued oppression of that class of the people of the United States who are producers of tobacco in small quantities.

THE TAX-GATHERER AND THE TOBACCO TAX.

I notice that in June, 1880, Congress passed a law permitting parties who paid a license of $5 to buy leaf tobacco by retail to the amount of 25,000 pounds per annum, and to such licensed dealers the farmer was allowed to sell his tobacco in any quantity provided he raised it on his farm or received it as rent from tenants, but even this trifling boon to the small farmers and producers is taken away by the bill under consideration.

Mr. Speaker, I will present a case which might readily occur, and it shall not be located in the South, where the production of tobacco is one of the great staple industries, nor will I draw this question geographically. I will suppose that a farmer in Lancaster County, Pennsylvania, where the tobacco crop this year is estimated at $4,000,000, may choose to cultivate four acres of ground which he owns and where he lives. From one acre he may produce potatoes, from another turnips, from a third corn, and from the fourth tobacco. The sweat of his face falls upon all alike from the time he puts the seed in the ground until his crop is matured and mother earth renders back to him the reward of his labor. The crop raised by this man, except that upon one acre, is as free as the air he breathes.

Beneficent providence gives to all alike the earlier and the later rains, with the warmth necessary to give productive earth all the stimulants which will reward his labor. All the employments of nature, the appliances, care, attention, and work, come to all that he has placed in the earth in full confidence of return. The man is no doubt a good citizen—for the people of Lancaster County are generally law-abiding and industrious—and pays all his dues to the Government and honestly discharges all other personal and relative obligations. He takes the product of the three acres in corn and potatoes and turnips and sells them where he can get the best market, and applies the proceeds to the support of himself and his depend-

ants, but the product of the acre of tobacco he dare not sell except to the licensed agents of this Government.

The Federal power of this great people, having its seat in this capital, with all its appliances and appointments, watches that tobacco as it grows and unfolds its leaves and is prepared for the harvest in its maturity, and through its agencies, its collectors, its licensed dealers, its privileged class declares that as to that production he is not a free man, and that he shall sell and sell only where this central Government directs, and by and through the agents it has licensed. I can conceive of no reason why the iron hand of this Government should be laid upon that acre and its production while it does not rest upon the other three; nor why, according to our great living policy of right and equality he should not be at liberty to cultivate and sell the product of the soil where he pleases. And as our Government, which is an emanation from the people, should be parental, we disturb this harmony and that generous quality by an espionage searching as are the laws to which I have alluded, and the citizens who discharge the duties imposed by such laws become as distasteful and odious as was the tithe-gatherer in England, the gauger, excise man, and agent in Ireland, and the oppressive exactions made by the farmers of the revenue from the Christian people of the provinces of Europe dominated by the Turk.

IS VICE LEGALIZED IN PUBLIC REVENUE?

It is said that tobacco is a luxury. That is no reason for discrimination and for an unjust and odious tax. There are thousands of luxuries that are not taxed. The cereals and meat maintain life, and that is about all that is given to labor. Wealth can purchase luxuries, and most of the luxuries can only be enjoyed by the wealthy who can purchase them. There can certainly be no serious objection to the purchase or the use of the luxuries of life in addition to the necessities which sustain it, provided you do not interfere with the growth and progress of the country; and the man who raises his acre of tobacco and the man who toils from morning till evening has a right to solace himself at the close of the day with the use of tobacco as those who have means have the right to the enjoyment of the luxuries which they purchase where they please, produce at their pleasure, and buy and sell without the interposition by this Government of a middle-man, or being subjected to imposition of licensed agencies of the Government. Many productions of the earth may be considered luxuries quite as much if not more than tobacco, and all these remain without taxation or the intervention of the Government or its agencies.

Mr. COX, of New York. Perfumery.

Mr. CURTIN. Ah, yes; I believe the tax is taken off perfumery in this bill. I do not know whether the Committee on Ways and Means, that incubated so long before proposing this bill, composed of so many of the leading and experienced members of this body, would consider perfumery a luxury, and I would therefore leave that to the credit of the committee; but, sir, suppose tobacco should be considered a luxury and not a necessary of life, and for the present we will take whisky and malt beverages as luxuries. If their use is a vice and immoral and tending to corrupt and debase all who use them, is it any reason why this Government should relieve such immorality or cure such vices by the imposition of unjust and discriminating taxation, and thus raise money to defray the expenses of the Government and afford opportunities for lavish appropriations from a plethoric Treasury, and fail to tax other vices quite as common and more injurious and demoralizing in their practices?

It is not in harmony with our history and traditions; it is not consistent with the principles of equality which underlie our structure of government; it is legislation for a class; it is affording special privileges; it is favoring monopoly; it is unjust, discriminating, and unequal in its operation, and it employs hordes of public officers who could be dispensed with if the tax on these articles were equal. It is a departure of the Government from its great fundamental principles. It is an abnegation of the great sentiment of equality which prevailed when our Government was formed, and enters into all its actions when it makes demands from the people for its support.

STUDIED OPPRESSION IN SECTIONAL LAWS.

Tobacco is a staple production in a large portion of this country; and I presented a case which might occur and no doubt does occur in Lancaster County so as to be north of the belt and so that it might be made clear to my friend the distinguished gentleman who so ably represents the Lancaster constituency. The law, so unjust, so discriminating and partial, has not been administered in Pennsylvania. The freemen of that State are not accustomed to such rigid exactions. Faithful to the Government, they desire above all blessings just laws equally administered, unmanacled freedom of person. The less they see of the tax-gatherer and agents of the Government the better; and if the many, the very many, painful instances of oppression and wrong practiced south of the belt in the collection of the tobacco tax should be transferred or attempted to be transferred to Pennsylvania, I would scarcely expect them to forget their natural rights, their training in life, their fidelity to the Government and obedience to its laws, to reason them into passive submission.

It would certainly be a painful experience to the freeman of my State, and would cause him to be restive from the time he put the seed in the ground until it grew to maturity, and after all his toil to feel, as it unfolded and generous nature giving it her assistance, that it was constantly watched by officers of the Federal Government, and that he was restrained in the sale of the production of the soil; that Federal officials and agencies surrounded him; that the tax-gatherers were also after him; that he would be arrested for the sale of the smallest particle except in the direction that the Government indicated; and that he would be dragged from his home to the Federal courts, perhaps far distant, and visited with pains and penalties and the expenditure of money for the sale of the production of the soil which he was trained to believe was as free as the labor of his life.

Gentlemen from the South and West who represent constituencies largely interested and occupied in the production of this staple have offered to this House in the long discussion to which this bill has been subjected instances of wrong and oppression which it is not improper to denounce as cases of wrong and oppression, if not tyranny, from which they should be relieved. It may be that these taxes were necessary when the Government was in need and the Treasury empty. It is possible that the Government may have been wrong in the supposition that those who produce tobacco are alone to be watched, but there was no rational excuse, no apology bearing the semblance of justice that warranted the studied invention of most arbitrary and oppressive laws to punish or control the political action of a large element of Southern industry. I simply repeat the truth of history when I say that this wantonly oppressive law was conceived and long administered in the South mainly to coerce the political action of the helpless citizen, and it has left a record of vindictive oppression by corrupt or reckless partisan officers that is an ineffaceable reproach upon the boasted Republic of the world.

During the discussion on this floor the distinguished gentleman from New York [Mr. HEWITT] at every phase of that discussion asked that alcohol used in mechanical industries, in the arts, and in medicines should be relieved from the burden of taxation; and he brought to the advocacy of his amendments unanswerable arguments, but, like all the amendments for oppressed industries, they were rejected by the majority of this House. Can it be possible, Mr. Speaker, that this is one of the remnants of that terrible war through which we passed? Can there still linger with the majority of this House a disposition to punish and to inflict that punishment by the exercise of the power of taxation? If so, it is inconsistent with our recent history and not in harmony with the Government or institutions of the country. If it is not so, why is it that the majority of this House so stubbornly adheres to the unjust and oppressive legislation which we now attempt to repeal or modify?

THE SACRED OBLIGATION TO PAY PENSIONS.

As I understand it, the relief afforded to the people of the United States in the bill now about to pass is about $17,000,000, and it is admitted that the surplus revenue for this year will be about $135,000,000, or an average of $11 unnecessarily wrung from each adult male citizen in the country, already heavily burdened by municipal, county, and State taxation. That is a small reduction. It is not the reduction that was anticipated or expected or demanded by the people. We stand still in the presence of a great danger to the future of this country. We excite a desire to take from the public Treasury. If we leave this vast amount of money unappropriated, appropriations are demanded. We have given liberally to all those who have made demands without inquiring too closely into their justice. We have given $100,000,000 to pensions, but that, sir, could not be refused. The Forty-fifth Congress, by solemn enactment, acknowledged a debt due to the soldiers of the Republic and accompanied it with a promise to pay.

The amount has been ascertained this year, and this Congress did no more than to accept the obligation and redeem the promise made by the United States; and as the men to whom the promise was made are growing old and are most of them poor, and as the debt has been due a long time, it is our duty to pay it as promptly as possible and to give all the necessary appliances for the speedy settlement of their claims. It is too late to question the wisdom or the justice of that law. It is on our statute-books, the debt is acknowledged, and you might as well go before the American people and attempt to repeal the fourteenth and fifteenth amendments to the Constitution of the United States, which contain the lessons and logic of the war, or you might as well expect the passage of a bill to reduce the wages of the members of this House, either of which would be quite impossible.

RELIEVING CAPITAL, NOT INDUSTRY.

This bill reduces the income of the Government, as I have said, about $17,000,000. True, the tax on matches is taken off, whatever it amounts to. The bill removes the tax on patent medicines, and I am not sure that in reaching for luxuries that injure and in taxing those which please the appetite the poor man might not, in many instances, be as well off if this tax were retained, for patent medicines as often injure as they give relief. The bill takes the tax off bank checks, banking capital, and bank deposits, perfumery, &c. I am not here to question the wisdom of this, nor am I here to complain of any relief that may be given to any of the interests or business

pursuits of the people of this country; but I do say, sir, as it is just and right to declare, that there is no substantial change or modification of existing laws in the bill now upon passage which offers any relief to the producers or to the labor of this country.

If we are to reduce the income of this Government so as to compel its economical administration, then we should make our relief fall upon all classes alike. There should be no partiality in our legislation; there should be no discrimination against the industries of any class of our people. We should, as far as possible, reduce the expenses of the Government, and take special care to reduce the revenues of the Government in such manner as to afford the greatest measure of relief to the one great fountain of our wealth, the industrial classes. Removing taxes on bank checks, bank deposits, perfumery, &c., does not relieve industry. It does afford needed relief to capital, for some of the war taxes on capital are needlessly oppressive now, but the supreme want of the country to-day is the utmost relief from taxation on the necessaries of life, or the luxuries which have become necessaries by habit, which enter into the daily consumption of our industries.

The whole wealth, the honor, the hope of the Republic are in the producing classes. They are the source of our prosperity in peace and our safety in war, and the first duty of the Government is to be generously just to our industries in the reduction of needless taxes.

OUR DANGEROUS CENTRALIZED WEALTH.

It must not be forgotten, Mr. Speaker, that the centralized wealth and the money power, the incorporated capital of the country, with vast special privileges, cannot be contemplated without grave apprehensions for the future. That powerful class and the immense interests they represent are ever heard on this floor, and it has required the most stubborn struggles between the law-makers of the people and the law-makers of privileged classes to gain any measure of justice for the Government. They are ever present in and about the departments of authority. They are felt in the executive, the judicial, and the legislative channels of power, while the industrial classes are unheard and unfelt save as brave men plead their cause in the face of aggressive, organized, and often vindictive combinations of almost boundless wealth.

Nor are these influences any more nearly equal in the choice of our rulers and law-makers. The first legislative office of the nation is rapidly becoming a position that only the successful capitalist can attain, and our popular elections have become to a great degree subject to the baleful control of capital, regardless of the merits of men or measures. The struggle for that absolute equality of legislation for all classes, rich and poor, great and small, that is demanded by the very genius of our Government has been going on actively during the last score of years, and the growing power of the profiting classes over the industrial classes is creating profound fretfulness, as is now visible in every section of the land. I am not here to reflect in the least degree the views of the agrarian.

The honest industry of the country rejects and abhors the destructive doctrines of the commune, but it does demand even-handed justice, absolute equality in the laws which impose the burdens of government; and the bill before the House is shamefully defective in its refusal of relief to the producing classes. It is a false pretense of lessening the exactions upon one industry; it will be accepted as another step in special legislation for the benefit of the privileged class that represents capital, and it must provoke deeper unrest and intensified opposition from the now severely suffering labor of the land. Look out over the nation and learn what the gradual growth and almost insensible acceptance of this policy of legislation has produced, and you will not be amazed to hear the murmurs of the people coming up from every center of industry. Never before in the more than hundred years of the Republic has wealth been so vastly centralized as it is now.

We can all remember when the millionaire was one of the rarest creations of our free institutions; now they are counted by scores in all our great financial circles, and private fortunes are counted not merely by millions but by tens and scores and even by hundreds of millions. This rapid and general centralization of wealth has not been created by productive industry. It is very largely the creation of reckless and unscrupulous cunning alike in business and politics; alike in demoralizing legitimate business and demoralizing public legislation to serve the ends of heartless speculation. The whole market values of the country are to-day at the mercy of centralized wealth; it can enlarge or reduce values at pleasure, and it does so by sudden convulsions in the channels of speculation as often as it can profit thereby. Let us not forget that here, as elsewhere, where wealth accumulates men decay, and the decay of industry must date the decline of all the power and grandeur of the Republic.

JUST LAWS FOR LABOR AND CAPITAL.

There must be just laws for labor and capital, and my earnest protest against this bill is founded on its failure to reduce the revenues enough and its almost utter failure to relieve industry with capital. And this disappointment is thrown upon our industrial people at a time when the harmony between labor and capital that is absolutely essential to the prosperity of both is sadly interrupted by strikes and estrangements in many sections of the land. Labor has as a rule been obedient to law in its contest for increased compensation to meet the increased cost of living, and it respects and obeys the law because it looks for just laws affecting its interests. It demands no favoritism, no class legislation, no special privileges, but it wants the necessaries of life first relieved of oppressive taxation, and luxuries afterward.

The legislation of this Government must be in the spirit of even-handed justice to all interests; labor demands nothing more; it will be content with nothing less; and we are offering it a stone by this bill when it asks us for bread. We should legislate for the unity of all interests, for all legitimate pursuits and interests are in harmony; and that is what this body has persistently refused to do by rejecting all amendments designed to afford relief to the most important but least favored industrial class. Not being a member of any committee charged with the preparation of business for the consideration of the House, I have waited for seven months the action of the Committee of Ways and Means with the expectation that a bill would be offered giving reasonable and just relief to all interests now oppressively taxed and that would largely reduce the surplus in the Treasury; but the measure now before us caused me no little surprise because of its failure to meet the most pressing necessities of the country.

I have been connected all my life with the industrial interests of the people of my State, and at times, in the discharge of official duties, have had somewhat to do with the promotion of the prosperity and happiness of our great producing population; and I must say that this measure will be justly and greatly disappointing to the intelligent people of all pursuits, and must disturb rather than tranquilize existing class disputes. Recognizing the few meritorious features of the bill, I see them unjustly overbalanced by errors of omission and commission, and, the measure as a whole being an unjust discrimination against the producing interests of the country, I must oppose its passage.

Rivers and Harbors—The Hennepin and Illinois and Michigan Canal.

SPEECH

OF

HON. WILLIAM CULLEN,

OF ILLINOIS.

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 9, 1882,

On the bill (H. R. No. 6242) making appropriations for the construction, repair, an preservation of certain rivers and harbors, and for other purposes.

Mr. CULLEN said:

Mr. SPEAKER: The bill now under consideration is an important one, whether considered in the light of the amount of money which it appropriates or the commercial interests involved. It is no easy task to frame a river and harbor bill so as to give general satisfaction to all sections of the country, and it will not be assumed that this bill is perfect, however earnestly the committee may have labored to make it so. I agree with the gentleman from Michigan [Mr. HORR] that the basis of apportionment ought not to be to States on population or area, or on the amount of internal revenue collected therein, but on the rivers and harbors in proportion to the extent of water-ways and commerce.

But when a State is a large producer of internal revenue and at the same time has within its boundaries extensive rivers, or lake or sea-coast, the appropriations should not be less liberal than to States in which but little internal revenue is collected. In this view of the case I think the appropriation for continuing the improvement of the Illinois River should have been at least what it was in the last river and harbor bill, $250,000, especially as the engineers report that $380,000 could be profitably expended within the year in completing the work.

The appropriation for the Mississippi River is large, and at first blush seems to be out of proportion with other important improvements. The wording of the paragraph, also, would impress the common mind with the idea that in its adoption the Government would be committed to the "levee system" as much for the protection of property as for the improvement of the navigation. The provision that "no portion of this appropriation shall be expended to repair or build levees for the sole and exclusive purpose of reclaiming lands or preventing injury to lands by overflows" is, to say the least, significant. Under this clause, if any other purpose could be assigned, whether to improve the navigation or otherwise, the whole amount of this appropriation not specifically assigned could be applied to the building of levees without an infraction of the law. But it is proposed to strike out the words "sole and exclusive," which if done will remove a grave objection to the present form of the bill.

I am not opposed to the construction of levees where they constitute the best form of improving navigation. If found necessary for that purpose and at the same time incidentally protect property I shall be glad. I shall not argue for or against the constitutionality of building levees for the sole purpose of protecting property, a doctrine held by gentlemen on this floor and elaborated in their printed speeches, believing that it does not come within the scope of this bill, the object of the bill being to promote the interests of commerce and not to protect against overflows.

The Mississippi is a great river, a great "artery of commerce," and I am therefore in favor of its improvement by liberal appropriations. I am in favor also of improving the principal tributaries of the Father of Waters—the Ohio, Missouri, Illinois, and other streams. Not only this but when two great rivers can be united by a short and comparatively inexpensive cut from one to the other, so as to save hundreds of miles of transportation, I am in favor of that. Of this character is the proposed Illinois and Mississippi, commonly known as the Hennepin Canal. Here, by a short cut of sixty-five miles across a level country, five hundred miles are saved in shipping the produce of the Northwest to the Eastern sea-board.

Objection is made to this improvement because it is a proposed canal. It is said the day of canals is past, that they have been superseded by railroads. I grant that the day for constructing canals of great length and small capacity is past. But when necessary to connect two great systems of water communication by a short link, the canal is as much a necessity as any other part, and sometimes indispensable. Thus the navigation above and below the Des Moines Rapids are connected by a canal, and canals are being constructed around the Muscle Shoals, on the Tennessee River, some thirty miles in length; around the Cascades of the Columbia; connecting the Fox and Wisconsin Rivers, and elsewhere. These are canals. They are not long, but they cost a great deal of money.

Now, on what principle does the construction of a canal around a water-fall to connect two lines or systems of navigation differ from cutting through a narrow tongue of land to accomplish the same result? In both cases the purpose is to overcome or avoid obstructions, and the plan to be pursued is a question of method and expediency. If the improvement be in the interest of commerce, and of sufficient magnitude to justify the expense, there is no more objection from a legal or constitutional stand-point to one plan than the other.

The Committee on Railways and Canals have reported favorably on this measure, but the views of the minority of that committee, as found in report No. 1000, part 2, signed by the able gentleman from Ohio [Mr. TOWNSEND] and the equally able gentleman from New York, [Mr. DWIGHT,] for both of whom I have great respect, antagonize vigorously the construction of the Hennepin Canal, and assign many reasons for their opposition thereto. I propose to examine this report briefly, not desiring to extend my remarks on this branch of the subject. The gentlemen composing this minority are honorable men, true to their convictions, but I am persuaded they have been imposed upon by certain gentlemen representing certain manufacturing interests at Sterling and Rock Falls, Illinois, and have indorsed statements so extravagant that they will not bear the light of close investigation.

This minority report sets forth about nine objections to the construction of this canal by the General Government, the first of which is a constitutional one, set forth with the utmost gravity. It says:

> In the first place the minority doubt the constitutional right of the General Government to enter a State in constructing any projected improvement lying wholly within the limits of a State, and calculated to benefit few people outside of the State.

The last clause is merely the expression of an opinion, and can have no bearing on the powers of the Government. The bill now under consideration appropriates $300,000 for the construction of dams and the condemnation of land in Minnesota, covering an area larger than the State of Massachusetts, according to the statement of the gentleman from Minnesota, [Mr. WASHBURN,] creating what is known as the "reservoir system," for the purpose of supplying water to aid navigation on the Upper Mississippi River at low stages.

This bill, with this provision, has the support of the gentlemen who signed this minority report, one of them [Mr. TOWNSEND] being a member of the Committee on Commerce, which committee reported this bill. Now, if the General Government can assume jurisdiction over this vast area within a State, and condemn private property without an infraction of the Constitution, why can it not condemn, if necessary, a strip of land three hundred feet wide and one hundred miles long in the State of Illinois for a public improvement more intimately connected with the great water-ways and in the direct line of commerce of the Northwest? But if there ever was any doubt as to the constitutional right of the General Government in the premises I assume that it has been settled by the State of Illinois in the passage by its General Assembly of a joint resolution inviting the United States to make the improvement.

The second objection urged is that "the policy of the Government in the past in the matter of transportation has not gone beyond the improvement of the natural water-ways." To this I answer that the policy of the Government has been to remove obstructions from water-ways or to get around them, if more convenient and effective, by the construction of canals; and that is still the policy. The object in all cases has been to make continuous routes of water communication. If that can best be done by connecting two rivers by canal, as in the case of the Fox and Wisconsin, why not in the case under consideration to connect the more important waters of the Mississippi and Illinois?

The third objection is, "that the work contemplated, lying within the State of Illinois, is not of that importance entitling it to the dignity of a national character." From this are we to infer that because Hell Gate lies within the State of New York and the delta of the Mississippi within the State of Louisiana neither are entitled to a "national character?" This bill provides for the improvement of many rivers, by canal and otherwise, lying within the boundaries of single States, and yet they are dignified with a national character and appropriations are made yearly for their improvement.

The fourth objection is, "that as a remedy for the alleged evils of excessive charges for freight it is inadequate." If by this is meant that this improvement would not reduce the freight charges on all the railroads in the Northwest, it may be true; but if it means that it would not relieve a broad extent of country, and all of the patrons of the route, it has no foundation in fact or experience. As a matter of fact, the Illinois and Michigan Canal carries freight for less than one-half the price charged by the railroads not running parallel with it for equal distances, and all parallel roads along this line or near it carry freight for about one-half their charges on other and more remote parts of their lines. This improvement would be "adequate" to regulate freight charges to the extent of leaving in the hands of the producers and shippers millions of dollars yearly now paid to railway companies.

The sixth objection is "that the tendency of the times is averse to building canals, unless of great size, for the passage of large vessels." That I am willing to grant, but I insist that the Hennepin Canal comes within the exception. As compared with the old style of canal, it will be of "great size." It will float the average steamboat which plies the Upper Mississippi River. Its locks will be sufficient for all their purposes, and six feet of water will float them. The barges contemplated for this trade will be of large size and propelled by steam-tugs if found to be the cheapest power.

The seventh objection is that it will involve the enlargement of the Illinois and Michigan Canal, but I will come to that presently. The ninth objection is in the words, "should the Government enter upon the building of canals for transportation, thereby competing with common carriers, it would prove a check to private enterprise, on which the country mainly relies for its development, and inaugurate a policy which the past has shown to be subversive of the public good." Gentlemen are unnecessarily sensitive on this matter of competition. If there be any argument in this proposition it would apply to all inland water-ways as well as to canals. Private enterprise has built railroads running parallel with most of our great rivers, and yet the improvement of the rivers has not been opposed because they competed with the railroads.

Millions of dollars are appropriated by this bill for the improvement of rivers, the effect of which improvements is to be competition still more sharp with the railroads. There is nothing in "past experience" tending to show that this policy has been "subversive of the public good." To be consistent, on this theory, the improvement of all inland water-ways would be equally objectionable. I shall not now argue the question of water transportation for economy, as against transportation by rail for heavy commodities, as it has been established by experience and thorough investigation that the former is cheaper by about 50 per cent. If this were not so, why the vast expenditure contemplated by this bill?

But this objection confesses this in expressing the fear that the "competition" would be so great as to "prove a check to private enterprise." If the improvement would not materially decrease freight charges the competition could not be dangerous or "discouraging." If it would materially decrease the cost of transportation, as it would, and return to the producers and consumers in a single decade many times its cost, it would seem that the people who add to the wealth of the country by their labor and productive energy are entitled to it. I am a friend to railroads, and freely acknowledge that they have greatly aided in the development of the country. I would not construct a canal for the "sole and exclusive purpose" of competing with them, but if such construction would relieve the toiling millions of weighty burdens, enhancing the profits of the producer and furnishing cheaper food to the consumer, I would construct them.

Gentlemen need not be alarmed about undue competition with the railways of the Northwest. They are well managed and making money. Their business is increasing with the increase of production, and they will always have enough to do to give them ample profits. The fact is that in the busy season there is scarcely a road which can furnish cars enough to carry off the produce as fast as it comes forward. Their capacity, great as it is, is not sufficient for the business. The increase of production will be sufficient to employ all the railroads now existing and others yet to be built, even should the Hennepin Canal be constructed, and no gentleman need sell his railroad stocks in view of that contingency.

I do not advocate the construction of this canal as a "local benefit" to the people of Illinois. The people of Iowa would receive a

greater benefit by far than would the people of Illinois. The producers of Minnesota, Wisconsin, and Missouri would reap equally as great benefits as would the people of my State, while the benefits would reach far to the West, into Nebraska and Kansas. In my opinion the people of New York would receive as great benefits as would the mass of the citizens of Illinois, in that food would be furnished them cheaper than now, as it is one of the laws of trade that the savings in transportation are divided between the producer and consumer.

This minority report undertakes to show that the Hennepin Canal would not come within the rule which makes the "Louisville and Portland Canal, the Rock Island Canal, the Des Moines Rapids Canal, the Sault Ste Marie Canal," and other like works national in character, because, they say, "these are short lines of canal constructed to avoid natural barriers in long water-routes, though within the limits of certain States." The long route of which the Hennepin Canal would form a link extends from the Mississippi to the Atlantic seaboard. For a route so long, the link is a short and inexpensive one, the cost being estimated at less than $4,000,000.

That this work is not local in character is evidenced by the action of boards of trade and chambers of commerce in different sections of the country, East as well as West, these bodies taking a broader view of the subject than do the gentlemen who signed this minority report. Among these are the Chicago Board of Trade, the Buffalo Board of Trade, the New York Board of Trade and Transportation, the New York Produce Exchange, Davenport Board of Trade, Duluth (Minnesota) Board of Trade; Chamber of Commerce, Saint Paul; Board of Trade, Minneapolis; Board of Trade, La Crosse; these latter in a section which this minority report claims has a shorter and better route by way of the Wisconsin and Fox Rivers to Green Bay, but which the original friends of that route know to be impracticable by reason of the caving of the banks of the Wisconsin River filling the channel, and for other causes. These bodies, as well as the indorsement of the press East and West, with striking unanimity favoring the work, supported by joint resolutions of the Legislatures of Iowa and Illinois, I submit, tends to give this work a national character, the gentleman from Ohio and the gentleman from New York to the contrary notwithstanding.

But these gentlemen find local opposition to this improvement coming from certain gentlemen representing a manufacturing interest at Sterling and Rock Falls, on the Rock River. The opposition is founded on the belief, or pretended belief, that the diversion of the water from the Rock River to the canal would impair the water-power at that point. These gentlemen have furnished the minority of the committee with a "protest" memorial or argument against the proposed canal, which is made a part of the report. As a whole and in detail it is a gross misrepresentation of facts and figures, setting forth among other things that the Hennepin Canal and the enlargement of the Illinois and Michigan Canal would finally cost $125,000,000. So recklessly are figures used and assertions made, that I do not deem it necessary to go into details in view of its refutation. I will call attention to one statement of what purports to be a fact, and show the real facts in the case and dismiss this bombastic protest. In order to show that the manufacturers at Sterling and Rock Falls will be robbed of great fortunes by the diversion of water from their mills they are evidently at a loss for words, and put it in the following rather adroit form:

> The loss to the manufacturing establishments by the destruction of the water-power could possibly be estimated by taking into account the sum of $2,000,000 invested therein, and the sum of $6,000,000 of manufactured articles shipped therefrom every year.

We venture to assert that it would not be possible to arrive at the loss on any such basis of calculation, because there is no such sum invested in manufacturing at that point, nor perhaps on the whole Rock River. They give the population as 8,000, whereas the census of 1880 gives both places less than 6,000. I have taken the pains to get from the county clerk of Whiteside County the assessed valuation of all the real estate upon which manufacturing establishments are located in Sterling and Rock Falls, and at Lynden, an adjacent village; also the personal property assessment of manufacturing firms and individuals for 1881. The statement includes all the hydraulic lots, though all are not used for manufacturing purposes, and if any factory is run by steam, that also is included. The following is the summing up of the assessment:

Lots:	
Sterling	$41,390
Rock Falls	44,870
Personal property of firms, &c.:	
Sterling	23,752
Rock Falls	41,042
Manufactured articles:	
Sterling	12,585
Rock Falls	12,390
Lynden	8
Tools, machinery, &c.:	
Sterling	10,840
Rock Falls	7,805
Lynden	132
Total	194,814

Assuming that property in Illinois is assessed at only 60 per cent. of its value, add 40 per cent. to the above and we have the total value of the property $272,739. Assuming that much of the personal property is not a part of the property connected with the manufacturing establishments, and that many of the lots thus assessed are not used by such establishments, the amount of money invested in manufacturing, on this basis of calculation, cannot exceed $250,000, or one-eighth what is claimed by this committee. But it is not desired that this manufacturing interest shall be injured, nor is it believed that the diversion of the water sufficient to supply such canal as is contemplated would impair the value of such property.

The minority of the committee give as a further reason for their opposition to the Hennepin Canal that the constitutional convention of Illinois, in 1870, incorporated into the constitution of the State a provision prohibiting the Legislature "from ever voting to loan its credit to build this canal." Now, I submit in all candor that this is not a fair statement of facts. The constitutional provision is in the following words:

> The General Assembly shall never loan the credit of the State or make appropriations from the treasury thereof in aid of railroads or canals: *Provided*, That any surplus earnings of any canal may be appropriated for its enlargement or extension.

It will be seen that this language is general and applies with equal force to all railroads as well as canals. The provision, I think, is a good one, and was ratified by the people, as were other provisions limiting the power of the Legislature.

The last objection of the minority to the Hennepin Canal which I shall notice is in the following language:

> To make the said canal practicable the appropriation of immense sums of money will be necessary to enlarge its eastern extension—the Illinois and Michigan Canal.

I am in favor of completing the improvement of the Illinois River now under way, and of the extension of the improvements from the present head of navigation at La Salle to Joliet, a distance of 60 miles, and of the enlargement of the Illinois and Michigan Canal from Joliet to Chicago, a distance of 40 miles, so as to complete this great Illinois River route from the Lakes to the Mississippi. The whole distance is, I believe, only 96 miles, but I will consider it 100 to round the number. There has been much misrepresentation in regard to the probable cost of this work, and the minority report abounds in misapprehensions, to state it mildly.

There has been no separate estimate given the public, so far as I know, of the cost of this section of the Illinois River route, but General J. H. Wilson, United States engineer, made a survey in 1866 of the entire line, from the mouth of the Illinois River to Chicago, and in round numbers estimated the cost at $18,000,000. It will be remembered that at that time material and labor were still at about war prices. The same work in all probability could now be done for one-third less, say for $12,000,000. Since that time two locks and dams have been constructed on the Illinois River at Henry and Copperas Creek, of magnificent proportions, being 350 feet long between the gates and 75 feet wide in chamber. They will pass boats 300 feet in length and 73 in breadth, drawing six feet of water, with a capacity of 2,000 tons, or they will pass twelve canal boats, such as are used on the Illinois and Michigan Canal, being about the same as those used on the Erie Canal, at one lockage, having a capacity of 2,400 tons.

These locks and dams were built by the State of Illinois at a cost of $757,854, in addition to which sum the United States expended $63,358 in the foundations and lock-pit of the Copperas Creek dam. The State also paid all damages incurred by the overflow of land. Gentlemen will certainly concede that the State of Illinois, which thus expended more than three-quarters of a million of dollars in improving what is now conceded by all to be a national highway, did not show a spirit of parsimony.

These two dams insure seven feet of navigable water for a distance of 90 miles. The United States has undertaken the construction of two more dams, which, when completed, will insure seven feet of water from La Salle to the mouth of the river, 226 miles, more reliable than any equal distance on the Upper Mississippi River, at a total cost of about $12,000 per mile, while the Erie Canal, with about one-twelfth its capacity, cost $90,000 per mile. This expenditure of about two and a half million dollars would, of course, be deducted from the above estimate on the whole line. This, then, brings us within less than 100 miles of Chicago. Following the channel of the Illinois and Des Plaines up a distance of 60 miles brings us to Joliet. The channel is broad, the banks high, and the bottom of gravel or stone where bars do not form. That the United States has jurisdiction over this part of the route the most technical strict constructionist will not deny. This brings us within 40 miles of Chicago. These 40 miles are canal, which would require enlargement to correspond with the other parts of the line. It is conceded that this part of the work would be the most expensive in proportion to its length, but it must not be forgotten that since the above estimates were made $3,000,000 were expended in what is known as the "deep cut" on this section. The waters of Lake Michigan now flow freely down the canal, the channel of which is five feet in depth. Of course this channel would require to be made at least seven feet in depth and three times its present width to admit the passage of boats of large size.

That this is a work of national importance and character is an opinion long entertained, and is sustained by Congressional action. In 1827 Congress granted to the State alternate sections of land on either side of the canal to aid in its construction. While it is true that the aid thus granted was a material help as well as a recognition of the national character of the work, the reserved sections were sold at double the price fixed by law for Government lands, and the money thus paid by citizens of Illinois reimbursed the United States for any possible loss. The necessity of at least one grand water-route connecting the lake system of navigation with that of the Mississippi has been felt by prominent statesmen for many years. While we are pointed to three or four other canals connecting the lake with the river system, and are told that boats have passed from one to the other, which I have not time now to discuss, I say, without fear of successful contradiction, that the Illinois River and this section of the Illinois and Michigan Canal constitute not only the best, but the only short, practicable, and, considering its importance, cheap route by which the steamboats of the Mississippi River and its tributaries can pass freely into any lake port. Its consummation would unite the vast commerce of the lakes with the 14,000 miles of river navigation on the Mississippi and its tributaries, ramifying the whole Southwest. The completion of the improvements of the Illinois River, now under way, will leave only 100 miles of this grand water-way uncompleted, which it is believed can now be done at a cost not exceeding $8,000,000.

The commerce of this route, with the present limited capacity of the canal and the river improvements incomplete, is large and increasing. Of the arrivals and departures of boats at Saint Louis one-eighth are from the Illinois River, more than from all other rivers save the Upper and Lower Mississippi. The freight arriving at Saint Louis by this river, taking an average of five years, has been 155,000 tons a year, being one-fifth of all the freight arriving by western rivers and one-twentieth of all received by rail from the fifteen roads centering there from all directions. Of the vast quantities of corn received in Chicago one-eighth comes by canal, and one-twelfth of all the lumber sent out goes by the same route. These figures are taken from the report of Daniel C. Jenne, chief engineer to the canal commissioners, and are official and reliable.

The established rates for freight by rail for distances equal to that between Chicago and Saint Louis (370 miles) is 11.91 cents per bushel for wheat; 11.14 cents for corn; and 6.25 per thousand for pine lumber, which is more than double that now charged by canal and river, notwithstanding tolls are now charged. In regard to the advantages of this route, Mr. Jenne says:

> With these locks and dams built, this river will become one of the most important channels of trade in the United States, and perhaps in the world. At all seasons of navigation, steamboats, tugs, barges, and other water craft drawing six feet of water can navigate the same, and with this increase of depth can more successfully compete for the carrying trade than any other route, and produce a great saving in cost to the shipper and producer. * * * Its capacity for commerce will be very much larger than the Erie Canal, as twelve of those canal-boats could pass through the locks at the same time.

It has been intimated that the Illinois and Michigan Canal "hardly pays expenses," and that that is the reason why the State is anxious to "get rid of it." To this I have only to say that the tolls are so low, made so purposely, as to fairly cover expenses, but that since the completion of the work in 1848, the canal has paid into the State treasury, over and above the cost of construction, maintenance, and improvement, the sum of $2,262,049. The State does not want to get rid of the canal except on the condition of its enlargement in aid of commerce. Believing this to be a national and not a work of mere local importance, the State of Illinois, by legislative enactment, has ceded to the United States this canal on the above condition, subject to the approval of the voters at the next general election.

In view of all these facts I ask that a provision be incorporated in this bill for a survey of the Illinois and Des Plaines Rivers from La Salle to Joliet, and of the canal from Joliet to Chicago, and that an estimate be made, under the direction of the Secretary of War, of the cost of the improvement. I think this much is due to the State of Illinois as well as to the interests of commerce.

This bill proposes to appropriate $300,000 for what is called the reservoir system of the Upper Mississippi River. I shall not now argue against the feasibility of that scheme. It is proposed to build dams to confine the waters of certain minor lakes, to be drawn off to supply the river in aid of navigation when at low stages. I only wish to say that we offer you the grandest reservoir on the continent with dams already built. We offer you the chain of great northern lakes from which you can draw an amount only limited by the capacity of the channel you may dig. We cannot turn this water into the Mississippi above the mouth of the Illinois, but below that point the flow can be materially increased. From Joliet to Chicago, only forty miles, there is a fall of twenty-seven feet. If you want water, in any quantity, the blue waters of the lake will come at your bidding. The time will come, and I think at no distant day, when this short link of forty miles, now called a part of the Illinois and Michigan Canal, will be so enlarged as to merit the name of river, and when steamboats with full cargoes from New Orleans and other Southern ports will be seen moving upon its waters to and from the great metropolis of the Northwest.

River and Harbor Appropriation.

SPEECH

OF

HON. ROSWELL P. FLOWER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 25, 1882,

On the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

Mr. FLOWER said:

Mr. SPEAKER: Although comparatively inexperienced in legislation affecting the whole country, I have considered it my duty to enter several protests against the excessive and burdensome taxation under which we are laboring, and I gladly avail myself of this unlooked-for opportunity of renewing and reiterating what I have already defined to be my convictions. There ought to be and must be a reduction in taxation and a diminution in the revenues of this Government if justice and true economy are to hold any place in it.

There are altogether in this broad land of ours some 50,000,000 of men, women, and children, or perhaps 10,000,000 families, who depend on the Government for that legal protection which it is the duty of good governments to afford good citizens, and from those 10,000,000 families during the last year have been extorted $400,000,000, or, in round numbers, $40 from each family.

Now, I have not the least hesitancy in affirming, as has already been affirmed by those competent in every sense of the word to estimate and affirm, that $250,000,000 are ample to supply the ordinary wants of the Government if properly administered; and the sinking fund and public debt, as I have already shown, do not by any means require as much as $50,000,000. It seems to me, then, that for all the needs of the Administration $300,000,000 would suffice; but it does not suffice and can never suffice for the lavish expenditures contemplated by such unnecessarily enormous appropriation bills as this river and harbor bill.

And it is in this surplus of revenue, this extra and unnecessary $100,000,000 or more, that such monstrosities of legislation have their beginning. One hundred million dollars of money arbitrarily placed at the disposal of a government, and which it must devise ways and means to spend, is sufficient to overturn every foundation of democracy and blast every principle of honest administration.

But there is another very important side to the question which it is well for us to consider when we are called upon to vote such sums as these for such purposes, and that is the side of the tax-payer. The $100,000,000 which I have spoken of as unnecessarily collected means even more than corruption. It means absolute deprivation to every family in the land. It means $10 drawn from the earnings of each head of a family. It means a $10 tax levied without excuse in addition to all the taxes, municipal, State, and Federal, to which the laborer is subject, and it means war taxes in times of peace.

Sir, when we were at war, when we were obliged to spend vast sums to preserve intact the glorious heritage of our fathers, there was an excuse for taxation and large revenues, and the people of this country responded nobly to the calls that were made upon them. To-day they are still generously rewarding the wonderful sacrifices which our soldiers made in our common cause. But though the obligations incurred by the war have been so reduced by generosity and liberality in season that there would seem to be an opportunity for affording the people a rest or comparative rest from the strain which they have so long endured, no rest is proposed, no diminution of burdensome taxation is in sight.

When the Government was laboring and in danger the people supported it with their lives and their property, and when it has been rescued from destruction and enriched it must luxuriate, and they must labor as though still in the actual contest. It seems to me that it would be fairer to economize in the administration and allow the people to enjoy their own, than that public officials should wallow in the ill-gotten gains of unnecessary taxation or that legislators should be lavish with other people's money.

I think I am justified in saying that lavish expenditure of money is scarcely acceptable when the man who worked for the money sees other men working to get rid of it for him, and I know I am right in asserting that it is wrong that there should ever be such a spectacle.

Mr. Speaker, when I think of the men in my own city and elsewhere who at wages of from $1 to $2 per day are obliged to save and scrimp to get a good dinner for themselves and their families once a week, when I think of the low rate of wages which prevails, when I read of children carrying blocks of wood tied up in a handkerchief to school to make believe they have luncheons, when I see men walking miles to their work to save the small sum a street-car ride would cost, I am sad.

When I think of the high rate of meat and vegetables and the comfortlessness of hungry toil; when I reflect that to gain scanty pittances, even to live, the laboring-men of this country are obliged to undergo and are now undergoing long and fierce contests with their employers, I am dissatisfied. But when I remember that all capital is the result of labor, when I am sure that all taxes are ultimately paid by laborers, when I think of these fundamental axioms of political economy, and then think of the exorbitant demands and lavish disbursements of this Government, I am astounded.

Can it be possible that this state of things can continue; that the national protectors of the men of this country and their sworn representatives will so misuse their powers? I trust not.

Mr. Speaker, this bill contains provisions which, in my judgment, are good, which would be of material benefit to the country; but it contains others which are pernicious and for which I cannot vote. As a whole it is a gigantic swindle upon the people. It has grown from the surplus of revenue, which ought not to be. It has become vast and abnormal on the "tit-for-tat" principle. Clauses have been allowed to creep in so that other clauses might be retained, and its face bears the "you vote for mine and I will vote for yours" stamp.

I hope the bill as it now stands will not pass. I hope it will be vetoed if it does pass.

South Carolina Election Contest—Smalls vs. Tillman.

SPEECH

OF

HON. ROSWELL G. HORR,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 19, 1882.

The House having under consideration the contested-election case of Smalls *vs.* Tillman—

Mr. HORR said:

Mr. SPEAKER: I wish to invite the attention of the members of the House, and more especially of the gentlemen from South Carolina, for a few moments to some facts and suggestions which may not at first seem to relate directly to this case, but which, when examined carefully, will be seen to have a direct bearing upon the question now being investigated.

Before entering upon this work I wish to say that no man recognizes more clearly than I do the great principle laid down in all our law books, that every man should be presumed to be innocent until he is proven to be guilty, but where public opinion sits in judgment upon an individual it is possible for a man's past life and conduct to be so bad that this rule becomes reversed. The same thing may also be true of entire communities. The people of any section of country may be guilty of such a system of oppression and wrong, may follow a course of such persistent and determined fraud and wrong-doing, that, when they are charged with any of that class of crimes, the presumption instantly follows that they are guilty of the acts charged.

A man may become such a constant and notorious outlaw that the moment any villainy is perpetrated in his immediate neighborhood the presumption follows instantly that that man probably had a hand in the business. And so a community may follow such a course toward certain of its citizens that the moment any outrage is committed upon the rights of that particular class the presumption follows at once that the people of that community are the authors of the outrage, and the burden of proof is at once shifted to the defendants in such cases. Owing to the volume of terrible things they have done in the past the ordinary legal presumption is changed, and the entire people readily believe that they are guilty as claimed, simply because it is in exact keeping with their past lives.

I have here a map showing the recent redistricting of the State of South Carolina. In discussing the Lowe and Wheeler case I stated in reference to South Carolina, Mississippi, and Alabama, and other portions of the South, that the party now in control there so managed as to make every fair-minded man believe that they were ready and willing to adopt any plan, no matter how wicked and outrageous it might be, to keep political power in the hands of a few men, and to prevent it from passing into the hands of the actual majority. I stated that there was a class of men in those sections who claimed that they had a divine right to rule, and that they were justified in resorting to any trickery, fraud, or even violence, if it seemed necessary to do that, in order to keep power in the hands of this dominant class or race. I then cited some acts of those people to substantiate that statement. In further proof of that position I have here a map of South Carolina, showing the Congressional districts as they have just been arranged by the Legislature of that State. I will ask the Clerk to hold it up, so that the members may all see the beauties of this scheme. [See Diagram No. 1—Map of South Carolina.]

Now, I claim, Mr. Speaker, that that map is a stump-speech of itself and an elegant one too. Please follow me while I point out some of its wonders. First let me call your attention to the first district. It seemed for some reason that they desired to take into that district the city of Charleston, so they run down this narrow neck [indicating] and take in that city; and then with a still narrower strip they run up along the coast of the ocean forty or fifty miles here to McClellanville, and take in some two hundred Democrats in that village.

Let us next examine this seventh district. The district commences here at the southern border of the State and includes all this large territory running up here to Charleston Harbor, including these islands; and then crossing the harbor it runs along this strip between high and low water mark up to McClellanville, and then off into this queer shaped country. I have the bill here in my hand, and it makes the boundary line the high-water mark of this coast, so at high tide the connecting link is under water entirely. [Laughter.] Then take a look at the general outline of this district. See the indenture here, the zigzag there; the broad expanse here, the narrow strip there.

But you cannot understand these districts properly unless you see them standing out alone, each one by itself. I have here a diagram representing them to a dot. Here is district No. 7 in all its proportions. [See Diagram No. 2.]

Now, you would not think that district possible unless you could see its mate, No. 1. Here it is. [See Diagram No. 3.]

They are not twins, but they do match each other beautifully. [Laughter.] You would have no use for this leg and foot on No. 1 if you did not have this boot in No. 7 for it to slip into. [Laughter.] Now, look at the enormous size of this district No. 7. It must include quite one-fifth of the State. I find upon examination that it contains over 187,000 people, being 69,000 more inhabitants than are in the smaller districts. What object could there be in making such an enormous district as that in territory and population? A short examination of the census tables will show. I will insert here a table showing the white and colored voters of each district:

District.	White.	Colored.	White majority.	Colored majority.
First	12,445	13,884	.....	1,439
Second	11,446	16,283	.....	4,837
Third	13,359	12,707	652	.....
Fourth	17,670	16,985	685	.....
Fifth	11,805	12,669	.....	864
Sixth	12,480	13,468	.....	988
Seventh	7,695	32,893	.....	25,198
Total	86,900	118,889	1,337	33,326

You see by that table there are 25,189 more colored voters in that seventh district than there are white voters. In that first district there are only 26,329 voters; in the fifth district only 24,474, while in this marvelously shaped seventh there are 40,588 voters! Thus you see this game becomes apparent. They started out with this seventh district and run it in all directions, without regard to county lines or town lines or voting precincts, simply with one purpose in view, that of collecting into one district all the colored voters possible and thereby preventing their votes from being felt in the other districts. And such work as that is called redistricting a State according to law!

Mr. DUNN. Is that evidence in this case?

Mr. HORR. It is a part of the evidence, and before I get through I will show you a much stronger link between this proof and the case we are now trying than there is between the different portions of some of these districts. [Laughter.] If you do not believe it look at these diagrams of districts Nos. 3 and 4. [See Diagrams Nos. 4 and 5.]

You will notice that the only connecting link between the two portions of this third district there is a mathematical point where their corners touch. Brother J. HYATT SMITH, of New York, who is so well versed in biblical lore, gave me the following passage from the Hebrew Decalogue: "Thou shalt not make unto thyself any graven image, the likeness of anything in the heavens above, or the earth beneath, or the waters under the earth." Now, I submit to this House whether there could be, by any possibility, idolatry in worshiping either of those four districts. [Laughter.]

For the edification of the House let me read from the bill, a certified copy of which I hold here in my hand, the description of this remarkable first district.

The first Congressional district to be composed of the county of Charleston, except James Island, Folly Island, Morris Island, and the islands lying between them; the lower harbor of Charleston Harbor and the ocean coast line from and below high-water mark; the towns of Mount Pleasant and Summerville, and so much of the parish of Saint James, Goose Creek, as lies between western track of the South Carolina Railway and the Ashley River in the county of Berkeley and

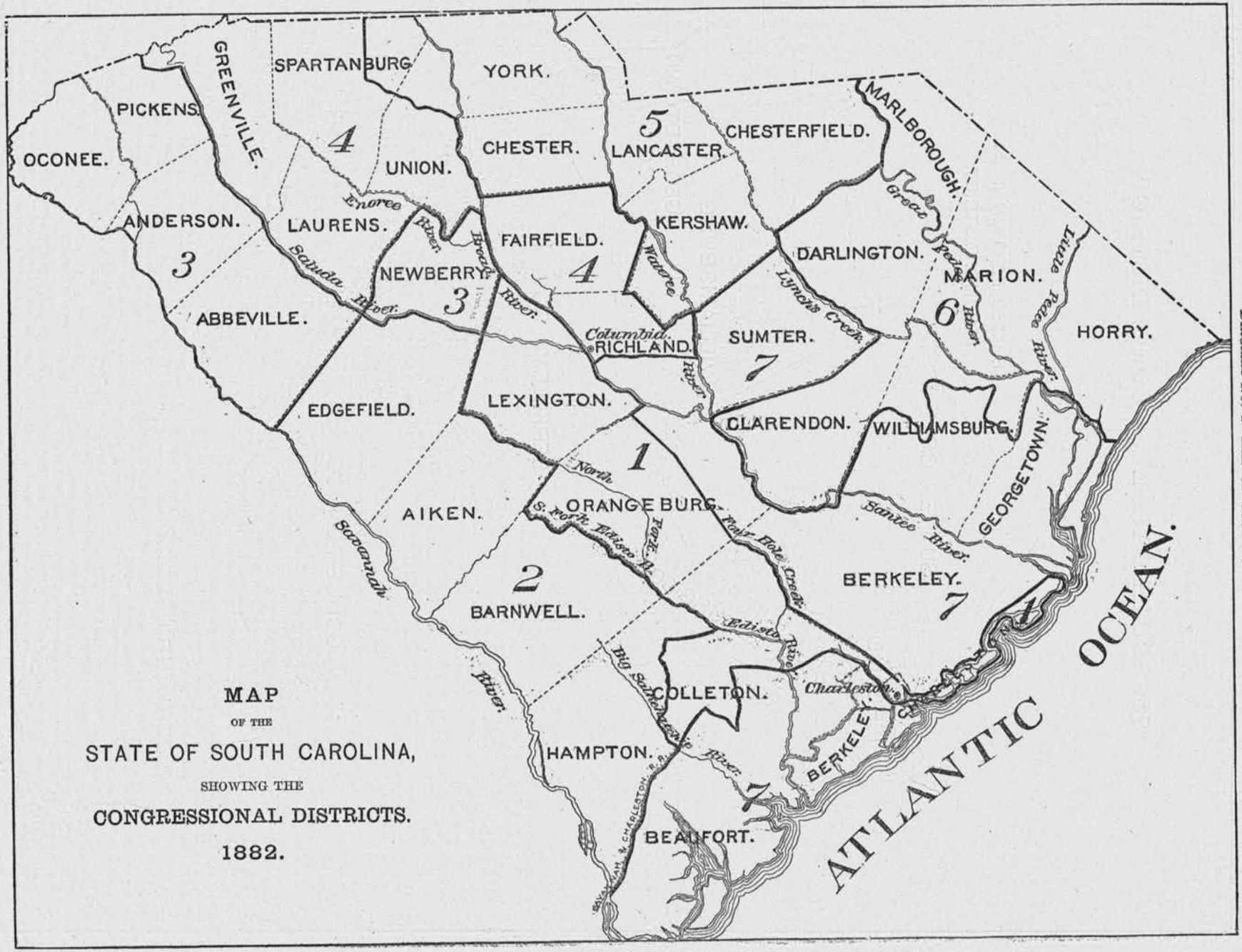


DIAGRAM No. 1—MAP OF SOUTH CAROLINA.

DIAGRAM No. 2.

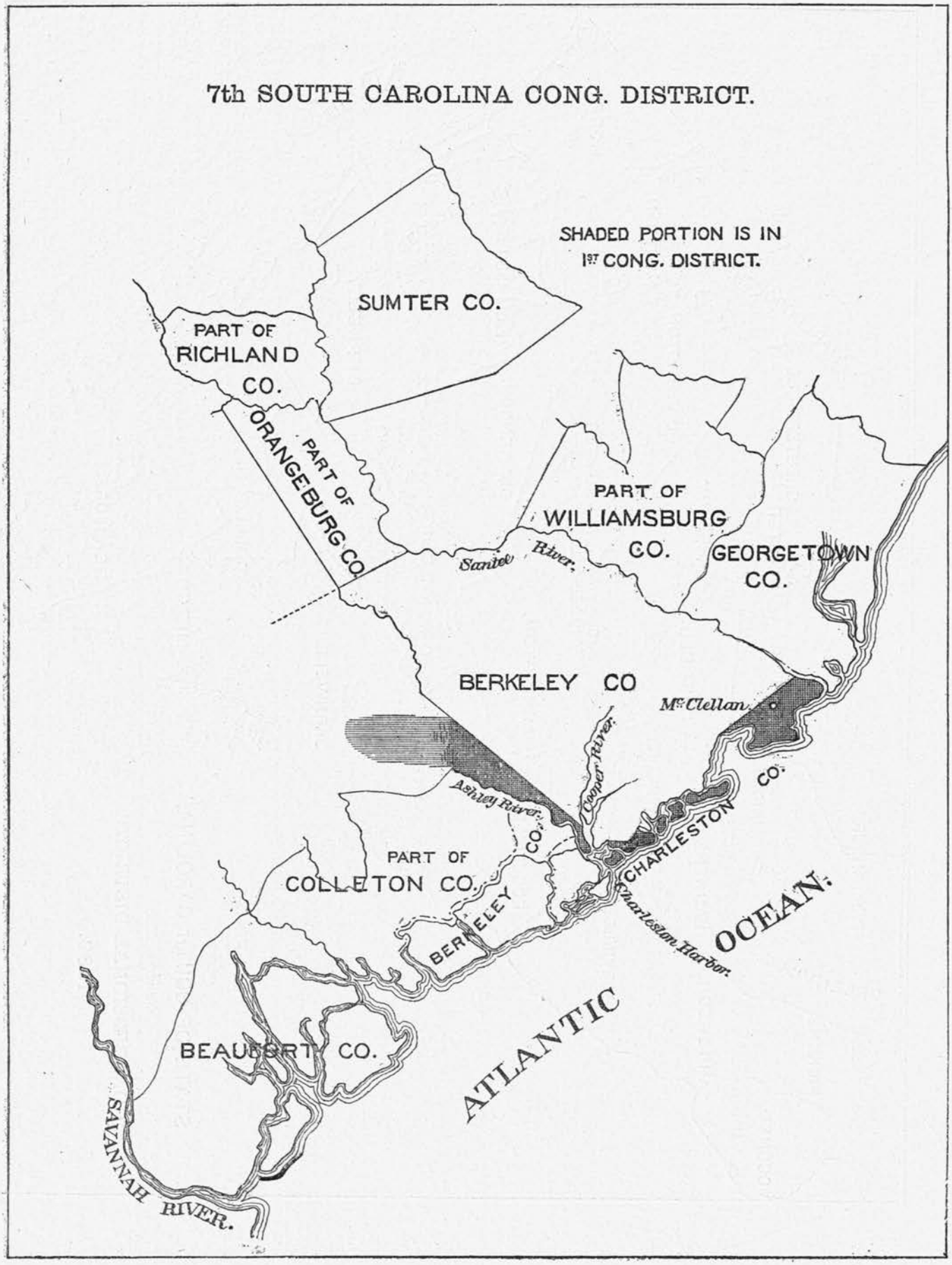

7th SOUTH CAROLINA CONG. DISTRICT.
SHADED PORTION IS IN
1st CONG. DISTRICT.
SUMTER CO.
PART OF
RICHLAND
CO.
PART OF
ORANGEBURG CO.
PART OF
WILLIAMSBURG
CO.
GEORGETOWN
CO.
Santee River.
BERKELEY CO
McClellan
Cooper River.
Ashley River.
CO.
CHARLESTON
CO.
PART OF
COLLETON CO.
BERKELEY
CO.
Charleston Harbor.
OCEAN.
ATLANTIC
BEAUFORT CO.
SAVANNAH RIVER.

DIAGRAM No. 3.

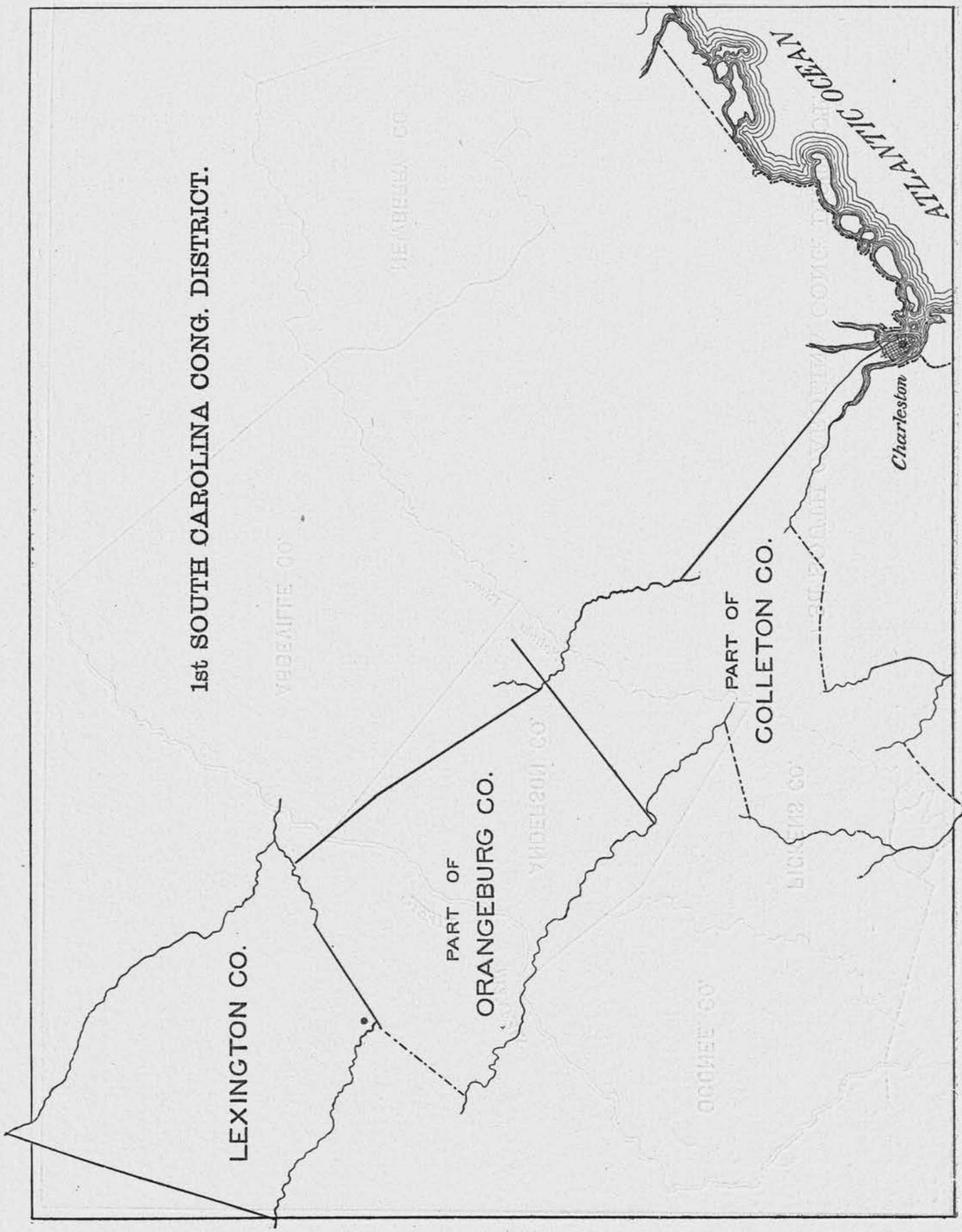

1st SOUTH CAROLINA CONG. DISTRICT.
ATLANTIC OCEAN
Charleston
LEXINGTON CO.
PART OF
ORANGEBURG CO.
PART OF
COLLETON CO.

DIAGRAM NO. 4.

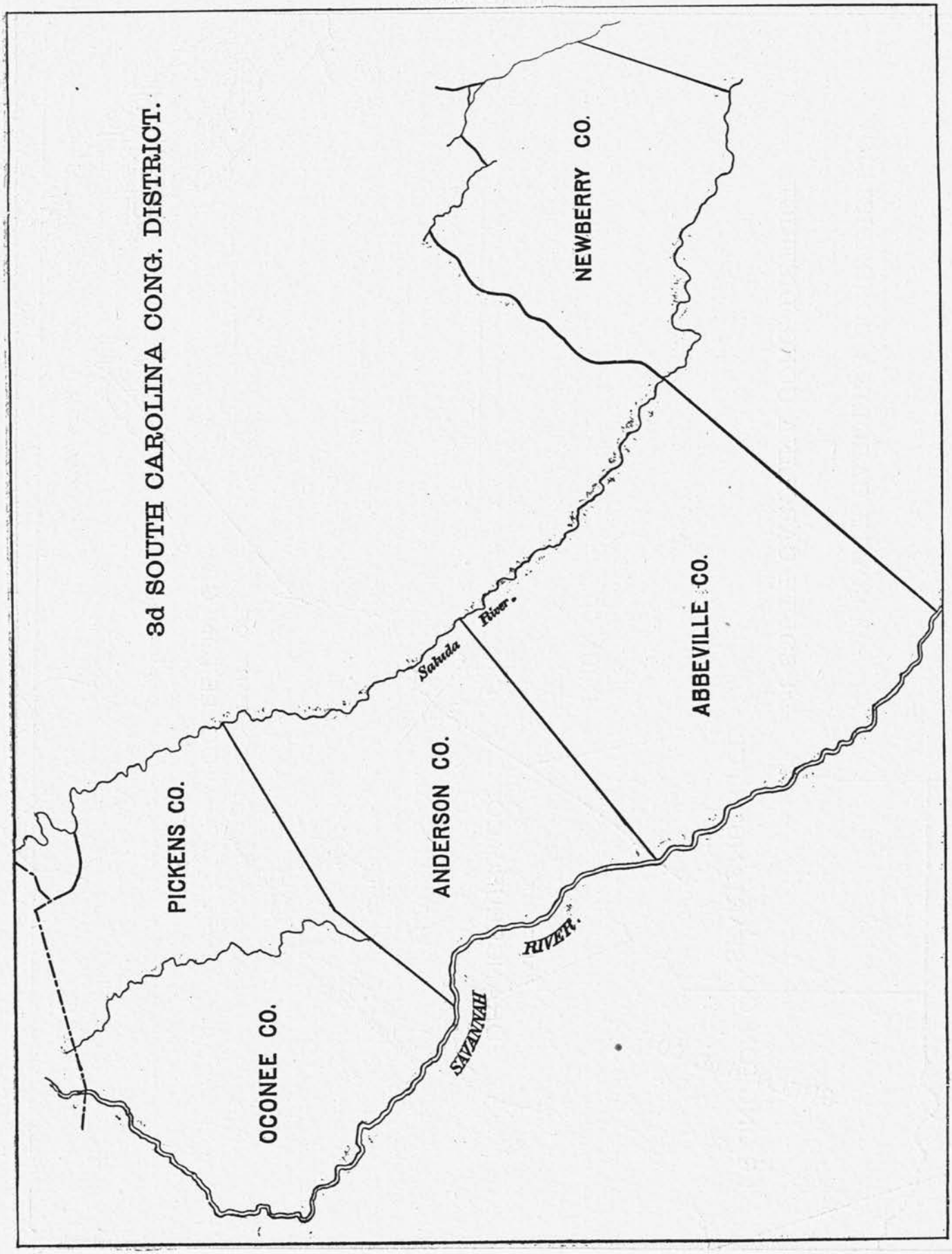
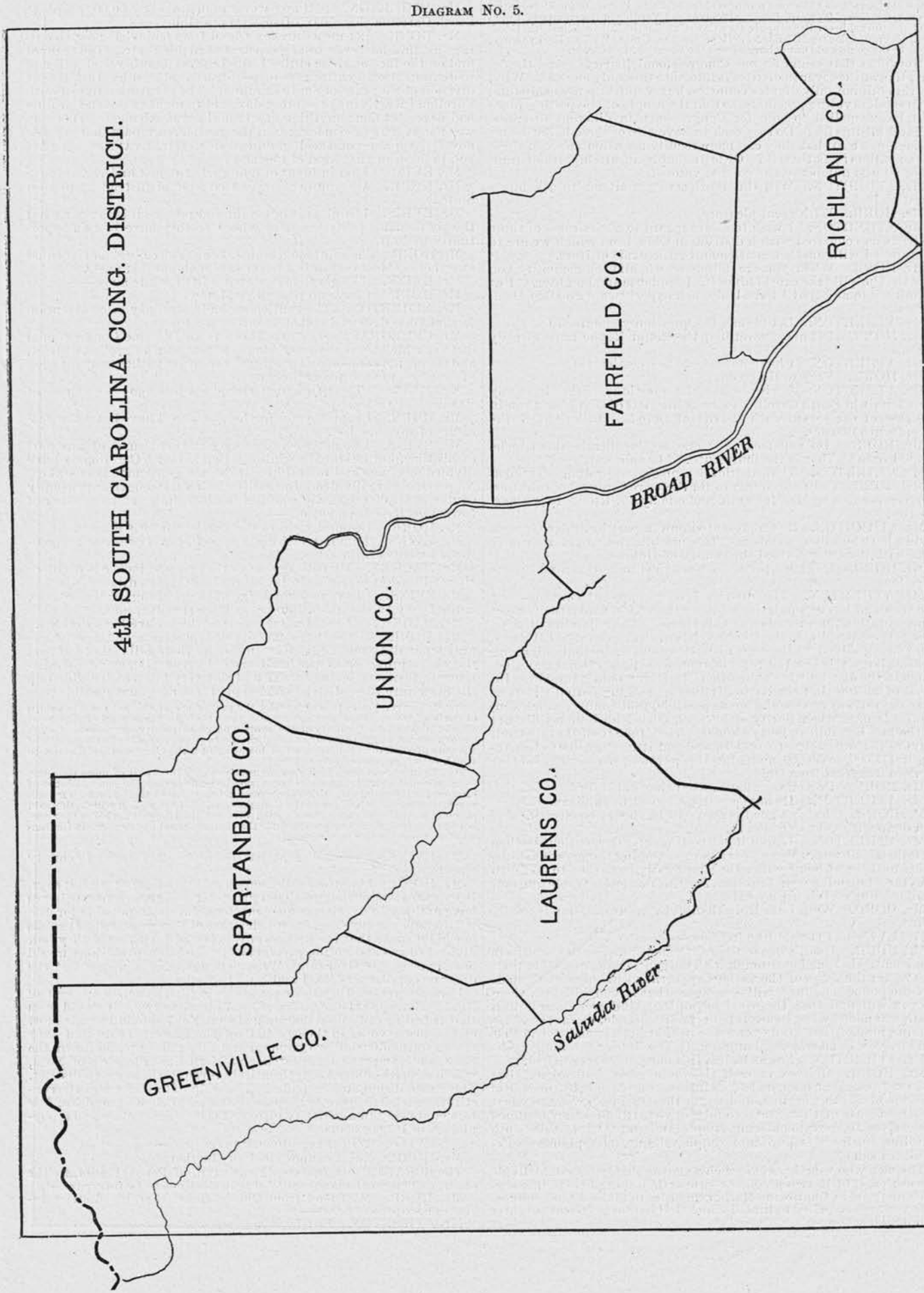

3d SOUTH CAROLINA CONG. DISTRICT.
NEWBERRY CO.
ABBEVILLE CO.
ANDERSON CO.
PICKENS CO.
OCONEE CO.
Saluda River.
SAVANNAH RIVER.

DIAGRAM No. 5.


4th SOUTH CAROLINA CONG. DISTRICT.
RICHLAND CO.
FAIRFIELD CO.
BROAD RIVER
UNION CO.
SPARTANBURG CO.
LAURENS CO.
Saluda River
GREENVILLE CO.

below the county of Colleton; the townships of Bells, Burns, Conn, Dorchester, George, Graham, Heyward, Roger, Sheridan, and Verdier in the county of Colleton; the townships of Branchville, Caw Caw, Caw Castle, Edisto, Elizabeth, Goodland, Hebron, Liberty, Middle, New Hope, Orange, Union, Willow, Rocky Grove, Zion, in the county of Orangeburgh; and the county of Lexington.

How does that sound for one Congressional district? And the description of the seventh district is like unto this, only more so. Why, sir, this bill not only divides counties, but it splits up townships and even sunders voting precincts, so that the people of one polling place will be compelled to vote for Congressmen in different districts. What is all this for? Do they seek to have two or three ballot-boxes at each place so that they can more readily use a double set of these tissue ballots? Is that it? Or is it simply an attempt to disfranchise a large number of the colored voters?

Mr. ATHERTON. Will the gentleman permit me to ask him a question?

Mr. HORR. With great pleasure.

Mr. ATHERTON. I wish to ask in regard to the fairness of those districts as compared with a district in Ohio from which we are to be inflicted with another gentleman by the name of Horr.

Mr. HORR. When you are inflicted with him let me notify you now that he will take care of himself. [Applause and laughter.] But permit me to add that I have had much experience with Ohio Democrats.

Mr. ATHERTON. Let me ask the question you agreed to.

Mr. HORR. Let me answer first the end of it you have already asked.

Mr. ATHERTON. I have not asked the question yet.

Mr. HORR. Very well; go on.

Mr. ATHERTON. I wish to ask the question whether it is any more unfair in South Carolina to make districts of that kind than in the case of the seventeenth district of Ohio? I believe it is the seventeenth district.

Mr. HORR. Do you mean the one my brother is about to be elected from? That is the fourteenth. [Laughter.]

Mr. ATHERTON. That district is represented by Judge GEDDES.

Mr. HORR. Only one county of it; there are three other counties, two represented by Mr. MCCLURE and one by Dr. RICE. It is a new district.

Mr. ATHERTON. It is represented now in part by Judge GEDDES and in part by other members. The new district would naturally take with it as now formed the county of Holmes.

Mr. HORR. I cannot permit all my time to be taken up by one question.

Mr. ATHERTON. The district I now represent contains four counties and has a population of more than 5,000 above the ratio of representation for a member of this House. The adjoining district, now represented by Judge GEDDES, has in it the county of Holmes. That being added to the new district would leave that adjoining district largely below the ratio of representation. It naturally belongs to the district which the other Mr. Horr would represent. Instead of adding that county to his district, making both districts as near the ratio of representation as possible, that county, which contains a Democratic majority of about 2,000, is added to my district in the last Republican gerrymander. They take it off that district, leaving that district with 127,000, and put it into my district, making it 177,000, or 50,000 more, for the purpose of electing another Horr to Congress from Ohio.

Mr. HORR. Do you say that is what they did it for?

Mr. ATHERTON. He happens to be a good Republican.

Mr. HORR. That is a good reason why he should be elected. Are you done with your question?

Mr. ATHERTON. Would it not be better for the gentleman when he talks about unfairness of parties in arranging Congressional districts to shoot at home where the Horr family lives than to go down into the State of South Carolina for the purpose of pointing out similar things, even if they exist?

Mr. HORR. Well, I am truly thankful if your question is finally asked.

Mr. EVINS. I should like to know——

Mr. HORR. I will come to the gentleman from South Carolina in a moment. Let me get through with the gentleman from Ohio first. I have not the maps of the various apportionments heretofore made in Ohio before me, but I will guarantee that if you will look them up you will find that the worst job of that kind ever done in that State was done by the Democrats in the last decade, by far the worst looking map of that kind ever made in that State was made at that time by you Democrats. [Laughter.] You know that, Judge.

Mr. ATHERTON. Not as bad as this one I have mentioned.

Mr. HORR. Oh, yes, indeed! It was a great deal worse. But you may take that map, as bad as it was, and place it by the side of this one of South Carolina, and while the Ohio map was the worst the Democrats of that State could do, you will find they confined themselves to gerrymandering simple and pure, while this South Carolina business is pure and simple villainy. [Applause on Republican side.]

The men who would prepare such a map as that, who would divide townships, split in two precincts—worse than that; here in this seventh district, in Charleston Harbor, in order to make a land connection you are compelled to tunnel under that harbor. [Great laughter and applause.]

Mr. ATHERTON. Is it any worse to disfranchise 50,000 people in South Carolina than 50,000 Democrats in Ohio?

Mr. HORR. Let me assure my friend from Ohio that no such outrage as this has ever been perpetrated in his State. You cannot find on the face of these entire United States another such attempt to disfranchise an entire race of people as is shown by this recent division of the State of South Carolina. The gentleman from South Carolina [Mr. EVINS] the other day said to me that South Carolina had never yet done anything of which she was ashamed. This map was not at that time made. Can the gentleman repeat that remark now? [Applause on the Republican side. Mr. EVANS rose.] Are you in favor of that kind of business?

Mr. EVINS. I am in favor of doing what is just and right.

Mr. HORR. Are you in favor of that kind of districting in your State?

Mr. EVINS. I think it is but right and just, as it is exactly what the gentleman's party has done wherever they have had an opportunity to do it.

Mr. HORR. The gentleman is mistaken. You cannot find its equal anywhere. Most certainly I never saw such another case.

Mr. EVINS. The gentleman stated a little while since——

Mr. HORR. I have no time to yield now.

Mr. ATHERTON. The gentleman had better pay some attention to that Ohio district I called his attention to——

Mr. UPDEGRAFF, of Ohio. There is in Ohio no Congressional district which bears any resemblance to that South Carolina district, and no one not composed of contiguous counties without any division of counties, townships, or precincts.

Mr. EVINS. The gentleman stated a while ago—— [Cries of "Order!" "Order!"]

Mr. HORR. I cannot yield further, because I have but a few moments of my time left.

Mr. EVINS. I do not wish to deprive the gentleman of any part of his time, but he stated a while ago that in South Carolina we have divided precincts and townships. Now, the gentleman is mistaken. No precincts are divided. In South Carolina the counties are usually double or triple the size of counties in other States and a number of townships have been cut off——

Mr. HORR. I cannot yield to the gentleman for a speech.

Mr. EVINS. I am not making a speech, but I presume the gentleman wants all the facts.

Mr. MACKEY. My colleague says that no precincts are divided. Mount Pleasant precinct, in Berkeley County, was divided.

Mr. EVINS. I have no knowledge of such a thing; and of course, while I may be mistaken, I do not believe that it is done.

Mr. MACKEY. I could name a dozen which have been divided.

Mr. HORR. If you have not divided precincts and townships, pray what did your Legislature mean by their bill? Let me read the exact provision of the law framed by your Democratic Legislature. Listen to sections 2 and 3 of this very bill which divided up the State into these districts and made these diagrams possible:

SEC. 2. In every case in which under the provisions of this act the townships or parts of townships of any county may not all be in the same Congressional district, it shall be the duty of the proper board of county canvassers of such county in canvassing the votes of said county to report separately the results of the vote of such townships or part of townships for the Congressional district to which they may respectively belong.

SEC. 3. In any case in which a voting precinct may form part of more than one Congressional district, if no other provision be made by law the commissioner of election for the county in which such precinct is situated shall provide for such precinct separate boxes for every Congressional district within which the said precinct may be, and each voter at such precinct shall deposit his ballot for member of Congress in the box provided for the Congressional district within the limits of which said voter may reside.

Mr. EVINS. I presume that has reference exclusively to county officers.

Mr. HORR. I beg the gentleman's pardon, that is not what it says. It expressly states Congressional districts; and these separate boxes have nothing to do with county matters, nor is it possible for the law to apply to anything except elections of Congressmen. It seems beyond dispute that the makers of this law at least feared they had divided towns and voting precincts, else no such provisions would have appeared in their bill. Why, look again for a moment at the diagrams of districts No. 1 and No. 7!

For some reason they desired to take in Charleston in one end of No. 1. That split the territory of No. 7 plumb in two. It would seem that it had already been determined that No. 7 should include most of the negro votes in the east half of the State. To do that they must run the district two hundred and fifty miles up and down the coast and jump the Charleston and McClellanville strip of No. 1, which runs its crooked length entirely through the seventh district. These men do not stop at trifles. The strip of territory and the constitutional barrier are both passed at a single bound, and No. 7 is formed, taking in a majority of over 25,000 negro voters and a population of 187,600 souls.

Mr. EVINS. Will the gentleman permit me——

Mr. HORR. No; I cannot yield any further.

The SPEAKER *pro tempore*, (Mr. SMITH, of Pennsylvania, in the chair.) The gentleman from Michigan declines to be interrupted.

Mr. HORR. My friend from Ohio claimed that his district includes a surplus of 5,000——

Mr. ATHERTON. No; 50,000.

Mr. HORR. Not 50,000 more than the regular ratio?

Mr. ATHERTON. No; 50,000 more than the adjoining district.

Mr. HORR. But here we have a district with nearly 40,000 people in excess of the regular ratio of the State and 69,000 more than the adjoining district, and built in that way simply to gather within its crooked and indented borders as many of the colored voters as possible——

Mr. EVINS. The gentleman from Michigan certainly does not wish to misrepresent the facts. [Cries of "Order!" "Order!"]

The SPEAKER *pro tempore*. The gentleman from Michigan declines to be interrupted.

Mr. EVINS. The gentlemen upon that side of the House have not been interrupted in this discussion, and I simply want to say to the gentleman from Michigan that we proposed on this side of the House to pass a bill, as he will remember, to prevent just what he now complains of, that is gerrymandering, and gentlemen on that side of the House voted solidly against it. We proposed on this side of the House to pass a measure to put a stop to what he now complains of.

Mr. DUNN. Yes, as an amendment to the apportionment bill.

Mr. HORR. Why, gentlemen, the bill that we passed if properly executed——

The SPEAKER *pro tempore*. The time of the gentleman from Michigan has expired.

Mr. HORR. But, Mr. Speaker, a large part of my time has been consumed by the interruptions of other gentlemen.

Mr. ATHERTON. Give him five minutes longer.

Mr. HORR. I would like about ten minutes more——

Mr. ATHERTON. Well, I have no objection. When a gentleman is coming to the point of his argument and wants a little time I think he ought to have it.

The SPEAKER *pro tempore*. Without objection, the gentleman from Michigan will proceed ten minutes.

Mr. MOULTON. The time, of course, must be taken out of the other side.

Mr. HORR. Mr. Speaker, I was about saying to the members of this House that the apportionment bill which passed the House at this session requires districts to be made from contiguous territory and as nearly as practicable equal in population. And let me say that any set of men who would try to faithfully and honestly execute that law as passed could never make such districts as those we are now considering.

Mr. EVINS. Will the gentleman now permit me to interrupt him?

Mr. HORR. I have heretofore yielded to the gentleman, but I cannot now spare the few moments given me by the courtesy of the House.

Mr. EVINS. The gentleman is speaking by unanimous consent, and I think I have the right to interrupt him or object to his proceeding.

Mr. HORR. No, Mr. Speaker, what I complain of in this case is not what is commonly called gerrymandering; it is what seems to me to be villainy, downright villainy.

Mr. EVINS. Of course the gentleman from Michigan has the right to use the term "villainy" toward that people and refuse to be interrupted, but I object to the gentleman speaking unless he will consent to be corrected when he makes statements of that kind.

Mr. HORR. The gentleman from South Carolina knows very well that my time, though given by unanimous consent, is limited. And, Mr. Speaker, let me say to my friend one thing. It is this: that just so long as you people of the South attempt to destroy the freedom of the ballot by that kind of chicanery, just so long as you strive by such means as that to prevent the honest expression of the honest voters of your States, just so long you will be compelled to stand here and defend yourselves, and just so long you will create in the North that feeling of just indignation which will keep it solid in the future against such practices, because our people will never consent to have this Government pass into the hands of men who will either perpetrate such wrongs or who will defend those who have perpetrated them. [Applause on the Republican side.]

Mr. ATHERTON. And just so long as you do as you have done——

Mr. HORR. I do not yield.

Mr. ATHERTON. The gentleman will permit me to say that "villainy" in the South is "villainy" in Ohio. [Cries of "Order!" "Order!"]

Mr. HORR. I hope my friend from Ohio will be patient. I have here a little tissue ballot which I desire to show to the House. It was used, I am told, in the Lee and Richardson district. It is headed "Union Republican Ticket." Then follows: For President, James A. Garfield; for Vice-President, General Chester A. Arthur.

Now, what is peculiar about this ticket, in addition to its size and the delicate tissue paper on which it is printed, is this: there is not a single man named on it who was running for any office except Mr. Richardson, the Democratic candidate for Congress, and of course excepting the President and Vice-President, who could not be voted for in that way. Still I am told that 465 of these ballots found their way into the ballot-boxes in one county. What could have been the object of this? Of course, precisely the same object aimed at by this outrageous districting scheme; both are done to prevent the honest voters of South Carolina from having a fair expression of their voice in the election of their members to Congress. I give here the entire ticket:

UNION REPUBLICAN TICKET.

For President,
Gen. James A. Garfield.
For Vice-President,
Gen. Chester A. Arthur.
Electors at Large,
J. A. F. Coleman,
Miles Wallace.
District Electors.
1st—J. W. Bouknight.
2d—J. E. Gilbert.
3d—W. H. Thewel.
4th—J. W. Rector.
5th—A. S. Smith.
Congress—First District,
John S. Richardson,
Senator,
R. M. Harriot.
Representatives,
Pompey Kinloch,
E. H. Coit.
Sheriff,
T. E. Rhodes.
School Commissioner,
Albert Sinclair.
County Commissioners,
R. O. Bush.
Robert Nowlan.
Moses Langley.
Probate Judge,
J. Z. McConnell.
Coroner,
L. B. Lloyd.

Let me repeat again to you gentlemen that the North will be kept solid just so long as you insist upon these methods of destroying the votes of the loyal people of the South, just so long as you continue to practice that kind of trickery. But you ask what has all this to do with the case before the House? Let me tell you. These cases show that you men of the South are simply carrying out a plan which you inaugurated among yourselves immediately after the reconstruction acts were passed. The moment we had forgiven you for the part you took in the rebellion and had given you even the right to sit here as law-makers of the land, you commenced at once—and South Carolina was conspicuous among those who started this plan—I say you commenced by every conceivable means, by kukluxism, tissue ballots, intimidation, red-shirt brigades, and shot-gun companies——

Mr. EVINS. I rise to a point of order.

Mr. HORR. I say you tried by all these means to prevent the voice of her loyal people from being heard and to prevent the colored men in your States from having any voice in choosing their rulers. Now, I say, and I say it in all kindness to my friend, [advancing toward Mr. ATHERTON,] that such a thing could not be done in Ohio, and you know it.

Mr. ATHERTON. Let me ask you one question——

Mr. ROBINSON, of New York. I rise to a point of order. This has become a personal controversy and is disgraceful to the House.

Mr. ATHERTON. I understand that is denied, and I ask you where it was done?

Mr. HORR. I have here the list of the various precincts in which those tissue ballots were used, in one county giving the number of such ballots found in each box. And as to this redistricting business I say here and now, without fear of successful contradiction, that you may take the districting of any Northern State, I care not what State you select, and hang the map of it up here, and you cannot duplicate this bare-faced performance anywhere in this entire country.

Mr. BERRY. I would like to ask the gentleman——

Mr. HORR. Do you think you could do it in California?

Mr. BERRY. No, sir; but I want to know if tissue ballots are any worse than these tape-worm tickets [showing them] used by the Republicans in my State?

Mr. HORR. If the Republican party used that kind of tickets in the State of California they were in bad business. And let me ask you right here, have you no higher idea of politics than to imitate the worst things the Republicans may have done? [Laughter and applause.] The great trouble with your Democratic party seems to be that you have come to feel that you are on very high moral ground if you can succeed in climbing up to some place where we Republicans have made a mistake. If you do any wrong thing and you can find some time in the past where we committed the same folly, you act as if your vindication was complete. Let me beg of you to cease following our errors and hereafter imitate some of our many virtues. [Applause.]

Mr. ROBINSON, of New York. Will my excitable friend allow me to ask——

Mr. HORR. No, sir; I cannot yield to the gentleman now. I say if you Democrats would imitate our well-doings you would make better men of yourselves. If our party at any time used those tape-worm ballots on the Pacific Slope, in doing so they did wrong.

Mr. BERRY. They did, and they practiced that on the poor workingmen.

DIAGRAM No. 6.

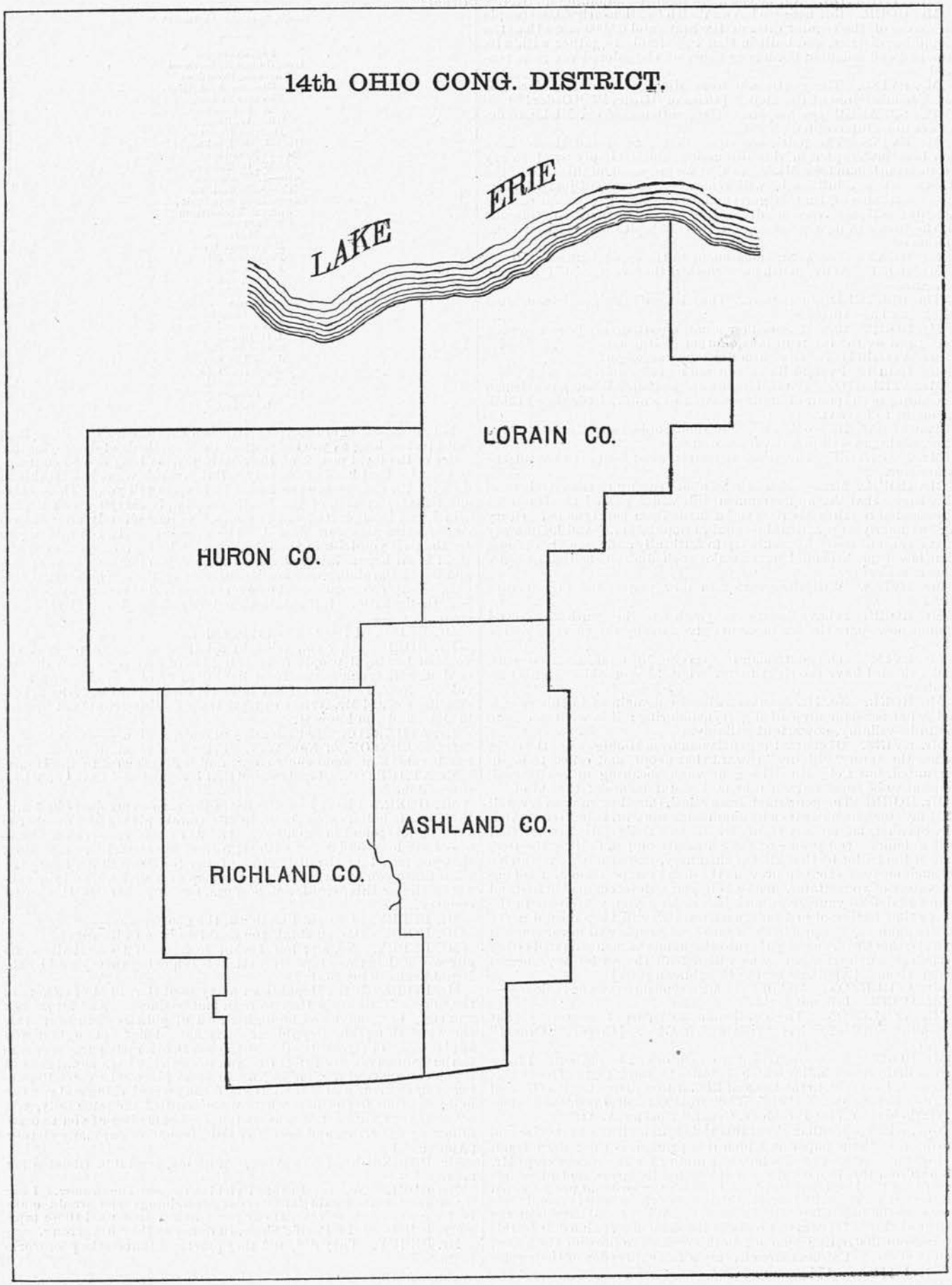
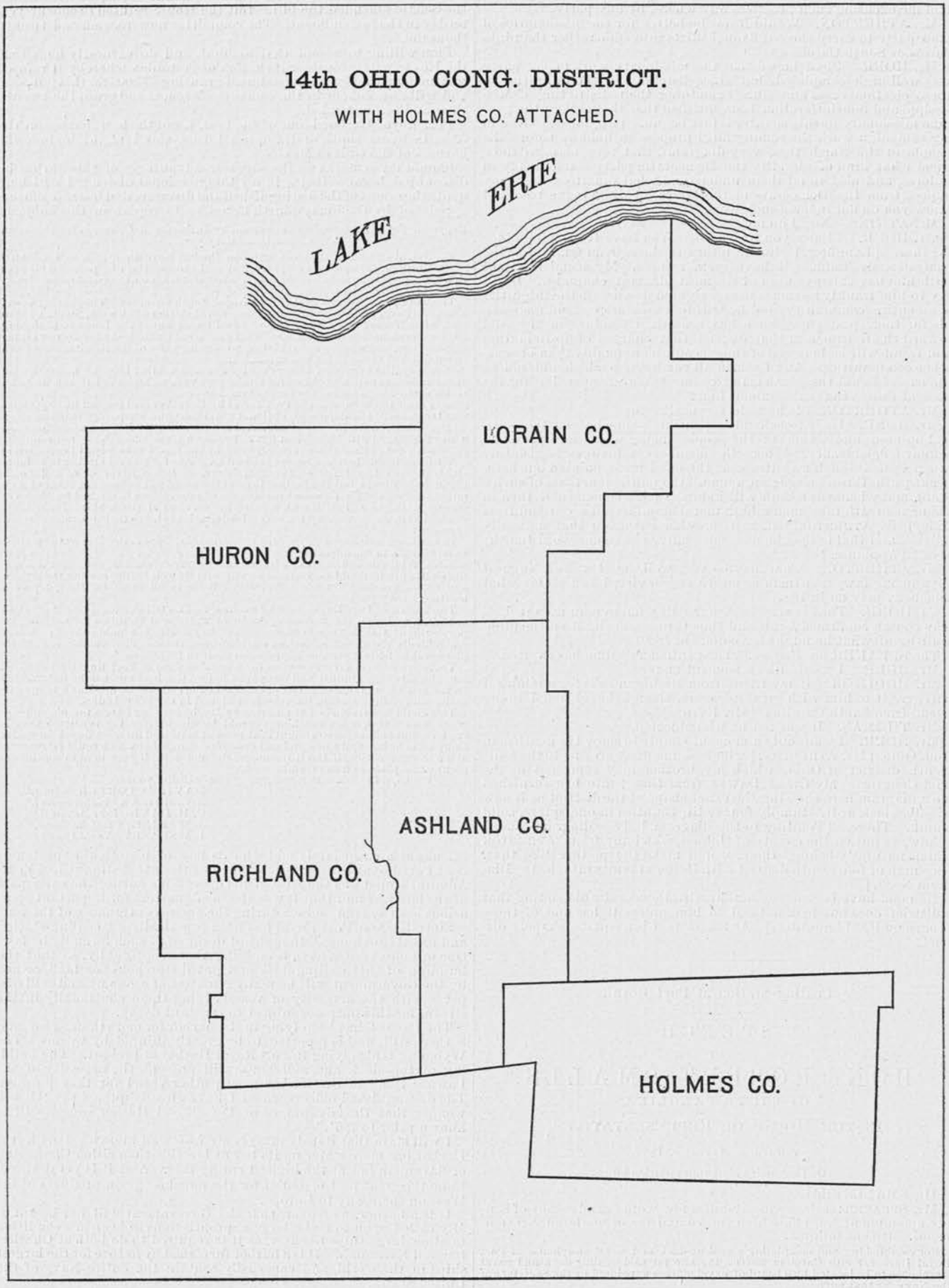

14th OHIO CONG. DISTRICT.
LAKE ERIE
LORAIN CO.
HURON CO.
ASHLAND CO.
RICHLAND CO.

DIAGRAM NO. 7.


14th OHIO CONG. DISTRICT.
WITH HOLMES CO. ATTACHED.
LAKE ERIE
LORAIN CO.
HURON CO.
ASHLAND CO.
RICHLAND CO.
HOLMES CO.

Mr. HORR. I know nothing of the facts, but my friend will never find me excusing such practices any where, by any party.

Mr. ATHERTON. Would it not be better for the missionaries of your party to carry the red flannel skirts into Ohio rather than into Africa or South Carolina?

Mr. HORR. I had hoped that the missionary work of our party was well-nigh completed, but since listening to the iniquities of these election cases and since examining the redistricting of Mississippi and South Carolina I am satisfied that the work of the genuine missionary in this country is just begun. [Applause.] And in my campaign work the coming fall I propose to hold up before the people of the North these very diagrams, that very map, to show them what kind of rascality the Democratic party stands ready to indorse, and also to let them understand what practices they may expect from the Democrats of the South. [Mr. ATKINS rose.] I know you do not indorse such work.

Mr. ATKINS. No; I do not.

Mr. HORR. I knew you would not. You have too square a face for that. [Laughter.] But to return to the case on trial. For the contestee, Mr. Tillman, I have great respect. My social relations with him have always been of the most pleasant character. But I say to him frankly he comes here weighted down with the iniquities of an entire community, and he will in a measure be held responsible for their past sins. Such has been their conduct in the past toward the freedmen in that district that charges of intimidation and fraud will be believed of those people more readily than of some other communities. And I ask in all candor if such should not be the case. Is not the gentleman to some extent responsible for the state of things that exists about him?

Mr. ATHERTON. Is he to be responsible for——

Mr. HORR. He is to be held responsible somewhat for the political opinions and actions of the people among whom he lives as an acknowledged leader. Where the members of his own Legislature can perpetrate such an outrage as the one I have pointed out here, it naturally throws suspicion upon all the political actions of such a State, and whenever a man will indorse such a scheme and then in the next breath take such a high moral stand as did my friend from Ohio, [Mr. ATHERTON,] there is another suspicion that naturally follows, and that is that he does not really believe one word that he says. [Applause.]

Mr. ATHERTON. That may be very well, but I want to suggest that among lawyers a man is not to be convicted in 1880 for what somebody may do in 1882.

Mr. HORR. That is very true, but still what a man does in 1882 may show a confirmed habit and thus throw some light on the probabilities of what he might have done in 1880.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HORR. I would like a moment more.

Mr. MOULTON. If my friend from Michigan asks for a minute I will give it to him with great pleasure, though he objected to my friend from South Carolina, [Mr. EVINS.]

Mr. THOMAS. It was not he who objected.

Mr. HORR. I want only a moment simply to show the gentleman from Ohio, [Mr. ATHERTON,] who took me unawares as to the fourteenth district of Ohio, which my brother may represent in the next Congress. My friend DAWES from that State has furnished me a diagram here showing the exact shape of the district as it now is. Just look at it. Simply four entire counties in one square, solid chunk. There. [Pointing to the diagram.] [See diagram No. 6.]

Now, to put on the county of Holmes, which my friend ATHERTON claims naturally belongs there, would make the picture like that. [See map of fourteenth district with Holmes County attached. Diagram No. 7.]

He must have become so familiar with Democratic districting that a district does not look natural to him unless it has one of those prongs on it. [Laughter.] As it now is it is a square, shapely district.

Coaling-Station at Port Royal.

SPEECH

OF

HON. ROBERT SMALLS,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 5, 1882,

On the sundry civil appropriation bill.

Mr. SMALLS said:

Mr. SPEAKER: I desire to say but a few words in advocacy of Senate amendment No. 145, which the committee of conference recommend. It is as follows:

For establishing and completing a coaling-dock and naval storehouse at Port Royal Harbor, South Carolina, $30,000, the site for said coaling-dock and naval storehouse to be located by a board of naval officers appointed by the Secretary of the Navy for that purpose.

I would have preferred the original amount of $30,000 with which the Senate amended the bill. But the House refused to concur yesterday in that amendment. The committee now recommend twenty thousand.

I am willing to accept that amount, and do earnestly hope that the House will reconsider its action of yesterday whereby it refused to concur in the Senate amendment granting $30,000 for this purpose, and will now concur in the committee's report and grant the twenty thousand recommended.

Port Royal Harbor is one of the best, if not the best, harbor on the Atlantic coast south of Hampton Roads, and I might include the harbors of the Gulf of Mexico.

Should my remarks on the superior advantages of this harbor be discounted because it lies in my Congressional district, I will here quote the report of the distinguished and disinterested board of officers appointed by the Forty-fourth Congress to report on this subject:

Report of the board of officers convened by authority of Congress for the examination of navy-yards.

The board embarked at Washington on the 22d November, 1876, in the United States steamer Tallapoosa, and proceeded south to ascertain by personal observation what positions could be selected for a naval station on the coast of South Carolina or Georgia.

The Tallapoosa stopped first at Port Royal, South Carolina. This harbor is well known to naval officers, and its value as a naval station has been appreciated since 1861, when it was first occupied by our naval forces, and it was found to be the only harbor between Norfolk and Key West that would afford shelter to our largest ships of war, and where a naval station possessing most of the requirements could be established for refitting and replenishing our squadrons.

Port Royal is very easy of access; its channel leading into the harbor or bay offers sufficient depth of water for our largest vessels, and the bay and its tributaries could afford anchorage for the largest navy.

Soon after the occupation of Port Royal by Rear-Admiral Dupont its importance was recognized, and depots for coal and provisions and temporary machine-shops were established for the use of our naval forces, and Port Royal was continued as a naval-station until 1865, when it was broken up, our small Navy not requiring more navy-yards than those recommended by the board to be kept in commission.

Without doubt there are some excellent locations for a naval station to be found either in Port Royal Bay or Beaufort River, on Broad River, or on Colleton or Chechessee Rivers, but the limited time of the board did not permit them to make minute surveys. They availed themselves of information furnished by the naval officers stationed at Port Royal, secured the services of the best local pilots, and proceeded in the steamer up the several tributaries as far as their judgment deemed necessary.

In selecting a site for a navy-yard or station there are many important matters to be taken into consideration:

First. A minute and correct hydrographical survey should be made, for although the charts are no doubt correct and serve perfectly well for navigating the streams and rivers, yet they are not sufficiently minute in all cases for the purpose of locating a navy-yard.

The harbor of Port Royal, South Carolina, and its tributaries, present great advantages, and offer the necessary depth of water and facilities for entering the port without risk to vessels of war. Port Royal Bay is a noble sheet of water, undoubtedly the finest harbor on our southern coast. The wonder is that the place was so little known or appreciated prior to 1861.

There are several favorable sites for a naval station at Port Royal, all of which must be carefully studied and compared before the best one can be determined. In the mean time the board recommend that Port Royal be used as a temporary fitting and coaling station for vessels stationed in the West Indies.

This could be established at no great outlay, by keeping here a few old ships, on board which temporary machinery could be erected for the repair of vessels, engines, and boilers—a store-ship is at present stationed there—a depot for coal on shore or in hulks, and a hospital and ordnance ship, all of which could be removed at a moment's notice, if the Government did not deem it expedient to continue to occupy this place as a naval station.

We have the honor to remain, very respectfully, yours,

DAVID D. PORTER, *Admiral.*
S. C. ROWAN, *Vice-Admiral.*
C. H. DAVIS, *Rear-Admiral.*
J. W. KING, *Chief Engineer.*
J. W. EASBY, *Naval Constructor.*

I might appropriately add what is now of historical importance, that Port Royal Harbor was selected by the late distinguished Rear-Admiral Dupont as the base of his operations during the early part of the late war and that it was the headquarters for important operations both by land and sea during the entire continuance of the war.

Since the war Port Royal has been practically a "coaling-station and naval storehouse," though not designated such formally by law. One or more vessels have been lying there continually, so that the building of this coaling-dock and naval storehouse on land owned by the Government will be really a matter of economy and will dispense with the necessity of vessels lying there continually in the stream for this purpose, subject to constant decay.

The Pawnee has been lying in the harbor for more than a year, and is there still, and is reported to be greatly injured by worms. The Wyoming is also lying in Port Royal Harbor at present. The building of this dock and storehouse will prevent the necessity of the Pawnee lying in the harbor or any other vessel for that purpose. The distinguished officers whom I have already quoted say "it is a wonder that the advantages of Port Royal Harbor were so little known prior to 1861."

I will state that its advantages are now well known. Port Royal Harbor has more water on its bar at low tide than either Charleston or Savannah has at the highest spring tide. And it is yet destined to be the great port of outlet for the immense grain products of the West on their way to Europe.

It is a harbor, moreover, that the Government will not be annually called upon to make large appropriations to keep in a condition to allow large ships to enter, as it is required to do both at Charleston and Savannah. It is a harbor furnished by nature for the largest ships in the world, and can easily contain the entire Navy of the United States.

I speak from personal knowledge and experience, Mr. Speaker, for it was my good fortune during the late war to be engaged as a pilot in the Navy in this harbor and afterward as a captain in the Quartermaster's Department.

Port Royal Harbor, with its twenty-one feet of water on her bar at low tide and twenty-eight feet at high tide, is destined to rise to the position which her great natural advantages entitle her at an early day, although she lies between the two old and well-established sea-ports of Charleston and Savannah; her railroad to Augusta and thence to the great West will give her the facilities which she needs, and she will yet eclipse all the South Atlantic ports.

Naval Appropriations.

SPEECH

OF

HON. BENJAMIN W. HARRIS.

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES.

June 28 and 29, 1882.

The House, in Committee of the Whole on the state of the Union, having under consideration the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes—

Mr. HARRIS, of Massachusetts, said:

Mr. CHAIRMAN: The Committee on Naval Affairs have during the session spent weeks in carefully investigating into the present condition of the Navy and its wants. The result of their labors is the bill No. 5001, entitled "A bill authorizing the construction of vessels of war for the Navy of the United States, and for other purposes." That bill lies buried upon the Calendar of the whole House on the State of the Union. A report, No. 653, to which is appended a mass of valuable testimony taken by the committee, accompanies the bill. We had hoped and expected to have secured for that bill a hearing upon its merits. We had little doubt that it would secure the approval of the House and be promptly passed. But our expectations have been disappointed. The rules of practice in the House are such that a majority of less than two-thirds is as helpless to execute its will as even the feeblest minority.

The measure which had been matured with so much labor, care, and industry by the committee, which the people of this country would approve, which the best interest of the Navy demands, and which this House has shown its readiness and desire to consider and act upon, under our rules is utterly out of our reach. The only privilege which the Committee on Naval Affairs, or myself, as its chairman, are by the rules permitted to enjoy and exercise is the privilege granted as a matter of grace and favor freely and generously, I take pleasure in saying, by the Committee on Appropriations, of participating for an hour in the general debate on the naval appropriation bill, into which that committee has seen fit to put a few fragments of the legislation proposed by the Committee on Naval Affairs and contained in the bill before referred to. You can hardly imagine the humiliation which, as chairman of the Committee on Naval Affairs, I feel in participating in the debate on the bill before us. I am justified, I think, in saying that we deserve more than this, and that the important question as to what is the duty of this House toward the Navy of the country demands more than this.

OBSTRUCTIVE RULES.

But so it is. By our rules two or three of the leading committees which are always entitled to the floor with their business have the power to dictate to all other committees what they shall say, what they shall do, and when and how they shall say it or do it. By the kind grace and favor of the Committee on Appropriations I am permitted to advocate on a bill prepared by that committee measures wholly matured and as I think much better set forth in a bill prepared by the Committee on Naval Affairs, and in the authorship of which I may not improperly claim a large share. I do not complain of the Committee on Appropriations. They have undertaken to help us a little, and to give us a day in court otherwise denied to us.

Mr. HISCOCK. I desire to say to the gentleman, if he will allow me——

Mr. HARRIS, of Massachusetts. Certainly.

Mr. HISCOCK. That it has been the intention of the Committee on Appropriations to work in entire sympathy and harmony with the Committee on Naval Affairs, and especially with the honorable chairman of that committee.

Mr. HARRIS, of Massachusetts. I cheerfully acknowledge the correctness of the statement made by the honorable chairman of the Committee on Appropriations.

Mr. HISCOCK. And many of the provisions of this bill have been inserted by our committee because the rules of the House denied to the committee of which the gentleman is chairman a hearing before the House. We have done what we could to facilitate his having a day in court.

Mr. HARRIS, of Massachusetts. And I want in the amplest manner to render thanks to that committee for having done so. I am complaining of the rules of the House and not of the honorable chairman or of his committee.

I venture to hope that no other House which may assemble here will tamely adopt for its guidance this body of rules as a whole, and thus put itself in bondage at the moment of assuming the duties and powers of legislation as did this House. I pray Heaven that the Congress hereafter to be convened may be wise enough to so far preserve its freedom and escape the despotism of parliamentary rules as to be able to practice in legislation the great distinguishing doctrine of our American Republic, that the will of the majority shall govern.

RECONSTRUCTION OF THE NAVY NOT A POLITICAL MEASURE.

Mr. Chairman, when the bill and report from the Committee on Naval Affairs to which I have referred were presented and referred to the Calendar of the Whole House on the state of the Union—that tomb in which lies so much of honest, intelligent, and useful proposed legislation, but from which, however, there is so little hope or promise of resurrection—the work had the indorsement and approval of the best friends of the country. The best portion of the public press spoke of it with approval. When an attempt was made to assign a day for the consideration of the measure, 145 members voted in the affirmative and only 91 in the negative. It failed of a hearing because by a rule we have agreed that in such matters a minority of one-third and one more shall govern.

Since that time the enemies of the measure, in this House and through the columns of some of the newspapers, have tried to bring political considerations to bear against it. Prejudice against members of the committee have been attempted to be engendered and excited to its injury. It has been proclaimed on this floor that the present able Secretary of the Navy should not be permitted to expend money for the building up of a navy, not, as I understand, because he is either incompetent or dishonest, but because he is a Republican, and too able a Republican to inspire confidence in Democratic circles. I desire to say that in the Committee on Naval Affairs no such spirit prevailed. Political considerations were shut out entirely. Personal prejudice had no place there. Our bill and report represent the views of the entire committee with no dissenting voice or vote. The committee was a unit.

Now, Mr. Chairman, while thanking the Committee on Appropriations for having accepted and incorporated in the bill before us a part of the measures proposed by the Committee on Naval Affairs, I can but regret that they have not accepted and adopted more of it. I wish they could have seen their way clear to adopt the whole bill No. 5001, appropriating $10,000,000 for the building of the pioneer ships of a new navy. I am confident that it would have reflected no discredit on the committee, and if adopted it would have brought honor to Congress and the country.

Mr. HISCOCK. We would have done it, but it would have been liable to a point of order perhaps.

Mr. HARRIS, of Massachusetts. I understand the reason, but if a point of order would lie against an appropriation of $10,000,000 for new vessels, why not against the bill of the committee which appropriates a smaller sum for the same purpose. Yes, it is the rules which stand in our way when we wish to do anything of great importance to the country. Fear of the rules and of the general objectors who use the rules to defeat legislation often makes cowards of us and deters us from attempting what we ought to do and may properly do.

If under the rules it is unlawful to appropriate $10,000,000 for new ships, it is equally unlawful to appropriate $500,000 for that purpose. It is not a question of degree. Grant the power to appropriate one dollar, and we may appropriate any sum which we may think best.

THE NAVY IN CONGRESS.

Mr. Chairman, during the last fifteen years Congress has been at fault and has not done its duty toward the Navy. Gentlemen rise upon this floor and complain of the conduct of the former administrations of the Navy Department. They denounce in bitter and in almost vindictive terms acts of a former Secretary. My friend from Tennessee, [Mr. WHITTHORNE,] the late chairman of the Committee on Naval Affairs, has had the opportunity at last (and I congratulate him upon it) to deliver a speech which was due in its order in the Forty-fourth Congress. I have for a long time desired to hear that speech, and that desire has now been gratified. Had it been delivered in the Congress to which it belonged, I might have then felt it to be my duty to make some reply to it, and to have pointed out some of its error and injustice.

But in that and the succeeding Congress, during which the gentleman as chairman of the Naval Committee conducted his great inquisitorial investigation into the administration of naval affairs, I had an opportunity to reply generally by report to so much of the findings and conclusions and charges of the gentleman and his associates of the majority as I deemed deserving of notice. That matter has long since passed by. My duty has been fully and honestly discharged. The record is made up so far as I am concerned, and I have no desire to change it. Whatever charges he now revives and brings here must be answered, if answered at all, by some person other than myself.

The gentleman at whom the speech of the gentleman of Tennessee was aimed is now here a member on this floor, and he can answer for himself if he thinks he is called upon to reply at all.

DEPARTMENTAL AND PRESIDENTIAL RECOMMENDATIONS.

I said, sir, that Congress has been neglectful of its duties to the Navy. Congress has had from the close of the war, in 1865, repeated and annual warning that the Navy was falling into rapid decay. I have only to turn to the annual reports of the Secretary of the Navy and messages of the President to establish the fact.

In his annual report of December 1, 1869, the Secretary of the Navy said:

It is not doubted that any war with a foreign enemy must be a maritime one. The American people are accustomed to success on the ocean; and they would have little cause, and less inclination, to forgive a policy which, at the first sign of a foreign war, sent our Navy hurrying ignominiously to our shores.

Yet we have not at this time, on any foreign station, a squadron whose combined force would avail for a day against the powerful sea-going iron-clads which both France and England have on the same stations.

These are not agreeable facts to contemplate, or to state, but after giving the subject much investigation and reflection, I have felt it to be my duty to state the truth frankly, through you, to the representatives of the people, that they may determine how much and how prompt action the situation requires.

In his annual report of December 1, 1870, he called the attention of Congress to the subject in this language:

I have not repeated at length many of the important suggestions and recommendations for the improvement of the Navy which I felt it my duty to make last year; but those recommendations still remain, and I beg to refer to and again press them, as suggestive of much that is needed not only for the efficiency of the naval service, and for the honor, safety, and welfare of the country.

Should Congress at any time think fit to adopt any measures looking to permanent improvement in the number and character of our naval force, the Department will be ready to furnish the proper information and estimates.

In this connection I will repeat, what I have had occasion before to remark, that neither ships, dock-yards, nor ordnance can be legislated into existence at the moment when needed, but are the products of long-continued industry and skill. A ship of war, armed, equipped, manned, and officered for efficient service, cannot be extemporized, but is the combined result of much labor, skill, science, training, discipline, and experience, produced by slow processes and organized with great care.

Merchant vessels, whether of wood or iron, though of great value as an auxiliary force of privateers, dispatch boats, and cruisers, could not in time of war be relied on as a main body of the Navy. Not built to carry heavy batteries, nor to resist the effect of heavy shot or shell, they could not encounter the war ships of any enemy.

In his report of 1872 he says:

This subject has been constantly pressed upon the attention of Congress, and I again repeat it, because I am constantly warned, as ship after ship is withdrawn from active service and laid up without hope of usefulness in the future, that the limit of our old resources is being rapidly reached, and that without new material our active force on the several stations must rapidly decrease, until our cruising navy will in a few years pass almost entirely away.

President Grant, in his annual message of that year, used the following language:

NAVY DEPARTMENT.

The report of the Secretary of the Navy herewith accompanying explains fully the condition of that branch of the public service, its wants and deficiencies, expenses incurred during the past year, and appropriations for the same. It also gives a complete history of the services of the Navy for the past year, in addition to its regular service.

It is evident that unless early steps are taken to preserve our Navy that in a very few years the United States will be the weakest nation upon the ocean of all great powers. With an energetic, progressive business people like ours, penetrating and forming business relations with every part of the known world, a navy strong enough to command the respect of our flag abroad is necessary for the full protection of their rights.

I recommend careful consideration by Congress of the recommendations made by the Secretary of the Navy.

The admonitions to Congress above quoted have been repeated in various forms almost annually from 1865 to the present year. And now we have addressed to us, in the message of the President, the following earnest appeal in behalf of the Navy:

I cannot too strongly urge upon you my conviction that every consideration of national safety, economy, and honor imperatively demands a thorough rehabilitation of our Navy.

With a full appreciation of the fact that compliance with the suggestions of the head of that Department and of the advisory board must involve a large expenditure of the public moneys, I earnestly recommend such appropriations as will accomplish an end which seems to me so desirable.

Nothing can be more inconsistent with true public economy than withholding the means necessary to accomplish the objects intrusted by the Constitution to the national Legislature. One of those objects, and one which is of paramount importance, is declared by our fundamental law to be the provision of the "common defense." Surely nothing is more essential to the defense of the United States and of all our people than the efficiency of our Navy.

We have for many years maintained with foreign governments the relations of honorable peace, and that such relations may be permanent is desired by every patriotic citizen of the Republic.

But if we heed the teachings of history we shall not forget that in the life of every nation emergencies may arise when a resort to arms can alone save it from dishonor.

And the Secretary of the Navy commences his annual report with this earnest appeal in behalf of the Navy:

The condition of the Navy imperatively demands the prompt and earnest attention of Congress. Unless some action be had in its behalf it must soon dwindle into insignificance. From such a state it would be difficult to revive it into efficiency without dangerous delay and enormous expense. Emergencies may at any moment arise which would render its aid indispensable to the protection of the lives and property of our citizens abroad and at home, and even to our existence as a nation.

We have been unable to make such an appropriate display of our naval power abroad as will cause us to be respected. The exhibition of our weakness in this important arm of defense is calculated to detract from our occupying in the eyes of foreign nations that rank to which we know ourselves to be justly entitled. It is a source of mortification to our officers and fellow-countrymen generally that our vessels of war should stand in such mean contrast alongside of those of other and inferior powers.

The mercantile interests of our country have extended themselves over all quarters of the globe. Our citizens engaged in commerce with foreign nations look to the Navy for the supervisory protection of their persons and property. Calls are made upon the Department to send vessels into different parts of the world in order to prevent threatened aggression upon the rights of American citizens, and to shield them in time of civil commotion in foreign lands from insult or personal indignity. It is to be deplored that in many such instances it has proved impossible to respond to these calls from the want of a sufficient number of vessels.

These things ought not to be. While the Navy should not be large, it should at all times afford a nucleus for its enlargement upon an emergency. Its power of prompt and extended expansion should be established. It should be sufficiently powerful "to assure the navigator that in whatsoever sea he shall sail his ship he is protected by the Stars and Stripes of his country."

CONGRESSIONAL COMMITTEES' REPORTS.

The warning has been heard, if not by Congress, by the Committees on Naval Affairs, and they have faithfully reported to this House during the last two Congresses at least. The committee of the Forty-fifth Congress, in a report on the subject, used the following language:

In comparison with the leading naval powers of the world, we occupy a very humiliating and unsatisfactory condition; but we had better know and appreciate it now, and, if possible, provide the remedy, than be startled by the revelation at a period of impending danger.

It is for Congress to say, with the evidence before it, what measures shall be taken to place the country in a condition for defense, and to provide the means for carrying the flag of the country in honor and safety upon the sea. The people of the United States will not long consent to this present condition of weakness and possible danger.

The Committee on Naval Affairs of the House in the Forty-sixth Congress were no less unanimous. In a report on the condition of the Navy, after showing in detail the real condition of every ship and every gun in the Navy, they say:

At the opening of the late war the ships and the guns of the American Navy were equal to those of any nation. When the Monitor and the Merrimac met and startled the world with their conflict in which thick armor became for the first time an over-match for heavy guns, the other nations commenced to solve great problems in naval warfare. While they have been spending vast sums of money and making experiments in all directions, we have rested and waited, until now the power of guns has outrun the resisting power of armor. In comparison with the navies of Great Britain, France, Italy, and even Spain, the American Navy is immensely inferior in ships and armament. And yet these nations have in the construction of these navies but followed out and improved upon American examples and models.

In view of these facts, the committee believe it to be our duty to begin at once to prepare for the work of building up a navy adequate to the national defense and to the preservation of the national honor. We cannot expect at once to build up a navy powerful enough to meet in mid-ocean and successfully contend with the monster iron-clads of England, France, and Italy, nor do we desire that the attempt should be made. We have no colonial dependencies to hold in unwilling subjection, nor jealous rival nation upon our borders to overawe by any exhibition of power. We have no temptation to make aggressive war for conquest upon any transoceanic nation. We have an empire equal to our ambition, not too large, let us hope, to be successfully governed as one nation upon republican principles.

We want a navy capable of protecting our commerce in all seas, of defending our own borders from invasion, and of destroying the commerce and sea-going cruisers of any nation which may make war on us.

To do the first, we should put our iron-clad fleet in condition of the greatest efficiency; we should also develop the torpedo system to its fullest extent. This arm of defense is American in origin, and has performed its greatest service on this side the Atlantic. It deserves our fostering care. It may be improved and carried to a state of perfection not now conceived of, if we will invite and encourage our inventors to give the subject their best efforts. With our iron-clad fleet in condition for coast and harbor defense, and our torpedo system perfected, 45,000,000 of Americans may defy all danger of foreign invasion.

In this connection it may be well to remark that the great iron-clads of Europe, of which so much is said and written, are few of them dangerous to us. They are too heavy and too unwieldy to venture 3,000 miles across the ocean, and of too great draught to navigate the shallow waters of the Atlantic sea-coast. Upon the ocean they can do no harm, for they would find no antagonist anxious to engage them, and their speed would not enable them to overtake steam sea-going cruisers worthy of the name.

But we should be able not only to meet and beat off an invader at our shore but also to extort from an enemy terms of honorable peace, by aggressive war upon the high seas. In case of war with a great commercial nation like Great Britain the hardest blow we could strike at her would be upon her commercial ships. With her commerce unharmed, England would be England still, even if every ship of war of her vast navy was sunk at the bottom of the sea. We should possess and be able rapidly to put afloat in case of war a few ships of not more than 2,000 tons burden, armed with rifled guns of great power and range, and so swift as to be entitled to be called "the cavalry of the sea."

The late war of the rebellion taught us how much harm a few fast ships, gallantly commanded, cruising at will in all seas, can do. The lesson should not be lost upon us as a nation, and, in the opinion of this committee, the time has arrived when it is a national duty to begin the construction of a new navy on this plan and with the policy here laid down. Our cruisers should not all be so large as 2,000 tons, and some may well be larger, but they should be armed with guns of the longest range and greatest power, and should possess a speed sufficient to enable them to choose time and occasion and fight or flee at will and administer just retribution upon an enemy by the destruction or capture of his commerce.

In any future wars with European nations we must fight upon the sea or nowhere; they will never meet us upon the land on this side of the water; and we shall never invade their shores. England, as we have said, is vulnerable only in her commerce. Upon her own territory she is well-nigh invincible, and we hope she may ever remain so; cripple or destroy her commerce and you punish England.

With this adopted as the future policy of the country in naval affairs, we should commence the work at once. But we do not recommend the expenditure of large sums with a view to perfecting such a navy this year or next. We would lay down our plan, begin the work carefully and evenly, and commence the construction of three or four such vessels each year, and keep constantly employed a regular force of skilled mechanics no larger than can be kept steadily and regularly at work.

The Committee on Naval Affairs of this House have again brought to the attention of Congress and the country the condition of our Navy. As an appendix to my remarks I shall make extensive extracts from that report.

ACTION BY CONGRESS.

But, sir, what has Congress done in all this time? If nothing had been done except that which Congress had expressly authorized, we should have had almost no Navy at all.

The only express authority given by Congress for building new vessels of war is found in the act of February 10, 1873, "authorizing the construction of eight steam-vessels of war." The total appropriation for these vessels was $3,200,000, and the total tonnage authorized was 8,000 tons. This would have given, if the ships authorized had been all of one class, eight small vessels of 1,000 tons each. But the Department expended this appropriation in building vessels of three sizes, namely:

Vessels.	Displacement.	Tonnage.
Trenton	3,900	2,300
Adams	1,375	615
Alliance	1,375	615
Essex	1,375	615
Enterprise	1,375	615
Alert	1,020	541
Huron	1,020	541
Ranger	1,020	541
Total	12,460	6,383

It will be seen that all of these vessels except the Trenton are small, indeed the smallest cruising vessels whose names appear on the Register. Their total tonnage is only 6,383. They were built substantially within the appropriation. If the appropriation had been larger I presume more of the Trenton class would have been built. These vessels are known as the "eight sloops" authorized by the act of 1873.

The Trenton is the finest and most useful vessel in our Navy, and the largest vessel in service with the exception of the Tennessee, which has a displacement of 4,840 tons and a tonnage or carrying capacity of 2,840 tons. She has greater speed than any other vessel in the Navy, and has a battery of eleven 8-inch converted rifles, the most formidable armament on any vessel of the Navy, though weak as compared with those on European vessels of war.

The only other vessels which have been added to the Navy by the express authority of Congress since 1865 are the torpedo boats Intrepid and Alarm. The Intrepid has neither gun nor torpedo machinery on board.

The Alarm is armed with one 15-inch smooth-bore gun, similar to those in use on the monitors. She is able to carry a much heavier gun, and if she could have a 12-inch breech-loading steel rifle, even in her present imperfect condition, she would be the most formidable vessel in our Navy. She has a maneuvering capacity unequaled by any vessel of her size in the world. She has been much improved in speed by the introduction of the Mallory steering-wheel. Her engines are not, however, such as to give her the best result. She has many points of excellence which I hope to see at no distant day utilized in better vessels of her class.

This is the extent to which Congress has gone in the direction of improving the Navy by direct enactments since 1865.

A great deal of money has been expended since that time in repairing and rebuilding the old ships left us at the close of the war, and keeping them in condition for service during this period of profound peace. Whether the money has all been wisely, prudently, and economically expended for that purpose I am unable to say, and I cannot know. But all the navy we have to-day is the remnant of the old navy of 1865, repaired, rebuilt, and reconstructed out of the ordinary appropriations, and the remaining seven sloops of war built under the act of 1873—the Huron having been lost at sea—and the two torpedo boats.

While Congress has thus for so many years deliberately neglected its duty to the Navy, the Navy Department has in spite of that neglect maintained a navy as formidable as that which we had at the end of the year 1865, after we had reduced our war navy by the sale of purchased and useless vessels, and has even improved upon it. We have now fourteen single-turreted iron-clads in good condition, which since the war have had their wooden beams removed and replaced with iron. But for this wise action of the Navy Department they would now all be like the Dictator, rotten and unfit for any possible service.

THE REBUILDING OUTCRY.

The five double-turreted iron-clads—Puritan, Monadnock, Miantonomoh, Amphitrite, and Terror—which were originally wooden vessels, and became by decay unfit for further service, are now wholly iron vessels, partially finished. They are going through the process well understood in the Navy long before the war and in all administrations, now designated by the gentleman from Tennessee in all his reports and speeches as "rebuilding under the name of repairs." He is free in his denunciation of the naval authorities for having exercised unlawful power in thus trying to maintain and keep up the Navy. In his eyes it is a crime for a Republican administration to "rebuild under the name of repair" any vessel of the Navy, notwithstanding it is but following the precedents and practice of every Democratic Administration which preceded it.

Nearly our whole fleet of old vessels now in the service which were left to us from the war have been maintained in use by substantially rebuilding them. The Brooklyn, the Richmond, the Lancaster have all been lately brought from rotten row into our cruising fleet by this process, and the Hartford is undergoing the same operation, and will soon take to the sea again, as good a ship in all respects, if not better, than she was the day she won her fame under her great commander.

It may be popular for members of Congress to denounce cabinets and administrations, to charge fraud, corruption, and high crimes upon the men who have the responsibility for the practical administration of the affairs of a great Department like that of the Navy, and to pretend to see bribery and jobbery in every contract or transaction. But for myself, I venture to say, that until we will do our duty here and make just and proper appropriations, and surround them with proper safeguards and limitations, and do all in our power to secure the best interest of the Government and people, we had better be a little modest in our strictures upon the conduct and motives of others who have responsibilities as heavy, and reputations as dear and sacred as our own.

That we have any Navy at all capable of bearing our flag we have to thank not Congress so much as the men who have administered the affairs of the Navy Department since 1865. They may have violated the strict letter of the statute in some instances, or exercised doubtful authority, but as yet all attempt to bring home to any one of them proof of corrupt motives or willful violation of law to serve their personal gain have utterly failed. The time seems now to have arrived when Congress should turn from groping in the rubbish of the dead past in search for the evidence of wrong-doing to the consideration of the demands of the present, and to anticipate the necessities of the great future of the country.

IRON-CLADS.

One of the practical questions before us distinctly raised by the provisions in this bill is, shall the five double-turreted iron-clads be finished? Upon this question I care to say but little, and I care but little. The Naval Committee took the precaution to visit those on this side the continent before forming or expressing any opinion. We are fully satisfied that their workmanship thus far is of the very best class. The hulls and boilers of the three not yet launched are completed so far as they can be before the engines are put in, except as to armor and turrets. The Monadnock on the Pacific side is understood to be in similar condition. They have cost nearly or quite $4,000,000. The iron of which they are constructed, as has been shown by the gentleman from Tennessee, [Mr. WHITTHORNE,] in his former reports and in his speeches, came mainly from the old ships and iron-clads which were destroyed and removed under a former administration. That old iron was exchanged with manufacturers who had facilities for reworking it, which the Government had not, at the rate of 1¾ cents per pound for the old and 5 cents per pound for new, rolled and worked into forms and shapes adapted to the new vessels. That exchange has been condemned as unlawful, unwise, and even fraudulent.

Much personal censure not to say abuse has been heaped upon the heads of the parties to it. I cannot now waste time to inquire whether the exchange was wise or unwise, lawful or unlawful, or whether done in perfect good faith toward the Government. Persons who know what the value of old iron was in 1875 to 1876, and what the value of new plate bar, angle, and beam iron rolled to dimension was at that period, can judge as to the fairness of the contracts. I shall not assume to judge. It is now enough for me to know that the material out of which these great vessels were constructed came from the scrap-heaps of the various navy-yards, and that the vessels belong to the Government, and must now be finished and made of use for the national defense or condemned and sold; and that as soon as may be. The question now is, shall they be finished? I have here comparative tracings furnished me by the chief of the Bureau of Steam-Engineering, showing the relative defensive power of the American iron-clads, as compared with similar English iron-clads.

Although I cannot show these tracings to every person in the House at once, all gentlemen desiring to do so may examine them. These two exhibit the comparative strength of the British turret iron-clad Agamemnon, of 8,490 tons displacement, and the United States turret iron-clad Miantonomoh, of 3,815 tons displacement, now unfinished.

Here are two which make a comparative exhibit of the strength or defensive power of the British iron-clad Inflexible and the iron-clad Puritan, of the United States Navy, now also unfinished. The Inflexible is of 9,515 tons displacement, and the Puritan of 5,000 tons displacement.

The English ships are of course much larger than the American, and armed with modern guns. Whether the English vessels would be able to resist successfully such guns as they themselves carry may be uncertain, as the improvement in guns has almost outrun in the race the resisting power of armor. But the tracings I think show that the relative difference in the defensive power in these vessels is not so great as some people imagine. When the United States monitors are finished as they may be, with solid steel or steel-faced armor, with a backing of twenty-four inches of oak, with the coal-bunkers five or six feet thick filled with coal, which has been proved to be a good defensive auxiliary, and with steel-faced or solid steel

turrets of proper thickness, I think no vessel afloat belonging to any nation capable of coming to our waters would like to engage them if properly armed.

I know there has been much talk about them and that they have been severely criticised. They have been a general subject of unfriendly comment among naval officers. It is said that they were unlawfully commenced and that a great wrong was done in rebuilding them. Perhaps they suffer unreasonable criticism on this account. But the ships are on the stocks in private yards in an unfinished condition.

When the Committee on Naval Affairs went a few weeks ago to look at these vessels the Chief of the Bureau of Steam-Engineering accompanied us. We also had with us a line officer of the Navy of ability and experience, whose opinions would generally have great weight. This officer was asked to examine carefully their lines and the general character of the vessels and to give us his opinion of them. He reported after examination that if we were to build new vessels to-day from the keel up we could not improve upon these models. In his opinion the only question as to their efficiency depended upon the manner in which they were completed and armed. In this opinion Mr. Shock, I think, fully concurred. It has been said that they would not float when finished, armed and equipped, and ready for sea. But the Miantonomoh is afloat with all her machinery on board, and is high out of water, and it is said by those competent to judge that when her turrets and guns are adjusted, and her coal and stores are on board she will float even higher out of water than was calculated when she was commenced. The Amphitrite, the Terror, and the Monadnock are in all respects like the Miantonomoh in size and design. The Monadnock is in the private yard of the contractor on the Pacific coast. The Government owes the contractor, Mr. Burgess, several thousand dollars on account, and will neither take the vessel away and pay him the reservations due him nor allow him to finish his contract. He is now an old man, nearly or quite eighty years of age, and is much broken down in health. This injustice ought not longer to be inflicted upon him, for no one charges him with any wrong.

These vessels are all of one general type. If upon a careful and intelligent examination of them it shall be determined that they will not float sufficiently high when completed as originally designed, changes can be made which will remedy the defect. One turret instead of two can be put on them. The four now on the stocks are not so far completed that this or other changes cannot be made in them if it is found necessary or expedient.

When I was asked by the Secretary of the Navy, not long since, what would be the least I would advise should be done to these vessels, I gave him this opinion, and I will take the liberty to give the same as my advice to this House now.

If you will not finish them as originally designed, then, in the interest of economy, I would recommend that you spend $50,000 upon the Puritan and $25,000 upon each of the others to put their shafts and propellers on, stop up all of the valves in the hulls, launch them, and take them down into the fresh waters of the Delaware, and let them wait there until you are ready to make the necessary appropriations for their completion, and then make appropriations, as may be hereafter determined upon, for their completion. That, I say, is the least that ought to be done.

Mr. ROBESON. Will the gentleman yield to me for a question?

Mr. HARRIS, of Massachusetts. Yes, sir.

Mr. ROBESON. I desire to ask the gentleman from Massachusetts whether the provisions of this bill do not do exactly what he advises. The provisions of this bill are, as far as these monitors are concerned, to put the turret on the Miantonomoh, which is completed except her turrets; to launch the others from the private yards in which they are, and to do nothing upon the hulls, nothing upon the armor, but to expend the remaining money appropriated, that is, a million of dollars, upon the engines and the machinery of such vessels as the Secretary of the Navy may think for the best advantage of the service to expend it upon. Now, I desire to ask the gentleman from Massachusetts, because he is thoroughly familiar with the subject, and I desire his statement to fortify my own, whether anybody has ever objected to the plans with regard to the engines or machinery, or has suggested any modifications in them from the beginning to the end of this matter; and whether we are not now reserving, upon the question of armor and the hulls, the right and the power in the Navy Department and of Congress in the future to direct such modifications in the kind of armor as the experience of lapsing time may suggest?

Mr. HARRIS, of Massachusetts. I understand, Mr. Chairman, that in the pending bill there is a provision for launching the vessels in the best manner, and a provision for carrying on the work upon their engines and machinery only in the appropriation made for the construction and repair, which I think, by the way, is put in the wrong place, for it is found in the appropriation for steam-engineering——

Mr. HISCOCK. It is put under the control of the Secretary of the Navy, who can authorize it to be expended as he may judge most effective.

Mr. HARRIS, of Massachusetts. I accept all that this bill does for these vessels, but I want to put on record here my conviction that the duty of the Government is to complete them. I would not urge their completion at once, but would launch them simply to get them away from the private ship-yards, and let the question of their completion be determined hereafter. I would not have it said that the Puritan should not be finished because she stands in John Roach's private ship-yard. If there is any stigma upon the contract with him, I would take the ship entirely away. We ought to finish them, and I would not pause to consider the question whether John Roach has been perfectly honest or not in his contract with the Government. Mr. Chairman, I would not cast a word of reproach upon that citizen, for I believe him to be one of the best ship-builders in this country, and so far as I know he is as honest as any man on this floor, and as free from any desire or intention to injure or take advantage of the Government. The other contractors are also men of reputation and high standing in the community. We owe them money. We should allow them to complete their contracts, or pay them what is due and take the ships out of their way.

Mr. WHITTHORNE. Will my friend yield to me for a question?

Mr. HARRIS, of Massachusetts. Yes, sir.

Mr. WHITTHORNE. Now, Mr. Chairman, I simply ask my friend from Massachusetts, when he states that if these vessels are completed, as they may be, that is with steel armor, and with the backing he designates, if there is anything in this bill that does that thing?

Mr. HARRIS, of Massachusetts. No. Mr. Chairman the gentleman in his speech complained of the provisions concerning the ironclads that there were not sufficient guards thrown around that appropriation of money.

Mr. HISCOCK. If the gentleman from Massachusetts will permit me, I will say in answer to the gentleman there is no appropriation in the bill for armor at all.

Mr. ROBESON. None whatever.

Mr. WHITTHORNE. Pardon me. Right in there, as we may discover when we come to the sections of the bill, I beg leave to state to my friend that there may be a "large bug under that chip."

Mr. HISCOCK. The gentleman will not succeed in finding it.

Mr. HARRIS, of Massachusetts. Mr. Chairman, I am not of a suspicious nature. I believe we have to trust somebody, and I am ready to trust the present Secretary of the Navy. If I were here a Republican, as I am, with a Democratic administration in power, I do not believe I would be so unpatriotic as to say that the Navy of the United States should not receive assistance or aid from me until the Republican party got into power again. I do not believe that to be the proper spirit by which a member of this House should be governed.

I do not think I would say, as I heard said on this floor not very long since, that my party would make no appropriations for the Navy to be expended under a Democratic Secretary. If I should so act, I think I should be open to the suspicion of being governed more by a love of party than of my country.

I hope and believe, if the question were presented to me with a Democratic administration in power, that I would have patriotism enough to say, whoever rules the country, that such measures should receive my support as are for the best interests of the service. It is in my judgment essential that the country should be protected and defended by land or sea, and I shall be always willing to support just and adequate appropriations for that purpose. I believe that is statesmanship, even though it may not be good politics.

I am sustained in my opinion that the iron-clads should be finished by Mr. John Lenthall, who is always authority on the other side.

In a report which he made upon the subject to Hon. R. W. Thompson, the late Secretary of the Navy, April 27, 1880, in reply to a joint resolution passed April 2, 1880, which required him to report, first, whether it is to the interest of the Government to complete them; second, whether, if so, it is to the interest of the Government to complete them according to the existing plans, models, and agreements; and third, if any change is demanded in order to make said vessels more efficient for war purposes; and to inquire into the extent and character as well as cost of such modifications as they should deem necessary, and into any other fact material to each of the foregoing questions, he said:

> In conclusion, in reply to the first inquiry of the joint resolution, it is thought to be to the interest of the Government to complete the vessels; second, but it is not considered to be the interest of the Government to complete them according to the existing plans and agreements; and, third, the changes demanded to make them more efficient (excluding the question of the turrets) is to increase the strength of the hull, to increase the thickness of the armor, and to substitute a superior metal, the total cost of which is estimated for each vessel to be less by about $48,000 than that contemplated in the bureau order for the hull which has been suspended, and a reduction of $40,000 for each vessel in the cost of the machinery yet to be made under the existing order.

Mr. HEWITT, of New York. Will the gentleman be good enough to inform us whether the Miantonomoh has been strengthened according to the recommendations of Mr. Lenthall?

Mr. HARRIS, of Massachusetts. I think the Miantonomoh is in substantially the same condition now that she was when that report was made.

Mr. HEWITT, of New York. Do the drawings which the gentleman submits show the Miantonomoh as she was to be or as she is?

Mr. HARRIS, of Massachusetts. As she is. Now, with reference to these vessels, while I feel that they should be finished, I am not wedded to any particular plan. I am not competent to determine upon any plan. But I ask this House to authorize the Secretary of

the Navy or some other competent authority to determine in what manner these vessels shall be finished before the work on their armor is commenced upon.

In recent years there have been improvements in the matter of armor. The English Government has adopted systems of armor quite different from those in the original designs of the Terror, the Amphitrite, the Monadnock, the Puritan, and the Miantonomoh. An officer of the American Navy has devised a system of what he calls deflective armor—a system which is worthy to be considered by the highest and best officers of the American Navy. I would like this House to take such steps that these vessels, which have cost a large sum of money, shall be put on the way to be completed in the most effective manner. Beyond that, I have no wish in the matter, and I should yield my own opinions upon any question of mere form or method of completion. I desire to say no more upon this question.

THE UNITED STATES NAVY OF 1882 AS COMPARED WITH THE UNITED STATES NAVY OF 1865.

Mr. Chairman, I turn aside here to say a word personal to myself. I may do so as well at this point as anywhere.

It has been said of me (very unjustly I am happily able to demonstrate) not here, I believe, nor anywhere I think by persons who know the exact facts, or have no motive for misrepresenting them, but elsewhere, and in some unfriendly newspapers—that in 1875 and 1878, or at some time five or six years ago, I represented in some report or speech that the American Navy was in very fine condition, better than ever before, and formidable for offensive or defensive war; but that lately, in 1880 and 1882, in the last reports upon the Navy which I have prepared for the Naval Committee and presented to the House, I have represented it in a hopelessly wrecked and ruined condition, and utterly incapable of either offensive or defensive warfare. In other words, that I have made public statements concerning the Navy at one period which I have contradicted at a later period.

Justice demands that now and here, where my action upon the subject is best understood, I should exhibit the record as my full vindication from any charge of inconsistency.

In the investigation of the administration of the Navy Department, conducted by the Committee on Naval Affairs under the direction of Mr. WHITTHORNE, its chairman, in 1875–'76, I, as a member of the committee, took part. I had the duty in part of writing the report of the minority of the committee. Then, if ever, was the time when I represented our Navy as in a satisfactory condition. If not then, then never. Let us turn to that report and see. I read from report No. 784, Forty-fourth Congress, first session, page 180, this language, of which I am the author:

At the close of our late war the United States were far beyond the rest of the world in the matter of iron-clads and turreted vessels; since that period no new iron-clads have been authorized by Congress and many of the older ones have gone to decay and have been withdrawn from the service. But during this period the great naval powers of Europe have been industriously at work in constructing large, costly, heavily-armored, sea-going iron-clads, and other vessels of great speed and power. That we have no vessels in the American Navy which can compete with these is a fact, and it needs no long argument or great amount of proof to establish it. It is a recognized fact not denied by the Navy Department; it is a fact, however, if at all to the disadvantage of the American Navy, which is not chargeable to the Navy Department but to Congress.

It appears from the testimony of Captain Shufeldt, Chief of the Bureau of Equipment and Recruiting, (at page 676, miscellaneous proof,) that he visited, on a tour of inspection, in March last, all the ships belonging to the North American squadron. When asked the condition of the Navy to-day, as compared with what it was in 1869, he says:

"I think it is in a great deal better condition to-day than it was in 1869."

According to his statement, the condition of the ships in 1869 and 1876, respectively, was as follows:

"In 1869 there were in good condition only 12 vessels, while in 1876 there are 70 vessels; in 1869 there were in that condition known as fair 25 vessels, while in 1876 there are only 14; in 1869 there were wanting important repairs 24, in 1876 only 16; in 1869 there were wanting extensive repairs 76, in 1876 only 15; there were in 1869 unfit for repairs 58 vessels, and in 1876 there were only 10."

This is from the first report ever made by me on the subject of the Navy. It will be seen that while I thus publicly declared our naval weakness as compared with the navies of other countries, I was simply saying what I am ready now to maintain, that our Navy of 1876 was, as compared with itself, stronger than at any period before the war or since the close of the war in 1865. The extract from Captain Shufeldt shows how much stronger it was in 1876 than in 1869, four years after the close of the war. Let us go now to the Navy of 1861, when the war opened. What was our Navy then? I find in that admirable and most valuable book by Chief Engineer J. W. King entitled "The War Ships and Navies of the World," edition of 1880, at page 378, the following:

List of ships belonging to the Navy April 1, 1861.

Steam screw frigates	7	
Steam screw corvettes, first class	6	
Steam screw corvettes, second class	8	
Steam screw corvettes, third class	5	
Side-wheel ships, first class	4	
Side-wheel ships, second class	4	
	—	34
Sailing ships of the line	6	
Sailing frigates	10	
Sailing corvettes, first class	5	
Sailing corvettes, second class	15	
Sailing brigs	3	
Receiving and store vessels	9	
	—	48
Total		82

The Navy of 1861, as we see, had forty-eight sailing-vessels which were then supposed to possess some value as fighting ships, and thirty-four vessels propelled in part by steam, eight of which were side-wheel vessels, even then out of date for war purposes, leaving only twenty-six screw steam-vessels in our Navy.

Between 1865 and 1869 there was no doubt great deterioration in the Navy. The nation rested after a great war, and its ships, many of which were built in haste and of poor material, went rapidly to decay. From 1869 to 1876 great activity prevailed, and really the complaint in 1876 was that in an effort to save and restore the Navy too much money had been expended. The investigation of that year was in fact in part instituted upon charges of waste, extravagance, and corruption in the expenditure of money upon the ships of the Navy.

I think I should not be far wrong in saying that the American Navy, feeble as it truly is as compared with European navies, as compared with itself in its past history is in fair condition, more formidable than it was in 1861 or in 1869, a little less so than it was in 1876, because of the neglect and hostility of Congress toward it since that time. Since 1876 some vessels have become worthless and only one has been added, the Nipsic, which was two-thirds finished at that time.

Wooden sailing-vessels and side-wheel steamers made the bulk of the Navy in 1861. The iron-clad was unknown and the monitor had not even been dreamed of. When the Merrimac and Monitor met in conflict March 9, 1862, they settled several important questions in naval warfare. Then it was made certain that for harbor and coast defense thick armor and heavy guns could only be relied upon. The Merrimac had the day before demonstrated that sail-power and wooden walls were out of date in war. In the conflict of one brief hour a lesson in naval warfare was taught which all the naval powers of the world have learned by heart, and which nearly all have profited by more than the United States. We have now in our Navy fit for service fourteen iron-clads, every one of them of iron, and much more formidable than was the Monitor of 1861.

VIEWS OF THE NAVAL AFFAIRS COMMITTEE.

The Committee on Naval Affairs have in their reports to this House at this session shown the Navy substantially as it is. The list of all the vessels, their present location, use, and condition, is shown in the extracts from those reports, hereto appended.

I have never at any time or place in any report or speech undertaken to say that our Navy was worthy of our country or at all to be compared with the navies of other powers. In the report made to the House by the Committee on Naval Affairs, which the chairman [Mr. WHITTHORNE] did me the honor to intrust to me to draw, and which had the unanimous approval of that committee, and which was reported May 7, 1878, and numbered 662, may be found the following:

Our relative naval strength as compared with the leading naval and maritime nations is shown by the following extracts from Martin's Year-Book for 1878, descriptive of the navies of France, Germany, Great Britain, Italy, Spain, and Turkey.

It is probable that among the ships composing the navies of these countries there are some which, like many in our own Navy, are useless for war purposes; but the iron-clad vessels of those countries, it must be borne in mind, are comparatively new, having been all built since we ceased building. They are in a large measure, if not wholly, creations inspired by the Monitor, and there is every reason to suppose that they are great improvements upon that vessel, and that they are generally in a condition fit for war.

Here followed lists of the navies of France, of Germany, England, Italy, Spain, and Turkey. The report then continues as follows:

The facts here presented are startling, and so humiliating that no argument from the committee will be needed to arouse Congress, or if not Congress the country, to a sense of insecurity and danger which will demand that immediate steps be taken to strengthen our means of defense at home, and to provide a fleet for service at sea worthy of a nation hitherto occupying a proud eminence as a naval power, and having a record in the annals of naval warfare of which older nations might well be envious.

The committee will not in this report pause to inquire how it happens that our Navy is in such feeble and unsatisfactory condition, nor to whom the blame belongs. On those questions we might differ. Upon the facts here presented, and upon the lessons of patriotism and duty which they teach, we do unanimously agree.

We agree that it is our duty to recommend to Congress that immediate and adequate measures be taken for the formation of a new and formidable navy. We should not, however, enter rashly or with wasteful extravagance upon the work of building costly and ponderous vessels capable of contending in mid-ocean with iron fleets of Europe. Such vessels will never be useful to the United States, and their value to any nation is yet problematical. We are prevented alike by distance and our national policy from participating in the conflicts which constantly menace the powers of Europe. If we will defend our own shores, and protect our commerce on the sea, we shall be invincible at home and respected abroad. We have no colonial dependencies to be either defended or held in subjection by force, and no neighbors either powerful enough or ambitious and unjust enough to covet our possessions or seek to divide us. With peace and prosperity among ourselves we shall require but small armies and navies. But if war is thrust upon us we should be prepared to meet and beat back the most powerful enemy, and we should also be in condition to carry on aggressive war upon his commerce, in ships so swift and destructive as to sweep it from the ocean. We know the demoralizing effect upon commerce of a few swift cruisers gallantly commanded. England knows how much she gained by the destruction of our commerce during our late civil war, and how little she paid as damages for her participation in that destruction. We remember how much we suffered also.

Should, unfortunately, war ever come between England and the United States, and should the latter put upon the ocean to prey upon the immense commerce of Great Britain a few swift, well-armed, and powerful cruisers, we know how terrible would be the retribution. Her great iron-clads met at our shores by coast and harbor defenses, torpedoes, rams, and iron-clad batteries, could not do us half the damage which twenty-five such vessels could do her upon the sea. The fact that we were in readiness for such a contest would keep the peace and compel her to

submit to our just and reasonable demands, and we are not likely to make other demands of a nation in whose honor and glory we have so great and so proud an interest. What we have said of England will apply to any other of the commercial nations. To be ready for war is to be secure in peace.

But we are not ready for war; we are wholly unprepared. We have, however, profound peace, and therefore the time to prepare for war.

We may begin carefully, and may consult and exercise in our preparations the most rigid and scrupulous economy. We have no need to enter upon expensive, doubtful, and wasteful experiment.

While we have been doing nothing in the way of experiment during the last thirteen years, and have been year by year reducing and curtailing our naval expenditures, and even suffering our ships to go to decay, all Europe, indeed the whole world, has been carrying to fullest demonstration the experiments which in our extremity we began.

The net results of those vast expenditures and dreadful failures and great successes we can now have the benefit of at the least possible cost.

This fact goes far to reconcile us for our present feeble naval power.

They have had the experience and suffered the loss; but the fruits are ours, in part at least.

They have the ships and the guns, to be sure, but they have the bad ones as well as the good ones.

We can imitate and, I have no doubt, improve upon the good ones, while the bad and worthless ones will be theirs alone.

In another part of the same report occurs this language:

We have been thus particular in giving the present condition, age, armament, and displacement of each vessel of the Navy, that our actual strength as a naval power may be fully understood and if possible realized by Congress and the country. We have attempted to strip off all disguises and to penetrate all mysteries, and to present the undisguised and simple truth.

In guns we are not less feeble than in ships, as will appear from the following statement furnished by Commodore W. N. Jeffers, Chief of the Bureau of Ordnance, showing how each vessel now in service, and such as by completion or repair may be made serviceable, are or will be armed. As compared with the guns other navies, they are by no means creditable to us.

On the 28th of May, 1878, in a speech delivered on this floor in advocacy of a bill known as a "bill providing for the establishment of a board of assistants for the Navy of the United States, and for other purposes," some of the leading provisions of which the Committee on Appropriations have adopted in the bill before us, and are now at last likely to be enacted, I said:

It was to me a most startling and astounding fact, when I learned that our whole present effective naval force, both for offensive and defensive naval war purposes, consisted of only forty-three vessels, carrying two hundred and forty-five guns and having an aggregate displacement of 80,665 tons.

Such is, however, the truth. We have practically no navy worthy of the name, and I think the announcement should be made in the most public manner in order that the country may know and understand it, and that Congress may prepare itself for the adoption of some wise future policy in its naval affairs. It is wise that statesmen having the well-being and honor of the country in their keeping should know the whole truth, however humiliating and alarming, to the end that they may promptly seek and apply the remedy.

I do not propose to say by whose fault it happens that our Navy is in its present shamefully weak and feeble condition. I propose to accuse no man—to defend no man. I cannot refrain from saying, however, in passing, that Congress itself, by its neglect of the subject during the whole period since the close of the war, must be and ought to be held to answer for a large share of the responsibility for our present naval weakness. Congress cannot plead in defense want of information or admonition. Every year since the close of the war the condition of the Navy has been made known, and Congress has been repeatedly warned that without more and better ships the country would in case of war with one of the great naval powers be helpless, and would suffer defeat and disaster. During that whole period, however, Congress has authorized the construction of only eight small sloops of war.

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I think I am justified upon this exhibit in saying that we have practically no navy. If foreign war should come upon us we should be less able than at any other time in our history as a nation to defend our own shores from invasion, and we could not strike an aggressive blow upon the sea if we relied alone upon our Navy proper.

I am not forgetful of the fertility of American inventive genius or the heroic daring of American naval officers and seamen, and I have little fear that any foreign enemy could successfully invade our shores or possess themselves of our great ports and harbors. The torpedo and other means of defense so well understood by our people would doubtless protect us in this respect. But our present Navy would be driven in disgrace from the seas and compelled to seek ignominious protection behind our coast and harbor defenses, and our commerce, left unprotected, would fall an easy prey to the enemy. For a great nation like this, bounded by two oceans, rich in all the natural resources and capable of leading in the commerce of the world, and having a hardy and daring population ready and anxious to carry our flag in honor and in glory into every sea where commerce invites, and to defend it against every foe, whether foreign or domestic, this condition is dishonorable and even disgraceful.

Since the close of our civil war we have been strangely neglectful of our Navy and of our rank as a naval power. At the opening of that memorable struggle we held a position of substantial equality with the other nations. We had not, to be sure, a great Navy as compared with some others, but our ships were the equals class for class, our guns as powerful and our officers and seamen as brave and skillful as those of any nation. The weapons of naval warfare were then understood equally well by all, and could be increased and multiplied by all or any, as the demands of war or the interests of commerce might seem to require.

Then personal daring and prowess counted for something in naval conflict, and indeed, as may be illustrated abundantly from our own naval history, often compensated for lack of ships and armanent. At that time the American Navy was formidable alike for offensive or defensive war, and was held in respect at least by all the other naval nations. Our ships were as fast, as well armed, manned, and commanded as those of any nation, and their models were among the finest in the world.

The history of the American Navy is the pride of every true lover of his country. It has accomplished in the short period of its existence as much as any navy in the world, and has won victories both of war and peace as renowned and glorious as any recorded in the annals of time. It is devoutly to be wished that its future may be as honorable as has been its past history.

But no honorable future awaits it unless Congress shall provide new ships and armament equal to the requirements of improved modern naval warfare and worthy of the nation and the age.

The progress in the last fifteen years in naval architecture, in guns, projectiles, fuses, and exploders has been truly marvelous. All science has contributed to this change. No nation has added more to the world's stock of knowledge upon this subject, or led the way, or pointed out the path to these great improvements with more intelligence than America.

* * * * * * *

Nevertheless the close of the war found us in possession of an iron-clad fleet the largest and for defense the most formidable in the world, and with a sea-going navy sufficiently numerous and powerful to secure immunity from all danger of foreign war. We had conquered a peace after the most destructive war of modern times and were in condition to maintain it. No nation in that supreme moment of our triumph and exultation had any temptation to engage in war with us. Even England, with her great wealth and resources and her immense naval power, would have found no provocation sufficient to have induced her to try her strength with us. She had, in accordance with her traditional policy, been false to both parties to the contest and had incurred the hostility of both sections. She had taken the confederacy into her pretended confidence and sympathy long enough to plunder and rob the United States of its commerce. That being accomplished and her interests secured, her regard for the confederacy changed to the coldest contempt. She would have looked in vain to this country for aid in a contest with the United States at that time. The payment of $15,500,000 has not blotted her treachery from the memories of the people of this country nor satisfied them that the debt is wholly paid. At the close of the contest the people of both sections were exhausted, weakened, and impoverished. They had seen war in all its horrors, had felt its cruelties, and were satisfied. They gladly turned from the pursuits and thoughts of war to those of peace.

It is not strange that at the close of the war and when peace was assured the nation pursued the policy of selling off the vessels temporarily added to the Navy, laying up her iron-clads, and reducing her sea-going squadrons to the lowest possible numbers. Is is not strange that we have stood still ever since, doing nothing to increase our power on the ocean, and have suffered our ships, then so formidable, to be destroyed by rust and decay.

But I fear we have fallen into a grave error, which, if not fatal to us, will yet be repented of in sorrow.

We taught the world lessons in naval architecture and naval warfare, which it carefully studied and appreciated and which it has imitated and greatly improved upon. While we have rested, economized, and indulged in pride and vanity over our past achievements, all the great nations have far outstripped us in the means and capacity for war.

Such, Mr. Chairman, is the record. Upon it I think I can stand and defiantly challenge all comers to show that on this question I have ever uttered or written one sentence which conflicts with any other sentence by me uttered or written.

My whole effort has been to show to Congress and the country that while our Navy as compared with itself in the past was in tolerable condition, yet that when compared with the navies of the world it was unsafe to be relied upon for the national defense, and wholly unworthy of this great Republic. That seems to have been my mission. I have tried to be faithful to that mission. Mr. Chairman, I need no other vindication from the accusations I have named and of which I complain than the record which I have thus in part only called up from the forgotten and receding past.

THE NAVAL COMMITTEE AND ITS WORK.

Having said thus much for my own personal vindication, I now return to the subject of the appropriation bill.

The bill reported by the Committee on Naval Affairs for the reconstruction of the Navy to which I have before referred, from which the Committee on Appropriations have been kind enough to extract several important provisions, cannot now be reached or acted upon, but in discussing the bill before us I may be pardoned for explaining to some extent the provisions of that other bill which has furnished so large a part of this one.

Heretofore naval committees of this House, when organized, have been allowed to grope in the dark with little aid from the Navy Department as to the best methods of building up or improving the Navy. No systems have been proposed and no methods suggested.

The late Secretary of the Navy saw and appreciated some of the difficulties which beset the paths of naval committees, and attempted to remove them. He saw, I suppose, how difficult it would be for a Committee on Naval Affairs, composed largely, if not wholly, of gentlemen unfamiliar with the subject, to deal wisely with the great and complex questions involved, unaided by recommendations and suggestions from the Department.

Mr. Chairman, what are the subjects with which the Committee on Naval Affairs is called upon to deal.

The Navy Department is the great mechanical department of the Government. It deals not only with purely scientific questions of great subtlety and intricacy but with the construction of great vessels of war and the wonderfully intricate and ponderous steam-engines which propel them, with guns and their carriages, with gunpowder and other explosives, with all manner of machinery, and with the various weapons of offense and defense made use of in war. I may say without offense that the Committee on Naval Affairs is required to consider more purely technical, mechanical, and scientific questions than perhaps any other committee.

The late Secretary tried to anticipate our necessities, and at least to point out for us a way to useful results.

ADVISORY BOARD.

He organized on the 29th of June, 1881, the naval advisory board, so called. The order under which that board was convened and acted is as follows:

ORDERS OF THE SECRETARY OF THE NAVY CONVENING THE NAVAL ADVISORY BOARD.

NAVY DEPARTMENT,
Washington, June 29, 1881.

I. In order to meet the exigencies of the Navy, it is highly important, in the opinion of the Department, to present in the report of the Secretary at the next session of Congress a practical and plain statement of the pressing need of appropriate vessels in the service at the present time.

Such a statement can best be furnished by an advisory board, who may consult together and be able to reconcile conflicting opinions and theories with reference to the number and class of such vessels as should be constructed, and to unite in recommending such as Congress would be most likely to approve.

II. Accordingly, the following officers in the service are detailed to constitute such a board:

Rear-Admiral John Rodgers.
Commodore William G. Temple.
Captain P. C. Johnson.
Captain K. R. Breeze.
Commander H. L. Howison.
Commander R. D. Evans.
Commander A. S. Crowninshield.
Lieutenant M. R. S. MacKenzie.
Lieutenant Ed. W. Very.
Chief Engineer B. F. Isherwood.
Chief Engineer C. A. Loring.
Passed Assistant C. H. Manning.
Naval Constructor John Lenthall.
Naval Constructor Theo. D. Wilson.
Naval Constructor Philip Hichborn.

III. The board will consider and advise the Department upon the following subjects:

1. The number of vessels that should now be built.
2. Their class, size, and displacement.
3. The material and form of their construction.
4. The nature and size of the engines and machinery required for each.
5. The ordnance and armament necessary for each.
6. The appropriate equipments and rigging of each.
7. The internal arrangements of each, and upon such other details as may seem to be necessary and proper; and lastly, the probable cost of the whole of each vessel when complete and ready for service.

IV. The members of the board will assemble in Washington City on the 11th day of July next, at 12 meridian, and will report to the Department the result of their labors not later than the 10th day of November next.

WILLIAM H. HUNT,
Secretary of the Navy.

The high character of the venerable head of this board and of his associates challenges for their report at least respectful consideration. No men, certainly, comprehend and appreciate more fully than they the wants and necessities of the Navy.

This board convened on the day named in the order, and with great industry pursued their investigations through several months, and on the 7th day of November, 1881, they made their report to the Secretary of the Navy, which has been printed and is now in the possession of Congress. In their report, page 13, may be found as the general result of the work of the board the following:

SUMMARY OF THE NUMBER, CLASS, TYPE, AND COST OF THE VESSELS THAT THE BOARD RECOMMEND NOW BE BUILT.

Two first-rate steel, double-decked, unarmored cruisers, having a displacement of about 5,873 tons, an average sea speed of fifteen knots, and a battery of four 8-inch and twenty-one 6-inch guns. Cost, $3,560,000.

Six first-rate steel, double-decked, unarmored cruisers, having a displacement of about 4,560 tons, an average sea speed of fourteen knots, and a battery of four 8-inch and fifteen 6-inch guns. Cost, $8,532,000.

Ten second-rate steel, single-decked, unarmored cruisers, having a displacement of about 3,043 tons, an average sea speed of thirteen knots, and a battery of twelve 6-inch guns. Cost, $9,300,000.

Twenty fourth-rate wooden cruisers, having a displacement of about 793 tons, an average sea speed of ten knots, and a battery of one 6-inch and two 60-pounders. Cost, $4,360,000.

Five steel rams of about 2,000 tons displacement, and an average sea speed of thirteen knots. Cost, $2,500,000.

Five torpedo gunboats of about 450 tons displacement, a maximum sea speed of not less than thirteen knots, and one heavy-powered rifled gun. Cost, $725,000.

Ten cruising torpedo-boats, about 100 feet long, and having a maximum speed of not less than twenty-one knots per hour. Cost, $380,000.

Ten harbor torpedo-boats, about 70 feet long, and having a maximum speed of not less than seventeen knots per hour. Cost, $250,000.

Total cost of vessels recommended now to be built, $29,607,000.

As will be noticed, they recommend in this summary the construction of sixty-eight vessels or eight different classes. Such in their opinion are the present necessities of the naval service.

They recommend as the first in character, if not in present importance, two first-rate steel double-decked unarmored cruisers, having a displacement of about 5,873 tons, a sea speed of fifteen knots, to be armed with 8 and 6 inch breech-loading guns. They estimate the cost at $3,560,000, or $1,780,000 each. This estimate covers not the hulls alone, but the completed ship, with engines and armament and ready for equipment and stores. This estimate includes the cost of guns of modern types and of high power and great range.

The estimates for all the other classes of vessels named in this summary were equally thorough and complete. They are of course but estimates and may be and probably will be exceeded in execution of the work recommended. Estimates usually are; but they are the calculations of careful and experienced men. The recommendations when carried out will require thirty or forty millions of dollars. But these vessels alone would make a cruising navy of far greater strength than that which we now have, which has cost vastly more.

The board also recommended the construction of six first-rate steel double-deck unarmored cruisers, having a displacement of about 4,560 tons, an average sea speed of fourteen knots, and a battery of 8-inch and 6-inch guns; the cost of which was estimated to be $8,532,000, or $1,422,000 each. These were also completely equipped; they were armed and prepared to take the sea to do effective service as cruisers. Then they recommended ten second-rate steel single-decked unarmored cruisers, having a displacement of about 3,043 tons, an average sea speed of thirteen knots, and a battery of twelve 6-inch guns, costing $3,900,000. They also recommend twenty wooden cruisers; five steel rams of about 2,000 tons displacement, with an average sea speed of thirteen knots; five torpedo gun-boats of about 450 tons displacement, with a maximum sea speed of not less than thirteen knots; ten cruising torpedo-boats about 100 feet long, having a maximum speed of not less than twenty-one knots per hour, and ten harbor torpedo-boats about 70 feet long, having a maximum sea speed of not less than seventeen knots per hour; and the total estimated cost of all these vessels is put down at $29,607,000.

THE WORK OF THE PRESENT NAVAL COMMITTEE.

When our committee assembled at the commencement of this present session of Congress, these were problems which we had to deal with. The majority of the advisory board recommended or agreed that the ships should be built of steel. The board was not unanimous in this. They also had some difference of opinion as to whether the second-class vessels should have been spar or open decks, and these questions were referred to our committee. We were authorized to commence an investigation into the subject, and I think no one will deny that the committee has faithfully discharged its duty. Certainly no gentleman who has read the testimony taken, and the report of the committee, will fail to give us credit for an honest effort to get at the truth.

We felt constrained, before adopting the views of the board as to the kind of ships to be built, to determine for ourselves if possible and to give Congress the information upon which to base a determination also what material ought to be used in their construction. In commencing so great a work it would be folly not to select the very best possible material. These ships when built may last fifty years. They certainly will outlast any wooden steam-vessel ever built many times over. We felt it to be our duty to recommend the building of no ship which would not be in all respects equal to and if possible superior to any ever built for cruising purposes. We think that no cruising ship at this day should have an average sea speed of less than fifteen knots, and even this is too low. In the bill we have provided that the two largest ships shall have an average sea speed of at least fifteen knots per hour. There are but few vessels in the world, even in the merchant-marine service, that can attain and long sustain that speed; perhaps not a dozen in all. But the age is a progressive one. We are to build for the future, and we should secure in our new vessels all the attainable speed. We should discount as much of the future as possible.

STEEL AND IRON.

To enable us to decide the problem left to us by the advisory board, by reason of their disagreement, we invited before us the largest manufacturers of steel and iron in the country. Many came bringing specimens of their manufactures. We had specimens from the Norway Iron and Steel Works at Boston, Park Brothers & Co. of Pittsburgh, the Otis Steel Works of Cleveland, and Shoenberger & Co. of Pittsburgh.

I hold in my hand two pieces of steel plate, one from the works of the Otis Company of Cleveland and one from Park Brothers & Co. of Pittsburgh—steel of the mild type, capable of bearing a terrible strain of 60,000 pounds to the square inch and having an elongation or ductility of 20 to 25 per cent. when used cold. I have also here an equally good specimen from each of the other establishments named.

The specimen I now hold I saw folded cold under a steam-hammer at the navy-yard. It was a piece of steel taken at random out of the scrap heap. It presents no sign of strain or fracture. It will be noticed that they are specimens of ⅝-plate steel, and that they are folded two ways or four double and driven down perfectly flat, as you might fold a pocket handkerchief. I now take up a piece of plate iron of the same thickness. It is the same kind of iron usually used in plating iron ships. It is said to be of a good quality and better than much which is used for that purpose. As you see, in bending cold it fractures at 65 degrees. The best of rolled plate iron is laminated and splits, and when used in boilers is liable to blister. In its manufacture the different layers of which it is composed do not become perfectly welded. Not so with steel. It is cast into ingots and then heated and rolled into plates. It is homogeneous and cannot laminate. It is perfectly welded in every part. Steel can never present the appearance shown in this piece of blistered boiler-iron.

We have recommended that steel be used in all the vessels which we have recommended to be built. We propose, in view of the present condition of the Navy, that only the best and the largest ships recommended by the advisory board shall now be undertaken, two of the largest and four of the second size. These, with the steam-ram and the torpedo-boats recommended, will cost the sum of $10,000,000, if built of steel, equipped, armed, and ready for the ocean.

It was urged by some members of the advisory board and by others that it might not be prudent to limit the Department to the use of steel in the construction of these vessels, because it was not certain that steel in sufficient quantity, of the proper quality, could be produced in this country. But the investigation, we think, ought to remove that doubt. The evidence reported satisfied the committee, I think, (it certainly satisfied me,) that the quantity is fully equal to any demand of the Government. This is, if not the first, not less than the second steel-producing country in the world, and our progress in the direction of steel production is now very rapid. It is also true that the American mild steel is unrivaled by any

made elsewhere. So much for the bill reported by the Committee on Naval Affairs.

TORPEDO-BOATS.

Since that bill was reported, and in view of the fact that we have no cruising iron-clads and no iron-clads except the fourteen small single-turret iron-clads for use in harbors and rivers and in comparatively smooth water, and in view of the recommendation of the advisory board that "five torpedo-gunboats of about 450 tons displacement, &c., should be built, the Committee on Naval Affairs have voted to recommend to the House as an amendment when the bill shall come up for action a provision authorizing the construction of five torpedo-gunboats of not less than 450 tons displacement each, having an average sea speed of not less than thirteen knots per hour, and the fullest maneuvering power, and capable of carrying each one breech-loading rifle gun of high power of not less than 10-inch caliber."

The reason for this action on the part of the Naval Committee should be stated. As I have before said in speaking of the unfinished iron-clads, there has lately been introduced the idea of deflective armor. We have one ship in our Navy which is adapted to this kind of defense. She has been very much criticised, and by many persons condemned as a failure. She has been a costly vessel, but I am convinced that she embodies ideas which may be utilized in new constructions and which may prove of great value. I refer to the Alarm, which was built under the direction of Admiral Porter and upon plans designed by him.

She had a propelling-wheel known as the "Fowler wheel," which possessed the great merit of being able to turn the vessel rapidly on its center and almost in her own length. That wheel proved a failure in many respects. It did not furnish the speed expected or desired. Congress in its liberality two years ago appropriated $25,000 for the purpose of putting into that vessel a new propelling-wheel. The wheel adopted was that known as the "Mallory steering and propelling screw."

Since that wheel or screw was placed on board the Alarm a board of engineers, consisting of Chief Engineers B. F. Isherwood, Theo. Zeller, and George W. Magee, have, by order of the Secretary of the Navy, examined and very thoroughly tested it. Their report, which is very full and exhaustive of the subject, bears date January 31, 1882. That report did not get into print so that the Committee on Naval Affairs could have the benefit of it until their bill had been reported and placed on the Calendar. The report closes with these words:

As now perfected the Mallory system can be recommended as meeting every requirement of the purposes for which it is intended.

The system is designed both for propelling and steering. Under the control of this screw the speed of the Alarm has been greatly improved. It is claimed for her that with a clean hull and engines in good condition she has lately made twelve miles per hour. Her engine is understood not to be equal to her requirements, nor well adapted to develop the best qualities of the vessel. Whatever may be justly said in condemnation of this vessel, she has many advantages. She breaks the water in her forward movement less than any ordinary vessel, for the reason that her under-water torpedo-bow acts as a sharp wedge and divides the water with less surface disturbance than does an ordinary perpendicular prow. Her bows only are armored. By the aid of her wheel she can keep her sharp deflective bows always toward an enemy even in retreat. She can turn round on her center in three minutes, and move backward with slightly less speed than in moving forward. She can carry with safety a much heavier gun than she now has, and should be armed with the modern breech-loading steel rifle-gun of high power, of eleven-inch caliber at least; and it is claimed by some that she can carry even a larger gun.

If we should now build a few single-gun torpedo-boats, utilizing in their construction all the advantages possessed by the Alarm, adding such modifications and improvements as experience may suggest, arm them with heavy rifles and improve upon the deflective armor by the use of steel, we should have harbor defenses of real value.

Mr. HEWITT, of New York. Would not the monitors now under construction accomplish the purpose the gentleman aims at?

Mr. HARRIS, of Massachusetts. I am not certain whether the monitors can be provided with the deflective turrets instead of the upright or vertical turrets designed for them or not.

Mr. HEWITT, of New York. But could they be converted into such rams as the gentleman has been describing?

Mr. HARRIS, of Massachusetts. I have not been describing a ram, but a single-gun torpedo-boat with sharp, deflective, armored bows. I do not think the vessels now on the stocks could well be converted into that kind of vessel.

Mr. HEWITT, of New York. That is the answer I wanted.

Mr. HARRIS, of Massachusetts. The monitors are too large for such use. The proposed gun torpedo-boats are to be only four hundred and fifty or five hundred tons displacement.

I am admonished that I must hasten to a conclusion. I shall, with the permission of the House, insert in my speech as printed in the RECORD many things which I now omit for want of time.

GUNS.

I wish to call attention for a moment to the guns with which vessels of the American Navy is armed. It is fashionable now to laugh when our naval guns are mentioned. I sympathize with the fashion. But it was not always so. If we are feeble in guns as well as ships, it is the fault of Congress, and Congress only can remedy the defect. During and at the close of our late war the United States was not behind other nations in naval ordnance, and if we are so far behind them now it is because we have absolutely stood still while all the other nations have been moving in a terrific march of improvement. I refer to a speech which I made in the House on the 14th of April, 1880. I quote briefly from that speech, as I cannot better express now my views on the subject:

The American 11-inch smooth-bore gun was considered in England a most formidable weapon no longer ago than the battle between the Kearsarge and the Alabama, June 19, 1864, and the English writers at that time declared it to be a better gun than could be found on any English ship. The London Evening Star, soon after the battle, in an article describing it, said of the armament of the Kearsarge:

"But she also had two 11-inch smooth-bore Dahlgrens; and it is to these tremendous weapons the sinking of the Alabama is due."

The Liverpool Mercury of June 25, 1864, six days after the battle, said:

"It is notorious that there is not an 11-inch gun on board a vessel in the British navy, while on board the Kearsarge there are two of these tremendous weapons, each capable of throwing 200-pound shell or shot."

In an account of that battle, written by Frederick Milnes Edge, published in London in 1864, is the following, showing the opinion in Europe of the American gun at that time:

"There is but one key to this victory. The two vessels were as nearly as possible equal in size, speed, armament, and crew, and the contest was decided by the superiority of the 11-inch Dahlgren guns of the Kearsarge over the Blakily rifle and the vaunted 68-pounder of the Alabama, in conjunction with the greater coolness and sharper aim of the former's crew.

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"The French, at Cherbourg, were by no means dilatory in recognizing the value of these Dahlgren guns. Officers of all grades, naval and military alike, crowded the vessel during her stay at that port, and they were all eyes for the massive pivots and for nothing else. Guns, carriages, and even rammers and sponges, were carefully measured; and if the pieces can be made in France, many months will not elapse before their muzzles will be grinning through the port-holes of French ships of war.

"We have no such gun in Europe as the 11-inch Dahlgren; but it is considered behind the age in America. The 68-pounder is regarded by us as a heavy piece, but in the United States it is the *minimum* for large vessels, where some ships * * * carry the 11-inch gun in broadside. * * * It is considered far too light, however, for the sea-going iron-clads, although throwing a solid shot of 160 pounds; yet it has made a wonderful stir on both sides of the channel. What, then, will be thought of the 15-inch gun throwing a shot of 480 pounds, or of the 200-pound Parrott with its range of five miles?"

Such was the state of American gunnery in 1864. We are, however, but little further advanced than at that time, while England, instead of having no gun in its navy equal to our 11-inch smooth-bore gun of 8 tons, mounts upon her ships of war rifles of 81 tons, throwing shot of nearly a ton's weight, and which can penetrate 22 inches of solid iron armor. Ought America longer hesitate to put her ship-builders, her forges, and her founderies at work? For a nation which proposes to dominate a hemisphere, and to dictate to the great naval powers of Europe non-interference in the affairs of the American republics, the United States is singularly neglectful of the means by which she may make her manifesto effectual.

This tells the story of the state of American gunnery in 1864, and the reason for our present weakness. It is not that our guns are poorer now than then, for we have the same and a few even better than they were.

To-day the Kearsarge, the ship which won that great victory, is even a better ship than she was on that day. She carries amidship the two 11-inch Dahlgren guns which are said to have given her the victory over the Alabama. She is as able now as then to engage in battle, and in an engagement with another Alabama would be as likely now as then to come off victorious. But there will be no more Alabamas. The fighting cruisers of all European powers carry guns as superior to hers as were hers superior to those of the Alabama at that time. The Kearsarge as a fighting ship has won her last victory. Both ship and guns are of a past age. In peace she is useful, and bears the flag which she defended and honored worthily. In war she would stay in port.

CRUISING VESSELS OF WAR.

While I cannot of course find it in my heart to complain of the Committee on Appropriations for what they have done, yet I desire to call the attention of the House to the appropriation they propose for the Department of Construction and Repair. They give the meager sum of $1,750,000. How is this to be applied? Out of it is to come, according to the bill, first, the cost of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat; and general care, increase, and protection of the Navy in the line of construction and repair and incidental expenses.

Now, this will cost a large sum, even if the 30 per cent. limitation as to repair of wooden ships is accepted. One million dollars of this appropriation at least will be thus consumed. The balance is all they propose to allow for the commencement of the new navy, now so much needed and so universally desired. What will this balance of $500,000 or $700,000 do toward the construction of two great steel ships of war, designed to be the best unarmored cruising ships which float upon the ocean?

But I thank them even for this little. If, however, it is proper and no violation of our sacred rules to make appropriation in this

bill for new ships of this small amount, what prevents that committee, if they really feel as I have no doubt a majority of them do, that a navy is needed and ought now to be built, from generously permitting an amendment to the bill appropriating a sum adequate to the commencement of all the vessels recommended by the Committee on Naval Affairs? I hope at least they will consent to some increase of appropriation for the two cruisers, if they cannot see their way to authorize the commencement of others. We are, of course, not to antagonize the Committee on Appropriations. What they are disposed to do to help the Committee on Naval Affairs to get a hearing in spite of the rules, we ought to accept in good faith and in thankfulness.

But I call attention to the fact that this bill does not guard the appropriation for new ships. I think small as the appropriation is it should be properly guarded. This is the point of beginning and may prove to be the establishment of a new policy in naval administration.

In the bill of the Naval Committee we provide that not one dollar of the appropriation shall be expended under the exclusive direction of the bureaus as they now exist. I have been personally struggling during my long membership of the Committee on Naval Affairs, as I think the former chairman, Mr. WHITTHORNE, will bear witness, to lift the Navy up and beyond the liability of great mistakes and failures, and to take it out of the divided control of these inharmonious bureaus, and to center upon the administration of the construction department a combination of skill and knowledge. I have no fault to find with men or heads of bureaus. I quarrel only with what I believe to be a vicious and expensive system.

In a former bill reported by me for the Committee on Naval Affairs it was proposed to establish a board of assistants for the Navy something on the plan of the old board of admiralty, which was intended to pass upon all designs and plans. The bill which contained that provision has furnished the substance for the two bills reported by the present Committee on Naval Affairs, the one for the construction of new ships, and the other for sale or destruction of the old ones.

BOARD OF ADVICE AND SURVEY.

We have been obliged in this new bill, in compliance with the views of many persons of knowledge and experience in these matters, to adopt another plan and to provide that not one of these great ships of war shall be commenced until the Secretary of the Navy shall designate a board of five officers of the Navy of the highest skill, from the line and the staff, and without reference to rank, and also three experts from civil life, who shall pass upon every plan, and that every single step in the process of construction shall be submitted to them. That is, not that they shall have power to control the Navy, but that they shall advise the head of the Department, shall give him their assistance and counsel, so that he shall not be subject to the danger of following the lead of some naval constructor who may build a good ship without reference to the engines she is to carry, or the blunders of some steam-engineer who may be able to construct splendid engines without reference to the ships they shall propel, or some ordnance officer who may build splendid ordnance without reference to the vessel to be armed with them.

We propose that all the great elements of ships of war shall be considered first by the board before a blow is struck in their construction. I ask this House how better could we guard the Treasury of the Government, and how better could we provide for the constructing of a navy worthy to bear our flag?

I trust the Committee on Appropriations will accept as an amendment to their bill the provisions for guarding their appropriations substantially as found in the bill of the Committee on Naval Affairs, No. 5001.

Under the rules of the House we to-day here have the privilege of advocating so much of this appropriation bill as will barely begin the work, and in my judgment in a very unsatisfactory manner.

Mr. ROBESON. Will the gentleman pardon me for interrupting him a moment?

Mr. HARRIS, of Massachusetts. Certainly.

Mr. ROBESON. Perhaps I misunderstood the gentleman, but I thought he said that this bill gave only $750,000 for the construction and repair of the Navy.

Mr. HARRIS, of Massachusetts. I said it gave $1,750,000.

Mr. ROBESON. It gives $1,750,000 to the Bureau of Construction.

Mr. HARRIS, of Massachusetts. That is what I said.

Mr. ROBESON. And limits the amount to be expended on the repairs of old wooden ships to $400,000.

Mr. McLANE. That is what the gentleman from Massachusetts said.

Mr. ROBESON. That will leave $1,350,000 available for new ships.

Mr. HARRIS, of Massachusetts. I do not think that is a fair statement of it.

Mr. ROBESON. I so understand it; I speak of the Bureau of Construction. The sum of $1,750,000 is appropriated for the Bureau of Construction, $400,000 of which only may be expended on the repairs of old wooden ships. The remainder will be applicable to building the ships as recommended by the Committee on Naval Affairs.

Mr. HEWITT, of New York. How about the other iron-clads? How are they to be provided for?

Mr. ROBESON. They are provided for in a different portion of the bill.

Mr. HARRIS, of Massachusetts. The gentleman and I do not differ. I stated that the amount given for construction was $1,750,000; and I said that from this you must first take enough to make your purchases for that department, which ordinarily cost $500,000 a year; that then $400,000 would be required for the repair of old wooden ships, leaving the balance of the appropriation applicable to the commencement of work on the two great ships of war. I believe that this House if it could fairly and fully consider all that we as members of the Naval Committee have considered, would consent to increase this appropriation largely and put upon it the limitations which we have recommended in regard to the expenditure of the money.

The Committee on Appropriations have allowed $100,000 for guns. I thank them for so much; but that $100,000 in the hands of the Ordnance Bureau will not produce two 6-inch rifles, manufactured as they are to be in our works. Why, sir, in order to commence this great work we must either encourage the great iron founders, the gun-makers of the country, by giving them contracts, or we ought to begin at once the work of building for our own uses a foundery for the manufacture of steel guns. Let me say (for I wish to conceal nothing) that when you enter upon the work of building up a navy you must spend some money; and you might as well meet the issue now as at any other time. The first thing to be done, if you are going to commence the construction of heavy steel guns after the European plan, is to build a 100-ton hammer. We can produce the steel here; there is no trouble about that; but when we have the steel ingots we must have a hammer equal to that used in Europe; this hammer will cost probably a million dollars.

THE NAVAL APPROPRIATION BILL.

Mr. Chairman, there is other new legislation in this bill to which I wish briefly to refer. Some of it has been under consideration in the Committee on Naval Affairs; the greater part of it has not been. Therefore I cannot, as a member or as chairman of the Naval Committee, as representing the committee, indorse all these provisions. While I am inclined to believe that the provision concerning the Naval Academy, cutting down at the bottom is wise, I am not prepared to cut off at the top. I am not quite content to say that officers of the Navy holding the rank of captain, ten of whom have been in the service since 1841, officers who went through our late war, many of them winning distinction, shall now, just as they are about to become commodores, be compelled to retire as captains.

I do not think it just that officers who have been promoted for gallantry should be retired at a lower grade just as they have reached the point of promotion. The Admiral and Vice-Admiral are to be retired. It is said that those officers who have received honorable mention by Congress shall retire with their full pay until they have been fifty-five years in the service. Now, the Admiral entered the service in 1829; he has been in it fifty-three years. He has three times received the thanks of Congress. He has won victories for the country of which every American is proud. No vote of mine shall ever strike at him. No vote of mine shall ever take from him a single honor or diminish in his declining years any of the privileges which the country has bestowed upon him. Nor shall my vote be given to take from that other brave and distinguished officer, Vice-Admiral Rowan, either the honors or the pay which he so worthily enjoys. They served their country in war. I did not. Mine is not the vote to be cast for their dishonor.

SALE OF OLD AND WORTHLESS VESSELS AND MATERIAL.

In conclusion I cannot fail to express my satisfaction at the prospect that the bill before us provides for the final condemnation and sale or removal of worthless vessels of the Navy. The Committee Appropriations have adopted as a part of this bill, being all of the second section, all the essential and important provisions of the bill reported from the Committee on Naval Affairs, now No. 6 on the Calendar of the Whole House on the state of the Union, entitled "A bill to provide a permanent construction fund for the Navy, and for other purposes." That portion establishing a permanent construction fund from the proceeds of the sale of old material and old vessels, and from appropriations therefor, is omitted, but I do not much object on that account. The main and great purpose of that measure was to compel the sale of condemned materials and ships, and save the great annual cost of their care and preservation. And it is a matter of small moment whether the net proceeds go directly into the Treasury as a part of the public money or into a construction fund. In either case Congress could do with it just as it should see fit. If any considerable amount should be realized it might make Congress feel more liberal in its appropriations for the Navy. It is a measure of real economy, as I will show.

In report No. 139 the Committee on Naval Affairs give three lists of old vessels supposed to be useless and which they believe should be sold or broken up. Those lists, with the comments of the committee upon them, are as follows:

The following is a list of eight ships, with their tonnage, displacement, proposed number of guns, age, and location, which are unfinished on the stocks in the several navy-yards, rotten and utterly worthless, and which must be torn down where they stand because they cannot be floated, and probably could not be sold to be

removed. The old timber which they contain has little or no value, and it is doubtful whether the metal contained therein is worth the cost of removal.

Name.	Age.	Guns.	Tonnage.	Displacement.	Location.
Connecticut	1867	21	2,869	4,450	Boston navy-yard.
Pennsylvania	1867	22	2,490	4,000	Do.
Java	1867	21	2,490	4,000	New York navy-yard.
Colossus	1867	4	2,127	.....	Do.
Massachusetts	1867	4	2,127	.....	Portsmouth, N. H.
Oregon	1867	4	2,127	.....	Boston navy-yard.
Virginia	1818	.....	2,600	4,150	Boston, partly cut down.
New Orleans	1818	.....	.....	4,150	Sackett's Harbor.

These vessels cannot be destroyed without a large expenditure of money, and the old material which they contain will be the only remuneration the Government will secure from their destruction. The Government has now on hand too much old material which it cannot use and which should be sold. The bill provides that the cost of the destruction and removal of these vessels may be paid out of the construction fund, and that the proceeds of the sales of such old material as is not fit for further use shall be paid into such fund.

Another list, of 24 vessels, is here presented, which includes only worn out and worthless vessels, which can be of no further use as vessels of war. They are given in classes, as they stand in the Register.

STEAM-VESSELS.

Name.	Age.	Guns.	Tonnage.	Displacement.	Location.
FIRST RATE.					
Niagara	1855	12	2,958	5,440	Boston navy-yard.
Florida	1864	12	2,135	4,220	New London navy-yard.
SECOND RATE.					
Susquehanna	1850	23	2,213	3,980	New York navy-yard.
Congress	1867	16	2,000	3,050	Portsmouth, N. H., navy-yard.
Worcester	1867	13	2,000	3,150	Norfolk navy-yard.
Benicia	1867	12	1,122	2,400	Mare Island navy-yard.
Canandaigua	1862	9	955	2,130	Norfolk navy-yard.
Monongahela	1862	9	960	2,100	Mare Island navy-yard.
THIRD RATE.					
Narragansett	1858	5	566	1,235	Mare Island navy-yard.
Kansas	1863	3	416	900	Portsmouth, N. H., navy-yard.
Saco	1863	3	410	900	Mare Island navy-yard.
Nyack	1863	3	410	900	Do.
Shawmut	1863	3	410	900	Norfolk navy-yard.
FOURTH RATE.					
Frolic (purchased)	1864	8	614	1,300	Washington, D. C., navy-yard.

SAILING-VESSELS.

Ohio	1820	5	2,700	4,250	Boston navy-yard.
Constitution	1797 and 1876	6	1,335	2,200	League Island navy-yard.
Sabine	1855	22	1,475	2,450	Portsmouth, N. H., navy-yard.
Savannah	1842	.....	1,475	2,330	Norfolk navy-yard.
Cyane	1837	2	695	950	Mare Island navy-yard.
Guard (purchased)	.....	2	925	.....	Portsmouth, N. H., navy-yard.
Relief	1836	2	468	.....	Washington, D. C., navy-yard.
Supply	1846	2	547	.....	League Island navy-yard.
Dictator	.....	2	1,750	4,500	Do.
Roanoke	.....	6	2,260	.....	Chester, Pa.

It may be that some of these ships are worth retaining, but I venture to predict that for every one on this list worthy of being retained there will be found two from the list of so-called able ships which should be added to it.

I have not the means of showing how much money these vessels have cost for their care and preservation since they ceased to be of any service. But I can give the cost of a few of them.

The following is a list of vessels, with the date of their last cruise and the cost of their maintenance, care, and preservation since that time:

Name.	Last cruise.	Cost.
Niagara	1865	$98,805 15
Florida	1868	67,557 00
Susquehanna	1868	34,338 64
Naragansett	1875	9,664 00
Congress	1874	12,810 51
Kansas	1875	14,443 00
Canandaigua	1875	20,067 00

From these figures it may be seen that the provisions of the bill concerning their sale are wise and expedient, and will result in substantial saving to the Government.

Taking advantage of the privilege granted by the House, I will annex in form of an appendix extracts from the report of the Committee on Naval Affairs, and several papers of interest to persons seeking information in relation to the Navy.

APPENDIX A.

The Naval Register last issued brings official information concerning the Navy down to January 1, 1882. The list of 140 vessels there given is made up of the following clases:

Steam-vessels:		
First-rates		13
Second-rates		20
Third-rates		27
Fourth-rates, including two torpedo-boats		8
Total		68
Sailing-vessels:		
Second-rates	4	
Third-rates, first-class	6	
Third-rates, second-class	8	
Fourth-rates	5	
Total		23
Iron-clads		24
Tugs		25
Total number of vessels of all classes		140

On the 10th day of January last this committee made a report (No. 139) to the House on the subject of the bill H. R. No. 677, entitled "A bill to provide a permanent construction fund for the Navy, and for other purposes," in which they give a list of eight steam-vessels which are unfinished on the stocks in the navy-yards, rotten and utterly worthless. That list is as follows:

Name.	Age.	Guns.	Tonnage.	Displacement.	Location.
Connecticut	1867	21	2,869	4,450	Boston navy-yard.
Pennsylvania	1867	22	2,490	4,000	Do.
Java	1867	21	2,490	4,000	New York navy-yard.
Colossus	1867	4	2,127	.....	Do.
Massachusetts	1867	4	2,127	.....	Portsmouth, N. H.
Oregon	1867	4	2,127	.....	Boston navy-yard.
Virginia	1818	.....	2,600	4,150	Boston, partly cut down.
New Orleans	1818	.....	.....	4,150	Sackett's Harbor.

Another list is given of fourteen vessels, which includes only worn-out, obsolete, and worthless vessels, which it would be shameless folly and unpardonable extravagance to attempt to repair, having no possible present or prospective use, and which cost annually a considerable sum to guard and save from depredation by harbor thieves. That list is appended:

STEAM-VESSELS.

Names.	Age.	Guns.	Tonnage.	Displacement.	Location.
FIRST RATE.					
Niagara	1855	12	2,958	5,540	Boston navy-yard.
Florida	1864	12	2,135	4,220	New London navy-yard.
SECOND RATE.					
Susquehanna	1850	23	2,213	3,980	New York navy-yard.
Congress	1867	16	2,000	3,050	Portsmouth, N. H., navy-yard.
Worcester	1867	13	2,000	3,150	Norfolk navy-yard.
Benicia	1867	12	1,122	2,400	Mare Island navy-yard.
Canandaigua	1862	9	955	2,130	Norfolk navy-yard.
Monongahela	1862	9	960	2,100	Mare Island navy-yard.
THIRD RATE.					
Narragansett	1858	5	566	1,235	Mare Island navy-yard.
Kansas	1863	3	410	900	Portsmouth, N. H., navy-yard.
Saco	1863	3	410	900	Mare Island navy-yard.
Nyack	1863	3	410	900	Do.
Shawmut	1863	3	410	900	Norkfolk navy-yard.
FOURTH RATE.					
Frolic (purchased)	1864	8	614	1,300	Washington, D. C., navy-yard.

Still another list is given, which includes eight old sailing-ships and two iron-clads, all of which, with perhaps the exception of the iron-clad Dictator, are utterly worthless for naval purposes and wholly unworthy of repair. That list is as follows:

SAILING-VESSELS.

Name.	Age.	Guns.	Tonnage.	Displacement.	Location.
Ohio	1820	5	2,700	4,250	Boston navy-yard.
Constitution	1797 and 1876	6	1,335	2,200	League Island navy-yard.
Sabine	1855	22	1,475	2,450	Portsmouth, N. H., navy-yard.
Savannah	1842	.....	1,475	2,330	Norfolk navy-yard.
Cyane	1837	2	695	950	Mare Island navy-yard.
Guard (purchased)	.....	2	925	.....	Portsmouth, N. H., navy-yard.
Relief	1836	2	468	.....	Washington, D. C., navy-yard.
Supply	1846	2	547	.....	League Island navy-yard.
Dictator	.....	2	1,750	4,500	Do.
Roanoke	.....	6	2,260	.....	Chester, Pa.

Of the twenty-five "tugs, &c.," borne on the Naval Register, the committee estimate that at least ten are worn out and useless, and which should be sold or demolished. If the committee are correct in their estimate, here are forty-two, out of one hundred and forty vessels of all classes, whose names appear as part of the "Navy of the United States," representing not only no naval power whatever, but which can hereafter serve no useful purpose, and which are, moreover, a constant drain on the appropriations for the support of the Navy, and a consequent loss to the Government to the extent of the cost of their protection, which aggregates annually no small sum.

As an illustration, we may take the case of the Niagara, at Boston, which has been tied up to her dock, a worthless hulk, since the attempt to repair her, nearly or quite eighteen years ago, was abandoned. She has cost for her care alone since that time more than $98,000, and it is doubtful if she is worth to-day, or will bring, $25,000 at auction.

Other instances of the same kind are numerous, and the statistics on that subject are in preparation and will be laid before Congess. We regret that we are unable to present them in this report for want of time for their completion. From the list of one hundred and forty vessels whose names are borne on the Register, forty-two thus fall out at once, without question or doubt, and we are left with a total Navy of only ninety-eight vessels of all classes. But this does not, by any means, tell the story of our naval weakness, for of these ninety-eight fifteen are but navy-yard tugs, which are not serviceable for war purposes. We therefore treat them as tools, useful in navy-yards and naval stations, as are other tools and machines, as a part of the plant, rather than as vessels of the Navy, and we strike them out of the ninety-eight, leaving only eighty-three as the total number of our vessels of the Navy capable of service.

But our humiliation is not yet complete. Of these eighty-three fourteen are old sailing-vessels of a bygone age, and of an outgrown and abandoned system. We give their names, ages, tonnage, guns, and their present location and use:

Name.	When built.	No. of guns.	Tonnage.	Displacement.	Location and use.
New Hampshire	1818	15	2,600	4,150	Repairing at Norfolk for training-ship for boys.
Vermont	1848	19	2,400	4,150	Receiving-ship at New York.
Constellation	1797 and 1854	10	1,236	1,886	Practice-ship at Naval Academy.
Independence	1814	22	1,891	3,270	Receiving-ship at Mare Island, California.
Santee	1855	48	1,475	2,430	Gunnery ship at Naval Academy, Annapolis, Md.
Portsmouth	1843	12	846	1,125	Apprentice training-ship.
Jamestown	1844	12	888	1,150	Fitting for apprentice training-ship.
Saratoga	1843	12	757	1,025	Training-ship at Washington; a hulk.
Saint Louis	1828	....	431	*830	Receiving-ship at League Island, Pa.
Saint Mary's	1844	8	766	1,025	Public Marine School, New York. Lent to that State.
Dale	1839	8	320	675	Practice-ship at Naval Academy, Annapolis, Md.
Pawnee	1858	....	872	1,650	Store-ship at Port Royal.
Onward		3	704	.....	Store-ship at Callao, Peru.
Freda		....	.....	.....	Mare Island, Cal.

* Purchased.

By deducting these our list falls from eighty-three to sixty-nine. These sixty-nine include steam-vessels only and were intended for war purposes. This number must be again reduced by withdrawing the name of the Arctic ship Rogers, which was purchased for and sent out on the humane mission of rescuing lost Arctic explorers, and the names of four double-turreted iron-clad monitors, now on the stocks in the private yards of contractors at Wilmington, Chester, Philadelphia, and Mare Island, with the question of their fate still undecided, namely, Amphitrite, Puritan, Terror, and Monadnock; and also the name of the Miantonomoh, now afloat at League Island, Pennsylvania, new and in perfect condition and ready for sea; except that having neither turrets nor guns she has no excuse for going to sea. With this reduction our list falls to sixty-three. But if we seek our present real naval power for active service at sea we must continue this dissolving view. The following table gives the names, ages, displacement, tonnage, guns, and present use of several steam-vessels of the Navy, some of which are not in present condition for service, some of which can never be made so, and all of which are of very doubtful value to the service:

Name.	When built.	Guns.	Tonnage.	Displacement.	Present location, condition, and use.
Franklin	1854	39	3,173	5,170	Receiving-ship at Norfolk.
Colorado	1855	46	3,032	4,700	Receiving-ship at New York.
Minnesota	1855	46	3,000	4,700	Training-ship at Newport, Rhode Island.
Wabash	1854	45	3,000	4,650	Receiving-ship at Boston.
New York	1865	21	2,490	4,070	A frame on the stocks at New York; live oak; worthy of being finished.
Iowa	1865	26	2,019	4,000	Probably worthless; at Boston; machinery taken out; white oak; built at close of the war; very fast; did no service.
Antietam	1865	21	2,490	4,000	A mere hulk; at League Island; white oak; launched in 1874; used as store-ship and marine barracks; no machinery on board.
Michigan	1844	8	450	685	Iron paddle-wheel lake boat at Erie, Pa.; should give place to a vessel of war to fill treaty rights of United States.
Tallapoosa	1863 and 1874	2	650	1,270	A transport used by Navy Department; lately repaired; a good vessel and useful to the Government in this service.

Names, ages, displacement, tonnage, &c.—Continued.

Name.	When built.	Guns.	Tonnage.	Displacement.	Present location, condition, and use.
Dispatch	Purchased.	4	730	.....	A mere dispatch vessel; a purchased pleasure yacht; fast, and useful to the Government in this service.
Intrepid	1870	.....	311	800	Built for torpedo service; strong and able, but too slow; could be made useful if completed; no torpedo machinery on board.

It is manifest that these vessels can be of little if any practical service in actual war, and we deduct them from our list, which reduces the Navy to fifty-two. But of this reduced number fourteen are of the single-turreted monitor class, not suited for cruising service, and only to be relied upon for coast and harbor defense. They are good vessels of their class, have been rebuilt of iron, or rather have had their old wooden beams replaced with iron since the war. Whether good or bad, they are all we have in the nature of iron-clad harbor defenders afloat and armed, and yet there is not one breech-loading rifled gun of any size in the entire fleet. They are all armed with smooth-bore guns of large caliber, but of small power and short range. They did good service during the war in a contest with an enemy which had no navy. Some of them bear the scars of war, and are objects of respect and veneration, but it is unsafe longer to rely on them as our sole defense against the powerful navies of modern times. They are all classed as fourth-rates, and are as follows, with their guns, tonnage, &c.:

Name.	When built.	Guns.	Tonnage.	Displacement.	Location.
Ajax	1865	2	550	2,100	City Point, James River.
Canonicus	1864	2	550	2,100	Navy-yard, Pensacola.
Camanche	1865	2	496	1,875	In ordinary, Mare Island, Cal.
Catskill	1863	2	496	1,875	City Point.
Jason	1863	2	496	1,875	League Island, Pennsylvania.
Lehigh	1866	2	496	1,875	City Point.
Mahopac	1864	2	550	2,100	Do.
Manhattan	1864	2	550	2,100	Do.
Montauk	1863	2	496	1,875	In commission, Washington.
Nahant	1863	2	496	1,875	League Island.
Nantucket	1863	2	496	1,875	Annapolis, Maryland.
Passaic	1862	2	946	1,875	Receiving-ship, Washington.
Saugus	1864	2	550	2,100	Laid up at Washington.
Wyandotte	1866	2	550	2,100	In commission, Washington.

We have now left to account for only thirty-eight vessels, and in this number is to be found all the naval power for ocean service of the United States.

We annex a table of these thirty-eight vessels, their ages, tonnage, displacement, and guns, their present service, or location, if out of active service. We give them by classes as they stand in the register:

Name.	When built.	Tonnage.	Displacement.	Number of guns.	Kind of guns.	Service.
FIRST RATE.						
Tennessee	1863	2,840	4,840	21	18 s. b., *3 rifle.	Flag-ship, North Atlantic squadron.
SECOND RATE.						
Powhatan	1850	2,182	3,980	16	14 s. b., 2 rifle.	Paddle-wheel, on special duty.
Trenton	1876	2,300	3,800	11	11 8-inch rifle	Out of commission at New York.
Lancaster	1858	2,120	3,250	20	20 s. b	Lately repaired, European station.
Brooklyn	1858	2,000	3,000	18	16 s. b., 2 rifle.	Flag-ship, South Atlantic station, *en route*.
Pensacola	1858	2,000	3,000	22	20 s. b., 2 rifle.	Flag-ship, Pacific station.
Hartford	1858	2,000	2,900	16	.....	Rebuilding at Boston, to have rifled 8-inch converted.
Richmond	1858	2,000	2,700	14	12 s. b., 2 rifle.	Flag-ship, Asiatic squadron.
Alaska	1867	1,122	2,400	12	10 s. b., 2 rifle.	Pacific station.
Omaha	1869	1,122	2,400	12	12 s. b	Repairing at Portsmouth, N. H.
Plymouth	1867	1,122	2,400	12	12 s. b	Repairing at Portsmouth, N. H.
Lackawanna	1862	1,026	2,220	9	6 s. b., 3 rifle.	Pacific station.
Ticonderoga	1862	1,019	2,220	9	6 s. b., 3 rifle.	Lately returned to New York.
Vandalia	1874	981	2,080	8	7 s. b., 1 rifle.	North Atlantic squadron.
Shenandoah	1862	929	2,100	9	6 s. b., 3 rifle.	Flag-ship, South Atlantic squadron.
THIRD RATE.						
Juniata	1862	828	1,900	8	7 s. b., 1 rifle.	Repairing at New York, nearly complete.
Ossipee	1861	828	1,900	8	8 s. b	Repairing at League Island.
Quinnebaug	1866	910	1,900	8	6 s. b., 2 rifle.	European station.
Swatara	1865	910	1,900	8	7 s. b., 1 rifle.	Asiatic squadron.
Marion	1874	910	1,900	8	7 s. b., 1 rifle.	South Atlantic squadron.

Names, ages, displacement, and tonnage, &c.—Continued.

Name.	When built.	Tonnage.	Displacement.	Number of guns.	Kind of guns.	Service.
Mohican	1858	910	1,900	8	7 s. b., 1 rifle.	Repairing at Mare Island, California.
Iroquois	1858	695	1,575	7	7 s. b., 1 rifle.	Repairing at Mare Island, California.
Wachusett	1861	695	1,575	7	6 s. b., 1 rifle.	Pacific squadron.
Wyoming	1858	726	1,560	7	6 s. b., 1 rifle.	Naval station, Port Royal.
Galena	1862	910	1,900	8	7 s. b., 1 rifle.	European station.
Tuscarora	1861	726	1,560	7	6 s. b., 1 rifle.	Repairing at Mare Island, California.
Kearsarge	1861	695	1,550	7	6 s. b., 1 rifle.	North Atlantic station.
Adams	1874	615	1,375	6	5 s. b., 1 rifle.	Pacific station.
Alliance	1874	615	1,375	6	5 s. b., 1 rifle.	Lately returned from Arctic voyage.
Essex	1874	615	1,375	6	5 s. b., 1 rifle.	Pacific station.
Enterprise	1874	615	1,375	6	5 s. b., 1 rifle.	North Atlantic station.
Nipsic	1863 and 1879	615	1,375	8	6 s. b., 2 rifle.	European station.
Ashuelot	1865	786	1,370	6	4 s. b., 2 rifle.	Asiatic station.
Monocacy	1866	747	1,370	6	4 s. b., 2 rifle.	Asiatic station.
Alert	1874	541	1,020	4	3 s. b., 1 rifle.	Asiatic station.
Ranger	1874	541	1,020	4	3 s. b., 1 rifle.	On surveying duty in the Pacific.
Yantic	1864	410	900	5	4 s. b., 1 rifle.	North Atlantic station.
FOURTH RATE.						
Alarm	1873	311	1,550	1	1 s. b., 15-inch	In commission at Washington.

* s. b., smooth-bore.

It may seem useless to further point out the weakness of our Navy, but it is best that the whole truth be known now, so that we who have the responsibility for the future peace and safety of the country upon us may have the perils and dangers of neglect of present duty clearly before us. A careful examination of the last table, in which is displayed the whole of our offensive naval power, will satisfy any person that many of the vessels there named are old and nearly worn out, slow in speed, feeble in offensive power, and utterly deficient in defensive power, even in the power of running away from danger, and which, when war comes, will only be safe behind fortifications or unapproachable harbors.

The Powhatan will serve as an illustration. She is our second ship in size in active service and is at the head of our list of second-rates. She was built in 1850, more than thirty years ago, and is propelled when under steam by the paddle-wheel, which is now seldom seen at sea. She is little more than a sailing vessel with auxiliary steam-power. She could not fight with the smallest vessel of our Navy. The little torpedo-boat Alarm, with her one smooth-bore fifteen-inch gun and more rapid speed and her wonderful capacity of so maneuvering as always to keep her sharp deflective armored prow and great gun to the front, would be an antagonist with which the Powhatan would never successfully engage. And if, in addition to her gun, the Alarm would bring her bow torpedo into play, in a contest with the Powhatan, the trial would end in a few minutes by the sinking of that first of our second-rate vessels of war.

The Omaha, the Plymouth, the Ossipee, and other of our vessels are now out of active service, awaiting destruction or repair as future necessity or policy shall determine, and it is extremely doubtful whether a wise economy does not dictate their abandonment as vessels of war. The Lancaster has lately been rebuilt at enormous cost, and we cannot but entertain a doubt whether every dollar spent upon her has not been wasted. She is really a new ship, and in many respects better than she was at first, but she is a new ship on an old and outgrown model, and possessed of but few of the qualities required in modern cruising vessels of war. It is often said of her that she is a fine ship in times of peace.

But we have little respect for a ship of war which is only good in times of peace. Profound respect is paid to that ship in times of peace or war which is ready for war, and such vessels, and such only, few in numbers though they may be perhaps, are those which this country can afford to maintain. One such vessel is worth a whole navy of obsoletes. The Hartford is undergoing the same process at large cost and will soon be completed, but when finished and afloat she will be only a new ship on an old plan, as good as before and no better. The progress of an age has been made—an age of startling development in war and the arts of naval architecture—since she was conceived and brought into being. When she first took the sea and proudly bore her flag she was the equal in speed and in offensive and defensive power of any vessel of her class in the world. When she achieved her victories and won glory for herself and immortal fame for her great commander, she was but five years old and as good as any vessel of her class afloat. She was built of wood, and so were most of the war ships of her time.

Other vessels have, within a few years, been brought back from "rotten row" into the service in the same way at great cost. The process may go on indefinitely unless a different and wiser policy is now established.

Had the money which has thus been expended (and properly expended in the absence of authority of Congress to make wiser use of it, perhaps) been applied to the completion and armanent of our double-turreted iron-clad monitors we should not now be, as we confessedly are, helpless to defend our own shores and great commercial centers against the attack of the smallest nation of the earth, which may have had the courage and the wisdom to buy and to fit out a modern iron-clad vessel of war effectively armed.

The double-turreted iron-clad monitor, Monadnock, is now on the stocks in the private ship-yard of Mr. Burgess, at Vallejo, California, half finished. She was intended to be a defense for the city of San Francisco and the west coast. The money which has been expended in rebuilding obsoletes of wood since work on the Manadnock was suspended would have finished and armed that vessel with the most powerful guns of modern times, and San Francisco, the great center of our Pacific commerce, would be in no danger from any enemy. We are not probably in danger of falling into new difficulty with Chili; but that people have just passed through a great war with Peru. They are flushed with victory. They may, like other nations under similar circumstances, feel able to resent supposed insults, and may treat gentle expostulation as intended threat. War generally comes without sufficient cause and with short notice. Should Chili find cause to make war on us she would have it all her own way from the start, and in one day would inflict greater injury upon our people than the cost of fifty Monadnocks could repay. Chili has three European-built iron-clads in her navy, namely:

Name of vessel.	Thickness of armor, in inches.	Displacement, in tons.	Speed, in knots.	Number and description of guns.	Remarks.
Almirante Cochrane	4½ to 9	3,560	12.8	6 9-inch 12½-ton guns.	Full sail-power.
Blanco Encalada	4½ to 9	3,560	12.8	do	Do.
Huascar	4½ to 5½	1,100	11	2 300-pdrs., 4 40-pdrs.	Captured from Peru.

The United States naval force on this—the South Pacific station—consists of four unarmored wooden vessels, namely, Pensacola, (flagship), Alaska, Lackawanna, and Adams. The Pensacola can make eight knots per hour; the Alaska, eleven knots; the Lackawanna, eight knots; and the Adams, eleven knots. Not one of these vessels could either overtake or run away from the Almirante Cochrane or the Blanco Encalada. The entire squadron is not of sufficient force to compete successfully with even one of these two iron-clads, and not of sufficient speed to avoid a hopeless conflict.

It is manifest that in a conflict with this small nation the United States would be helpless to resist the first attack, the most important thing to do in war always, and Chili could levy tribute on the city of San Francisco or seal up the Golden Gate as with an iron wall.

GUNS.

It is not in ships alone that we are weak. The guns on the single-turreted monitors are all smooth-bore muzzle-loaders. There are in the armament of the thirty-eight cruising vessels shown in the table three hundred and eighty-six guns of all classes.

We may not be entirely accurate in this statement, and we have again to regret the absence of official information in the course of preparation. But it is manifest that our Navy is sadly deficient in guns, and that we have not one high-power long-range rifled breech-loading cannon afloat in the Navy, and it may as well be said here that we have not one to put afloat.

It is perhaps not to be regretted that we have not spent large sums of money in the manufacture of guns since the close of the war, for we have doubtless escaped many expensive blunders thereby. The time has not been wholly lost. Our manufactures have been developed during that period to a degree quite unprecedented in our own history. At the close of our war there was not a pound of steel made in this country fit for the fabrication of cannon. To-day our manufacturers can produce steel of the best quality for that purpose in very large quantities, and with their present plant can supply over 150,000 tons a year for that purpose, besides supplying the present demand for steel for all other purposes. The steel made in this country is better than that made in Europe. In six months' time, if we were called upon for it, we could furnish all the steel which the gun-makers of the world could use.

Such is the Navy of the United States.

The defense of our harbors and the great centers of our commerce is found in fourteen light-draught monitors, armed with twenty-eight smooth-bore muzzle-loading guns, and one experimental torpedo-boat with one gun.

Our naval power on the ocean is represented by thirty-eight cruising vessels of all classes, carrying three hundred and fifty-seven guns of all calibers, none of which are of high power or breech-loaders, and only sixty-two of which are rifled.

In order to enable this House and the country to compare our Navy with the navies of other countries we here insert tables of the English navy, compiled from official records at the Navy Department, and a few leaves from a pamphlet lately prepared at the Navy Department. The pamphlet does not pretend to absolute accuracy, but is probably sufficiently accurate for all practical purposes and for mere comparison. The contrast may be humiliating, but it will prove useful and result to our advantage.

We here take leave of this branch of the subject with no further comment; argument would seem to be quite out of place.

Armored vessels of Great Britain, showing their class, displacement, draught, and maximum speed.

[Compiled from official reports of steam trials.]

Name.	Vessel.		Maximum indicated horse-power.	Displacement and draught on trial.		Maximum speed.
	Material.	Class.		Displacement.	Maximum draught.	
					Ft. In.	Knots.
Inflexible	Partly steel	Turret ship	8,483	9,515	23 0	14.74
Dreadnaught	Iron	do	8,207	9,120	24 6	14.52
Thunderer	do	do	6,272	9,190	26 6	13.40
Devastation	do	do	6,652	9,190	26 6	13,84
Agamemnon	do	do	a6,000	8,490	24 0	a13.00
Ajax	do	do	a6,000	8,490	24 0	a13.00
Monarch	do	do	7,842	8,070	25 9	14.93
Neptune	do	do	7,993	9,170	25 3	14.21
Colossus	Steel	do	a6,000	9,150	26 3	a14.00
Majestic	do	do	a6,000	9,150	26 3	a14.00
Conqueror	do	do	a4,500	6,200	24 0	a13.00
Collingwood	Iron	Barbette ship	a7,000	9,150	26 3	.....
Alexandra	do	Broadside ship	8,615	9,432	26 3	14.99
Teméraire	Steel and iron	Barbette towers.	7,516	8,571	27 4	14.65
Sultan	Iron	Broadside ship	8,778	8,723	26 10½	14.20
Hercules	do	do	8,529	8,676	26 5½	14.69
Bellerophon	do	do	6,312	7,369	26 8	14.05
Swiftsure	do	do	4,832	6,537	25 7	13.70
Triumph	do	do	5,156	6,552	25 8	14.16
Audacious	do	do	4,021	6,170	23 0	12.82
Invincible	do	do	4,832	5,563	21 6	14.09
Iron Duke	Iron	Broadside ship	4,789	5,563	21 6	13.85
Penelope	do	do	4,703	4,863	17 4½	12.76
Superb	Iron	do	7,431	8,950	23 0	13.78

Armored vessels of Great Britain, showing their class, displacement, &c.—Continued.

Name.	Vessel.		Maximum indicated horse-power.	Displacement and draught on trial.		Maximum speed.
	Material.	Class.		Displacement.	Maximum draught.	
					Ft. In.	*Knots.*
Shannon	Iron and steel with wood sheathing.	Belted cruiser.	3,370	5,390	23 4	12.35
Nelson	do	do	6,645	7,473	25 1	14.05
Northampton	do	do	6,073	7,652	25 3	13.17
Belleisle	Iron	Broadside ship	3,200	4,738	19 5	12.20
Orion	do	do	2,329	5,070	26 10	11.44
Agincourt	do	do	5,917	10,230	26 6	13.73
Minotaur	do	do	6,702	10,230	26 10	14.41
Northumberland.	do	do	6,558	10.548	27 9	14.13
Achilles	do	do	4,977	9,934	27 5	13.78
Warrior	do	do	5,267	9,231	27 8	14.07
Black Prince	do	do	5,772	9,300	27 3	13.60
Hector	do	do	3,256	6,455	25 8	12.36
Valiant	do	do	3,348	6,485	25 6	12.51
Resistance	do	do	2,329	6,300	26 11	11.40
Defence	do	do	2,343	6,077	26 1	11.23
Lord Warden	Wood	do	6,706	7,839	27 9	13.49
Repulse	do	do	3,347	6,010	25 10	12.28
*Polyphemus	Steel	Torpedo and ram.	a5,500	2,640	20 6	a17.00

a Estimated.

Armored harbor-defense vessels of Great Britain, showing their class, displacement, draught, and maximum speed.

Glatton	Iron	Turret	2,868	3,900	19 5½	12.10
Hotspur	do	Turret and ram.	3,497	4,980	20 2	12.65
Rupert	do	do	4,635	5,152	22 10	13.59
Prince Albert	do	Turret	2,121	3,809	20 0	11.26
Cyclops	do	do	1,660	3,100	15 5	11.02
Gorgon	do	do	1,669	3,311	16 0	11.13
Hecate	do	do	1,755	3,059	15 6	10.89
Hydra	do	do	1,472	3,144	15 8½	11.20
Scorpion	do	do	1,455	2,660	16 4	10.51
Wivern	do	do	1,446	2,602	16 1	10.05
Viper	do	Gunboat	696	1,180	11 10	9.58
Vixen	Composite	do	658	1,189	11 11	9.06
Abyssinia	Iron	Turret	949	2,816	14 8	9.59
Magdala	do	do	1,436	2,997	14 8	10.66
Cerberus	do	do	1,369	2,920	14 2½	9.75

Unarmored vessels of Great Britain, showing their class, displacement, draught, and maximum speed.

[Compiled from official reports of steam trials.]

Name.	Vessel.		Maximum indicated horse-power.	Displacement and draught on trial.		Maximum speed.
	Material.	Class.		Displacement.	Draught.	
					Ft. In.	*Knots.*
Shah	Iron sheathed with wood.	Frigate	7,477	5,922	25 7½	16.45
Inconstant	do	do	7,361	5,328	24 7	16.51
Raleigh	do	do	5,541	5,285	25 2	15.15
Boadicea	Iron cased with wood.	Corvette	5,292	3,883	22 4	14.89
Bacchante	do	do	2,490	3,631	22 0	12.07
Euryalus	do	do	5,109	4,223	23 6	14.71
Rover	do	do	4,964	3,462	22 7	14.53
Volage	do	do	4,500	3,080	21 6	15.12
Active	do	do	4,131	3,033	21 3¾	15.08
Iris	Steel	Dispatch	7,556	3,290	20 6	18.58
Mercury	do	do	7,534	3,290	20 6	18.87
Cleopatra	Steel and iron cased with wood.	Corvette	2,611	1,922	17 0	13.95
Carysfort	do	do	2,400	2,398	19 0	12.96
Champion	do	do	2,300	2,380	18 18½	13.00
Comus	do	do	2,387	2,427	19 3	12.79
Conquest	do	do	2,674	1,930	17 0	13.98
Curacoa	do	do	2,541	1,930	17 0	13.58
Constance	do	Twin screw corvette.	2,020	2,781	20 9	12.30
Cordelia	do	Corvette	a2,300	2,380	18 6	a13.00
Canada	do	do	a2,300	2,380	18 6	a13.00
Opal	Composite	do	2,187	2,098	19 0	12.53
Tourmaline	do	do	1,972	2,119	18 10	12.62
Turquoise	do	do	1,994	2,195	19 2	12.32
Garnet	do	do	2,005	1,973	18 2	13.20
Emerald	do	do	2,170	1,636	16 3	13.87
Ruby	do	do	1,833	2,126	18 10	12.28
Pelican	do	Sloop of war	1,056	860	14 6	12.24
Penguin	do	do	719	973	15 0	10.20
Phœnix	do	do	1,128	804	14 4	*11.00
Cormorant	do	do	951	1,131	15 4	11.31
Pegassus	do	do	972	1,131	15 10	11.47

Unarmored vessels of Great Britain, &c.—Continued.

Name.	Vessel.		Maximum indicated horse-power.	Displacement and draught on trial.		Maximum speed.
	Material	Class.		Displacement.	Draught.	
					Ft. In.	*Knots.*
Kingfisher	do	do	900	1,130	15 9	11.00
Wild Swan	do	do	797	1,094	15 6	10.35
Miranda	do	do	1,020	884	14 7	*11.00
Osprey	do	do	946	980	15 0	11.38
Mutine	do	do	786	1,200	14 6	10.25
Dragon	do	do	1,006	1,142	15 8	11.52
Gannet	do	do	1,107	1,150	15 10	11.53
Espiegle	do	do	900	1,137	15 9	11.00
Daring	do	do	915	926	13 11	10.63
Sappho	do	do	884	931	13 10	10.59
Flying Fish	do	do	836	925	14 1	10.95
Egeria	do	do	1,011	949	14 0	11.30
Albatross	do	do	838	918	14 0	10.51
Fantome	do	do	975	949	14 0	11.00

a Estimated.

ARMORED SHIPS OF FRANCE.

Name and class of vessel.	Vessel.			Armament: number and description of guns, (all breech-loading rifles.)	Remarks.
	Thickness of armor, in inches.	Displacement, in tons.	Maximum speed, in knots per hour.		
Sea-going cruisers.					
Amiral Duperré	21.6	10,322	14.5	14 13½-inch and 14 5½-inch.	Iron and steel, ram, ship-rigged.
Dévastation	15	9,454	.....	4 12½-inch, 4 10½-inch, and 8 5½-inch.	Do.
Fondroyant	15	9,454	.....	do	Do.
Redoubtable	14	8,661	14	8 10½-inch and 6 5½-inch.	Do.
Friedland	*8.66	8,684	14	8 10½-inch and 8 5½-inch.	Iron ram, full sail-power.
Richelieu	8.66	8,651	13	6 10½-inch, 2 5½-inch, and 5 9½-inch.	Do.
Trident	8.66	8,183	14.5	8 10½-inch, 4 5½-inch, and 2 9½-inch.	Do.
Colbert	8.66	8,183	14	8 10½-inch, 6 5½-inch, and 1 9½-inch.	Do.
Amiral Baudin	22	.....	.....	3 100-ton guns	Building.
Formidable	.....	.....	.....	do	Do.
Duguesclin	10	5,789	14	4 9½-inch, 1 7½-inch, and 6 5½ inch.	Iron and steel, ram.
Bayard	.....	5,789	.....	do	Full sail-power.
Turenne	.....	5,789	.....	do	Do.
Vauban	.....	5,789	.....	do	Do.
Triomphante	6	4,133	13	6 9½-inch, 3 7½-inch, and 6 5½-inch.	Do.
Victorieuse	6	4,074	13	6 9½-inch, 1 7½-inch, and 6 5½-inch.	Do.
La Gallisoniere	6	4,088	13	6 9½-inch	
Two others not nam'd	.....	.....	.....	.....	
Suffren	7¾	7,480	13	4 10½-inch and 4 9½-inch.	Wood hull, ram, full sail-power.
Ocean	7¾	7,244	13	4 10½-inch and 4 7½-inch	Do.
Marengo	7¾	7,244	13	do	Do.
Solferino	4¾	6,689	13	52 6½-inch	Do.
Flandre	5.9	5,613	14	8 12-ton and 4 7-ton	Do.
Gauloise	5.9	5,613	14	do	Do.
Guyenne	5.9	5,613	14	do	Do.
Magnanime	5.9	5,613	14	do	Do.
Provence	5.9	5,613	14	do	Do.
Revanche	5.9	5,613	14	do	Do.
Savoie	5.9	5,613	14	do	Wood hull, ram, full sail-power.
Surveillante	5.9	5,613	14	do	Do.
Valeureuse	5.9	5,613	14	do	
Gloire	4¾	5,442	13	36 6.3-inch	
Héroine	5.9	5,613	14	8 12-ton and 4 7-ton	Iron hull, ram, full sail-power.
Couronne	4¾	5 700	12	2 12-ton and 10 7-ton	Do.
Alma	6	3,617	11.8	6 7-ton	Wooden hull, full sail-power.
Armide	6	3,617	11.8	do	Do.
Atalante	6	3,617	11.8	do	Do.
Belliqueuse	6	3,617	11.8	do	Do.
Jeanne d'Arc	6	3,617	11.8	do	Do.
Montcalm	6	3,617	11.8	do	Do.
Reine Blanche	6	3,617	11.8	do	Do.
Thetis	6	3,617	11.8	do	Do.
7 coast defenders, 1st class.	13	5,492	14	2 12½-inch and 4 4¾-inch	Iron and steel 3 now built.
3 coast defenders, 2d class.	11¾	4,458	10	2 10¼-inch and 4¾-inch.	Iron and steel
5 coast defenders, 3d class.	6 to 9	3,190 to 3,643	11.3 to 13	1 or 2 9½-inch	Single revolving turret.

MODERN UNARMORED SHIPS OF FRANCE.

Name of vessel.	Vessel. Displacement, in tons.	Vessel. Maximum speed, in knots per hour.	Armament: number and description of guns, (all breech-loading rifles.)	Remarks.
Sea cruisers.				
Duquesne	5,350	15.9	7 7½-inch and 14 5½-inch guns.	Frigate, iron, ram, ship-rigged.
Tourville	5,390	16.9	ditto	Do.
Iphigénie				
Naïde				
Duguay-Trouin	3,140	15	5 7½-inch and 5 5½-inch guns.	Iron corvette, ram, bark-rigged.
Villars	2,232	15	6 6½-inch and 9 5½-inch guns.	Wooden hull, ram, ship-rigged.
Forfait	2,232	14.5	ditto	Do.
Magon	2,232	14.5	ditto	Do.
Roland	2,232	14.5	ditto	Do.
La Pérouse	2,200	15	ditto	Iron hull, ram, ship-rigged.
D'Estaing	2,200	14.5	ditto	Do.
Monge	2,200	14.5	ditto	Do.
Nielly	2,200	14.5	ditto	Do.
One not named				Building.
Champlain	1,900	14.4	1 6½-inch and 9 5½-inch guns.	Second-class corvette, full sail-power.
Dupetit-Thouars	1,900	14.4	ditto	Do.
Fabert	1,900	14.4	ditto	Do.
La Clocheterie	1,900	14.4	ditto	Do.
Seignelay	1,900	14.4	ditto	Do.
Rigault de Genouilly	1,617	15	8 5½-inch guns	Wooden hull, ram bow, full sail-power.
Eclaireur	1,617	15	ditto	Do.
Beautemps-Beaupre	1,250	12.3	1 6½-inch and 5 5½-inch guns.	Old type.
Duchaffant	1,269	12.3	ditto	Do.
Hugon	1,270	12.3	ditto	Do.
Leguelen	1,260	12.3	ditto	Do.
Chasseur	781	12	4 5½-inch guns	Gun-boat, ram bow, wooden hull, full sail-power.
La Bourdonnais	781	12	ditto	Do.
Bisson	781	12	ditto	Do.
Hussard	781	12	ditto	Do.
Lancier	781	12	ditto	Do.
Parseval	781	12	ditto	Do.
Voltigeur	781	12	ditto	Do.
Boursaint	781	12	ditto	Do.
Bouvet	781	12	ditto	Do.
Eight transports	1,571	10	ditto	Bark-rigged.
Six gun vessels	454	9.7	1 7½-inch and 2 4¼-inch guns.	Composite vessels, 3-masted.

In addition to the above there are 57 gunboats similar in construction to La Bourdonnais. The French general service fleet consists of 9 ships of the line, 6 frigates, 10 corvettes, 21 sloops of war, 11 gunboats, 42 transports, and a number of smaller vessels.

ARMORED SHIPS OF HOLLAND.

Name of vessel.	Vessel. Thickness of armor, in inches.	Vessel. Displacement, in tons.	Vessel. Maximum speed, in knots per hour.	Armament: number and description of guns, (all rifled.)	Remarks.
Koning der Nederlanden.	8	5,201	.....	4 11-inch Armstrong and 4 4¾-inch Krupp.	Ram bow, for general service.
Prins Hendrik der Nederlanden.	4½	3,322	12	4 9-inch Armstrong	Do.
Guinea	6	2,340	12	2 9-inch Armstrong	Ram bow, coast defender.
Buffel	6	2,163	12.4	ditto	Do.
Schorpioen	6	2,141	12.8	ditto	Do.
Stier	6	2,036	12.4	ditto	Do.
Cerberus	5½	1,506	8	ditto	Do.
Bloedhond	5½	1,506	8	ditto	Do.
Heiligerlee	5½	1,506	8	ditto	Do.
Krokodil	5½	1,506	8	ditto	Do.

Armored ships of Holland—Continued.

Name of vessel.	Vessel. Thickness of armor, in inches.	Vessel. Displacement, in tons.	Vessel. Maximum speed, in knots per hour.	Armament: number and description of guns, (all rifled.)	Remarks.
Tijger	5½	1,392	9¼	2 9-inch Armstrong	Ram bow, coast defender.
Adder	5½	1,541	7¾	ditto	Do.
Haai	5½	1,541	7¾	ditto	Do.
Hyena	5½	1,541	7¾	ditto	Do.
Panther	5½	1,541	7¾	ditto	Do.
Wesp	5½	1,541	7¾	ditto	Do.
Luipaard	5½	.....	7¾	1 11-inch Krupp	Do.
Matador	5½	.....	7¾	2 11-inch Krupp	Do.
Draak	8	.....	7¾	ditto	Do.
Vahalis	4½	332	.....	None	For ramming bridges.
No. 1	4½	394	.....	2 60-pounders	Gunboat.
Rhenus	5	370	7¾	2 4¾-inch Krupp	For river service.
Mosa	5	370	7¾	ditto	Do.
Isala	5	370	7¾	ditto	Do.
Merva	5	370	7¾	ditto	Do.

The unarmored fleet of Holland is composed of 1 frigate, 31 corvettes, 31 small gunboats, 13 side-wheel steamers, and 16 torpedo-boats.

ARMORED SHIPS OF RUSSIA.

Peter the Great	14	9,510	13	4 12-inch 40-ton guns	
Knaz Minin	12	8,800	13	4 11-inch 28-ton guns	Full sail-power.
Duke of Edenburgh	6	4,438	13	4 8-inch and 2 6-inch guns.	Do.
General Admiral	6	4,438	13	ditto	Do.
Sevastopol	4½	6,200	11	16 8-inch 9-ton guns	Do.
Petropavlavski	4½	6,200	11	20 8-inch 9-ton guns	Wooden hull, ram bow, full sail-power.
Knaz Pojarski	4½	4,500	11	10 8-inch 9-ton guns	Iron hull, ram bow, full sail-power.
Admiral Lazareff	5½–6	3,700	10	6 9-inch 14½-ton guns	
Admiral Gruig	5½–6	3,700	10	3 11-inch 27½-ton guns.	
Admiral Tchitchagaff	6	3,700	10	2 11-inch 27½-ton guns.	
Admiral Spinidaff	6	3,700	10	ditto	
Pervenetz	4½	3,300	9½	26 8-inch guns	Full sail-power.
Ne-tron-mefia	4½	3,300	9	16 8-inch guns	Do.
Kreml	6	3,300	9	26 8-inch guns	Do.
Auragan	4¾	1,555	6.7	2 9-inch 14½-ton guns	Single turret vessel, monitor.
Tiphon	4¾	1,555	6.7	ditto	Do.
Latnik	4¾	1,555	6.7	ditto	Do.
Lava	4¾	1,555	6.7	ditto	Do.
Vetchoun	4¾	1,555	6.7	ditto	Do.
Kaldoun	4¾	1,555	6.7	ditto	Do.
Streletz	4¾	1,555	6.7	ditto	Do.
Edenorag	4¾	1,555	6.7	ditto	Do.
Bronenosetz	4¾	1,555	6.7	ditto	Do.
Perm	4¾	1,555	6.7	ditto	Do.
Smertch	4½	1,380	11	4 9-inch 14½-ton guns	Double turret, monitor.
Tcharageika	5	1,835	11	4 11-inch 27½-ton guns.	Do.
Rousalka	5	1,835	11	ditto	Do.
Novgorod	11	2,490	7	2 11-inch 27½-ton guns.	Circular monitor.
Vice-Admiral Popoff	18	3,550	9	2 12-inch 40-ton guns	Do.

MODERN UNARMORED SHIPS OF RUSSIA.

Europe	3,000	13.5	3 6-inch and 6 4-inch guns	American built; speed given was continuous. Full sail-power.
Asia	2,650	12.5	3 6-inch and 7 4-inch guns.	Do.
Africa	2,580	12.5	3 6-inch and 6 4-inch guns.	Do.
Zabiaca	1,200	14	2 6-inch and 4 4-inch guns.	Do.
Kreuzer	1,334	13	3 6-inch and 4 4-inch guns.	Russian built cruiser, full sail-power.
Djigit	1,384	13	ditto	Do.
Rasbojnik	1,334	13	ditto	Do.
Najezdnik	1,334	13	ditto	Do.
Strelok	1,334	.....	3 6-inch and 2 4-inch guns.	Do.
Plastoune	1,334	.....	ditto	Do.

Russia has a general service fleet of 2 frigates, 18 corvettes, and 56 gunboats.

ARMORED SHIPS OF GERMANY.

Name of vessel.	Vessel. Thickness of armor, in inches	Vessel. Displacement, in tons.	Vessel. Maximum speed per hour, in knots.	Armament: number and description of guns, (Krupp.)	Remarks.
Kaiser	10	7,560	14.5	8 10¼-inch and 1 8¼-inch Krupp	Ram bow, full sail power.
Deutschland	10	7,560	14.5	do	Do.
Sachsen	10	7,135	14	6 10¼-inch guns	Ram bow.
Baiern	10	7,135	14	1 36-ton and 4 18-ton	Do.
Würtemberg	10	7,135	14	do	Do.
Baden	10	7,135		do	Do.
Preussen	9.2	6,748	14	4 10¾-inch, 2 6.7-inch, and 4 3-inch.	Turret ship.
Friedrich der Grosse	9.2	6,558	14	do	Do.
Konig Wilhelm	8	9,602	14.7	18 9½-inch and 5 8¼-inch guns.	Broadside ship, full sail-power.
Prinz Friedrich Karl	5	5,819	13.5	16 8¼-inch guns	Do.
Kronprinz	5	5,393	14.3	do	Do.
Hansa	6.2	3,497	12	8 8¼-inch guns	Corvette, full sail-power.
Arminius	4.5	1,558	10.5	4 8¼-inch guns	Coast defender.
Prinz Adalbert	4.7	1,456	9.5	1 8¼-inch gun and 2 6.7-inch guns	Do.
Chamäleon	8	1,000	9	1 36-ton (12-inch) gun	Do.
Wespe	8	1,000	9	do	Do.
Viper	8	1,000	9	do	Do.
Mücke	8	1,000	9	do	Do.
Biene	8	1,000	9	do	Do.
Scorpion	8	1,000	9	do	Do.
Basilisk	8	1,000	9	do	Do.
H. J. K. and L	8	1,000	9	do	Do.

MODERN UNARMORED SHIPS OF GERMANY.

Leipzig	3,863	14	12 6-7-inch guns	Iron corvette, double deck, full sail-power.
Sedan	3,863	14	do	Do.
Bismarck	2,460	15	16 6-7-inch guns	Do.
Blücher	2,460	15	do	Do.
Stosch	2,460	15	do	Do.
Moltke	2,460	15	do	Do.
Greisenau and Stein	2,856		do	Building.
Hohenzollern	1,697	16		Iron, dispatch vessel.
B and C				Building.
Kyklop	412	8	4 guns	Gunboat.
Otter	129	8	3 guns	Do.
Walf	470		4 guns	Do.
Hyäne and Iltis	470		do	Building.
Six vessels now building	2,169			Single-decked corvette, full sail-power.

Germany has a general service fleet of 26 corvettes and gunboats.

ARMORED SHIPS OF SPAIN.

Name of vessel.	Vessel. Thickness of armor, in inches.	Vessel. Displacement, in tons.	Vessel. Maximum speed per hour, in knots.	Armament: number and description of guns, (all rifled.)	Remarks.
Numancia	5	7,053	13	6 18-ton, 3 9-ton, and 16 7-ton.	Broadside battery, ram bow, ship-rigged.
Vittoria	5½	7,000		4 12-ton, 3 9-ton, and 12 7-ton.	Full sail-power.
Saragossa	4½			4 11-inch, 2 8¾-inch, 14 7¾-inch.	Do.
Arapiles	4½			2 18-ton, 5 9-ton, and 10 7-ton.	Do.
Mendez Nunez				4 9-inch, and 2 8-inch.	Do.
Sagunto	6	6,300		2 18-ton, 5 9-ton, and 10 7-ton.	Do.
Aragon	8½	3,650		3 guns	Being built.
Castilla	8½	3,650		do	Do.
Navarra	8½	3,650		do	Do.
Duque de Tetuan	4	600		1 6½-inch and 4 4¾-inch	
Puigserdá	4	515		1 6¼-inch and 2 4¾ inch	Monitor.

This country has a small unarmored fleet of large size vessels, but many small gunboats for the defense of her colonies—in all, 9 frigates, 20 corvettes, and 75 gunboats.

ARMORED SHIPS OF JAPAN.

Name and class of vessel.	Vessel. Thickness of armor, in inches.	Vessel. Displacement, in tons.	Vessel. Maximum speed, in knots per hour.	Armament: number and description of guns.	Remarks.
Foo-sō	9	3,718	13	4 15½-ton and 2 5½-ton Krupp.	Iron hull, full sail-power.
Kon-gō	4½	2,200	14	2 5½-ton and 6 4-ton Krupp.	Composite hull, full sail-power.
Hi-yei	4½	2,200	14	do	Do.
Rin-jō	4	2,300	6½	2 71 cwt. and 8 55½-cwt. Vavasseur.	Wooden hull full sail-power.
Adzuma	3½	1,303	9½	1 2 13-cwt., 2 50-cwt., and 1 43-cwt. Armstrong.	Iron ram Stonewall.

UNARMORED SHIPS OF JAPAN.

Tsukuba	1,695	8	14 guns	Screw corvette, full sail-power.
Rasuga	1,015	12	6 guns	Paddle corvette.
Kai-mow	1,490	12	9 Krupp guns	Screw corvette, full sail-power.
Tenrin	1,490	12	do	Do.
Amagi	1,000	11	5 Krupp guns	Gunboat barque-rigged.
Sei-ki	895	11	do	Do.
Banjō	600	10.8	3 Krupp guns	Do.
Five additional gunboats				

ARMORED SHIPS OF ITALY.

Name of vessel.	Vessel. Thickness of armor, in inches.	Vessel. Displacement, in tons.	Vessel. Maximum speed per hour, in knots.	Armament: number and description of guns, (all rifled.)	Remarks.
Italia		13,480		4 100-ton guns and 18 smaller ones.	Building.
Lepanto		13,480		do	Do.
Duilio	21.65	10,401	15	4 100-ton guns	Estim'd cost $3,500,000.
Dandolo	21.55	10,401	15	do	Do.
Principe Amadeo	6	5,780		1 23-ton and 6 18-ton guns.	Wooden hull; line of battle cruiser, full sail-power.
Palestro	6	5,780	10	do	Do.
Roma	6	5,697		6 18-ton and 2 12-ton guns.	Do.
Venezia	6	5,697		do	Do.
Castelfidardo	4¾	4,194	13	9 9-ton and 2 12-ton guns.	Full sail-power.
San Martino	4¾	4,194	13	do	Do.
Maria Pia	4¾	4,194	13	do	Do.
Ancona	4¾	4,194	13	do	Do.
Affondatore	5	4,070		2 12-ton guns	Coast defender, full sail-power.
Conte Verde	4½	3,932		6 12-ton guns and 1 9-ton gun.	Full sail-power.
Varese	5½	2,700	10	4 9-ton guns	Do.
Terribile	4½	2,700	10	30 6½-ton guns.	
Formidabile	4½	2,700	10	do	

The unarmored fleet of Italy is composed of 3 frigates, 7 corvettes, 20 gunboats, 10 dispatch vessels, 7 screw transports, and a number of smaller vessels.

ARMORED SHIPS OF TURKEY.

Mesoodiyeh	12	8,994	13.74	12 18-ton and 3 6½-ton guns.	Ram bow, ship-rigged.
Noosretiyeh	10	7,900	13	10 12-ton and 2 6½-ton guns.	Do.
Aziziyeh	5¼	6,400	12	1 12-ton and 15 6½-ton guns.	Ram bow, bark-rigg'd
Osmaniyeh	5¼	6,400	12	do	Do.
Orkaniyeh	5¼	6,400	12	do	Do.
Mahmondiyeh	5¼	6,400	12	do	Do.
Assar-i-tevfik	8	5,687	12	8 12-ton guns	Full sail-power.
Feth-i-Bulend	9	2,719	14	4 12-ton guns	Do.
Mookademi Khain	9	2,719	14	do	Do.

Armored ships of Turkey—Continued.

Name of vessel.	Vessel. Thickness of armor, in inches.	Vessel. Displacement, in tons.	Vessel. Maximum speed, in knots per hour.	Armament: number and description of guns, (all rifled)	Remarks.
Avni Illah	6	2,314	12	4 12-ton guns	Ram bow, full sail-power.
Mooyini Zaffer	6	2,314	13	do	Do.
Idjlaliyeh	.....	2,300	11	2 12-ton and 2 6½-ton guns.	Full sail-power.
Nedj-im-shefket	.....	2,300	11.5	5 9-ton guns	Do.
Assar-i-shefket	.....	2,300	11	do	Do.
Hafiz-i-Rahman	4½	2,300	12	2 9-ton and 2 4-ton guns	
Hizber	3	404	7	2 80-pounders	Monitor.
Feth-el-Islam	3	335	8	do	River gunboat.
Semendriyeh	3	335	8	do	Do.
Burdj-idelan	3	335	.....	do	Do.

Turkey has an unarmored fleet of 1 ship of the line, 5 frigates, 7 corvettes, 14 gunboats, and 44 transports and smaller vessels.

ARMORED SHIPS OF AUSTRIA.

Tegethoff	14.5	7,390	14	6 11-inch Krupp	Line-of-battle cruiser, bark-rigged.
Custozza	9¼	7,060	14	8 10-inch Krupp	Line-of-battle cruiser, ship-rigged.
Lissa	6½	6,080	13	12 9¾-inch Krupp	Do.
Erzherhog Albrecht	8.3	5,940	13	8 10-inch Krupp	Do.
Kaiser	6½	5,810	12	10 9-inch Armstrong	Do.
Don Juan d'Austria	4½	3,550	8.5	12 7-inch Armstrong	Line-of-battle cruiser, ram, ship-rigged.
Kaiser Max	4½	3,550	8.5	do	Do.
Prinz Eugen	4½	3,550	8.5	do	Do.
Erzherhog Ferdinand Max.	5	5,140	10.3	14 8.27-inch Krupp	Line-of-battle cruiser, ship-rigged.
Habsburg	5	5,140	10.3	do	Do.
Salamander	4¾	3,110	7	10 7-inch Armstrong	Ordinary station service, ship-rigged.
Maros	1.5	310	5.6	2 5.9-inch Krupp	River monitor.
Leitha	1.5	310	5.6	do	Do.

ARMORED SHIPS OF DENMARK.

Name of vessel.	Vessel. Thickness of armor, in inches.	Vessel. Displacement, in tons.	Vessel. Maximum speed per hour, in knots.	Armament: number and description of guns, (all rifled.)	Remarks.
Helgoland	12	5,265	.....	1 12-inch, 4 10¼-inch, and 5 5-inch.	Broadside, full sail-power.
Odin	8	3,036	12.4	4 10-inch	Frigate, full sail-power.
Denmark	4½	4,664	8.1	12 8-inch and 12 6-inch	Do.
Peder Skram	4½	3,321	11	6 8-inch and 12 6-inch	Do.
Gorm	8	2,308	12.2	2 10-inch	Corvette, full sail-power.
Lendermen	5½	2,044	12	2 9-inch	Do.
Rolfe Krake	4½	1,323	7.8	3 8-inch	Do.

The unarmored fleet consists of 3 frigates, 9 corvettes, and 12 gunboats.

APPENDIX B.

DOUBLE-TURRET IRON-CLAD MONITORS.—MEMORANDA.

The original monitors, Miantonomoh, Terror, Amphitrite, and Monadnock, were hurriedly constructed during the latter part of the war, of perishable white oak. They have been rebuilt, in conformity with strict specifications and under watchful superintendence, of the best quality of iron. They have double bottoms, water-tight bulkheads, and water-tight coal bunkers, subdivided into compartments so as to insure the flotation of the vessel even if one or more compartments be flooded. In case of an injury to the outer hull, each vessel has an inner skin, strongly bracketed to the hull, which would keep the ship afloat. The inner and outer hulls are sufficiently far apart to admit of their being painted and examined when necessary, and no estimate can be made of the life-time of the vessels under proper care.

The white-oak hulls of the original vessels commenced to rot so soon that shortly after the return of the Miantonomoh from Europe and the arrival of the Monadnock in California, they were found to be beyond repair, and they remained in this rotting condition until they were finally broken up. When stripped of armor and machinery, these old hulls were sold in every case for less than $10,000, and were burned for the iron bolts in them.

The Terror saw but little service, while the Amphitrite, from error in her design, was unable to float her battery and armor with safety, and was kept for a time anchored off the Naval Academy at Annapolis.

That properly constructed vessels of this kind were able to make long voyages was demonstrated by the European cruise of one and the voyage of another from Philadelphia to San Francisco. It is a matter of record that they made long voyages without requiring assistance from other vessels accompanying them, and that they were perfectly safe and easy in gales that their convoys struggled through. In one case, the convoy became disabled and was towed into port by the monitor, and in another, one of the monitors continued on her course through a gale and reached her destination, while her convoy sought shelter in a convenient port.

In the original vessels the side armor consisted of five plates only, each about ½-inch thick, making an armor of less than 5 inches of laminated plate iron; that proposed for these new vessels, and now actually fitted to the Miantonomoh, is 7 inches thick of solid rolled iron plates, and with steel faces (compound armor) would have over 100 per cent. greater resistance to projectiles than the original armor.

Powerful rams have added their destructive effect to the strength of the armor, making them in this, as in all other respects, superior to the original design.

The Miantonomoh, which is finished in every detail except her turrets and guns, establishes the capacity for carrying this weight at sea, for her draught of water is known, and she has more than sufficient displacement for the heaviest class of turrets and guns, with her coal and sea stores, leaving her more than the estimated free-board for sea service.

The Terror, Amphitrite, and Monadnock are vessels of similar weights and dimensions, and by the substitution of steel-faced or deflecting armor, as lately invented, their power of resisting shot could be increased so as to equal that of an 11-inch side armor of rolled iron, and there is no doubt of their having sufficient displacement not only for this purpose, but for the additional weight of heavier deck plating, and with this they could carry for an extended cruise a full complement of coals, stores, outfits, &c., including also a steam torpedo boat. With a reduction of coal, &c., to that necessary for a limited time only, as for harbor defense, their armor could be greatly increased.

The turrets of the original vessels were composed of ten plates, each ½-inch thick, re-enforced at base by a solid ring, while those of the present vessels are proposed to be of solid iron plates (and by a later report recommended to have steel facing) 12 inches thick, more than doubling their resistance to projectiles.

The pilot-houses designed for the new vessels will, like the turrets, be of solid rolled plates, affording more perfect protection to the commander, and by means of the new arrangement for steering the ships by steam, he will, from the pilot-house, control the movements of the vessel with ease and precision.

The new method for lifting the turrets by means of a hydraulic hoist in addition to the ordinary key has removed difficulties which were continually experienced under the old arrangement. They are also protected in regard to free revolution by a solid deflecting plate secured to the deck around the foot of each turret.

The ventilation of the new vessels is a great improvement upon that of the old, and on the Miantonomoh the apparatus for this purpose has been completed. Additional blowers of improved form and capacity have been fitted so as to insure a full supply of air to all parts of the engine and fire-rooms, while, at the same time, exhausting the heated and impure air from all parts of the vessel.

The machinery for turning the turrets has been greatly increased in power, so as to be sufficient for revolving the largest turrets containing the heaviest guns, and, by its new arrangement, is so fitted that the breakage of any part of its gear does not disable the machinery, for a duplicate on the other side will insure the revolution of the turret.

Engines of improved design, on the compound principle, of increased power, and occupying less space, have been substituted for the machinery of the original vessels, and high-pressure boilers for all the vessels have been finished and are ready to go on board. The adoption of twin screws for these vessels makes it possible for them to be turned with facility, and the disarrangement of one engine does not affect the working of the other. The entire machinery of the Miantonomoh is completed in all details, and has been tested under steam and accepted after a most satisfactory performance. The speed of the new vessels will be at least one-fourth greater than that of the old ones, and they will steam at a rate of twelve knots.

The arrangement for pumping from any or all of the compartments into which the new vessels are divided has been made from the most approved plans, and powerful direct-acting steam wrecking-pumps have been designed so as to give the greatest possible pumping-power in case of any accident. In each vessel passage-ways have been provided and extend fore and aft on each side, so as to make the armor-bolts and backing accessible, and large coal-bunkers protect the engines and boilers throughout their whole length.

In the case of the Puritan the improvement over the old vessel is even more distinctly marked. Originally the hull was built of iron with a single bottom, while the present vessel has a double hull with water-tight compartments and bunkers, and is constructed on the longitudinal and bracket system of the strongest form, and similar to that of the best and most recent foreign iron-clads. In the old Puritan the boilers and engines extended to the very hull-plates, but the present vessel has coal on each side of the machinery. Recent experiments have shown this to be a most effective protection against projectiles. The armor of the original vessels projected over the side, forming a most dangerous overhang, but in all the new designs the armor is flush with the side, and by increased displacement a gain of over three feet in the Puritan's draught has been effected. As at first designed the Puritan was to carry two turrets, but as the building progressed it was found that one turret only could be fitted; even this was never completed, nor was the hull or machinery ever finished, but by a special act of Congress the vessel in this unfinished state was accepted by the Government after an expenditure of $2,000,000, ($1,974,622.93.)

From the record of the Dictator, a similar vessel, and the best and most formidable of all that monitor system up to the time when the present designs for the new monitors were completed, it will be seen that the maximum speed of the original Puritan would never exceed ten knots, (the speed of her sister ship, the Dictator,) and her indicated horse-power would have been 2,000. The new Puritan's engines would develop 3,750 horse-power continuously and very greatly increase the speed, carrying her heavier guns and armor also on a draught of from 3 to 3½ feet less than the original vessel.

In all the above-mentioned vessels the material and workmanship, inspected by various boards, has in every case been pronounced of the very best quality, and heir completion recommended.

APPENDIX C.

NAVY DEPARTMENT, BUREAU OF ORDNANCE,
Washington City, May 18, 1882.

SIR: Agreeably to your verbal request, I have the honor to inclose herewith an estimate of the cost for the ordnance outfit of a single-turreted and a double-turreted monitor armed with 10-inch guns; and also the estimate for a monitor armed with 12-inch guns.

I am, sir, your obedient servant,

MONTGOMERY SICARD,
Chief of Bureau.

Hon. B. W. HARRIS, M. C.,
United States House of Representatives, Washington, D. C.

Estimate of ordnance outfit for the double-turreted monitors.

Four 10-inch guns, at $56,000 each	$224,000
Four 10-inch-gun carriages, at $7,000 each	28,000
Four hundred rounds of projectiles, 160,000 pounds, at 10 cents per pound	16,000
Four hundred rounds of powder, 80,000 pounds, at 25 cents per pound	20,000
Three Hotchkiss revolving cannon and ammunition, (47 millimeters,) at $4,300 each	12,900
Two Gatling guns and carriages, at $1,430 each	2,860
One 3-inch breech-loading howitzer	1,126
Magazine small-arms, revolvers, and ammunition	4,000
Implements and equipments for working the guns, magazine stores, and miscellaneous equipments	7,340
Fuses, primers, &c	1,174
One launching tube for torpedoes	5,000
Four auto-mobile torpedoes, at $3,675 each	14,700
Three electric search-lights, electric battle-lanterns, dynamo-electric machine, and engines therefor, torpedo defense-nets and appurtenances	6,000
	343,700

The Puritan will probably carry 12-inch guns, which, with the ammunition and heavier machine guns and more torpedoes and tubes, would increase this estimate in her case as follows:

Excess on 12-inch guns, (4 guns, 42 tons each)	$152,320
Excess on 12-inch-gun carriages at $8,000 each	4,000
Excess on 12-inch projectiles	12,000
Excess on powder	15,000
Excess on machine guns, (53 millimeters)	4,000
Excess on small-arms	2,000
Excess on torpedoes, (2 side-tubes and more torpedoes)	18,000
Total excess	207,320
Total for Puritan	551,020

BUREAU OF ORDNANCE, *May* 18, 1882.

Estimate of the ordnance outfit for a single-turreted monitor.

Two 10-inch guns, at $56,000 each	$112,000
Two 10-inch gun-carriages, at $7,000 each	14,000
Two hundred rounds of projectiles, 80,000 pounds, at 10 cents per pound	8,000
Two hundred rounds of powder, 40,000 pounds, at 25 cents per pound	10,000
Three Hotchkiss revolving cannon, 37 millimeters, at $2,080 each	6,240
Two Gatling guns and carriages, at $1,430 each	2,860
One 3-inch breech-loading howitzer and carriage	1,126
Magazine small arms, revolvers, and ammunition	2,500
Implements and equipments for working the guns, magazine stores, miscellaneous articles, fuses, primers, &c	8,564
One torpedo launching tube	5,000
Two auto-mobile torpedoes, at $3,675 each	7,350
Two electric search-lights, battle-lanterns, and dynamo-electric machine and engine therefor	4,000
Total	181,640

BUREAU OF ORDNANCE, *May* 18, 1882.

APPENDIX D.

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, April 15, 1882.

SIR: Agreeably to your request I inclose an abstract of tests of English ship-building steel, as established by the admiralty, Lloyd's, and the Liverpool Board of Underwriters.

These bodies have demanded a maximum as well as a minimum tensile standard, but I have omitted the former, as I do not think it desirable; and I perceive that the committee in drawing its bill has also omitted the maximum tensile test, which, indeed, would seem to be useless, only imposing a restraint upon the improvement of the steel by the makers.

I think, however, that the committee has not put the minimum tensile limit quite high enough for full utilization of the superior strength of steel as compared with wrought iron.

The committee's minimum limit is 55,000 pounds tensile and 25 per cent. elongation, and it will be perceived by reference to the inclosed table that all the English minimum tensile limits are higher.

This probably results in their getting steel of higher average strength than we would obtain with our comparatively low limit.

At the same time they place the elongation (before fracture) at 20 per cent. over eight inches length, though it would seem probable that more could be obtained.

Sixty thousand pounds per square inch would seem to be a very good minimum limit with the elongation before fracture "equivalent to 20 per cent. in eight inches."

This would be "mild" steel in every sense, and yet would have strength so much superior to that of wrought iron as to enable the designers of the ships' hulls to reap the full advantage of reduction of weight of hull due to the superior strength of the metal.

I am, sir, your obedient servant,

MONTGOMERY SICARD,
Chief of Bureau.

Hon. B. W. HARRIS,
Chairman Committee on Naval Affairs, House of Representatives.

APPENDIX E.

The English Admiralty, Lloyd's and Liverpool Underwriters' Standard Tests for Steel for Ship-building.

Ships cut lengthwise or crosswise of a plate and also angle of bulb steel must have a minimum ultimate tensile strength, as shown in the table below, and an elongation before fracture corresponding to 20 per cent. in a length of 8 inches.

Table of Tensile Tests.

Length of specimens between the measuring points, 8 inches.

	Minimum tensile strength per square inch.	Minimum elongation before fracture.
	Pounds.	*Per cent.*
Admiralty	58,240	20
Lloyd's	60,480	20
Liverpool underwriters	62,720	20

In testing for elongation (ductility) the percentage of elongation varies with the length of the specimen, about as follows: steel that will stretch 20 per cent. in a length of 8 inches will stretch 25 per cent. in a length of 6 inches; will stretch 32 per cent. in a length of 4 inches; will stretch 37½ per cent. in a length of 2 inches.

TEMPER TEST.

Strips cut from the plate, angle or bulb steel when heated to a low cherry-red and cooled in water of 82° Fahrenheit, must stand bending double round a curve of which the diameter is not more than three times the thickness of the plates tested.

The French Government rules reduce the percentage of elongation required as the thickness of the plates decreases.

APPENDIX F.

NAVY DEPARTMENT, *Washington, May* 26, 1882.

SIR: I have the honor to inclose to you two communications to the Department from the Chief of the Bureau of Ordnance; the first, recommending the purchase of torpedoes; and the second, the purchase of a torpedo-boat and the working drawings therefor.

The subject is respectfully called to your attention, with the request that the committee will make a special appropriation of $100,000 for the purchase of torpedoes of the latest construction, and a set of launching apparatus with working drawings therefor, and also an appropriation of $55,000 for the purchase of a torpedo-boat and the working drawings of the same.

Very respectfully, your obedient servant,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. FRANK HISCOCK,
Chairman of the Committee on Appropriations,
House of Representatives.

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, May 24, 1882.

SIR: The question of a proper armament of auto-mobile torpedoes for the Navy is a very pressing one, and the point of development at which this torpedo material has arrived is now such as to enable the bureau to make an urgent recommendation of prompt action looking to the acquisition of a suitable number of the best type of this most destructive and necessary agent of warfare.

Of course the bureau need not enlarge upon the necessity that exists for the possession of such a weapon, and therefore it will merely remark that the United States is the only country of any pretension which does not now possess an armament of this description.

Among the various torpedoes of this kind that have been brought forward from time to time the only one that is formally and positively incorporated into the naval armaments of the first-class powers is the type commonly known as the "fish torpedo," and of this there are two sizes—one 19 feet long and 15 inches diameter, the other 14½ feet long and 14 1/16-inches diameter. The former is much the superior, having a working range nearly double that of the smaller one, and an equal speed at equal ranges; it is also considered more accurate in flight.

In order to show the favor with which this weapon has been received and the extent to which it has been introduced into the navies abroad, the bureau subjoins a list of the nations that have adopted it as their principal offensive torpedo armament: Austria, England, Denmark, France, Germany, Spain, Greece, Norway, Sweden, Portugal, Italy, Holland, (probably,) Belgium, Russia, Argentine Confederation, Brazil, China, and Chili, (probably.)

This list is a certain indication of merit, and, bearing in mind that this is the only auto-mobile torpedo used to any extent by the navies of these powers, and that they are vitally interested in the efficiency of their naval armaments, the conclusion is unavoidable that, as far as present appearances go, this type is the one which offers the most advantages for introduction into our navy, and, furthermore, that it must be in such a state of development as to surpass by far all its competitors.

The principal manufacturers of the "fish torpedo" are the Berlin Machine-Building Stock Company, formerly Messrs. Schwartzkopff & Co., of Berlin, Germany, and Messrs. Whitehead & Co., of Fiume, Austria. The latter firm is, however, the only one that makes the larger size, (19 feet long,) which appears to be the most suitable to operate from fast torpedo boats, as its range and accuracy are superior to those of the smaller size, as before remarked.

The 14-foot torpedo would answer very well for use for such ships of war as would not have room enough for the convenient handling of the 19-foot size; but the bureau recommends the purchase of the larger weapon and the subsequent manufacture of the smaller one in this country if found necessary.

* * * * * * *

(Messrs. Whitehead & Co. furnished certain confidential information which is omitted here in consideration of that fact.)

The bureau however recommends the purchase of twenty-five torpedoes and the working drawings, and one set of launching apparatus, as being on the whole the most prudent arrangement.

If this purchase be made, we shall at once be provided with a partial outfit of torpedoes for immediate use in the defense of our large commercial ports and ships of war.

We can then proceed to the manufacture of more of each size as the needs of the service may require, an opportunity being afforded to improve the type if we are able.

We should of course proceed to the immediate manufacture of a sufficient number of sets of launching apparatus to go with the torpedo that we buy, using the one set purchased as a model and embodying such improvements as may present themselves.

Any contract for these torpedos must of course specify that each one shall perform to the satisfaction of the Navy Department before acceptance, and in case an order is given to Messrs. Whitehead & Co. they will guarantee the following speeds and maximum deviations at the undermentioned ranges:

Class of torpedo.	Length.	Diameter.	Speed, knots.	Range, in yards.	Extreme deviations.	
					Horizontal.	Vertical.
	Ft.	*In.*			*Yds.*	*Inches.*
Whitehead, (bronze)	19	15 1/16	21	833	±16	±16
Whitehead, (bronze)	14½	14 1/16	24	433	± 9	±16
Whitehead, (bronze)	.....	.....	22	600	±10	±16

If it should be decided not to purchase any torpedoes, but only the working drawings, then we should have to commence the manufacture ourselves, doubtless making some failures at first and being without any armament until a suitable number could be finished satisfactorily, which would probably take two or three years.

It is believed that twenty-five Whitehead 19-feet torpedoes of the very latest construction and one set of launching apparatus (with working drawings) can be purchased and brought to the United States for $100,000, and the bureau recommends that such an appropriation be asked for.

I have the honor to be, very respectfully, your obedient servant,

MONTGOMERY SICARD,
Chief of Bureau.

Hon. WILLIAM E. CHANDLER, *Secretary of the Navy.*

APPENDIX G.

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, May 24, 1882.

SIR: Directly connected with the question of the auto-mobile torpedo is that of a suitable type of very swift boat or small vessel from which to launch the weapon against hostile ships that might attempt to blockade our harbors or attempt to force an entrance.

Owing to the introduction of magazine small arms, revolving cannon and improved ordnance generally, the possibility of a torpedo-boat remaining long under fire of an enemy's ship without being struck often is very greatly reduced; and therefore, in order that she may reach a range from which her torpedoes may be launched with reasonable accuracy, she must be either loaded with defensive armor and proceed at moderate speed or else she must be made very light and swift, with the object of remaining as short a time as possible under the enemy's fire.

The latter plan is the one in universal favor for the smaller classes of vessels; and in order to obtain great speed builders have reduced all the weights to be carried as much as consistent with the structural strength and stiffness necessary to the development of an exceptional and enormous power, and with the capacity to carry the required armament. This combination of qualities is exceedingly difficult to obtain in perfection, and thus it happens that only two or three firms in the world have been really successful in realizing the high qualities required, or have made much patronage as builders of fast torpedo launches.

It must not be supposed that there is anything occult or very peculiar in the construction of the hull or machinery of these vessels, (they are both of well-known types,) except that they are very light and beautifully adapted to the immense work they are called on to perform, and their present development with the method of placing and arranging the torpedo-launching apparatus in them is the result of years of the most patient and careful experiment and effort.

It is very desirable, and in fact absolutely necessary to introduce the manufacture of vessels of this kind into the United States, and in order to do so readily and successfully we must make preparations to commence at the point of development which now obtains in Europe, otherwise we shall waste a great amount of time and money in going over ground which has already been explored; and to prevent this waste and delay I beg leave to suggest that an appropriation be asked for the purpose of purchasing a suitable torpedo boat and a set of working drawings from one of the most celebrated and successful manufacturing firms in the world.

Thus equipped, with an example of the most advanced type as a standard of comparison and with the necessary information for duplicating her, we should proceed with the construction of our own boats as the needs of the country may necessitate.

As this bureau is the one charged with the development of the naval torpedo service, I have made inquiry abroad and find that a first-class torpedo-boat can be purchased for $50,000, and the working drawings of the same for $5,000; and I beg leave to urge that Congress be asked to appropriate the money to procure one of these vessels.

I have the honor to be, very respectfully, your obedient servant,

MONTGOMERY SICARD,
Chief of Bureau.

Hon. WILLIAM E. CHANDLER, *Secretary of the Navy.*

Diplomatic Relations with Persia.

SPEECH

OF

HON. RUFUS R. DAWES,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, August 7, 1882,

On the subject of our diplomatic relations with Persia.

Mr. DAWES said:

Mr. SPEAKER: In bringing before Congress the subject of our relations with Persia, I was moved by the necessity that has so clearly been demonstrated of a better protection for American citizens in that country. The British Government has heretofore rendered us this service. But America should protect her own citizens and, at this crisis, she can do it more certainly and effectively by direct diplomatic relations with Persia than through the agency of any other government.

It is doubtful whether at this time the British Government could render such service as it did at the time of the Koordish war. There is less deference in Persia toward the Gladstone administration, and less regard for the good-will of England than existed at that crisis. This is the information I have from there. There is also a general revival of Mohammedan fanaticism throughout the East. These circumstances seriously menace the safety of the Christian missionaries should turbulence or disorder break out. The crisis demands prompt action on the part of this Government in the discharge of its duty of protecting its own citizens.

No class of citizens abroad more richly deserve consideration of their government than the American missionaries in Persia. For fifty years they have carried on their noble self-sacrificing work in that remote land. They have shown a devotion, a heroism, beyond praise, and they have established churches, schools, and colleges, and translated the Bible and distributed it throughout the whole land, and the influence upon human progress and civilization is felt throughout Persia. By their good works, their discretion, their wisdom when in difficulty, they have commanded respect for themselves and good-will for the great nation they represent.

The wane of English influence is our opportunity in another direction. The occasion is especially favorable for promotion of commercial relations. Persia wants our commerce. Our cotton fabrics, our fire-arms, our manufactures, and our petroleum may find their way there if we open the door. England now largely controls this trade. The time is ripe, the duty imperative. Let this amendment of the Senate be concurred in, and so far as Congress is concerned the work is done of its duty of protection to its citizens. The wane of English influence is our opportunity in another direction.

Contested Election—Smith vs. Shelley.

SPEECH

OF

HON. FRANK E. BELTZHOOVER.

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 20, 1882.

The House having under consideration the contested-election case of Smith *vs.* Shelley—

Mr. BELTZHOOVER said:

Mr. SPEAKER: I am constrained by a sense of duty, for the first time in my life, to deliberately argue a case before a jury whose verdict is already made up and only waits impatiently to be recorded. I do not expect, therefore, to be able by anything I may say to change the inexorable decree of a partisan caucus or stay the revolutionary proceeding of electing members of this House by a packed Congressional committee, which but grinds out its grists to meet the most miserable party exigencies. I will not speak one moment longer than is absolutely necessary to present as briefly and plainly as possible some of the matters of fact and propositions of law on which the minority report of the Committee on Elections is based. I will only detain those who are waiting to officiate at the sacrifice of law and justice and propriety long enough to enter a respectful protest against the unholy act. I will not stop to maintain by argument that when the Constitution declares that we are the judges of the elections, returns, and qualifications of our own members, that it uses the word "judges" in its common acceptation and in the sense in which it is applied among men in all other judicial matters. We are judges in the fullest and completest sense, and are bound by all the sacred sanctions which surround and protect that office.

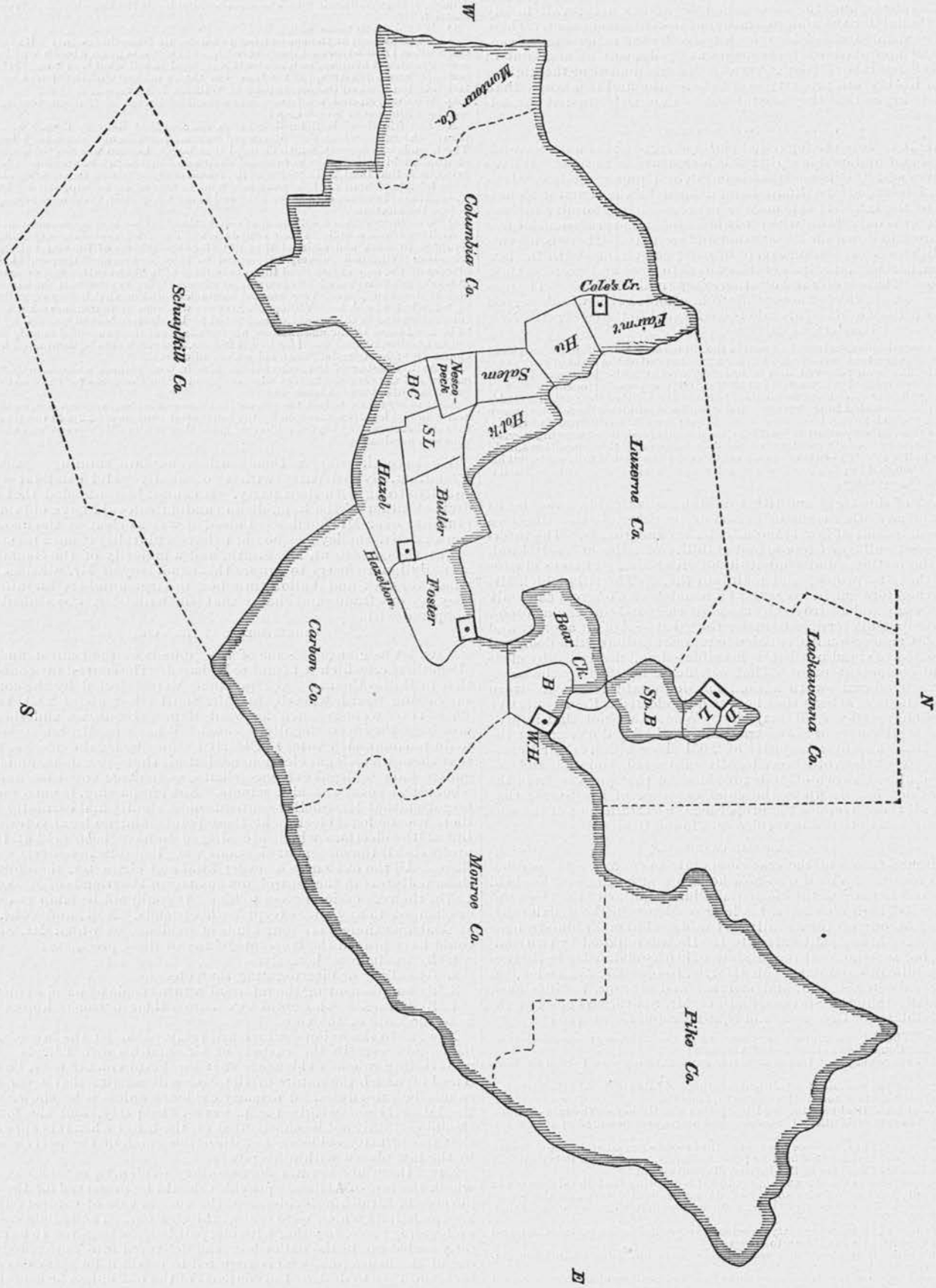
GERRYMANDERING.

I therefore protest most earnestly that it is improper and highly indecorous in us, sitting in our judicial capacity, to indulge in miserable demagogical appeals to partisan and sectional prejudices and passions and interests. We are bound to consider only the question of the election and return and qualification of the contestant and contestee, and are bound by the law and the facts in the record. What has gerrymandering to do with the question whether Mr. Shelley or any other gentleman has a valid title to a seat in this House? What has gerrymandering in South Carolina and Ohio and New York to do with the determination of an election contest in Alabama? We are not now discussing gerrymandering. This is not the time and place to do so. I presented the subject and urged it earnestly and honestly upon the attention of this House last winter when the apportionment bill was under consideration. That was the proper time and place to debate the question. I did everything in my power to place in the apportionment bill a clause putting upon the States a strong and imperative inhibition against this great and threatening crime against just representation and free government.

Every man on the Democratic side of the House voted for such an amendment, but every Republican in the House, including the gentleman from Michigan, [Mr. HORR,] voted against it. It does not lie in his province, therefore, to inveigh against gerrymandering in South Carolina or anywhere. He helped to encourage and sanction and support it by his vote. But there are stronger reasons than the vote of the Republican side on the apportionment bill why it is not their right to denounce unjust apportionment. When you consider that this crime has been carried so far in the Northern States that 1,800,000 Republican votes elect ninety Republican Congressmen, while 1,600,000 Democratic votes elect only twenty Democratic Congressmen, it is rather a thin and demagogical appeal to his constituents and his party for the gentleman from Michigan to criticise South Carolina. The beam removed from his own eye might permit him to see more clearly the mote in his brother's eye.

The gerrymander in South Carolina, while it is bad enough, is only boy's play when you contrast it with the work of the master gerrymanderer's hand in Pennsylvania. No State in the Union can justly be mentioned in the same category with the old Keystone State when the matter of unjust and unparalleled apportionment is

in controversy. The eleventh Congressional district in that State is a model for all the feeble imitators of this unrighteous and unpatriotic science in all the other States. That district is made up of remote counties joined together by townships and half townships, boroughs and half boroughs, so as to gather in its serpentine area about 9,000 Democratic majority, and resembles a dumb-bell so nearly as to have become known as the dumb-bell district. The accompanying is an exact map of this district and its surroundings, illustrating as nearly as can be done the character of the contiguous territory of which it is formed:



But dismissing this subject with this passing reply to the arguments of those gentlemen who have dragged it into the debate, let us turn to the only question which is properly before the House—who was legally elected as a member of Congress from the fourth Congressional district of Alabama at the election on November 2, 1880? In this contention we must be governed by precisely the same rules of evidence and the same principles of law as prevail in any other tribunal for the administration of justice among men. These rules of evidence and law have been tested by the experience of centuries and approved by the considerate judgment of mankind in every civilized land. They govern the ascertainment of the highest rights of liberty and property everywhere else, and it is worse than wicked to argue that they should not be implicitly trusted and followed here.

THE ELECTIVE FRANCHISE!

The right to vote is a legal and political right; it is not a natural, absolute, and inalienable right; it is a creature of the law. It lives and moves and has its constant being in and under the law. It is fixed and bounded and limited and defined by the strictest technicalities of the law. It can only be exercised in conformity to law. An election is only valid when it is held under the provisions of law which are laid down for its sanction and security. There is no voting and there is no election except in strict compliance with the law which authorizes and empowers the voters to meet and exercise their franchise. There is no valid election except under the law. The person, then, who is elected according to law holds a title which is good against all the world. This rule is well stated in the celebrated New Jersey case, (1 Bartlett, 24, 26:)

Before a member is admitted to a seat in the House something like the judgment of a court of competent jurisdiction has been pronounced on the right of each voter whose vote has been received, and in order to overturn the judgment it must have been ascertained affirmatively that the judgment was erroneous. * * * When the polls are closed and an election is made the right of the party elected is complete; he is entitled to the returns, and when he is admitted there is no known principle by which he can be ejected, except upon the affirmative proof of the defect in his title. Every effort to oust him must accomplish it by proving a case. The difficulties in his path can form no possible reason why the committee should meet him half way. The rule of reason requires that he should fully make out his case, even though it require proof of a negative, and such is also a rule of Parliament in analogous cases.

In favor of this right and title to a high and valuable franchise as in favor of any other right of person or property all the sanctions and presumptions of law stand as defenses and guards. The interests of society all court repose and stability of titles of every kind, and all the instincts and sympathies of order-loving citizens cluster around them to protect and maintain them. The title which Mr. Shelley therefore has in his seat as a member of Congress can only be taken away and destroyed by the most clear and convincing proof. He stands upon his certificate under the great seal of an ancient and honorable Commonwealth, entitled to representation on this floor, and is so entitled to stand until it is invalidated and destroyed by clear legal and competent proof. That certificate fortified by the sanction of high official sworn action, the deliberate action of sworn officers of the law, attests that he was duly elected a Representative to this Congress by 2,651 majority. What does not that imply? That the legal voters of his district met on the legal day and at the proper places, and by a majority of 2,651 chose him as their Representative; that the votes were legally canvassed, counted, and returned by all the sworn officials provided for that purpose from the local precinct boards up to the chief executor of the State; that through all these avenues the proper legal ascertainment of the correct vote the majority was verified and found to be true.

TWO REPUBLICAN CANDIDATES!

The circumstances of the case co-operate to confirm and corroborate this result. No man who now holds a seat here or ever has held a seat here has more of the elements of just popularity than General Shelley. His high character, his long residence in the district, his kindness and courtesy toward all men could not but make him stronger than his party in any political contest. He was opposed by two competitors, both of whom with equal show of justice claimed to be the regular Republican candidate. Mr. Harris, (pages 257, 258,) who had been tax collector, sheriff, and member and senator, testifies most emphatically that Mr. Stevens, and not Mr. Smith, was the Republican candidate for Congress, and that he voted for Stevens:

Question. Who did you support for Congress at the last Congressional election for the fourth Congressional district of Alabama?

Answer. I cannot say that I gave an active support to any one; I voted for William J. Stevens.

Q. Did you or not preside at a political meeting held shortly before the last election at Marion, and in whose interest was that meeting?

A. I was at a political meeting held in Marion shortly before the last election, held in the interest of William J. Stevens, and by request presided at that meeting.

Q. What, if any, charges were brought at that meeting against James Q. Smith in reference to the manner in which he procured a delegation from Perry County to support him for Congress in the Hayneville convention?

A. My impression is that it was charged in this meeting that the delegates in the Hayneville convention who supported James Q. Smith were not the representative men of Perry County. I don't remember that there were any other charges.

Q. Was there not a large majority of colored voters in Marion precinct opposed to James Q. Smith as a candidate to Congress?

A. I don't think they were; they were divided here, but I don't think the majority were against him.

Q. Do you know any fact tending to show that the contestant in this case used any illegitimate means to get himself declared the nominee of the Republican convention at Hayneville?

A. Nothing of my own knowledge.

Q. Was it not stated and urged by you and Joseph H. Speed and other influential Republicans of this beat, that James Q. Smith was not the nominee of the Republican party for Congress in this Congressional district?

A. I cannot say that it was urged by any one; I said to some of my friends that I thought that William J. Stevens was the nominee of the Republican party of this district.

Q. Why did you think so?

A. I was present at the convention as a delegate from this county, (Hayneville convention,) and witnessed the proceedings of the convention while it was held in a very confused manner, so much so it was hard to tell what was done. The impression created with me at the time was that a majority of the delegates regularly elected favored the nomination of William J. Stevens.

Q. Who was elected temporary permanent chairman of that convention, and was he a Stevens or Smith man?

A. The friends of William J. Stevens claimed that Benj. S. Turner was temporary chairman, whom they afterward elected permanent chairman, I believe. The friends of James Q. Smith claimed that Ben A. Lenorn was elected temporary chairman and J. C. Dukes permanent chairman; this is my impression. My impression is that Benj. S. Turner was the friend of Stevens, and Delemas and Dukes were friends of Smith. I do not know who Turner or Duke supported. During the canvass, Delemas came over here and made a speech in favor of Stevens; just before the election.

Q. Was there or not a split in that convention? If so, give an account of it.

A. There was a split in that convention. The friends of James Q. Smith attempted to elect and claimed they did elect the officers of the convention; the friends of William J. Stevens attempted to elect and claimed they did elect the officers of the convention, and the proceedings of the convention were conducted in a very confused manner by two sets of officers trying to preside at the same time and at the same place. This created so much confusion that it was very difficult to tell what was done. William J. Stevens was placed in nomination while the convention was in this condition and voted for by his friends, and claimed by them to be nominated by the chairman of his friends; and the name of James Q. Smith put in nomination and voted for by his friends, and claimed to be nominated by the chairman of his friends. Both sides then adjourned.

Q. As a member of that convention, who in your opinion was nominated by a majority of the representatives who composed it for Congress for the fourth Congressional district of Alabama?

A. It is very hard to tell, the convention was conducted in such a confused manner, who was legally nominated by the convention; my impression at the time was that if there was any legal nomination made that William J. Stevens was the man who was nominated.

We have therefore a Democratic candidate running against a wrangling, divided party with two equally valid candidates and equally strong with their party. It cannot be contended that thus divided either of the Republican candidates could have obtained a plurality over Mr. Shelley. Indeed it was as clear as the noonday sun that Mr. Shelley was bound to have a plurality if not a majority.

But the contestant, Mr. Smith, and a majority of the committee actually ignore or try to ignore this candidacy of Mr. Stevens, and whenever they find ballots in a box in large numbers for Stevens they cry out fraud, and charge that the ballot-box was stuffed and tampered with.

THE EVIDENCE IN THE CASE!

Now, let us glance at some of the grounds of the contest and the allegations on which it is said to be based. The contestant contends that in Dallas County seven precincts were rejected by the county canvassing board, whereby he [Mr. Smith] lost about 2,000 votes. These votes were rejected for want of proper returns, and the law presumes they were legally rejected. What was Mr. Smith bound to do to count such votes? Clearly to show by legal evidence, first, that there was a legal election held at all these precincts, and, second, to show by legal evidence what was the true vote cast, and for whom it was cast at said precincts. Now, in passing, it must not be forgotten that Mr. Shelley contends most stoutly and earnestly that there was no legal election at these points, and no legal votes cast. But at the elections which are alleged to have been held at these precincts all the officers of elections were Republicans—every one of them. All the evidences of every kind and character, therefore, at these polls was in the control and custody of the friends of Mr. Smith and of the very easiest access to him. It could not be tampered with or changed in any way except by his friends. Now, under the law of Alabama there were four kinds of evidence by which Mr. Smith could have proved the true vote of any of these precincts:

1. By the ballots themselves.
2. By calling or interrogating the voters.
3. By supplementing the informal returns made by parol evidence.
4. By witnesses who could swear from their personal knowledge as to the state of the vote.

Now, as to the ballots, which are retained under the law of Alabama, and were in the custody of Mr. Smith's own friends. One undeviating rule of evidence is that the best evidence must be produced of which the nature of the case will admit; that secondary cannot be substituted for primary evidence unless it be shown that the latter is not within the power of the party, and the former should certainly not be substituted for the latter when it is apparent that the primary evidence is within the reach of the party and is by the law placed within his power.

Now, there are certain documentary evidences of the election which the law of Alabama provides should be preserved for the sole purpose of furnishing evidence of the vote in case of contest; these are the ballots which were cast at the election. The ballots cast at each voting place, together with one poll list, are required to be carefully sealed up in the ballot-box and delivered into the custody of one of the inspectors, who is required to retain it for sixty days intact, and then to destroy the contents of the box unless he is notified

that the election of some officer for which the election was held will be contested, in which case he must preserve the box for such election until such contest is finally determined or until such box is demanded by some other legal custodian during such contest. (Section 288, Code of Alabama.)

It will be seen that the ballots are required to be preserved expressly for the contestant. These are the evidences of the result of the election which the law provides. In addition to this the certified poll lists, statements, &c., which are returned by the board of inspectors of each precinct and the county board of canvassers, are required to be retained intact in the office of the judge of probate. (Section 293, Code of Alabama.)

Now, if the returns are made by the board of inspectors and are attacked, or if insufficient or defective returns or no returns are made, will it be denied that these ballots are the best evidence of the result of the election, especially where it must be admitted from the nature of the case that the ballots in the box retained by law for the purpose of evidence are the genuine ballots which were cast at the election?

And if it be true, as it is, that the ballots from the election at each of these precincts in Dallas County were placed in the custody of the Republican inspector by the Republicans, that they were received from the hands of the voter by Republicans only, counted by Republicans only, placed in a box and sealed up by the Republicans only, will it be gravely contended that the contestant should be permitted to offer secondary and inferior evidence to prove what the vote was at the several voting places without having attempted to put these ballots in evidence or furnish any reason or excuse whatever for his failure to do so? In no instance is any inquiry made for the ballots, nor is any effort made to produce them, not even where the testimony itself shows to whom the ballots were committed, and even in those cases where the person who had the ballots in his custody, as shown by the testimony, appeared and was examined as a witness by the contestant. Without showing that the ballots were not in his power to produce, contestant resorts to oral evidence. This he clearly could not do. Oral evidence cannot be substituted for any instrument which the law requires to be in writing, and no proof can be substituted therefor so long as the writing exists and is in the power of the party. (Greenleaf on Evidence, section 86, volume 1.)

But the contestant having declined to put the ballots in evidence just as they left the hands of the voters, fresh from the custody of his devoted friends, uncontaminated and unchanged, why did he next decline to call the voters themselves? Why did he not interrogate these hundreds of people who he alleges met and held a legal election and voted for him? He does not even trust the third kind of evidence, but resorts to the last and most unreliable of all. The returns from the seven precincts of Dallas County were rejected because they were utterly unintelligible and invalid; they did not have a semblance of legality or regularity. They were made out by the most illiterate and unskillful people, who never held an election and did not know how to do so. These returns did not evidence anything.

MARTIN'S PRECINCT!

The rejection was the solemn adjudication of the subject by an intelligent board of sworn officers of the law in the performance of their duty. How does Mr. Smith propose to overcome this action and prove a legal election and the legal vote which he alleges was cast for him? Does he produce the ballots which were alleged to have been cast and which were intact and untouched in the hands of his friends? Oh, no; he does not trust that. Does he call the persons whom he alleges voted for him and who were easily reached and could have been sworn? No; he does not dare to do that. Take Martin's precinct and see what he does do. He calls two illiterate, ignorant, and stupid colored men who can neither read nor write, who sign their names with marks, Abe Martin and Ned Petteway, and by their sole uncorroborated testimony he attempts to prove and the majority of the committee count for him (Smith) 364 and for Shelley 16 votes.

Why, Abe Martin swears he cannot read or write; that he cannot tell the difference between a Democratic and Republican ticket; that they put the tickets on the floor and counted them in two hats; that the clerks told him there were 16 Democratic votes.

Where in the name of God are the clerks? Why are they not called? Why not call those who might possibly have known the state of the vote? Why not call those who may have read the tickets? Why call these ignorant people who only know by hearsay and testify without knowledge?

A. Martin says that the clerks read the names on the tickets, and it is not pretended that any of the inspectors read them. He only knows that there were 16 Democratic votes cast, because, as he states, (record, page 124,) "I made them (the clerks) hand them out to me."

To show how unreliable is the testimony of the witness Martin, and of these witnesses generally, we ask attention to his statement, (record, page 124,) where he swears positively that the statement of the result of the election was signed by the inspectors; and yet when that statement is put in evidence it is found to be unsigned. Now, if these ballots were simply counted as Democratic or Republican, and if all the candidates on the Republican ticket were the Republican candidates, and all the candidates on the Democratic ticket were only Democratic candidates, how is it possible to determine from this testimony whether or not Mr. Stevens received any votes? The law of Alabama in regard to the counting of ballots is as follows:

SECTION 1. In counting out, the returning officer or one of the inspectors must take the ballots one by one from the box in which they have been deposited, at the same time reading aloud names of persons written or printed thereon and the office for which such persons are voted for. They must separately keep a calculation of the number of votes each person receives and for what office he receives them; and if two or more ballots are found rolled up or folded together, so as to induce the belief that the same was done with a fraudulent intent, they must be rejected; or if any ballot contains the names of more than the voter had a right to vote for, the first of such names on such ticket to the number of persons the voter was entitled to vote for only must be counted.

When asked what oath was taken by the inspectors the witness Martin tells us:

I swore the inspectors; I told them to raise their hand and say, you solemnly swear to go forth and do the best they could in this election to discharge those duties.

The law makes the following provision as to the oath:

Before opening the polls the inspectors and clerks may take the oath to perform their duties at such election in accordance to law, to the best of their judgment, and the inspectors must also swear that they will not themselves or knowingly allow any other person to compare the number of the ballots with the number of the voters enrolled, which oath may be administered to the inspectors by each other, or by a returning officer, or by a justice of the peace. (Code of Alabama, section 265.)

Why, there is not a syllable of testimony given by this witness which is worth anything. It is the most miserable hearsay, with the additional objection that it is given by a very stupid and willing witness.

Ned Petteway, the other witness, swears he can read very little and cannot write; that he stood outside of the window and gave directions as to the counting; that he was forty yards or more away from the polls when the voters cast their ballots. Read the description which he gives of the count, (page 119:)

Question. What was the first thing done after closing the polls?
Answer. They pour the ticket out de box; each man had his hat and commenced counting; then they told the clerks to tally every time when they come to a Republican vote; they said Republican and then Dimycrat vote, they said Dimycrat, and tallied for them.
Q. Did each one of the persons in there count tickets into his hat?
A. Well, I think they did; I couldn't see every man.
Q. How many could you see counting tickets into his hat?
A. I could see three, cause dem was in front; I could see dey hats.
Q. Were they all counting at the same time?
A. Yes, sir.
Q. Could you see the tickets as they were counted?
A. Yes, sir; I could see 'em, but I couldn't tell a 'Publican ticket from the other one at that distance.
Q. As soon as they concluded counting did each man empty the tickets from his hat into the ballot-box, or what did they do with them?
A. No, sir; as soon as they finished counting into the hats they emptied the ballots on the floor.
Q. How long did they remain on the floor, and what was afterward done with them?
A. They staid there about a quarter of an hour and then count them back into the box.
Q. They were then counting the number, were they not—they did read the ballots then, did they?
A. They were counting and did not read the ballots at that time.
Q. Did any one of them, after first counting some of the ballots into his hat, count over the number he had in his hat?
A. Each of said men counted said ballots, which he had in his hat, two or three times.
Q. Did each man count the ballots in his own hat?
A. Yes, sir.
Q. After the first time he counted them into his hat, was the other counts made to see the number of the ballots each had?
A. It was.
Q. The tickets were never read but once, were they?
A. No, sir.
Q. And then they were read as Republican or Democrat?
A. Yes, sir.
Q. You say that you saw three men each counting tickets into his hat; what three did you see?
A. I didn't zactly take particular notice what men they were, but then I know Abe Martin was one of the men.
Q. Can Abe Martin read and write?
A. I do not know.

On the uncorroborated testimony of these two witnesses the majority of the committee count 384 votes for Mr. Smith. Such a proceeding is worse than a travesty on free elections, and a seat in Congress based on such testimony will bear with it the brand of idiocy or rascality written all over it and stultify or criminate the man who accepts it.

Where are the ballots placed in Stepony's (the Republican inspector) hands and kept by him? Why in the name of justice and decency are they not produced or accounted for? Where is there a reputable court in Christendom that would not compel the production of such a record evidence of the ballots in this case and against such testimony or compel the showing of a reason why they are not produced? Why were the voters not called; these 384 voters? Where are the persons, if any, who read or could read a single ticket?

Not one of these matters of evidence is touched. But on the miserable, uncorroborated hearsay of two illiterate negroes a solemnly adjudicated election to a high office is to be overturned. And this is but a sample of the whole contest.

LEXINGTON PRECINCT.

Take Lexington precinct next. Here the informal return which was rejected gave Smith 140, and Shelley 11. Of this rejection the

contestant complains, and yet at this precinct, by the uncorroborated testimony of two witnesses, he alleges that he has proved and the majority find for him (Smith) 320 votes and for Shelley none. Only two witnesses are examined, and these are July Adams and Harris Mosely. Adams was present, and assisted in the counting of the vote. He says that the ballots were never read when they were counted. (Record, pages 127, 128.) They were all considered as Republican ballots and as votes for contestant, and so counted without ever being read. His testimony as to this is as explicit and positive as testimony can be made, and there is no evidence to contradict or discredit it:

Question. Who received the tickets from the voters?
Answer. Avery Hurst received the tickets from the voters.
Q. What did he do with them?
A. He handed them to Aaron Malette, who was numbering them at the box.
Q. Were the tickets folded when they were received by Avery Hurst?
A. Yes, sir; they were folded.
Q. What did Aaron Malette do with them?
A. He numbered them and put them in the ballot-box.
Q. Did he number every one?
A. Yes, sir; he numbered them all.
Q. What numbers did he put on them?
A. He commenced with one and numbered from that on up.
Q. What did Dan Davis do?
A. He was one of the clerks and wrote down the names of the men who were voting.
Q. Did he write every man's name as he voted?
A. Yes, sir.
Q. Did he put a number by the side of the name?
A. He did, sir.
Q. Was it the same number that was put on a man's ticket?
A. It was the same number.
Q. What did Perrie King do?
A. He was a clerk, and took down the names of the men who voted.
Q. Did the inspectors have any registration list?
A. No, sir; they had no list.
Q. Did any one register on that day?
A. I did not see any one.
Q. Was any certificate of registration handed in to the inspectors by any person offering to vote?
A. If there was any I did not see it.
Q. What time did the polls close?
A. The polls closed at five o'clock p. m.
Q. What was then done by the inspectors?
A. They counted the tickets.
Q. Describe exactly how they did this—what each man did.
A. They counted them one by one. They took them out of the box, one by one, looked at and read them as they were taking them out, and then put them on a paper lying on the floor.
Q. Who took them out of the box?
A. Aaron Malette took them out of the box, one by one.
Q. Did he open the tickets when he took them out?
A. He did not open them.
Q. Did he put them on the paper on the floor?
A. Yes, sir; he did.
Q. What was done with the tickets after Aaron Malette had put the last on the floor?
A. He took them up and put them back in the box again.
Q. Did any other person handle those tickets after the polls were closed?
A. No, sir; no other person handled them.
Q. Do you mean that Aaron Malette was the only person who handled the tickets after the polls were closed?
A. No one else but Aaron Malette handled the tickets after the polls were closed.
Q. Are you certain that Aaron Malette did not open the tickets?
A. I am certain of it.
Q. Did any one open the tickets after the polls closed?
A. Not that I saw.
Q. Were you present until they all left the room?
A. I was, sir.
Q. Who kept the tally you spoke of in your direct examination, and how was it kept?
A. Perrie King kept the tally, and he did it by figures on a piece of paper as they called out the vote.
Q. When Aaron Malette put the first ticket on the floor did he call out one; when he put the second on the floor did he call two, and so on, and did Perrie King write one, two, &c., as Aaron Malette called the number?
A. Yes, sir; that was exactly the way it was done; just as he called he wrote.
Q. Did Aaron call anything else as he put the ticket down except the number?
A. No, sir; he did not call anything else except the number.
Q. How close were you to Aaron while he was counting this way?
A. I was right at him.
Q. Did you see every ticket as it was taken from the box and put on the floor?
A. Yes, sir; I did.
Q. How long did the tickets remain on the floor?
A. They remained on the floor about five minutes.
Q. Do you mean from the time Aaron Malette commenced counting until he put the last ticket on the floor that it was about five minutes?
A. Yes, sir.
Q. Were they put back into the box immediately after the last ticket was placed on the floor?
A. Yes, sir.
Q. Was the box then locked up?
A. The box was then locked up.
Q. Who took the key?
A. Avery Hurst kept the key.
Q. Was that box with the tickets in it opened again before the inspectors left the polling-room?
A. No, sir; it was not opened any more.
Q. Where is that box now?
A. Mr. Avery Hurst said that he carried it to the sheriff's office.

Witness Mosely was a deputy marshal who did not see the votes counted and does not pretend to know what the vote was. (Record, pages 129–131.)

These ballots have never been counted so as to ascertain the actual result of the election.

Neither of these witnesses read a single ticket or counted it except to ascertain whether the number of ballots corresponded with the tally list. The tickets were never read or counted to determine for whom they were cast or how many were for each candidate.

Where are Malette and Hurst, who handled the tickets and read them, if any one on the earth did?

Besides, Mosely swears that there were in that precinct 300 Republican voters and 60 Democratic voters; yet 320 votes are given to Smith and none to Shelley. Where are the ballots?

Why are the voters not called? There is no earthly answer, except that these kinds of testimony did not suit the purposes of the contestant as well as the parol testimony of these illiterate and blundering but accommodating negroes.

Every other of the seven precincts in Dallas County is similar to these; and yet on such testimony the committee propose to count over 2,000 votes and unseat General Shelley.

In Chillatchi precinct the inspectors numbered the ballots, in violation of the law, and in direct violation of their oaths compared the numbered ballots with the name opposite the corresponding number on the poll-list. (Record, page 143.) No account of the vote cast was kept by the inspectors as the ballots were being counted. In the language of the witness "no one did any writing while the votes were being counted." (Record, page 143.)

The provisions of law in relation to the counting of the ballots were entirely disregarded. The tickets were not read when they were counted, or at any time, as far as it appears by the evidence. They were counted by William Perry, a clerk, and not an inspector of the election; and Lindsey Irby swears that Perry opened the ballots to keep from counting two, but "that he never did read them all over any time." (Record, page 136.) Lindsey Irby swears:

Question. When the polls were closed who took the tickets out of the box?
Answer. William Moseley took the tickets out of the box.
Q. What did he do with them?
A. Handed them to William Perry.
Q. What did Perry do with them?
A. He took the tickets, each one, and called the name the man was voted for and then put them in a hat.
Q. Are you sure he did not read the tickets?
A. He did not read them, but he opened every one and looked at it to see whose ticket it was.
Q. How did he know who had voted each ticket?
A. He had the number of them on the poll list.
Q. Did he look at the number on the ticket and then the number on the poll list to see who had voted the ticket, and did he then call the man's name he found on the poll list?
A. Yes, sir; he looked at the number on the ticket and on the poll list, and then called each man's name, because I took down each man's name as he called it.
Q. Do you mean he called the names on the poll list that he found opposite the number that appeared on the ticket?
A. Yes, sir.
Q. And did you then write down the names as he called them on the paper I now show you? [Showing Chillatchie C.]
A. Yes, sir.
Q. What was then done with the tickets after he had put them in the hat?
A. They were counted back and tallied.
Q. Do you mean they were counted back to see how many there were?
A. Yes, sir; and to tally them we counted them three or four times to see how many there were.
Q. Who counted them back from the hat into the box?
A. William Moseley took them from the hat and handed them to William Perry, and he put them in the box.
Q. Didn't William Perry open those tickets then?
A. Yes, sir; he opened them every time to keep from counting two.
Q. Did he read them then?
A. He never did read them all over any time.
Q. Were they taken out of the box after that? By whom, and for what purpose?
A. Yes, sir; by William Perry, to count them back into the hat again.
Q. What did he count them back into the hat for?
A. To see if they were right; to see if the number of ballots were correct.
Q. What was then done with them?
A. William Moseley put them into a small sack and took them home with him.

Where are the ballots and where the voters in all these precincts? The ballots are not produced and the voters are not called.

WHITE HILL PRECINCT.

Take next White Hill precinct, in Lowndes County. Here contestant's own witness and agent, McDuffie, swears that when the box was opened it contained about 45 votes for Smith and 200 or 300 for Stevens.

But whenever votes were found for Stevens in this contest they are assumed to be fraudulent, although he was as much a Republican candidate as Smith, and because McDuffie is of opinion that the box was tampered with the vote as found is rejected, and 276 votes are counted for Smith and 14 for Shelley. Smith had not a vote in the box. Stevens had the ballots. Now, McDuffie says:

It's my opinion, from examination and inquiries I have made, that there was a fraud at Whitehall beat, and that it was done by the box being opened from the bottom and everything in it except 45 tickets with Smith's name upon them taken out and these Stevens tickets put in.

McDuffie was the warmest friend of Mr. Smith, and was the officer before whom all of his testimony was taken. He does not inform us what was the extent of his examination or the nature of the inquiries he made. Now, contestant having proved what were the character of the ballots found in the ballot-box by his own witness, it is then attempted to set aside the force of this testimony by accepting the mere opinion of this witness that the box was tampered with. But there is positive evidence that the box when opened by the board of canvassers was, with its contents, in the same condition as when delivered by the inspectors to the returning officer of the precinct and by him delivered to the returning officer (the sheriff) of the county.

The returning officer of the precinct was Philip White, the Republican United States supervisor, and he swears that he delivered the box intact to the sheriff of the county (record, page 176,) and Mr. Graves, the sheriff, swears that the box, with its contents, was delivered by him to the board of canvassers in the same condition in which it was received.

It is not pretended that the ballots were tampered with before they were delivered to the returning officer of the precinct; nor could it be, because White, Republican supervisor, and Willis Brady, (record, page 199,) the Republican inspector, testified to the contrary; nor can it be pretended that the official statement of the result of the election was put in the box and fraudulently extracted, because White, the Republican supervisor and returning officer, testifies that nothing was in the box "but the clerk's list and the tallies."

The box and the ballots are not put in evidence, so that the House is unable to say from examination whether the bottom of the box had been removed or whether anything in the appearance of the ballots indicated that they were not those actually cast. The statement of the witnesses, supporters of contestant, that the vote was different from what the ballots themselves show, is setting up the mere oral declarations of these witnesses as to what the count was, or the count itself against the ballots, it not having been shown that they were not the actual ballots cast at the election. The officers of the election, White and Brady, who testify that the vote as counted does not conform to the ballots as found in the box, were also the officers who negligently or corruptly neglected or failed to make the board of canvassers a lawful return of the vote. Under these circumstances it appears to us that the only satisfactory evidence as to what the vote was at this precinct must be the testimony of the voters themselves, and they have not been examined.

Where are the ballots and where the voters in this precinct?

HAMBURGH PRECINCT.

Take next the Hamburgh precinct, in Perry County. Here the committee give Smith 250 and deduct from Shelly 167 votes, making a difference of 417, on the almost uncorroborated testimony of one Watson, a Republican supervisor, who swears that Juan Harris changed the ballot-box. Is it true? (1) Watson made no protest; (2) he went on and counted the vote; (3) made out his supervisor's return and swore to it, in which he gave Smith 336, Shelley 40, Stevens 5, in all 383, while he swore there were only 378 votes cast; (4) but, what is strangest of all, he did not tell the committee of five next morning. Watson swears he got the data for his report and which the committee take as true, as follows. He says "I knew the sentiments of the people and just how they would vote, and I taken a record of the committee's list and got my information from them." He kept no list or record himself. (Record, page 110.) The other witnesses as to the actual vote are Green Johnson, a deputy marshal, and J. T. Harris. They were not officers of the election, and were not in the room where the election was being conducted. This room was in the second story of the building, and to cast his ballot the voter had to enter the building on the first floor and then ascend a flight of stairs. (Record, page 256.)

There was a "committee" of Republicans, five in number, to keep an account of the Republican vote as cast, and they selected one Silas Benjamin to take down the names of the Republican voters. (Record, page 144.) But not one of these committeemen nor Benjamin is examined as a witness, nor is the list of names kept by Benjamin put in evidence. The witness Johnson states that Benjamin told him that there were 340 names in his book, and he has no other knowledge of its contents. (Record, page 146.) J. T. Harris kept a tally of 323 voters whose tickets he saw in their hands, but he states that he does not know whether these tickets were actually cast, as he did not see one of them voted. (Record, page 256.) The voters themselves are not examined.

But there is a more serious deficiency in the proof as to this precinct and county. There is no evidence as to the votes counted by the county canvassing board at each precinct. How can any precinct or the whole vote of the county be corrected without this data? (See page 12, minority report.)

SCOTT PRECINCT.

Take next Scott precinct, Perry County. Here the committee reject the poll and add 274 votes for Smith and deduct 190 from Shelley, making 464 votes difference, on the testimony of Walter Lowery, who swears that Turpin, the Democratic judge, gave him (Lowery) $35 to permit him to change Smith to Shelley tickets, and that he (Lowery) did so.

Do you believe such an incarnate scoundrel? Let us look at his testimony. He confesses, first, to taking the bribe; second, to committing the fraud; third, to keeping the money; fourth, to making the tally suit the fraud; fifth, to making his supervisor's report and swearing to it; sixth, to living with Smith on his place and with Smith's brother.

He is corroborated by no one. On the other hand, Lazarus Avery, Republican inspector, contradicts him; Turpin contradicts him; Lee contradicts him; Driver contradicts him; Evans and all others contradict him. Perryman swears that Lowery told him the election was fair and no money had been offered to him; but that Smith and Huston had tried to make him swear that money had been offered him, but that he would go to the penitentiary ten years before he would do that.

The tallies sworn to by both Lowery and Avery are utterly insufficient to prove how the vote was. (See Lowery, 160, 161; Avery, 294.)

The ballots are not produced; the voters are not called; the persons who gave tickets to voters are not called. On such testimony 464 votes are held to be proven against General Shelley.

These are fair examples and exhibits of the testimony on which it is proposed to overcome and invalidate and destroy the title to a high and valuable franchise which rests on the sworn official action of men of high character and acting under the solemn sanctions of their oaths. No judicial tribunal in any civilized land would permit such testimony to determine any issue of the slightest moment. Any respectable court would compel the production of the ballots, or demand a reason for the failure to do so. Mr. Shelley has as good a right to his seat until it is assailed in a legal way and by proper testimony as any member on this floor. Whatever would be wrong in an assault upon your seat is wrong in this case.

The contestant was not elected, and the testimony does not show that he was. The testimony is not competent to show anything. It is not only illegal and incompetent but it is adduced in defiance of the plain principle of law which governs the admission of evidence that he was bound to adduce the best testimony within his reach and accessible.

Why did he not procure the ballots from the custody of his own party friends, untouched, untampered with, fresh from the hands of the voters? Why did he not call the voters themselves? There can be no just reason except that these things would not have sustained his case.

But without any regard to whether he should or should not have produced other kinds of evidence, it is entirely sufficient for the present purpose to say that the testimony which he did adduce utterly fails to sustain his case. Never was the rule laid down in the celebrated New Jersey contest, and which we have quoted above, more applicable than here:

When the polls are closed and an election is made, the right of the party elected is complete; he is entitled to the returns, and when he is admitted there is no known principle by which he can be ejected, except upon the affirmative proof of the defect in his title. Every effort to oust him must accomplish it by proving a case. The difficulties in his path can form no possible reason why the committee should meet him half way. The rule of reason requires that he should fully make out his case even though it require proof of a negative, and such is also a rule of Parliament in analogous cases.

Internal-Revenue Taxation.

SPEECH

OF

HON. WILLIAM R. MORRISON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 22, 1882.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 5538) to reduce internal-revenue taxation—

Mr. MORRISON said:

Mr. CHAIRMAN: The honorable gentleman from Pennsylvania [Mr. KELLEY] was probably correct in saying the financial condition of the country presented a spectacle not before witnessed in the world's history. That spectacle, sir, is the chairman of the Committee on Ways and Means, the American chancellor of the exchequer, struggling to reduce the revenues and maintain taxation; striving to empty the Treasury of his Government without relieving the burdens of the people. I am not complaining because this bill repeals or reduces taxes. My complaint is that it does not repeal or reduce other taxes; that it reduces those that are least burdensome, while it retains those which are most oppressive to the people. It so reduces taxes that every dollar of tax taken off reduces the revenues of the Government to the same extent. There should be some reduction of those taxes which might be so reduced that when we take a dollar from the revenue we may get rid of three dollars of taxation.

The taxes to be repealed are $11,317,797 on banks and bank checks; $3,278,580 on matches; $2,226,503 on proprietary, including some quack medicines and perfumery; in all something more than sixteen million dollars. To that extent the revenues are to be reduced by the first section of the pending bill. The Secretary of the Treasury, in his message to us at the present session, recommends that these taxes be taken off if "there shall be a reduction of the revenues derived from taxation." But he recommends more than is contained in this bill. He says:

The other source of revenue where a reduction may be made is the customs. While it is a principle that taxation for the expenses of Government, to be just, should bear on all alike and equally, it must also be one that when the aggregate of taxation is to be lessened the reduction should be made in such ways that all will be relieved alike and equally. Hence, it is assumed that if Congress does determine on a decrease of the revenue, it will seek that end as well through a revision of the existing tariff laws as through an abolition or abatement of the internal revenue.

Now, sir, it will be seen that this bill does not recognize or conform to that principle of taxation which the Secretary says "to be just should bear on all alike and equally." Congress determines on a decrease of revenue, but does not "seek that end as well through a revision of the existing tariff," but alone from the "abatement of internal revenue." The tariff and its revision has been given into the protective care of nine wet-nurses—a flimsy device to avoid and prevent the reduction of taxation in such a way that all will be relieved alike and equally, and in violation of that principle of taxation which the Secretary says should bear on all alike and equally to be just. This bill is a fit supplement to the tariff-commission scheme and a further denial of justice, because it avoids any adequate reduction and equalization of taxes.

We collect from customs $48,000,000 on sugar and molasses; $27,000,000 on wool, woolen goods, and clothing; $11,000,000 on cottons; $21,000,000 on articles of iron and steel; $3,000,000 on window and other glass; $1,000,000 on salt; $1,000,000 on rice; $1,000,000 on lumber and articles made from wood; more than $500,000 on books and maps. It has been shown over and over again that the tax on some of these articles yields $8 in bounty to the manufacturer to $1 in revenue to the Government. The reduction of $16,000,000 in the revenue derived from them would decrease taxation $50,000,000.

The second section of the bill proposes to reduce about 40 per cent. the license or special tax on retail liquor and other dealers, estimated to number six hundred thousand. This section is not to take effect until after the adjournment of the next session of Congress, and may be made contingent on the votes of the six hundred thousand to be affected by it, and who remain subject to the surveillance and taxation of both national and State authority.

The third section reduces the tax on cigars to $5 per thousand. When the tax on tobacco was reduced to one-third, from 24 to 16 cents, no reduction was made on cigars, which were left at $6. They should be reduced to $4, to correspond with the reduction made in tobacco, and cigarettes should be further reduced in like proportion.

The taxes repealed are chiefly collected at the Treasury and from the sales of stamps; of all taxes collected these are least expensive. The amount of reduction exceeds one-eighth of all internal taxes, but the reduction is so made as not to dispense with the service of a single officer or agent of the more than four thousand employed in the internal-revenue service.

If our surplus revenue amounts to but half the sum claimed by the honorable chairman [Mr. KELLEY] and other advocates of the speedy abolition of all internal-revenue taxes, the reduction now proposed is less than half the reduction which can safely be made and which should be made. Both gentlemen from Pennsylvania [Mr. KELLEY and Mr. RANDALL] claim a surplus of at least $135,000,000. Sir, we have no such surplus, especially not if we pay the public debt when it is payable and when it is due at the option of the Government.

Before the Presidential election of 1872, when that old Massachusetts Yankee, now Hon. Senator DAWES, held the purse-strings of the House, he succeeded in scolding his party associates into such habits of economy in appropriations and expenditures that they were reduced to $124,000,000 for ordinary expenditures, not including pensions or the public debt. I do not include payments on account of pensions or the public debt among ordinary expenditures.

When that election had passed, and General Garfield—that more amiable man and perhaps better representative of his party in all that pertains to what is popularly known in Washington as "liberal appropriations"—had been made chairman of the Committee on Appropriations, expenditures largely increased.

The average annual ordinary expenditures for the four years—1873, 1874, 1875, and 1876—a little exceeded $141,000,000. These were the last four years when the party now in the majority here controlled all departments of the Government and made the appropriations.

The average ordinary annual expenditures for the five years last past—1877, 1878, 1879, 1880, and 1881—were less than $120,000,000. For these five years the appropriations were made by what is now the minority side of the House.

The gentleman from New York [Mr. HISCOCK] and his Committee on Appropriations have been proceeding with commendable caution, and for a time gave encouragement to the belief that they would keep down appropriations and expenditures to the all-sufficient sums provided by their late Democratic predecessors. This I do not doubt was the purpose of the committee, and especially of my left-handed friend and colleague, [Mr. CANNON,] to whom I by no means intend to offer a "left-handed compliment." But it must be apparent to all that the old disease is breaking out, and that the demand for "liberal appropriations" which carried expenditures in General Garfield's time up to $141,000,000 will speedily increase them with our now increased and fast-increasing population to $150,000,000. In proportion to population an expenditure of $150,000,000 for the coming ten years is less than $141,000,000 for the years in which that sum was expended. The appropriations made and proposed justify the belief that with our increase of population the average expenditure for the coming ten years will exceed the estimate I have made of $150,000,000.

The annual expenditure for pensions for the next ten years will be at least $73,000,000. The Commissioner proposes to adjust in the next three years claims for arrears and all claims now pending. This is not likely to be done in twice three years. And while the time of settlement may affect the annual expenditure, it will not change the average annual expenditure for ten years, or my estimate of $73,000,000 per annum during that period. The 3½ per cent. bonds, payable whenever we have the money to pay them, and the $250,000,000 of 4½ per cent. bonds, payable September, 1891, amounted January 1, 1882, to $801,186,800. To pay off this part of the debt when it is payable, in September, 1891, and to pay the annual interest on the entire debt, allowing for payments made since January last, will require an annual payment of $130,000,000. The annual payment on account of the public debt for the past twelve years has been about $160,000,000.

Taking the $130,000,000 for annual payment on account of the public debt, the $150,000,000 estimated for ordinary expenditures, and the $73,000,000 for pensions, and we have as the required annual demand on the Treasury and the resources of the country for the coming ten years the sum of $353,000,000.

The estimate of the revenues for this fiscal year, made by the Treasury Department, is $400,000,000. The honorable chairman of the Ways and Means [Mr. KELLEY] estimates this year's receipts at $405,000,000. These estimates are based on an estimated increase of $20,000,000 over the receipts of last year from internal revenue, and a like increase of $20,000,000 from customs duties. The receipts for the past eleven months of the year do not justify the estimates for internal revenue by nearly $10,000,000, while the customs receipts but a little exceed the estimates from that source, and the revenue for the year will be much nearer $393,000,000 than $405,000,000.

It will thus appear that the claim that we have a surplus of any such sum as $135,000,000 is made unadvisedly.

Beginning with the year 1892, when I trust there will only remain to be paid the $739,347,800 of 4 per cent. bonds, it will require a yearly payment of $67,000,000 to pay off this remaining part of the public debt at the time it is payable in 1907, now twenty-five years distant.

The payment of pensions will decline from $55,000,000 in 1892 to $23,000,000 in 1907 if no new classes are added other than soldiers of the Mexican war after arrears are adjusted. But those who suffered in prison will soon be added, and before the expiration of the twenty-five years all surviving soldiers will be added to the pension-roll. Whoever is here to make appropriations in the Sixtieth Congress will find a pension-roll demanding more than $50,000,000. The average annual payment of pensions for the fifteen years from 1892 until 1907 will certainly not be less than $50,000,000. At the commencement of that period in 1892 we shall have a population of 67,000,000, with ordinary expenditures at about $170,000,000. At the end of that period in 1907 our population will number 96,000,000, and our ordinary expenditures may be set down at $250,000,000. We may therefore safely estimate the average annual expenditure at not less than $210,000,000, and these several sums together give us as the average annual disbursement of the Government for the fifteen years from 1892 to 1907 the sum of $327,000,000. The disbursements of the Government are not likely ever again to be less than $300,000,000, for with our growth of population the ordinary expenditures will amount to that sum when the debt is paid and the soldiers rest.

These are estimates, not of what the ordinary expenses of administration ought to be, but of what they will be. Gentlemen inclined to the belief that they are too high forget that with all our wonderful progress we have learned nothing in economy of administration. Just why ordinary expenditures can rightly outgrow population as they do under the one same frame-work of government is one of the many things I have never been able to understand. Mr. Buchanan's administration was driven from power for alleged profligacy in public expenditures, which were less than $2.25 to the person. When General Grant was President and General Garfield at the head of the Appropriation Committee the cost of administration exceeded $3 to the person for ordinary expenditures. In 1880, when the appropriations were made by a Democratic Congress and the Hayes administration had been frightened by the methods of its accession to power into a moderately decent use of the public moneys, expenditures were still $2.50 to the person—10 per cent. higher than in Mr. Buchanan's time. The estimates I have submitted of future expenditures are not excessive.

I know it has been said here, and in parts of the country it is still insisted, that we must at an early day discontinue for a long series of years payments in reduction of the public debt, because of the high rate of premium on bonds (not due) not payable. Because, in other words, it is insisted that it will cost us more to so continue payments in reduction of the debt, premium included, as to pay it off at the time the longest bond is payable, in 1907, than it will cost if we make no payments on these bonds until that date when payments may be resumed without premium.

This sir, is an entirely mistaken view. The annual reduction of the debt by continual annual payments in the spirit of the law creating a sinking fund is at once the legal and the least expensive method of payment. The mistaken impression to the contrary is, I think, the result of errors in statements of the honorable Chairman of the Ways and Means Committee, [Mr. KELLEY,] who in the enthusiasm of debate and discussion sometimes so overstates or understates facts as to convert them into misstatements, which do injury to the country, injustice to his friends, and wrong to himself. In the debate on the "knit-goods" bill he stated the capital invested to be $200,000,000, which is twelve times the amount actually invested, and he overstated by four or five times the number of persons engaged in the industry.

In his attempt to justify the tariff commission and the refusal of its advocates to intrust the work of tariff revision to him after twenty years of distinguished service, to which he came from the bench with a trained judicial mind, he made some criticisms of the tariff bill which I presented in the Forty-fourth Congress, as evidence of incompetency to treat the subject. His criticisms were not warranted by the facts, though the bill could hardly be faultless.

Mr. KELLEY. Will the gentleman allow me to say that I do not believe I used that word, or anything implying it; for I have the highest respect for the ability of my predecessor as chairman of the Committee on Ways and Means.

Mr. MORRISON. I will revise my remarks into a better speech than I am making and will state what the gentleman from Pennsylvania did say. He said in evidence, if not of my incompetency in evidence of the incompetency of Congress to frame a tariff bill, that in the bill reported by me acetate of potash, prussian blue, and may be other articles, appeared twice—once on the free list, and again sometimes under another name among articles paying a duty—and then he found an "s" at the end of the word chloroform, which disturbed him much.

If the gentleman had told the whole truth he would have said that the articles which appeared twice, once taxed and again on the free list, were by me placed on the free list, and that he and other gentlemen of the committee by his and their votes, not by mine, restored these articles to the taxable list and so they appeared twice. That they were not erased from one list when transferred to the other was a mere clerical omission, may be mine, and this the gentleman parades as evidence that the United States Congress is incompetent to frame a tariff bill.

Mr. KELLEY. I hope the gentleman will allow me to interrupt him for one moment, to make the suggestion that when he comes to write out his speech, as he says he proposes to do——

Mr. MORRISON. That I show it to you. [Laughter.]

Mr. KELLEY. That he will not be too modest to say what I said on that occasion, that the bill of the gentleman, though a pretty bad one, was very much better than the bill reported by the committee. I hope the gentleman will not fail to put that in.

Mr. MORRISON. I will not, and I will not fail to put in the fact that you helped to make it worse. [Laughter.]

Mr. KELLEY. I think it possible that when I saw the blunders that were being made I did not put my head in the way of preventing it.

Mr. MORRISON. No; you made a speech to some Southern gentlemen on that committee, talked about protecting the interests of Georgia, and got them to put these articles on the dutiable list, which were not erased from the free list.

Mr. KELLEY. On that particular committee there was no Representative from Georgia.

Mr. MORRISON. Except BEN HILL.

Mr. KELLEY. And he never became captivated with iron, as his successors did.

Mr. MORRISON. Oh, you could captivate anybody; you captivated him with quinine. [Laughter.] Then you were assuring everybody that to leave quinine where I placed it, on the free-list, with free alcohol for its manufacture, would bankrupt the home manufacturer, leave laboring people without employment, give a monopoly to the foreign producer, and ultimately raise the price of quinine.

Mr. KELLEY. I never captivated you.

Mr. MORRISON. No, you did not; it would trouble you to do that, though you know how much I think of you. [Laughter.]

Now, sir, returning to the cost of paying the 4 per cent. bonds. Beginning when the four-and-a-half bonds are payable and paid, if we reduce the 4 per cent. debt by equal annual payments, the 4 per cent. bonds will be paid when payable with $1,252,047,915, including $44,446,525 premium on a basis of a 3 per cent. rate of interest on Government securities. If when the 3½ and 4½ per cent. bonds are paid, we then discontinue payments for fifteen years and ten months, until the 4 per cent. bonds may be paid without a premium, the interest to be paid after that period will exceed the premium required for their earlier payment more than $250,000,000, which is the cost of postponing payment to avoid the premium.

It will be said that the rate of interest to be realized from Government securities may be less than 3 per cent., which will increase the premium to be paid on the 4 per cent. bonds. Some comparatively small part of the public debt, possibly as much as $200,000,000, for use in such purposes as call loans, may be taken at a rate as low as 2 per cent., but the investment rate will not be considerably less than 3 per cent. The present low rate of interest as indicated by the high premium on Government securities is the result of the present condition and requirement of the national banking system, a condition which cannot last.

Ten years hence, when we begin payment of 4 per cent. bonds, our coin and paper circulation, now nearly $1,500,000,000, will with the increased population grow to something like $1,800,000,000, half of it paper. The national banking system will have so grown upon the people that it will not then still rest upon the remaining portion of the public debt, then in the process of reduction by monthly payments. Some new security or national guarantee will have been provided as a basis for the banking system of the country, and the premium on 4 per cent. bonds will be lowered.

Gentlemen who would pay more than $200,000,000 interest professedly to save less than $45,000,000 in premiums, and who talk of new funding schemes, either forget or would have others forget that no funding scheme will avoid payment of premiums.

The bill under consideration and amendments proposed look to the speedy abolition of the internal-revenue system. In fact, the honorable chairman [Mr. KELLEY] and his Democratic colleague [Mr. RANDALL] have candidly declared their purpose to remove all internal-revenue taxes. These, it is said, are war taxes and ought to be removed because the war is over. It is just a little singular that those who clamor most for the abatement of war taxes never ask for any reduction in war taxes from customs, of which we are paying $100,000,000 a year on sugar, clothing, and other necessaries. Sir, much more than half the debt at the close of the war remains to be paid, and more than three-fourths of the cost of the war in pensions remain to be paid. It will require $2,300,000,000 to pay the public debt yet to be paid, and interest, and at least $2,000,000,000 for pensions. These are war taxes.

It is insisted that the internal revenue is an undemocratic tax. This means, if it means anything, that it is not undemocratic to maintain a permanent public debt, for if the debt is to be paid a considerable revenue from internal taxation is a necessity.

So intelligent and respectable a body as the National Board of Trade, whose president is an eminent business man of Philadelphia, has declared all internal taxes war taxes and anti-republican in time of peace. It does not appear to have occurred to the National Board of Trade that it is either undemocratic or anti-republican to maintain a war tax of 50 to 100 per cent. on window-glass, iron and steel, wool hats, carpets, and clothing, and other highly war-taxed articles of chief product in the grand old Commonwealth of Pennsylvania, yielding bounties to her capitalists equivalent to the rate of war taxes.

I have already shown that to pay the expenses of administration, pensions, and the public debt, when it is payable, will require a revenue of $350,000,000 for ten years, and $300,000,000 afterward. If we pay nothing in reduction of the debt, the cost of administration increased by the payment of pensions and interest on the public debt will require a revenue exceeding $280,000,000 per annum for the next ten years. All propositions, therefore, looking to the total abolition of internal taxes are simply absurd.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN. I hope the time of the gentleman will be extended.

Mr. KELLEY. I trust there will be no objection.

Mr. MORRISON. I shall want but a few minutes more.

The CHAIRMAN. The Chair hears no objection to the extension of time.

Mr. MORRISON. Something has been said of the reductions of taxes since the war. More taxes have been laid on than have been taken off since the war. The taxes taken off yielded revenue to the Treasury, while the taxes laid on give bounty to capital invested in manufactures. The present high rate of taxation ought not to be maintained. Both customs duties and internal taxes should be reduced. We can revise and adjust our system and dispense with all internal-revenue taxes except taxes on tobacco and spirits, and these should be fixed at revenue rates.

We must have revenue from some source through taxation. Taxation is privation. To tax property is to take part of it. Every consideration of private right and public policy demand that the Government should take from the citizen a part of those things he can best spare. He can better spare a part from his whisky and tobacco than all from his food, clothing, and other necessaries and comforts of life.

Whatever may be the ultimate policy of the Government as to the sources of its revenue, we require both internal and tariff taxes until the public debt is paid. It must be paid. It corrupts administration, adds to the cost of living, and has been fitly called a moral canker. It is always owned by the few.

In practice the law creating a sinking fund for the yearly reduction of the debt has applied to that purpose the annual surplus. The execution of the law would extinguish the entire debt when it is payable, in 1907. That is the contract. Had we fallen upon national adversity and the rate of interest been increased, we would be classed as breakers of the public faith if we failed to reduce the debt as provided by the sinking-fund act. Now that the rate of interest has fallen, we must not postpone payment in the interest of the holders of public securities by repealing the internal-revenue laws.

In connection with the proposed abolition of all internal taxes there is another view of the subject to which I desire to call the attention of Congress and the country. We derive a considerable revenue from imported fruits, books, salt, leather, and fancy goods, but it is chiefly from duties on cottons, woolens, flax, silk, iron, steel, spirits, wine, tobacco, and sugar that we derive customs revenue. Three-fourths of all we receive are paid on these. The articles of sugar and molasses alone pay about one-fourth of all we receive from tariff revenues; and as to most of the others the productive power of our own country is nearly equal to the wants of our people. We can produce all we use; we can control and supply our own markets. With a revenue tariff there are but few things which can be imported with profit.

Whatever our policy may be as to tariff, whether for revenue, for

protection, or professedly for both, our income from most of the articles which have been our chief source of supply must fall off. It may be true that an ever-growing people acquire new tastes and have new wants to be supplied, thus giving new life to commerce and multiplying exchanges among neighboring and may be distant nations. Such new wants are likely to be in the direction of luxuries enjoyed by the few, and it must be always remembered that it is the multitude that pay taxes, especially taxes from customs, which are chiefly derived, not from luxuries enjoyed by the few, but from the necessaries and comforts of the common people. I submit, therefore, in view of present conditions, that prudent statesmanship forbids the entire abolition of internal-revenue taxation.

Mr. Chairman, I am speaking not without consideration of this subject, but without previous thought as to the order of its presentation. I ask, therefore, that I may revise my remarks and append some estimates kindly prepared at my request by Professor Elliott, the Government actuary, and General Dudley, Commissioner of Pensions. The estimate of the Commissioner for pensions to soldiers of the late war are based on existing pension laws, and on the belief that claims for arrears and other claims filed and to be filed up to that time will be adjusted before June 30, 1888.

A.

UNITED STATES TREASURY DEPARTMENT,
Washington, D. C., March 13, 1882.

SIR: You request of me a statement of the constant annual payment required to meet the interest on the interest-bearing debt of the United States and to extinguish the principal of the 3½ per cent. and the 4½ per cent. securities of the United States by the 1st of September, 1891, the date when the latter-mentioned securities become redeemable—a period of nine years and eight months from January 1, 1882; also, the number of years required to call in and extinguish the 3½ per cent. securities, assuming these to be the earlier paid; also, a statement of the constant annual payment required to be made after the 1st of September, 1891, to meet the interest on the public debt of the United States still outstanding, and to extinguish the principal of the outstanding 4 per cent. securities by the 1st of July, 1907, the date when these securities become redeemable—a period of fifteen years and ten months from the 1st of September, 1891; also, a statement of values corresponding to the above, but computed on the assumption that from and after the extinguishing of the 3½ per cent. securities the rate to be realized by the United States Government on its investments and reinvestments will be 3 per cent. per annum instead of at par; also, a statement of the average annual expenditures of the United States Government for the last twelve years for the payment of interest and in reducing the public debt; also, a statement of the net premium each year which the 4½ and the 4 per cent. securities of the Government should command in open market, on the assumption that the rate of interest to be realized by investors in the securities of the United States will be 3 per cent. per annum.

In response to your inquiries, I have the honor to submit the accompanying tables and comments:

B.

PRELIMINARY STATEMENT.

Statement of the interest-bearing debt of the United States outstanding on the 1st day of January, 1882—principal and interest.

	Principal.
Sixes continued at 3½ per cent	$149,682,900
Fives continued at 3½ per cent	401,503,900
Total continued fives and sixes	551,186,800

Securities.	Principal.	Interest payable each year.
Total 3½ per cent	$551,186,800	$19,291,538
Total 4½ per cent	250,000,000	11,250,000
Total 4 per cent	739,347,800	29,573,912
Total 3 per cent	14,000,000	420,000
Total interest-bearing	1,554,534,600	60,535,450

The total interest payable each year on the interest-bearing debt now outstanding averages 3⅞ (more exactly 3.8941) per cent. of the interest-bearing portion of the outstanding indebtedness.

TABLE I.—*Showing, by years, the sinking-fund payment required to be made by the Government to extinguish the principal of its optional 3½ per cent. securities,* ($551,186,800,) *and that of its 4½ per cent. securities* ($250,000) *during the period from January* 1, 1882, *to the date when the four-and-a-halfs become redeemable, September* 1, 1891; *assuming that, after the 3½ per cent. securities are extinguished investments are to be made at par in the Government 4½ per cent. securities.*

[The computed period from January 1, 1882, to extinguishment of the 3½ per cent. securities, 7.0144 years.]

Date.	Aggregate amount of payments proposed to reduce the principal of the public debt from January 1, 1882, to the dates specified.	Annual payments to reduce the principal of the public debt during the years following the dates specified.
January 1, 1882		$70,688,600
January 1, 1883	$70,688,600	73,161,700
January 1, 1884	143,850,300	75,724,300
January 1, 1885	219,574,600	78,373,000
January 1, 1886	297,947,600	81,116,300
January 1, 1887	379,063,900	83,956,200
January 1, 1888	463,620,100	86,893,400
January 1, 1889	549,913,500	90,785,300
January 1, 1890	640,698,800	94,877,000
January 1, 1891	735,575,800	65,611,000
September 1, 1891	801,186,800	
7.0144 years after January 1, 1882, or 5½ days after January 1, 1889	551,186,800	

Outstanding January 1, 1882:

Three-and-a-halfs	$551,186,800
Four-and-a-halfs	250,000,000
Together	801,186,800

TABLE II.—*Showing the constant amount required each year from January* 1, 1882, *to pay the interest as it accrues on the entire outstanding public debt, and to extinguish the principal of the 3½ per cent. securities and that of the 4½ per cent. securities by September* 1, 1891, *the date when the latter become by law redeemable, assuming that after the 3½ per cent. securities are called in and paid investments may be made at par in the 4½ per cent. securities.*

Calendar year commencing January 1—	Principal to be reduced each year.	Interest payable each year.	Total payment each year for interest and reduction of principal.
1882	$70,688,600	$60,535,450	$131,224,050
1883	73,161,700	58,062,350	131,224,050
1884	75,724,300	55,499,750	131,224,050
1885	78,373,000	52,821,050	131,224,050
1886	81,116,300	50,107,750	131,224,050
1887	83,956,200	47,267,850	131,224,050
1888	86,893,400	44,330,650	131,224,050
1889	90,785,300	40,438,750	131,224,050
1890	94,877,000	36,347,050	131,224,050
1891, (two-thirds of year from January 1, to September 1)	65,614,000	21,868,700	87,482,700

C.

TABLE III.—*Sinking-fund payments to extinguish the principal of the* $739,347,800 *outstanding* 4 *per cent. United States debt redeemable in* 1907, *payments to commence with the extinguishment of the 4½ per cent. bonds redeemable September* 1, 1891, *assuming interest to be reinvested at the rate of* 4 *per cent. per annum.*

Date.	Aggregate amount of payments proposed to reduce the principal of the public debt from Sept. 1, 1891, to the dates specified.	Amount to reduce the principal of the public debt during the period immediately following the date specified.
September 1, 1891		*$11,303,000
January 1, 1892	$11,303,000	34,809,300
January 1, 1893	46,112,300	36,201,800
January 1, 1894	82,314,100	37,649,700
January 1, 1895	119,963,800	39,155,800
January 1, 1896	159,119,600	40,722,000
January 1, 1897	199,841,600	42,350,800
January 1, 1898	242,192,400	44,045,000
January 1, 1899	286,239,400	45,806,700
January 1, 1900	332,044,100	47,638,900
January 1, 1901	379,683,000	49,544,600
January 1, 1902	429,227,600	51,526,300
January 1, 1903	480,753,900	53,587,400
January 1, 1904	534,341,300	55,730,800
January 1, 1905	590,072,100	57,960,100
January 1, 1906	648,032,200	60,278,500
January 1, 1907	708,310,700	†31,037,100
July 1, 1907	739,347,800	

*Four months. †Six months.

TABLE IV.—*Showing by years the amount of the payments required during the fifteen years and ten months elapsing from* 1st *of September*, 1891, *the date when the 4½ per cent. securities of the Government are redeemable, to the* 1st *day of July*, 1907, *when the* 4 *per cent. securities are redeemable, in order to extinguish the principal of the* 4 *per cent. indebtedness outstanding January* 1, 1882, *and to pay the interest on the public debt as it accrues, assuming payments to be invested at the rate of* 4 *per cent. per annum.*

Periods.	Proposed reduction of principal during each period specified.	Interest payable each period specified.	Total payment each period for interest and reduction of principal.
September 1, 1891, to January 1, 1892	$11,303,000	$10,147,373	$21,450,400
Entire calendar year:			
1892	34,809,300	29,541,800	64,351,100
1893	36,201,800	28,149,300	64,351,100
1894	37,649,700	26,701,400	64,351,100
1895	39,155,800	25,195,300	64,351,100
1896	40,722,000	23,629,100	64,351,100
1897	42,350,800	22,000,300	64,351,100
1898	44,045,000	20,306,100	64,351,100
1899	45,806,700	18,544,400	64,351,100
1900	47,638,900	16,712,200	64,351,100
1901	49,544,600	14,806,500	64,351,100
1902	51,526,300	12,824,800	64,351,100
1903	53,587,400	10,763,700	64,351,100
1904	55,730,800	8,620,300	64,351,100
1905	57,960,100	6,391,000	64,351,100
1906	60,278,500	4,072,600	64,351,100
1907, (one-half year, to July 1)	31,037,100	1,138,500	32,175,600

TABLE V.—*Statement showing the net reduction of the public debt and interest paid during the twelve fiscal years from June 30, 1869, to July 1, 1881.*

Fiscal year—	Annual reduction.	Interest paid.
Ending June 30, 1870	$102,643,880 84	$129,235,408 00
Ending June 30, 1871	94,327,764 84	125,576,565 93
Ending June 30, 1872	100,544,491 28	117,357,839 72
Ending June 30, 1873	43,667,630 05	104,750,688 44
Ending June 30, 1874	4,730,472 41	107,119,815 21
Ending June 30, 1875	14,399,514 84	103,093,544 57
Ending June 30, 1876	29,249,318 33	100,243,271 23
Ending June 30, 1877	39,281,121 73	97,124,511 58
Ending June 30, 1878	24,371,391 44	102,500,874 65
Ending June 30, 1879	8,579,575 45	105,327,949 00
Ending June 30, 1880	85,034,961 03	95,757,575 11
Ending June 30, 1881	101,573,483 36	82,508,741 18
Totals	648,403,668 60	1,270,596,784 62
Annual average during the twelve fiscal years ended June 30, 1881	54,033,639 05	105,883,065 38

Showing that during the twelve fiscal years ended June 30, 1881, the average annual expenditure for the net reduction of the public debt and for payment of interest has been $160,000,000; more exactly, $159,916,704.43.

TABLE VI.—*Premium, not including accrued interest, on United States 4½ per cent. bonds redeemable (and considered as payable) September 1, 1891, and on United States 4 per cent. bonds redeemable (and considered payable) July 1, 1907; assuming interest to be reinvested quarterly, and 3 per cent. per annum to be the rate to be realized by investors.*

FOUR AND A HALF PER CENT. BONDS OF 1891.

September 1—	Premium paid per $100 invested.	September 1—	Premium paid per $100 invested.
1881	$12.918	1887	$5.634
1882	11.793	1888	4.288
1883	10.633	1889	2.901
1884	9.439	1890	1.472
1885	8.208	1891	.....
1886	6.941		

FOUR PER CENT. BONDS OF 1907.

July 1—	Premium paid per $100 invested.	July 1—	Premium paid per $100 invested.
1881	$18.019	1895	$10.046
1882	17.544	1896	9.340
1883	17.065	1897	8.602
1884	16.571	1898	7.862
1885	16.063	1899	7.089
1886	15.538	1900	6.293
1887	14.999	1901	5.472
1888	14.442	1902	4.627
1889	13.869	1903	3.756
1890	13.282	1904	2.859
1891	12.679	1905	1.934
1892	12.043	1906	981
1893	11.731	1907	.....
1894	10.732		

D.

By inspection of the foregoing tables it will be seen that an annual payment of $131,224,050—if applied to the payment of the interest on the public debt, and to the calling in of the 3½ per cent. bonds until extinguished, and then to the purchase at par of the 4½ per cent. bonds—will cancel the interest as it accrues on $1,554,534,600, the entire interest-bearing portion of the public debt outstanding January 1, 1882; and will, moreover, extinguish the $551,186,800 principal of the 3½ per cent. and the $250,000,000 of 4½ per cent. indebtedness by the date of the maturity or redeemability of the latter, September 1, 1891, the $551,186,800 of 3½ per per cent. debt becoming extinguished in seven (more exactly 7.0144) years from that date.

An annual sum of $64,351,100 applied to the payment of the interest on all the remaining interest-bearing portion of the public debt, and to investment at par in the 4 per cent. securities of the Government, would cancel the interest as it accrued and would extinguish the 4 per cent. indebtedness of $739,347,800 by July 1, 1907, the date of maturity or redeemability.

After the extinguishing of the three-and-a-halfs, the four-and-a-halfs, and the fours, there will yet remain a 3 per cent. debt of small amount ($14,000,000) of peculiar character, and known as the Navy pension fund. This debt is not likely to be increased or reduced.

If, after the extinguishing of the 3½ per cent. securities of the Government, the 4½ per cent. and the 4 per cent. securities cannot be obtained in the open market at par somewhat larger annual payments than those given in the foregoing tables will be required in order that these securities may each be extinguished at the dates respectively when by law redeemable.

If it be assumed that after the calling in of the 3½ percents only 3 per cent. per annum can be realized by the Government on its reinvestments of interest, the constant sum to be paid each year for interest on the outstanding public debt and to liquidate principal of the three-and-a-halfs and four-and-a-halfs would be $131,800,750 instead of $131,224,050, and the corresponding period to the extinguishing of the 3½ percents will be somewhat less than seven years, to wit, 6.9639 years; and the constant sum to be paid each year for interest on the then outstanding public debt and to extinguish the principal of the 4 per cent. securities would be $67,158,250 instead of $64,351,100.

A table is given showing the net premium which each of the securities (the four-and-a-halfs and the fours) would command in the market each year to redemption or maturity on the assumption that the normal rate of interest, or rate to be realized to the investor in the securities of the United States, will continue to be, as now and for many months past, 3 per cent. per annum.

It will be observed that the rate of premium steadily becomes less as the bond approaches maturity.

A table is also given showing the net reduction of the public debt and the interest paid during each of the twelve fiscal years from June 30, 1869, to July 1, 1881.

The annual average reduction of the debt during these twelve years was fifty-four millions dollars, ($54,033,639.05,) and the average annual payment of the interest was one hundred and six million dollars, ($105,883,065.38,) the average annual expenditure for these two objects having been one hundred and sixty million dollars, ($159,916,704.43.)

Respectfully,

E. B. ELLIOTT, *Government Actuary.*

Hon. WILLIAM R. MORRISON, *M. C.*

POPULATION.

TREASURY DEPARTMENT,
Washington, D. C., March 18, 1882.

DEAR SIR: I have the honor to inclose herewith, in accordance with your oral request, an estimate by me of the probable population of the United States (including Territories) for the 1st of June of the years 1890, 1891, 1900, 1907, and 1910 respectively:

Population of the United States enumerated and estimated.

June 1, 1880, (enumerated)	50,153,000
June 1, 1890, (estimated)	64,476,000
June 1, 1891, (estimated,) [4½ per cent. bonds payable in this year]	66,181,000
June 1, 1900, (estimated)	81,529,000
June 1, 1907, (estimated,) [4 per cent. bonds payable in this year]	95,380,000
June 1, 1910, (estimated)	101,310,000

Respectfully,

E. B. ELLIOTT, *Government Actuary.*

Hon. WILLIAM R. MORRISON, *M. C.,*
House of Representatives.

EXPENDITURES ON ACCOUNT OF PENSIONS.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 19, 1881.

SIR: I have the honor to forward herewith certain estimates of probable expenditures on account of pensions, for a period of twenty-five years, based on a proposition submitted by Hon. W. R. MORRISON, of the Ways and Means Committee, House of Representatives, which I deem it proper to submit for your consideration and transmission to Mr. MORRISON.

The proposition is presented at the head of the exhibit, and was submitted to me informally by Mr. MORRISON, who desired this information in the interest of public legislation which might come before his committee.

It is proper to make a statement inviting attention to assumed facts carrying unknown quantities, presented in the proposition, so that any estimate made must of necessity be very largely problematical.

I am, sir, very respectfully,

WM. W. DUDLEY, *Commissioner of Pensions.*

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

Proposition: If all the claims for pensions arising from the war of the rebellion shall be adjudicated within the seven-years' period terminating June 30, 1888, and if, at the end of that period, the survivors of the war with Mexico and their widows shall then be pensioned, what appropriations will be required annually to pay pensions during the next twenty-five years?

June 30, 1881, there were 268,830 names on the pension-roll and their annual value was $28,769,967.46; or a general average value to each pensioner of $107.01.

During the fiscal year ending with that date, the average amounts of accrued pension paid to pensioners, as first payments, were as follows: to Army invalids, $953.62; to Army widows, dependent relatives, &c., $1,021.51.

This accrued pension is payable only in claims filed prior to June 30, 1880. At that date there were on file 238,224 original invalid, and 71,801 original widows', &c., claims. Of those claims, during the fiscal year next ensuing, 21,143 invalid and 3,719 widows', &c., claims were allowed, leaving 217,081 invalid and 68,082 widows', &c., pending June 30, 1881, in which accrued pension is due if allowed.

An analysis of the files made during the current year shows that 31,119 of the invalid and 22,014 of the widows', &c., claims have been rejected and abandoned.

Deducting the numbers settled adversely from the numbers pending as above stated, leaves 185,962 invalid and 45,068 widows', &c., claims to be adjudicated within the seven-years' period stated in the proposition.

Adopting the estimate embodied in the President's message as to the per cent. of claims which it is expected will be hereafter rejected (15 per cent.) it follows that, of the 185,962 live original invalid claims pending June 30, 1881, 158,068 will be allowed, and 27,894 rejected, and of the 45,068 live original widows' claims then pending 38,308 will be allowed, and 6,760 rejected.

The amounts of their first payments, and thereby the annual appropriations required, will be dependent upon the rapidity of their adjustment. If settled in equal numbers each year during the seven years, the numbers allowed annually would be 22,581 and 5,472 of the respective classes. In fact, however, during the earlier years of the period, the claims sustained by the record evidence, those which are free from complications, and in which the parole testimony is easily obtainable by the claimants, would be adjudicated; leaving over for the later years the more difficult cases.

The proportion of allowances during each year may be approximately represented by the arithmetical series 10, 10, 10, 9, 8, 7, 6; and upon this assumption, the number of claims to be allowed during each year may be stated as follows:

Years.	Invalid.	Widows, &c.
First	26,345	6,385
Second	26,345	6,385
Third	26,345	6,385
Fourth	23,710	5,746
Fifth	21,076	5,108
Sixth	18,440	4,469
Seventh	15,807	3,830

As before stated, the average amount of accrued pension payable upon each allowance June 30, 1881, was $953.62, and $1,021.51 to the respective classes of Army pensions. To these sums must be added the annual rate value of each pension to determine the average amount of accrued pension during each year of the septennial period, namely, invalids, $108.02; widows, $108.72.

Years.	Invalids.	Widows, &c.
First	$953 62	$1,021 51
Second	1,061 64	1,130 23
Third	1,169 66	1,238 95
Fourth	1,278 68	1,347 67
Fifth	1,386 70	1,456 39
Sixth	1,494 72	1,565 11
Seventh	1,602 74	1,673 83

To adopt these conclusions is to assume that the annual rate of each pension will remain as at present. It has slowly increased in the past, but in the absence of more definite figures, these may be accepted for the purposes of this calculation.

The rates given are the accrued values at the beginning of each year, while the allowances will be distributed through the years; hence, to the average accrued value of each pension must be added one-half the annual rate value of each allowance, as follows:

Years.	Invalids.			Widows, &c.		
	No. of claims.	Annual rates.	Totals.	No. of claims.	Annual rates.	Totals.
First	26,345	$953 62	$1,422,893 25,123,118	6,385	$1,021 51	$347,088 6,522,341
Second	26,345	1,061 64	1,422,893 27,968,905	6,385	1,130 23	347,088 7,216,518
Third	26,345	1,169 66	1,422,893 30,814,692	6,385	1,238 95	347,088 7,910,695
Fourth	23,710	1,278 68	1,280,577 30,317,502	5,746	1,347 67	312,352 7,743,711
Fifth	21,076	1,386 70	1,138,314 29,225,089	5,108	1,456 39	277,670 7,439,240
Sixth	18,440	1,494 72	995,944 27,562,636	4,469	1,565 11	242,934 6,993,476
Seventh	15,807	1,602 74	853,736 25,334,511	3,830	1,673 83	208,198 6,410,768

This embraces, it will be observed, only the accrued pension; *i. e.*, the amounts payable as first payments. To these must be added the annual rate values of the roll, as follows:

Year.	Accrued pension.	Annual rate values.	Totals.
First	$33,415,440	$28,769,967	$62,185,407
Second	36,955,404	32,309,929	69,265,333
Third	40,495,368	35,849,891	76,345,259
Fourth	39,654,142	39,389,853	79,043,995
Fifth	38,080,313	42,575,711	80,656,024
Sixth	35,794,990	45,407,679	81,202,669
Seventh	32,807,213	47,885,435	80,692,648

The annual rate value at the commencement of the eighth year would be $50,009,303. These sums represent the gross additions to the roll growing out of the allowance of Army claims only, and do not embrace upon the one hand Navy pensions, service pensions, increased rates in progressive disability cases, special act pensions, restorations, costs of disbursements, &c., and upon the other hand no deductions have been made for losses to the roll by deaths, remarriages, legal limitation, or other causes.

During the last fiscal year the loss to the annual rate value of the roll from all causes was $1,310,185.83, while the gain from the sources not embraced in the table last given was $1,015,408.52, to which should be added the compensation to pension agents and their expenses for that year, ($224,253,) making a total of $1,239,661.52, or nearly a balance between gains and losses. Nor need we expect them to vary to any great extent during the next seven years. The largely increased number of allowances of invalid claims will add greatly to the gain from increased rates; the allowance of widows' service pensions will to a considerable extent offset the loss by the deaths of survivors of the old wars, of whom there are but 8,898 on the roll. The percentage of loss from deaths will increase somewhat, but that arising from legal limitation in minors' claims will nearly disappear, there now being but 4,333 claims representing that class upon the roll.

The losses by deaths, so far as reported during the last four fiscal years, have been as follows:

	Per cent.
Year ending June 30, 1878	.9+
Year ending June 30, 1879	.9+
Year ending June 30, 1880	1.2+
Year ending June 30, 1881	1.1+

It appears then, for the purposes of this calculation, the gains from the items omitted (which, if included, would complicate the subject exceedingly) may be accepted to equalize the losses from all causes; and if so, the annual value of the roll, at the beginning of the eighth year, so far as the claims filed prior to June 30, 1880, are concerned, will stand at $50,009,303.

In addition thereto are the claims filed, and to be filed, after the date last named.

During the fiscal year ending June 30, 1881, there were 18,455 invalid and 10,527 widows', &c., claims, of the Army class, filed.

It is, of course, impossible to estimate the number that will be filed in the future. It is not probable that the receipts will diminish to a very great extent during the next seven years. The number of invalid claims filed may grow less, but the widows', &c., claims will be likely to increase in number for some time to come. These pensions will commence from the date of filing the claims in the Pension Office.

From such consideration as has been given to this branch of the question under discussion, it is concluded that this class of claims will cause an addition to the annual rate value of the roll each year (except the first) of $1,500,000; hence, at the close of the seventh year the annual rate value of the entire roll will be $59,009,303.

During the fiscal years ending in 1879, 1880, and 1881 the losses to the roll from all causes were 5.5 per cent., 5.1 per cent., and 3.98 per cent., respectively.

Of the invalid and widows, &c., pensioners on the roll June 30, 1881, the proportions of those classes were respectively 67 per cent. and 33 per cent., while of the original claims then pending the proportions were 75 per cent. and 25 per cent.

While the losses to the entire roll, during the last three fiscal years, were as above stated, (5.5 per cent., 5.1 per cent., and 3.98 per cent.,) the losses to the invalid branch of the roll, from all causes, was but 1.7 per cent., 2.2 per cent., and 1.7 per cent. during those years; hence the increased percentage of allowances to be made of the invalid branch, will affect—because of their relatively smaller ratio of loss—the natural increase in loss in the other branch arising from advance in age, &c.

It appears from the official publications of the War Department that the mean age of the soldiers enlisted during the war of the rebellion was twenty-six years; the mean year of that war was 1863; hence, in 1888, the average age of its survivors will be fifty-one years, and eighteen years later it will be sixty-nine years. The expectation of life of persons fifty-one years old is 20.39 years; of persons sixty-nine years old it is 9.70 years. At the intervening decennial periods it is stated as follows: fifty-five years, 17.58; sixty years, 14.34; sixty-five years, 11.79.

The statistics of mortality include both sexes, subject to the influences of ordinary conditions only, such as surround the soldier after his return home. What effect his exposure in the service may have upon his longevity is problematical. Those discharged for disability, it may be presumed, would not, as a class, have the same expectation of life as civilians; but a considerable proportion of persons thus discharged are pensioned for disabilities arising from wounds and injuries to the extremities and other non-vital parts, permanent in their nature, but not impairing the health of the subject. This class are men of tried physical endurance; the service eliminated those of weak constitutions, and developed all latent diseases, and they are superior physically to the classes embraced in mortuary statistics. Only about one-third of the invalid pensioners are disabled by diseases.

From these and various other considerations, having in view the gains to the roll from the sources heretofore recited, it may be assumed that the annual net loss in value to the roll, after the adjudication of all the rebellion original claims filed within the seven years' limit, will not exceed 5 per cent. per annum.

Therefore, starting with an annual rate value of $59,009,303 at the commencement of the eighth year, other conditions remaining the same, it would be annually thereafter as follows:

1888	$59,009,303
1889	56,058,837
1890	53,255,896
1891	50,593,102
1892	48,063,447
1893	45,660,275
1894	43,377,262
1895	41,208,399
1896	39,147,980
1897	37,190,581
1898	35,331,052
1899	33,564,500
1900	31,886,275
1901	30,291,962
1902	28,777,364
1903	27,338,496
1904	25,971,572
1905	24,672,994
1906	23,439,345

These conclusions show a loss in value between the seventh and twenty-fifth years of 60 per cent., while according to mortuary statistics but 41 per cent. of the ordinary classes of persons would die within that period. They are substantially in harmony with Commissioner Bentley's estimate that the future average duration of invalid pensions will somewhat exceed twenty-four years.

The proposition under discussion contemplates new legislation after the expiration of seven years, placing upon the pension-roll the names of the survivors of the war with Mexico, and of their widows.

The terms of the contemplated grant are not stated, but it may be assumed that they will be similar to those of like character relating to the war of 1812.

The following forces were employed in that war:

Regulars	26,922	
Volunteers	73,260	
General staff	272	
Naval, (estimated)	5,000	
		105,454
Deductions for purposes of present calculation:		
Deaths from all causes	12,896	
Desertions	6,725	
		19,621
Number honorably discharged		85,833
Further deductions:		
Number pensioned from 1846 to 1861	6,525	
Re-enlistments, (estimated)	13,221	
		19,746
Basis for pension estimates		66,087

As heretofore stated, the average age of the volunteers during the late war was twenty-six years. The same mean age is assumed for the soldiers in the war with Mexico. It was less, probably, inasmuch as only a small number were enlisted, and the first to volunteer are usually those free from domestic and business ties. The mean year of that war was 1847; forty-one years will have intervened between that date and 1888, at which time it is assumed these pensions will be granted. Then the average age of the survivors will be sixty-seven years.

Of 100,000 births, 58,360 attain the age of twenty-six years, and 27,771 attain the age of sixty-seven years. (See Encyclopædia Britannica, Annuities.) It follows of 58,360 persons twenty-six years of age, 30,589, or 52.4 per cent., will die before reaching their sixty-seventh year. Therefore, of 66,087 soldiers discharged from service in the war with Mexico for causes not disabling, the same ratio being observed, 34,629 will have deceased before 1889, and 31,458 will then survive.

It has been the experience of the Pension Office that of a class entitled to service pensions, a considerable number fail to apply, or having applied, from various causes fail to become pensioners. A liberal deduction upon this account, and to cover any excess in the foregoing estimate growing out of subsequent service during the war of the rebellion, or other unusual conditions, would be 16⅔ per cent., or 5,772, leaving 28,857 as the probable number of survivor pensioners, under a provision of law granting the same to all who served, regardless of the periods of such service.

They might easily be placed upon the roll within the two years next following the passage of the law; say 20,000 the first year and the remaining 8,857 during the second year.

Of the 454,054 enlistments for more than fourteen days' service (pensionable period during the war of 1812) there were 8,898 survivors on the roll June 30, 1881; their average age is greater than will be that of the survivors of the war with Mexico twenty-five years hence. Deducting 10 per cent. for re-enlistments of the same soldier, and it appears that 2.1 per cent. of the soldiers of that war survive. If

the same proportion of deaths occur then, at the close of the twenty-five years period, but 605 names of the survivors of the war with Mexico will remain upon the roll; an average annual loss to the roll of 1,765 names. At $96 each per annum the additions to the annual appropriations on this account will be as follows:

1888	$1,920,000	1897	$1,414,224
1889	2,770,272	1898	1,244,718
1890	2,600,766	1899	1,075,212
1891	2,431,260	1900	905,706
1892	2,261,754	1901	736,200
1893	2,092,248	1902	566,694
1894	1,922,742	1903	396,188
1895	1,753,236	1904	227,682
1896	1,583,730	1905	58,176

To estimate the number of widows to be pensioned under the proposed law is more difficult. The number of survivors in 1888 has been stated as 31,548, and the number who were discharged—having a pensionable title—as 66,087; therefore, the widow claimants must have been the wives of the persons representing the difference between those numbers, or 34,629 soldiers.

In addition thereto, there will be the widows of those survivors who die after becoming pensioners, and to whose title their widows will succeed. Of course a considerable portion of these soldiers have not left, and will not leave widows; but these widow pensioners will be found to be much younger than the soldiers. It is concluded that the annual cost to the roll on their account will about equal that on account of the survivor pensioners, with perhaps a somewhat dissimilar distribution of that cost in the different years, but insufficient in amount to disturb this calculation.

Therefore, the sums last stated being doubled, and combined with those estimated as chargeable to the rebellion claims gives the following results:

Years.	Rebellion claims filed prior to June 30, 1880.	Rebellion claims filed after June 30, 1880.	Mexican war claims.	Totals.
1881	$62,185,407			$62,185,407
1882	60,265,333	$1,500,000		70,765,333
1883	76,345,259	3,000,000		79,345,259
1884	79,043,995	4,500,000		83,543,995
1885	80,656,024	6,000,000		86,656,024
1886	81,202,669	7,500,000		88,702,669
1887	80,692,648	9,000,000		89,692,648
1888	59,009,303		$3,840,000	62,849,303
1889	56,058,837		5,540,544	61,599,381
1890	53,255,896		5,201,532	58,457,428
1891	50,593,102		4,862,520	55,455,622
1892	48,063,447		4,523,508	52,586,955
1893	45,660,275		4,184,496	49,844,771
1894	43,377,262		3,845,484	47,222,746
1895	41,208,399		3,506,472	44,714,871
1896	39,147,980		3,167,460	42,315,440
1897	37,190,581		2,828,448	40,019,029
1898	35,331,052		2,489,436	37,820,488
1899	33,564,500		2,150,424	35,714,924
1900	31,886,275		1,811,412	33,697,687
1901	30,291,962		1,472,400	31,764,362
1902	28,777,364		1,133,388	29,910,752
1903	27,338,496		792,376	28,130,872
1904	25,971,572		455,364	26,426,936
1905	24,672,994		116,352	24,789,346
1906	23,439,345			23,439,345
Totals	1,264,229,977	31,500,000	51,921,616	1,347,651,593

Maryland and Delaware Free Ship-Canal.

SPEECH

OF

HON. FETTER S. HOBLITZELL,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 25, 1882,

On the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors.

Mr. HOBLITZELL said:

Mr. SPEAKER: The theory of our Government in its practice hinges upon the trite aphorism "of the greatest good to the greatest number," and the legislation of Congress should be formulated and enacted with the general benefit and advantage to result to the great body of the whole people primarily in view, if the power of the Union is to be permanently builded up to its fullest proportions of greatness.

Early in the history of the country, owing to the limited means of interstate communication, the producing power of the people both in agricultural and manufacturing industries was necessarily limited. Deprived of a market for the want of convenient means of transportation, the greatest interest was manifested by the fathers of the Constitution in the proper development of means of intercourse between the States; not merely for the material results to flow in the additions to the wealth of the country, but with the broader object of strengthening the bonds of our unity and guaranteeing the perpetuity of those glorious free institutions for which so much precious blood and treasure had been expended.

Accordingly, we find upon appeal to the record of the past, as expressed in the addresses, messages, and writings of our great public men, an unbroken line of testimony of these statesmen of America, from Washington, Adams, and Jefferson to the present generation, favoring by governmental action the development and the improvement of our great natural advantages in the opening of a thorough system of transportation highways for the country, which were to distribute the rich products of the several States among each other, build up our foreign commerce, and open up fresh avenues of trade and business by short routes to the ocean; in the establishment of a wise policy of reaching out our arms for the values of the civilized world in exchange for those of our country.

This policy, while expressing sound business principles, was the outpouring of a pure and disinterested patriotism that saw in the rapidly aggregating wealth of all the States—its certain fruits—the secret ties of interest, which, more than all other motives, was to cement the bonds of our Union indissolubly. Sir, reposing in the sunshine of peace and prosperity, we are happy and contented with the glorious memories of the struggle of our fathers for liberty and independence which cluster around the history of America as the throbbing wealth of stars glittering in the heavens; but even these are forgotten when our material interests are assailed; and reckless of it all, proud and glorious as those common memories of courage, of heroism, and patriotism are, we have lived to witness, before time had rung out the first century of our existence, "grim-visaged war" bare its red arm to shed the blood of kinsmen and friends in bitter civil strife, whose frightful wounds never will be healed while lives the memory of the victor and the vanquished. And so I am led captive in admiration of the wisdom and statesmanship of our great public men of those times, devoting their energies and talents to the development of that intertwining net-work—stronger than steel or sentiment—of material interests, aggregating the giant power of the republic of our grand and glorious Union.

Sir, with no moral question now dividing the sentiment of our 50,000,000 of free citizens into bitterness of spirit or soulless faction, well may we utter, in the fullness of our hope, "*Esto perpetua.*" And while a spark of patriotism slumbers in our breasts, or judgment dictated by reason sits at the helm of legislative power, it can manifest itself with no greater wisdom than in the inauguration and rigid enforcement of a policy which will extend the ramifications of these material interests until they permeate the autonomy of all the States, as the arterial system our bodies, giving strength and power to each State, while it magnifies resplendently the strength and power of the whole Union nationally.

I feel a just pride in the advocacy of the measure included in the terms of the bill now under consideration as a work the Government should undertake and build, for the reason that the State I have the honor in part of representing, from the earliest period of the Revolution, has always stood in the vanguard of enterprise in furnishing material aid to every undertaking which offered encouragement in the promotion of the development of the internal resources of the State, originating at that period a spirit which commended itself so highly to the other States of our Union, until in 1824 President Monroe, as I shall show hereafter by a quotation from his message, called the attention of Congress to the development of the internal resources of the whole country by means of internal improvements as a matter of national concern. And it is due to a true presentation of the great project contemplated in this measure that the country should intelligently appreciate why that spirit of internal improvement which absorbed the attention of our public men in its early history in the building of wagon-roads and canals should not now equally command the wise counsel and energetic action of the statesmen of this generation.

Until the introduction of the pioneer railroad of America in the year 1828 wagon-roads and canals were the only highways of commerce that supplied the means of conveyance for the products of agriculture, mines, and manufactures to market, and Congress, as well as the Legislatures of the several States, each had their projects for different improvements. The Cumberland and National road was the first regular internal work undertaken by the Government, out of which sprung the bitter discussion of State rights. By act of Congress approved April 30, 1802, among other provisions was one dedicating one-twentieth of the proceeds arising from the sale of the public lands in the territory mentioned in the bill toward the laying out and making public roads from the navigable waters emptying into the Atlantic Ocean through to the Ohio River and through the State of Ohio. Other acts confirming, amending, and enlarging this great western route were passed by Congress in the years 1810, 1811, and 1815.

In all the Government expended some $3,000,000 of the public money, and in the course of time Baltimore and other leading cities connected themselves therewith by means of turnpike roads. Before the development of this project, forming as it does an interesting part of the history of the efforts of the public-spirited men of America to open up routes of easy and convenient communication between the remote settlements of our infant country and the Atlantic seaboard, the intelligent energy and engineering experience of Washington may be appropriately referred to as a further indorsement both of the vital importance to the States severally of such expenditures as a means of development of their rich resources as

well as of the propriety of the Government assuming the cost of construction of such transportation highways, involving the primary obligation of the Government to supply the wants and necessities of interstate commerce.

As early as the year 1762 he projected a scheme of water improvements by the route of the Potomac River, from Fort Cumberland, at Wills Creek, to the Great Falls, which comprised a part of what was known as the movement of the "Ohio Company," organized for the settlement of the large tracts of western lands within the borders of Ohio, whose rich productive power invited the industry of man. The "Potomac Company" was formed in Maryland, but the war for Independence summoned this great spirit, busy with the arts of peace, to the leadership of the untried legions of the Colonies in their great struggle for liberty; but when success was assured and victory emerged from the dark clouds of our seven years' war the splendid commander of our gallant army of patriots, radiant with glory and destined to fill a niche in the temple of fame as "the first in war, the first in peace, and the first in the hearts of his countrymen," returned to the thread of his care and took up with renewed ardor his cherished schemes of internal improvement, recognizing as he did that the free people of America had the most difficult task yet to perform in confirming and perpetuating that liberty and independence, the rich fruits of our bloody Revolution.

Through his efforts and influence the concurrent action of Virginia and Maryland was secured; the Potomac Company was rehabilitated and its capital stock subscribed. But Washington was called to preside over the destinies of our young Government as its executive head; and in his farewell address gave proof of the faith that was in him, and of his judgment favoring as of vital importance to the unity of our Government the interwoven material and diversified interests of the States included in the wants of the sections to be supplied by interstate communication. He said:

> The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint councils and joint efforts—of common dangers, sufferings and success. But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole. The North, in an unrestrained intercourse with the South, protected by the equal laws of a common Government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Moving partly into its own channels the seamen of the North, it finds its particular navigation invigorated, and while it contributes in different ways to nourish and increase the general mass of the navigation it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in like intercourse with the West, already finds, and in the progressive improvement of interior communication by land and water will more and more find a valuable vent for the commodities it brings from abroad or manufactures at home. The West derives supplies requisite to its growth and comfort, and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

The scheme of the Potomac Company failed in 1820 because of the impracticability of the improvement of the bed of that river to answer the purposes intended, and it was accordingly merged into the now Chesapeake and Ohio Canal Company. In the December session of Congress, 1823, President Monroe brought the subject before that body, who appropriated $30,000 for the purpose of procuring the necessary surveys, plans, and estimates. In his inaugural address he spoke as follows:

> Other interests of high importance will claim attention; among which the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the States we shall add much to the convenience and comfort of our fellow-citizens, much to the ornament of the country, and what is of greater importance, we shall "shorten distances," and by making each part more accessible to and dependent upon each other we shall bind the Union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays, and lakes approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong.

Again, in his first annual message, he adds:

> When we consider the vast extent of territory within the United States, the great amount and value of its productions, the connection of its parts, and other circumstances on which their prosperity and happiness depends, we cannot fail to entertain a high sense of the advantage to be derived from the facility which may be afforded to the intercourse between them by means of good roads and canals. Never did a country of such vast extent offer equal inducements to improvements of this kind, nor ever were consequences of such magnitude involved in them.

And although further on in the same message Monroe announced the constitutional opinion that Congress did not possess the power to do what his judgment told him should be done by the General Government in the line of internal improvement, he deemed the subject of such vital importance as to earnestly recommend an amendment to the Constitution, and remove the doubt that stood an obstacle to the constitutional exercise of the power. Succeeded in the Presidential office by John Quincy Adams, who, referring to the work of his predecessor in the line of internal improvements in his inaugural address, said:

> To the topic of internal improvement emphatically urged by him (President Monroe) at his inauguration I recur with peculiar satisfaction. It is that from which I am convinced that the unborn millions of our posterity who are in the future ages to people this continent will derive their most fervent gratitude to the founders of the Union; that in which the beneficent action of its Government will be most deeply felt and acknowledged. The magnificence and splendor of their public works are among the imperishable glories of the ancient republics. The roads and aqueducts of Rome have been the admiration of all after ages, and have survived thousands of years after all her conquests have been swallowed up in despotism or become the spoil of barbarians.

And so, Mr. Speaker, I might continue to add the testimony of other great statesmen whose minds have left their indelible impress upon the character of the country, and point with exulting pride to the splendid realization of their prophetic wisdom, in the magnificent results of less than a century of development marking our present condition—a full-grown forest of wealth sprung from the acorn-cup. But, sir, a new era dawned upon the American mind, sprung from the loins of invention, embodied in the awakened power of steam as applied to railways; and, since the extended introduction of the railroad system, reaching in its ramifications the resources of nearly every State and Territory, inclosing the commerce of the country in a net-work of steel and iron, the policy of constructing canals, except for the purpose of shortening distances in continuation of established routes to the ocean as an aid to interstate communication, has been entirely and wisely abandoned. And it is in this view alone such projects, sprung from what quarter of the country they may be, can be said to assume the character and dignity of national importance, imposing primarily the duty upon Congress to provide for their speedy construction, in the development of the agricultural, manufacturing, and commercial greatness of the whole Union.

The importance of the object of this legislation asked for in cutting a water-way across the peninsula of Maryland and Delaware early became a subject of public discussion, even before the revolutionary war, and sooner or later in the stern order of necessity marking the steady march of progressive improvement it must be built, in defiance of all opposition. In no sense can it be classed as a local measure, the far largest share of advantage, commercially speaking, that must inevitably result from its construction accruing to the great and powerful agricultural communities comprising the tier of States and Territories west, northwest, and southwest, in the more rapid development of the hidden wealth of their mines and the untold acreage of rich arable land that now lies neglected and uncultivated. According to the census return for 1880 this ocean of wealth is shown by the following table:

	Acres.
Illinois	5,924,044
Wisconsin	6,190,590
Minnesota	6,156,326
Iowa	4,886,159
Missouri	11,134,245
Kansas	10,696,883
Nebraska	4,440,124
Dakota	2,650,243
Texas	23,673,620
Arkansas	8,465,944
Kentucky	10,696,883
Tennessee	12,174,702
Georgia	17,920,227
Alabama	12,479,628
Mississippi	10,663,078
Louisiana	5,553,534
Total	151,686,230

These States are more or less directly or indirectly interested in the construction of the Maryland and Delaware free ship-canal, furnishing as it will, by two hundred miles, a shorter route to foreign markets for all the varied products of the labor of their people, as collected and distributed by Chicago, Saint Louis, Cincinnati, Louisville, and other leading *entrepôts* of this powerful section of our common country; also in the increased production that must necessarily flow from the impetus given to the commercial and industrial forces working with sleepless vigilance within their borders; as well in the regulative influences operating upon transportation rates, the cost of which impinges so largely upon the profits of the producer, on account of the bulk and weight of the traffic usually moved from these sections of the country.

The States of Illinois, Iowa, Wisconsin, Minnesota, Missouri, Nebraska, Kansas, Arkansas, and Texas, and the Territory of Dakota are most directly and vitally interested in the proposed canal both for their west-bound as well as their east-bound traffic, and they have a population and area as follows:

States, &c.	Population.	Area of square miles.
Illinois	3,077,871	55,410
Iowa	1,624,615	55,045
Wisconsin	1,315,497	83,531
Missouri	2,168,380	65,350
Nebraska	452,402	75,999
Kansas	996,096	80,899
Dakota	135,177	.....
Arkansas	802,525	52,198
Texas	1,591,749	274,356
Total	12,164,312	642,780

These produced in the year 1880, as reported in the official census, the following quantities of the principal cereals:

States, &c.	Wheat.	Corn.	Oats.	Barley.
Illinois	51,110,502	325,792,481	63,189,200	1,229,523
Iowa	31,154,205	275,024,247	50,610,591	4,022,588
Wisconsin	24,384,689	34,230,579	32,905,320	5,043,118
Minnesota	34,601,030	14,331,741	23,382,158	2,972,965
Missouri	24,966,627	202,485,723	20,670,958	123,031
Nebraska	13,347,007	65,450,135	6,555,875	1,744,586
Kansas	17,324,141	105,729,325	8,180,385	300,273
Dakota	2,830,289	2,000,864	2,217,132	277,424
Arkansas	1,269,730	24,156,417	2,219,822	1,952
Texas	2,567,760	29,065,172	4,893,359	72,786
Total	203,555,981	1,078,266,684	214,824,800	15,788,246

RECAPITULATION.

	Bushels.
Wheat	203,555,981
Corn	1,078,266,684
Oats	214,824,800
Barley	15,788,246
Grand total	1,511,435,711

There was produced in all of the United States of these four cereals, as shown by the same census report, as follows:

	Bushels.
Wheat	459,479,505
Corn	1,754,861,535
Oats	407,858,999
Barley	44,113,495
Grand total	2,666,313,534

These statistics demonstrate more cogently and eloquently than any language of passion the great importance to the whole country of this magnificent development of this portion of it, the luscious fruits of fifteen years' activity of the commercial and industrial power underlying the energy of the American people. Sir, enormous as these aggregates are, they are quite insignificant as compared with the vast and rapid increase which has transpired year by year, the genius of our country's wealth moving and accumulating with the colossal stride of a growing giant. Thus, in the year 1865 the total wheat production of the United States was but 151,999,906 bushels, while in 1880 these nine States and one Territory exceed by 51,556,075 bushels the production of the entire Union; and so the comparison holds with reference to the other of the four cereals selected for illustration.

The total exports of grain during the year ended June 30, 1880, (wheat flour, corn-meal, and rye flour being reduced to bushels,) amounted to the large sum of 284,707,808 bushels, of which 180,304,181 bushels consisted of wheat, and 99,592,329 bushels of corn. The totals of both wheat and corn amounted to 279,876,510 bushels, and constituted 97.25 per cent. of the total exports of grain during that year. The year 1872, says Mr. Nimmo, appropriately marks the beginning of the transportation of grain by rail from points as far west as Chicago to the Atlantic seaboard, when the exports of wheat from the United States increased from 26,423,080 bushels to 153,252,795 bushels in 1880; the exports of wheat flour increased from 2,514,535 barrels in 1872 to 6,011,419 barrels in 1880; and the exports of corn increased from 34,491,650 bushels to 98,169,877 bushels during the same brief period—an increase, he declares, constituting one of the most remarkable developments of commerce ever recorded in the commercial history of this or any other country.

The increase of production and exportation of cereals, almost wonderful in its details, does not exist independent of the commercial and industrial forces which are constantly operating with almost magic power wielding an influence as noiseless but as effective as the wand of Prospero. What accomplished these magnificent results, this grand aggregation of values? I know there are many people who in the innocency of their ignorance are like poor Topsy, in Uncle Tom's Cabin, unable to understand who made her, declared in the simplicity of her nature, "she reckons she must have just growed;" so they look upon this most wonderful advance as a mere growth, without reference to the moving influences which, spirit-like, permeates the intelligent body of trade and business. Nevertheless, the bone and the sinew, the muscle and the tissue of this living organism are there, and throughout the organized body of wealth courses the golden stream of its life, giving it action, strength, and power; and I ask, Mr. Speaker, is its expansion into still mightier proportions to be inhibited by the action of this Congress in the denial of those means usual and ordinary as aids and auxiliaries?

Sir, to the interminable iron rivers of commerce which comprise the railroad system of America, in the facilities afforded for the transportation of the surplus products of the West to the seaboard, is mainly due this development. The total receipts of flour and grain at the five principal Atlantic sea-ports of the United States during the year 1880 amounted to 319,696,057 bushels, of which the receipt of those ports by rail was 246,068,517 bushels, or 76.97 per cent. Mr. Nimmo says prior to 1872 only a small portion of the exports of grain from Boston, Philadelphia, and Baltimore was the product of the Western and Northwestern States, but at the present time, 1880, the grain exported from these three ports, as well as that exported from New York, is chiefly of Western production. The total value of the foreign commerce for the year 1881, embracing both exports and imports, amounted to $1,675,024,313; larger than during any previous year in the history of the country. Total value of exports for the same year was $902,377,346, exceeding those of the preceding one $66,738,688. Of this aggregate of our foreign traffic $772,646,972 was imported merchandise, showing an excess of exported values amounting to $129,730,374. During the ten years ended June 30, from 1863 to 1873 the values of our imports were in excess of our exports, ranging from $39,371,368 in 1863 to $182,417,419 in 1872, since which time, and during all this period, inclusive of June 30, 1881, the excess of our exports over imports has placed the balance of trade in favor of the United States, turning the stream of foreign gold into the lap of our country, and establishing our specie resumption, with all its accruing beneficent advantages, upon foundations of financial adamant. But I proceed in my analysis of this development, and I find that of the total export values for the fiscal year 1881, before stated, $883,925,947 was domestic merchandise, exceeding the previous year $59,979,594, and of this splendid sum 90 per cent. was constituted in the eight commodities and classes of commodities as follows:

Bread and breadstuffs	$270,332,519
Cotton, and manufactures of	261,267,133
Provisions	151,528,268
Mineral oils	40,315,609
Tobacco	20,878,884
Wood, and manufactures of	18,600,312
Iron and steel manufactures	16,608,767
Live animals	16,412,398
Total	795,943,890

In the decade from 1871 to 1881, June 30, the increase was from $428,398,908 in 1871 to $883,925,947, as stated before, amounting to the grand aggregate of $445,527,039, an increase which was mainly due to the large export of breadstuffs, provisions and tallow, cotton and its manufactures, live animals, leather and its manufactures, and wood and its manufactures, constituting 82.12 per cent. of all the increase of domestic merchandise, as exhibited by the following table:

Commodities.	Value of exports during year ended—		Increase.
	1871.	1881.	
Bread and breadstuffs	$79,381,187	$270,332,519	$190,951,332
Provisions and tallow	41,870,254	158,328,896	116,458,642
Cotton and its manufactures	221,885,245	261,267,133	39,381,888
Live animals	1,019,604	16,412,398	15,392,794
Leather and its manufactures	1,897,395	8,088,445	6,191,050
Wood and its manufactures	12,916,542	18,600,312	5,683,770
Total increase in the export of above articles			374,059,476

Of all this increase the value of the breadstuffs, provisions, tallow, and live animals, which together amount to $332,802,768, constituting 79.5 per cent. of the aggregate, are chiefly the products of the tier of States and Territories directly interested in the construction of the Maryland and Delaware free ship-canal, a result which most naturally flows from the extended development of the means of interstate communication by railroad and water-way, but largely is due to the reduction in transportation charges.

By the report of the railway commissioner for the year 1881 we are advised "that the railway construction has proceeded at such a rapid and unprecedented pace during the present year that it has been more difficult than ever before to keep an accurate record of its progress." From the incorporation and inauguration of work upon an extraordinary number of new enterprises on which definite engagements have been entered for construction the estimate is made as follows:

Between the Atlantic coast and the Upper Mississippi River, and north of the Ohio and Potomac Rivers, 4,791 miles.

Between the Atlantic coast and Mississippi, and south of the Ohio and Potomac, 2,352 miles.

Between the Rocky Mountains and Mississippi River, and south of the latitude of Saint Louis, 4,140 miles.

West of the Rocky Mountains, 540 miles. Making a total of 15,886 miles of railroad expected to be laid between October 8, 1881, and December 31, 1882.

And when we remember the fact that the aggregate of miles of all the railways in the United States, as shown by Poor's Manual, is 93,669.50 miles, the predicted increase must give quite an impetus to the present immense development of production, by reason of this enlarged field of its operations, as well as augment the aggregate of values for delivery to the various commercial *entrepôts* of the country, both for home consumption and exportation, reaching as these new lines will rich producing areas not hitherto drained by the rail rivers of commerce, whose values have tempted the investment of the large capital necessary to inclose it within the embrace of trade enterprise.

Sir, the trade growth of the country, already so enormous, so remarkable, and without a parallel in the commercial history of the world, increased in the ratio of past experience by this rapid development of our interstate communication, annually going on, in a very brief period of time must inevitably outgrow the capacity of any one single Atlantic seaport, possessed of adequate western connections to discharge it to a foreign market; and large-hearted, liberal-minded business men of all sections of the country, surveying the horoscope of our commercial future, when our population will be a hundred millions instead of fifty, already express grave anxiety for the coming condition of American productions and are casting about for means to prevent a glut of exports at the seaboard.

Now, Mr. Speaker, while this remarkable development of the material wealth of the West, Northwest, and Southwest, shadowed forth by these leading elements, constituting the fruits of the industrial and commercial forces at work in these States and Territories, speaks trumpet-tongued to their Representatives on this floor of the necessity and importance to them for a still greater progress in the means of interstate communication, both by rail and water-way, in their extension to every county of every State and Territory in this broad land, and also in the cheapening of transportation charges by shortening continuous through routes of the great arteries of trade and commerce leading to the Atlantic seaboards, which are to bear upon their bosom the rich argosies of a more extended production of values, as the ocean floats the mighty navies of the world, so they voice forth to the East and the South a no less uncertain sound in proclaiming the rich harvest of benefits to be reaped as the ripened fruits of the commercial and industrial forces, inspiring the energies of these sections of our common country in the development of the wealth constituting the work of their people, in the mine, at the forge, or the loom, in the cotton and rice fields, or the sugar plantation, or in whatever direction the invention, skill, and labor of man expends power in the production of values.

Here, I desire to refer to the report of Mr. Nimmo for confirmation of what I have said in expectation of further effort in this direction, "that the value of products of agriculture exported from the United States during the years 1830, 1840, 1850, 1860, 1870, and 1881, respectively, showed a fluctuation of only about 3 per cent. of the total values of exports of domestic merchandise. This indicates that the growth of the exportation of commodities other than products of agriculture kept pace with the astonishing growth of the expertation of the products of agriculture." And it heralds the wisdom of that policy so early inaugurated by the statesmen of America in the encouragement of agriculture, of manufactures and of its handmaid, commerce.

Mr. Speaker, in the judgment of those minds whose experience enables them to speak with authority, I am justified in declaring that the American farmer in the sections of our country so often referred to in these remarks, possesses his present important advantages for the shipment of his farm products to Great Britain and other countries which import grain and other agricultural products by reason alone of the reduction in the charges for inland transportation; and while no man can exactly estimate the operations of the real forces in the ascertainment of the due proportion of influence borne each by the competition between markets in obedience to the laws of supply and demand, and the improvement of the roadway and equipment and the economies of transportation in the management of traffic in so far as they may apply to railroads in effecting this reduction of freight rates, we are able to say with confidence, that upon free highways, the laws of competition and of supply and demand in their unrestrained action do regulate transportation rates.

And here I approach a feature of the measure under consideration which in my judgment should have a controlling weight with every Representative upon this floor in determining his vote on this bill, because to a large degree, if not entirely, it offers a solution of the great "railroad problem" of the age with respect to freight charges, and is wholly within the legitimate power of Congress. The lakes system, the Erie Canal, and the Mississippi River since its improvement by the Eads jetties have each exercised a great influence upon this question, and the construction of the Hennepin Canal and its connection with the proposed route across the State of Michigan from Saugatuck to Detroit, in shortening the distance of the present route and avoiding the dangers and obstacles of the Mackinaw Straits, must still further combine with the other great water-ways of the country in regulation of the rates of transportation; but they lose the full force of their power as free highways because the action of the laws of competition and of supply and demand in their beneficial operation in this direction is not unrestrained and untrammeled action.

Neither of them as compared with the Atlantic seaports can be said to be the shortest route for traffic to foreign countries, and the disadvantages of distance and time in many ways operate to destroy their regulative power in fixing the cost of transportation; besides, the Mississippi River, by reason of its depth, has developed the "barge system" of freightage to obviate the disadvantages of shallow water, and the increased cost of handling the bulky freight passing over this and the other named water-ways diminishes their regulating power. In addition, the spring floods, which sweep like a torrent the entire channel of the Mississippi, its overflowed levees and broken crevasses, spreading devastation and distress in its track, and the Erie Canal as the continuation of the lake system of traffic absolutely locked up in chains of ice five months in the year, paralyze their immense commercial power; and the country loses the pecuniary advantage gained during the season when the navigation of these water-ways are successfully prosecuted.

But, Mr. Speaker, none of these drawbacks could in the nature of things exist to trammel or restrain the freest operation of this power offered by the free highway of the proposed Maryland and Delaware ship-canal contemplated by the bill under consideration, because when completed it will be a free highway in its largest sense, capable of floating vessels of the largest size at low ebb tide, and the terminal end of the shortest route to the ocean, practically free from the obstacles of ice or flood, and going to the very root of the matter as to the regulative influences exerted over freight charges on railroads by the well-known forces operative in transportation and in trade. Two Government surveys ordered by Congress have been made by skilled engineers of the United States Army, one by Major W. N. Hutton and the other by Captain Thomas Turtle, under the direction of Colonel William P. Craighill, full reports of which several surveys are before us, and the entire feasibility of such water-way is definitely determined.

Of the various routes examined and estimated a choice will most likely be made from either of two northernmost routes, by way of the Sassafras or Back River, or the southernmost route, by way of the Choptank river, the minimum cost of construction being $8,000,000 and the maximum $16,000,000, as the board of engineers provided for in the bill shall decide to locate the route. The lengths of the several routes given are respectively from Baltimore to a common point at sea 12 miles outside of the Delaware Breakwater. The distance from Baltimore by the route now used to the same point is 325 miles, or 33½ hours, allowing a speed of 10 miles in open water and 7 miles in dredged channels. Standing at the head of the Chesapeake Bay, Baltimore by reason of her physical position holds the scepter of commercial control over all the developed wealth of our country's most favored region, so far as it relates to our foreign traffic, possessing superior advantages as the very shortest route to the ocean for the great and growing commerce of the West, Northwest, and Southwest, which is being so rapidly developed by the railway systems of these sections under the able supervising management of the Baltimore and Ohio Company over these great steel-rail rivers of commerce.

By reason of that geographical position this pioneer of rail system asserts its strength and power in the great contests which from time to time have sprung out of the rivalry of the trunk lines for this east-bound trade—the Erie and Western, the Central and Hudson, the Pennsylvania Central, and Baltimore and Ohio, the city of Baltimore being nearer to every interior point of those sections of country drained by these several lines than the great metropolis of New York. The following table of comparative distances by the very shortest route speaks a voice that cannot be misunderstood nor put down:

Distance from—	To New York.	To Baltimore.	Difference.
	Miles.	*Miles.*	*Miles.*
Chicago	912	804	108
Detroit	672	639	33
Toledo	695	579	117
Cleveland	598	466	112
Pittsburgh	444	327	117
Cincinnati	757	579	178
Saint Louis	1,065	920	145
Indianapolis	825	684	141
Louisville	851	696	155

And, Mr. Speaker, the commercial interests of these great *entrepôts* the draining basins of that entire section of country must appreciate in the future as in the past the commercial advantages of the port of Baltimore by reason of this shorter distance, and the cheaper transportation rates for all those products, agricultural, mining, and manufacturing, which are annually swelling our export trade, comprising the East-bound traffic as well as the advantages in the cheapened cost of all those articles of merchandise either imported from abroad or manufactured in the East entering into their daily consumption; the cities of Cincinnati, Louisville, and Saint Louis controlling as they do two-thirds of the traffic in domestic merchandise the productions of Eastern manufacturers for the States south of the Ohio and Missouri Rivers, a traffic amounting annually to hundreds of millions of dollars.

And, sir, this cheapened rate of transportation under ordinary circumstances is maintained by the Baltimore route upon through traffic from the West and Northwest even under the "confederation or pooling system," which recognizes its superior position by the adoption of what is known as "differential rates," for whatever may be the rate fixed upon from Chicago to New York, the rate for the same freight to Baltimore, in consequence of the lessened distance, is 3 cents per hundred pounds cheaper. But this cheapening is practically offset to exported products because of the distance of 325 miles from the Patapsco to the Capes of the Delaware by way of Cape Charles,

which the proposed canal will remove, restoring 200 miles in shortened distance and 23 hours in saving of time as between Western points of collection of produce and the foreign markets, and still further cheapening transportation rates from $1 to $1.75 per ton.

The entrances and clearances at American ports for 1881 exceeded thirty millions of tons, and in the judgment of the board of trade of Baltimore it is declared a fair assumption that American commerce would be benefited by the proposed ship-canal to the extent at least one-third of their tonnage through the mere natural effects and influences of competition. Nimmo's report on foreign commerce for 1881 shows the entrances and clearances of vessels in the foreign trade of Baltimore averaged 1,365,865 tons each way, and the annual increase is declared to be 44 per cent., producing a saving in the cheapening of transportation of nearly one million and a half dollars, and the increase that must necessarily result from the impetus given to commerce would so far increase that saving that in less than ten years the entire cost of the canal would be liquidated. Now, sir, add to this the advantages to be derived by the whole country by reason of the regulative influences such a power must necessarily exert over the traffic of the States in determining freight charges, and who can while attempting to estimate them dare gainsay the national character of the project or hesitate a moment in voting the asked-for appropriation of $1,000,000 toward its construction?

Practically speaking, the execution of this great work is bringing the Atlantic Ocean nearly two hundred miles inland to a point nearest to all western products by two hundred miles already. And the States of Delaware and Maryland should not be permitted by the Government, even if they were willing, to erect a toll canal and make a monopoly of this key to the golden gates of the ocean, through which are to flow the treasured values of our labor production, the luscious fruits of a new Hesperides in the establishment of a commercial Eldorado. These are some of the commercial benefits which must follow the opening of this great free national highway. Need I add further reasons by way of inducement to the support of this measure?

The cost as compared with the advantage to accrue is a mere bagatelle for a government whose treasury boasts a balance of more than a hundred millions of surplus; that has spent more than $60,000,000 in river and harbor improvements; that has given in principal and interest to the Pacific Railroad $90,000,000; that has expended in land grants, money subscriptions and indorsement of bonds to wagon-roads and canals $100,000,000, and to States for railroads and to railroad corporations direct 215,000,000 acres of the most valuable of our public domain, in money value nearly a half billion of dollars. Sir, these enormous appropriations have been justified upon the plea of cheaper transportation and shorter routes to the sea, and the Maryland and Delaware free ship-canal is eminently necessary as offering our growing commerce a cheaper and shorter route to the ocean.

Mr. Speaker, as a means of military and naval defense, its construction is a matter of the first importance. Colonel Craighill, in forwarding the report of Major Hutton's survey to the Chief of Engineers of the United States Army, says "no argument is necessary to show the great value, in time of war with a maritime power, of such an interior line of communication between the great Chesapeake and Delaware Bays and their tributary streams as this canal would be." In case of war with naval powers the existence of this canal would enable the Government to concentrate the combined resources of Philadelphia, Baltimore, and Washington for the prompt and complete defense of either of these great cities, while the capes of the Delaware and the approaches to the Patapsco would be equally covered by this new line for the speedy exchange of defensive material.

As a matter of history it is well known that General Washington deeply regretted the non-existence of such a line of communication, claiming that it would have secured him a certain and substantial victory upon the hard-fought field of Brandywine and enabled him to complete the investment of Cornwallis at Yorktown without the dread of interference from the fleet of Sir Guy Carleton. The disgraceful capture and burning of the capital of the nation would never have been attempted by the British if this canal had existed in 1814, connecting as it will when completed the Washington arsenal and navy-yard with the League Island navy-yard.

In the first year of the war of 1812 the Government was forced to expend nearly a half million dollars for wagoning materials across this peninsula; and if the canal had existed during the late civil war it would have been a saving to the expenditures of the Government of not less than $50,000,000 in transportation of men and materials of war; and the armaments against the peninsula and the North Carolina sounds, which had to be fitted out at Annapolis, could easily have been equipped and sent forth from Philadelphia at a great saving of cost.

In conclusion, add to this the present helpless condition of our Navy, the long line of defenseless sea-coast inviting the ravages of a maritime power in the event of war, the almost irreparable damage that would result from the capture of Washington, with all its valuable archives, public buildings, and stored treasures, or the capture and destruction of either of the other great cities whose protection is guaranteed by the construction of this canal, and then hesitate not nor falter in the discharge of so imperative a duty.

Election of President and Vice-President.

SPEECH

OF

HON. THOMAS UPDEGRAFF,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, June 20, 1882.

The House having under consideration the substitute for the bill (S. No. 613) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon—

Mr. UPDEGRAFF, of Iowa, said:

Mr. SPEAKER: I do not desire to occupy much of the time of the House in the discussion of this bill, but will be ready to answer any questions which any gentleman may see fit to ask, so far as I am able to answer them; for in the brief time that can be given to it nothing like a full discussion can be attempted. I will say generally that the bill is what may be called properly a compromise bill. I do not think it represents exactly the views of any single member of the committee. At the same time the committee as a whole, I think, believe that it is the best bill they can present. They have given it very careful and prolonged consideration. The subject is one that has already been discussed until it is threadbare.

For myself I do not approve all the features of the bill and could not give them, standing alone, my assent. For instance, there is that feature of the bill which recognizes in the two Houses of Congress a power for counting the electoral vote, provisionally or otherwise. Perhaps I am wrong in conceding what seems to my mind to be the right course in the matter. Nevertheless, I have felt it my duty to make concessions, as my colleagues on the committee have felt it to be theirs to make some concessions; so that the bill as a whole meets my heartiest approval. I have no hesitation in believing and in saying that it is the best bill, the most carefully considered bill on this subject that has ever been presented to any American Congress. Its main features are these:

In the first instance it provides that the electoral vote shall be counted by the two Houses of Congress and prescribes particularly the method of such counting. It recognizes also the complete and perfect power of every State in the Union to choose electors in its own method, and it provides that the ascertainment of the persons chosen by the State shall be conclusive upon the counting power if made by the highest judicial tribunal of the State. After this, in cases of dispute, it provides for a proceeding in the courts of the United States in the nature of *quo warranto* for a hearing and determination of the title to the Presidency.

I will say a few words on this subject and will suggest a few of the reasons why it was thought unsafe to stop merely at a Congressional count. As I understand our institutions, and I speak only for myself now, the traditions of our race require that in every disputed election, high or low, a judicial determination of the dispute is right and proper.

Mr. HAMMOND, of Georgia. Will the gentleman from Iowa yield to me for a question?

Mr. UPDEGRAFF, of Iowa. With pleasure.

Mr. HAMMOND, of Georgia. Does this mean that after the electoral vote shall have been counted in joint session of the two Houses of Congress and a person has been declared to be President or Vice-President the title of that person shall then be submitted to the trial of a jury?

Mr. UPDEGRAFF, of Iowa. No, sir; it does not mean that. It is provided that after the Congressional count, if there is a dispute, the dispute shall be settled by the courts.

Mr. HAMMOND, of Georgia. By trial by jury, is it not?

Mr. UPDEGRAFF, of Iowa. There may be a jury to ascertain and determine facts.

Mr. HAMMOND, of Georgia. After Congress shall have declared that a certain man is elected President or Vice-President, does not your bill, in section 9 and the sections following it, result in this: that the man declared to be defeated in the contest may present a petition for *quo warranto* to the judge of the district in which the defendant resides and obtain against him such proceedings as will prevent his entering upon the duties of his office?

Mr. UPDEGRAFF, of Iowa. The bill does provide that the candidate who is declared not elected may proceed by *quo warranto* in the courts.

Mr. CARLISLE. Under the provisions of the bill as it stands it will not be competent for the defeated candidate to obtain an injunction against his successful competitor and prevent him from being inaugurated as President. All he could do would be to apply to the court for a writ in the nature of *quo warranto*. In the meantime the person declared elected by the two Houses of Congress would, if the 4th of March had arrived, take his seat, and even after the decision of the circuit court and the appeal to the Supreme Court the

incumbent would hold on to the office under the provisions of this act until the final decision of the case.

Mr. UPDEGRAFF, of Iowa. I think so.

Mr. HAMMOND, of Georgia. But it might be submitted to a jury and the President might hold until that jury decided one way or the other. That is the bill, is it?

Mr. UPDEGRAFF, of Iowa. No, sir; I think not. The case cannot be submitted to a jury.

Mr. HAMMOND, of Georgia. I thought you said it might be.

Mr. UPDEGRAFF, of Iowa. I did not say so; the gentleman misunderstood me. The bill provides that questions of fact may be submitted to a jury, but not the case. It is certainly possible to make a distinction between questions of fact in a case and the whole case itself.

Mr. HAMMOND, of Georgia. Section 14 provides for a jury. It says "that the circuit court shall be in session on the return day of the summons, and, if necessary to that effect, shall be specially convened and a jury summoned for such return day." What do you want with a jury if not to try the case?

Mr. UPDEGRAFF, of Iowa. In reply to that I will state that it was felt by the committee that there would be no necessity for a jury in ordinary cases; but there might be a case where some questions of fact were to be determined, and under our Constitution it might not be competent to provide that there should be no jury trial.

Mr. HAMMOND, of Georgia. Then at last it is, as I said, a case in which a jury may determine the facts on which the Presidency shall rest.

Mr. UPDEGRAFF, of Iowa. They may determine any fact which the court submits to them.

Mr. REED. The gentleman is kind enough to say that he will answer questions.

Mr. UPDEGRAFF, of Iowa. As far as I can.

Mr. REED. Section 12 of this bill says "that the trial shall be had as soon as practicable after the issues have been made up." What kind of issues? Those that arise out of the complaint and the answer?

Mr. UPDEGRAFF, of Iowa. I should say so.

Mr. REED. If that is the case, then it must go to a jury, must it not? You have no provision here, as in equity, for the court making a statement of facts that it desires to have found by a jury; but it is the issues of the case that are to be tried.

Mr. UPDEGRAFF, of Iowa. Exactly.

Mr. REED. Will not that put the whole case on the jury then?

Mr. UPDEGRAFF, of Iowa. I think not.

Mr. REED. How much of it will go to the jury?

Mr. UPDEGRAFF, of Iowa. Only the facts that are submitted to them.

Mr. REED. Does anything else go to the jury, except in criminal cases?

Mr. UPDEGRAFF, of Iowa. I understand not.

Mr. REED. Then, this is to be a regular jury trial, is it not?

Mr. UPDEGRAFF, of Iowa. There may be a jury trial. The committee did not feel authorized to deny under our Constitution a trial by jury in such a case.

Mr. REED. It seems as if we ought to have some definite idea whether there is to be a jury trial or not, if we are going to pass this bill.

Mr. UPDEGRAFF, of Iowa. I do not myself think that a jury trial could be denied.

Mr. REED. I do not think the matter should be left in any vague shape.

Mr. UPDEGRAFF, of Iowa. It is not left in any vague shape.

Mr. REED. Then, the result will depend upon the verdict of the jury.

Mr. UPDEGRAFF, of Iowa. Not at all.

Mr. REED. What then?

Mr. UPDEGRAFF, of Iowa. The jury ascertains the facts, and the court declares the results of those facts when found by the jury.

Mr. REED. Will the jury find an issue on one side or the other, or will it find a statement of facts in the nature of a special verdict?

Mr. UPDEGRAFF, of Iowa. The bill provides for finding special facts.

Mr. REED. Special verdicts! Where in the bill is that provided?

Mr. UPDEGRAFF, of Iowa. Either party may require a special finding as to any material fact.

Mr. REED. "May require." Suppose neither party does?

Mr. UPDEGRAFF, of Iowa. Then we have provided a method——

Mr. REED. Suppose neither party does require a special finding; then there must be a general verdict, as in ordinary cases. I am asking for information only.

Mr. UPDEGRAFF, of Iowa. I think if there were no request for a special finding, there would then have to be a general verdict; and a general verdict is subject to the revision of the court.

Mr. REED. Allow me to suggest, in reply to that, that the requiring of a special finding does not do away with the necessity of a general verdict in ordinary cases. A special finding ordinarily, at least in the practice that I am accustomed to, accompanies a general verdict. There does not seem to be anything here to confine it to a special finding. It only provides that parties may require a special finding of fact on any particular point. That does not preclude the idea of a general finding by the jury.

Mr. UPDEGRAFF, of Iowa. No.

Mr. REED. Then the method of procedure would result in this: that there would be a general finding, and also such special findings as might be asked for.

Mr. UPDEGRAFF, of Iowa. Yes, I think so; but the special verdict would always control the general.

Mr. BOWMAN. Will the gentleman allow me to ask him one question?

Mr. UPDEGRAFF, of Iowa. With pleasure.

Mr. BOWMAN. It is whether the gentleman does not think it extremely probably that in Southern States the jury would be Democratic, and that very likely in Northern States the jury would be Republican?

Mr. UPDEGRAFF, of Iowa. I do not know how that is; I cannot answer.

Mr. HUMPHREY. Before the gentleman proceeds, I would like to say that, according to my understanding of the law, a general verdict always controls the special finding, directly the reverse of what the gentleman has stated.

Mr. UPDEGRAFF, of Iowa. I do not so understand the law.

Mr. HUMPHREY. Some States, among them Wisconsin, require a special verdict in every case.

Mr. UPDEGRAFF, of Iowa. As to the local provisions of any State I cannot speak. But as a recognized principle the special finding always controls the general finding.

Mr. TURNER, of Kentucky. In every case.

Mr. BAYNE. There never was a court anywhere that decided otherwise.

Mr. HUMPHREY. Otherwise than what?

Mr. BAYNE. Otherwise than that the special finding controls a general verdict.

Mr. UPDEGRAFF, of Iowa. When interrupted I was going on to say that the traditions of our race recognize the propriety of judicial investigations in disputed elections. So ingrained is this tradition in the Anglo-Saxon race that it has been held by very high judicial authority in this country that a law denying to a town constable or a member of a board of aldermen of a city the right to have the dispute with reference to his election determined judicially is unconstitutional. I do not care to maintain here the doctrine that every such law is unconstitutional. It is sufficient for my purpose when I say in support of my proposition that our race everywhere, wherever the English common law prevails, recognizes the propriety of judicial investigations in all contested elections.

The necessity for a judicial investigation in disputed elections is greater with respect to a Presidential election than an ordinary election. The reason is that there is a wider field of inquiry in a Presidential election than in an ordinary election. We have first the choice of electors by the people of the States. Everybody everywhere admits the necessity and propriety of a judicial investigation of the choice (in case of dispute) of electors in the States. After the choice of electors in the States there is then created a constituency composed of electors. I believe that under the last apportionment bill the members of the electoral college will amount in the aggregate to 401. Here is an entirely new constituency.

Now, in an ordinary election the first point on which dispute usually occurs is as to the competency or qualifications of a voter. In ordinary elections the competency of a voter depends upon age, citizenship, residence, &c. Now, in the election of President by the electoral college the competency of every elector must be examined and inquired into whenever his vote is challenged. This competency depends upon the law of his State; and it may be necessary for the counting power to investigate the whole body of State law to ascertain whether or not a particular elector has been chosen in accordance with the State law, or whether he has been accredited by the proper organ of the State. And as there are thirty-eight different States there may be thirty-eight different codes of laws to be examined. So that in a Presidential election, after the choice of the electors by the States and after conceding to each State the utmost conclusiveness in her choice, there is still a wider field for dispute and for judicial inquiry than there is in an ordinary election.

Mr. CHACE. It must depend on Federal law, however; does it not?

Mr. UPDEGRAFF, of Iowa. Yes; it must depend upon Federal law also wherever there is a Federal command, as for instance, where the Constitution declares that no Federal office-holder shall be an elector. Wherever there is a Federal command with respect to the competency of the elector that Federal command must be obeyed.

Now, one word with regard to the choice of the States. As I have said, we concede to the State the fullest and widest power to choose the electors in its own way. But there is a moment, a point, when the elector emerges from the State shell, as it were, and offers himself as an elector under the Federal Constitution; and there must be a Federal power, a national power, to decide whether he is competent or not.

Now, I think the question to be determined in such cases is, not whether the elector has been chosen in accordance with the laws of the State; that states the question too broadly, because the power of choice is in the State fully and completely and the power to say who

has been chosen is a part of that power, otherwise the power itself would be of no value; but he must be declared to be chosen by some State authority competent to so declare. So that the very first question which the counting power meets must be: Is this elector certified to be chosen in accordance with the laws of the State; in other words, has the State created the tribunal and authorized the tribunal to give the elector the credentials which he presents? While this question is apparently narrow, the field of dispute and inquiry is, as I have said before, illimitable, because to answer that simple question, "Is this elector certified by the proper State authority?" may require the investigation of thirty-eight different codes of law in as many different States.

I have talked longer on this subject than I intended. My own views in this matter depend upon two or three propositions which I will state without arguing them at length. I say, first, that every question which arises in a disputed Presidential election that is not a pure question of fact requires the interpretation, construction, and application of law to fact-conditions; that this function is a judicial function; and that under our Constitution the only department of the Government which can exercise this function must be the judiciary of the United States.

The bill may involve objectionable features; I am aware of it. I am also aware of the very general principle that the conferring of any power on any tribunal or upon any man involves objection, and that the science of government consists largely in wisely regulating the devolutions of power in such manner as to make an effective government and not to infringe upon the liberty of the citizens. I am aware there may be objections to the devolution of power on the court to try; but I ask gentlemen where there is anything better within our reach?

Now, another proposition, and it is this: that it is not given to human wit nor to human foresight to foresee or forecast or provide by written laws for every complex case which may arise in the future. No man who has practiced law, no man who has observed what is going on around him, but knows that, owing to the infirmity of human language, to the variety of human conditions and human methods no man has ever been able to foresee, no man can foresee or forecast the conditions of fact which may arise and provide for them by written law. This is a common truth, and from the necessity arising from this truth has grown the English common law, the glory of the Anglo-Saxon race.

Now, one more proposition, and that is this, and it is practical: if you make a counting power of the two Houses of Congress nobody I know of contends that they can be dissolved into a joint convention and vote per capita. Nobody claims it. It has been once in a while suggested. It was suggested once in the presence of the Senate of the United States, and almost every Senator broke out with angry remonstrance, because a vote in this House and a vote in the Senate are not equal.

Furthermore, they cannot be reduced so as to balance one another. The idea may be illustrated by this; that they are vulgar fractions incapable of reduction to a common denominator. Therefore, it is impossible to make a joint convention out of the two Houses.

Furthermore, the Constitution of the United States declares that Congress shall consist of two separate Houses, and when you have effected a solution, you have no "Congress" under the Constitution. Nobody claims this may be done that I know of.

Now, then, you have a deliberative body composed of only two constituents, and you have no umpire. Now, what are you to do when there is disagreement? There is the House with one vote and the Senate with one vote. There is perhaps one or two or three ways out of it, but this condition is inevitable. Let us see what may be done. You may provide that every vote shall be counted unless both Houses agree to reject, or you may provide that no vote shall be counted unless both Houses agree to count. Here are two ways, but there is a third way which has been attempted, and which I declare to be impossible, and that is to define two classes of cases, in one of which every vote shall be counted unless both Houses agree to reject, and another class wherein no vote shall be counted unless both Houses agree to count.

But the trouble we have here is this, that you can never define the two classes of cases. If human language were like mathematics, if we could foresee every complex condition which may arise in the future so we could measure it as we measure quantities with figures, then you might define the two classes. But I say, owing to the infirmity of language and its uncertainty and to the uncertainty of human affairs, it is not possible to define those two classes of cases. Therefore the upshot of the whole matter is there are only two things to do, and that is to provide that unless both Houses agree to receive no vote shall be counted, or that unless both Houses agree to reject every vote offered shall be counted. Neither of these propositions would be acceptable to any body of men.

Now, Mr. Speaker, if the House will bear with me—and I would be glad to quit at any time if I thought I had done my duty by doing so——

Mr. TYLER. Will the gentleman let me ask him a question?

Mr. UPDEGRAFF, of Iowa. Yes, sir.

Mr. TYLER. Did the committee consider the practicability of bringing legal proceedings in the Supreme Court rather than take them there by appeal from the circuit court?

Mr. UPDEGRAFF, of Iowa. We did not give the Supreme Court original jurisdiction; we would have been glad to do that, but the Constitution limits the original jurisdiction of that court to particular classes of cases, of which this is not one.

Now, Mr. Speaker, to illustrate and enforce the proposition I have suggested I want to refer briefly to some cases that have arisen in our past history in connection with this subject. In the election for the fourth term the electors from the State of Georgia sent to the President of the Senate only this: a sheet of ordinary foolscap paper, at the head of one of the pages of which was written the name of Thomas Jefferson and the name of Aaron Burr. The electors signed their names immediately under the names of the candidates, and that is all there was on that paper. It was forwarded to the President of the Senate, and on the reverse side of the communication were these words:

We certify the within to contain our votes for President and Vice-President.

That is all there was of the certificate of the electors. What was the result? That vote was counted, and properly counted. Suppose now that we have a law which provides that in case where only one return is made it shall be received and the vote counted unless both Houses agree to reject it, and apply that case to the particular instance which I have cited and see what the result would be.

We must first, Mr. Speaker, take into consideration the excited and passionate condition in which the minds of men are on such occasions, and the party that desires to have that vote counted will point to the law and say the law commands the two Houses to count the vote, because there is but one return. What will be said on the other side? Will it require much partisan ingenuity to be able to say: "We will recognize the law, it is true, but you have no return here at all. This is no return. It does not conform to the law." So that you have not provided for meeting a case that might arise under such a circumstance as that at all, and you are forever at sea.

Now, at this point it is proper that I should illustrate my other proposition, that this question is a judicial one in its nature. Let us suppose a case; here comes a paper purporting to be a certificate of the electors from a State. What sort of a function is it, let me ask, to determine the effect of that certificate, whether it shall be counted, whether in the first instance it shall be received and entertained as a vote or otherwise? Will any man say that is not a purely judicial function; that it is not an exercise of a judicial power? Certainly not. Again, I say that human language and human wit cannot forecast the future and provide for this or other such emergencies. Questions will arise which will require judicial determination. Who, Mr. Speaker, let me ask, would have been able to foresee a condition of affairs that would produce such a return as the one I have just referred to? What prophetic eye could have provided against a contingency of that kind? No candid man will claim that human ingenuity could have even imagined in advance such a condition.

In the election for the fifth term, counted in 1805, protests came in from various towns in Massachusetts against the count of the electors, on the ground that they had not been chosen in accordance with the State law. What sort of a function, allow me to ask, is it that would settle that question? Is it any other than a judicial function? Certainly not.

Again, in the eighth, ninth, and thirteenth elections, to which I will refer separately, the votes from Indiana, Missouri, and Michigan respectively were objected to on the ground that under existing statutes and the conditions they contained, and under the state of facts which were known to exist, the admission into the Union of the States had not been completed. Who is to settle that dispute? Is it not, too, a judicial function to settle and determine the result of that condition of fact and law?

Again, who can foresee and determine and provide by written enactments for the conditions, the manifold complications and perplexing conditions of fact that may exist at the time of a Presidential election with respect to any new State coming into the Union?

But there is another election to which I desire to refer. In the thirteenth election there were chosen as electors five men who were Federal office-holders, some from New Hampshire, some from North Carolina, and some from Connecticut. Now, all know that the Constitution provides that no man holding an office of trust or profit under the Government is eligible as an elector for President and Vice-President. But these men were chosen to that position and they voted. What is to be the result? Who is to determine the result? Is it not essentially a judicial function to determine what results shall follow this condition of facts? We all know that no State would consent to be disfranchised simply because by mistake some one had been chosen an elector who had been commissioned a Federal official, perhaps in years past, and who had forgotten the existence of the commission at the time of his election. No party would consent to accept defeat under such condition of fact unless the matter was tried and determined by the law of the land and by the properly constituted judicial tribunals of the land. Why, Mr. Speaker, in 1876 I think it was, a gentleman was chosen a Presidential elector who some twenty-five years before had been appointed for a temporary purpose only as a shipping commissioner. He had acted temporarily, abandoned the office, and had not thought of it for nearly a score of years; but the old commission was dug up, and it

was alleged by some that he was ineligible. Now, will you submit finally and conclusively such a question as that to any other tribunal than to a judicial tribunal? I apprehend not.

Again, in 1856 the electors for the State of Wisconsin failed to assemble together on the day fixed by law and cast their vote, because they were prevented by an unprecedented storm, so unprecedented as to be called an act of God. They met and voted on the succeeding day. What is to be done in such cases? Can they be foreseen? Can they be provided for by express enactment? Of course they cannot.

One word more and I will conclude. If you provide in the bill, as has been suggested, for a Congressional count, that where only one return is received from a State it shall be counted, unless both Houses agree to reject it, and where there are two returns—and that has been suggested—that that return shall be counted which, the two Houses concurring, shall agree is the proper one, you have then a definition of two classes of cases. But anybody can make a paper purporting to be a return, and when a paper purporting to be a return is handed to the Vice-President there are then in his hands two papers purporting to be returns; by that fact alone the preferred case is transferred over into the unpreferred class.

A little close examination and reflection will show that you can not provide by any language any definition of cases wherein the return shall be counted unless rejected by the two Houses that will prevent any such case from being transformed, by the act of the party interested, into the other class of cases which cannot be counted without the concurrence of the two Houses, so that you might as well provide in the first place that there shall be no return received and no vote counted without the concurrence of the two Houses. For if you have any class of cases which requires the concurrence of the two Houses to the counting of a vote you cannot define another class that cannot be transformed into the other. So that whether we like it or not, whether within or without the constitutional power of Congress, final and conclusive, a Congressional count in cases of serious dispute is utterly impracticable, unless we are willing to accept this result, and I see no remedy except a resort to the judiciary or the creation of a special tribunal with judicial power.

After further debate—

Mr. UPDEGRAFF, of Iowa. I expected this bill would encounter opposition. I did not expect it would excite so much resentment. Surely there is nothing in it to induce men to tear their clothes to tatters. The committee that reported this bill have at least not attempted any selfish object or pursued any selfish purpose. And yet it has been met here with a malignity, I think I may say, such as has seldom been exhibited on the floor toward any bill since I have had the honor to be a member of the House.

I want to say here and now and put it on record, that I am willing to stand upon that bill and to leave it to the judgment of enlightened patriotism hereafter to say whether or not it merits the maledictions it has received. It was not to be expected that there could be an agreement upon any measure affecting this subject unless there was a concession of views. There never, at least in recent years, has been an agreement reached in any House, I believe, after any considerable discussion, and it is impossible now to reach one without an unselfish, patriotic consideration of the provisions of the bill and a concession of personal views. For myself, I have been ready to make it, and I am ready to make it. It is more easy to destroy than to construct. I have said before that there could be no power conferred without objection; and I say again that gentlemen who object to this measure offer us nothing better. I believe I can truthfully say I can unselfishly and candidly consider any other proposition that will afford the country the relief which all demand. I do not think this bill has received that fairness of treatment here; but I cannot dwell longer upon that subject.

I wish to say a word with reference to the amendment offered by my friend from Indiana, [Mr. BROWNE.] If that amendment should be adopted the bill then is not such a one as I could support. I never can consent that the two Houses of Congress can exercise a final and conclusive jurisdiction over the electoral vote. The first sections of the bill contain those provisions, and I cannot assent to them standing alone. The gentleman from Georgia, [Mr. HAMMOND,] who addressed himself to the judicial features of the bill with so much feeling, declared that it should be denominated an attempt to organize hell. How organize hell? By submitting to the judicial tribunals of the country a question which bears upon the construction and interpretation of law? How hell is to be organized under a bill for the peaceable solution of all disputes is more than I can comprehend.

I agree with the gentleman from Georgia when he says that the person receiving the highest number of electoral votes shall be the President. Ay, that is the ultimate fact to be determined, the ultimate fact to be ascertained by the court. How is that ultimate fact to be tried? How is it to be determined? Is there any other way than by the judiciary of the country? The solution and determination of that ultimate fact involve the construction and interpretation of all the laws on the subject of thirty-eight States. They involve a wide field of legal interpretation and legal construction under our form of government and under our Constitution. Who in the name of Heaven is to try a dispute when one man says that A has received the highest number of votes and another says that B has received the highest number? Who under Heaven is to determine the question if the courts of the country are not to do it? Certainly no enlightened lawyer after a consideration and study of the question will say that the ultimate decision ought to be in the legislative body, which is denied the power to exercise judicial functions.

My friend from Massachusetts [Mr. BOWMAN] and my friend from Georgia [Mr. HAMMOND] both thought there was something very absurd in submitting a disputed Presidential election, as they termed it, to a circuit court of the United States and a petit jury. And when did the circuit courts of the United States and a petit jury become contemptible among Anglo-Saxons? The jury must, under our Constitution, as I read it, have the right to determine pure questions of fact. We cannot provide in a bill that no jury trial shall be had, and obey the Constitution. Therefore, the jury trial was permitted in the bill; that is, the trial of special facts, special issues of fact. We could not do otherwise, and we did that. There is, however, a control over the findings of fact by the jury which the common law has always acknowledged, and which the circuit courts of the United States yet exercise. After the trial in the circuit court there is an appeal to the Supreme Court of the United States, and I may say here that there can be but a narrow field of fact to be inquired into in a contested Presidential election, except it be in the boundaries of the States respecting the choice of electors; and with that the Federal authority has no concern whatever, and over it no power.

But after the domain of Federal or national cognizance is entered, where there may be sometimes disputed questions of fact, the field is very narrow indeed, and it was thought better to allow that provision to go into the bill, in view of the Constitution of the United States and of the limited danger which might come from it.

Mr. TYLER. Will the gentleman allow me to ask him one question?

Mr. UPDEGRAFF, of Iowa. Certainly.

Mr. TYLER. The Constitution provides that—

> The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate.

Now, it might be the case that the question to be litigated under the provisions of this bill would arise on some of these certificates. I desire to inquire of the gentleman if he thinks the President of the Senate could be divested of the custody of these certificates for the use of a court, or that he could be compelled by a subpœna *duces tecum* to take these certificates away from the seat of Government and produce them in a court in some remote part of the country? By implication, at least, he is their custodian at the seat of Government. Would he have a constitutional right to take them away from the seat of Government and produce them in a court?

Mr. UPDEGRAFF, of Iowa. I think he would have; but whether or not the Vice-President is the sole custodian of these certificates is a question I must decline to discuss at this time. There is no practical difficulty in the matter, in my mind.

With respect to the bill under consideration, I hope I may be pardoned for speaking of myself for a moment when I say I have discharged my duty in the matter as well as I was able. I and other members of the committee have given this subject our careful and conscientious consideration. We offer here to this House the best bill that we are capable of preparing. The responsibility is now with the House, not with us.

I venture to say further that there never will be a solution of this question except in the manner indicated in this bill. The bill may have faults of detail; I presume it has; but I venture the prediction that no solution of this troublous question will ever be reached except in the direction pointed out by this bill. Why? Because every question in a disputed Presidential election is sent by our Constitution to the judicial department of this Government, and that Constitution will be and must ultimately be obeyed.

The lawyers of this country, the people of this country, will never, never consent that a disputed Presidential election shall be settled by two partisan bodies in the heat of political excitement. We have therefore given you the best thing we could offer you, and you will never have a better one, save in the perfection of its details, I am well assured. I am content to stake upon that prediction my reputation as a prophet.

I have now said about all I desire to say. I respectfully submit the work of our committee to this House and to the country, content with whatever reception may be accorded to it, knowing that if we have not succeeded we have attempted a duty on which success was next to impossible, and that in these closing days of a long session this House is in no temper for the consideration of this subject. I believe we deserve a better reception than has been manifested toward us upon this floor. I earnestly hope that the proper concessions will be made and that both sides of the House will give the bill a sufficient support to secure its passage. I cannot perhaps say any better single thing of the bill itself than that it elicits no warm and united partisan support.

Geneva Award.

SPEECH

OF

HON. OSSIAN RAY,

OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, May 11, 1882,

On the bill re-establishing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award.

Mr. RAY said:

Mr. SPEAKER: The treaty of Washington, negotiated between the United States and Great Britain, was concluded May 8, ratified June 17, and proclaimed by President Grant July 4, 1871. This treaty provided, among other things, for the establishment of a tribunal of arbitration for the adjudication and settlement of the so-called Alabama claims. The provisions of the treaty material to this discussion are:

ARTICLE I.

Whereas differences have arisen between the Government of the United States and the Government of her britannic majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "Alabama claims;" and

Whereas her britannic majesty has authorized her high commissioners and plenipotentiaries to express, in a friendly spirit, the regret felt by her majesty's government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels:

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims which are not admitted by her Britannic majesty's government, the high contracting parties agree that all the said claims growing out of acts committed by the aforesaid vessels, and generically known as the "Alabama claims," shall be referred to a tribunal of arbitration, to be composed of five arbitrators to be appointed in the following manner, that is to say: one shall be named by the President of the United States; one shall be named by her Britannic majesty; his majesty the King of Italy shall be requested to name one; the President of the Swiss Confederation shall be requested to name one; and his majesty the Emperor of Brazil shall be requested to name one.

ARTICLE II.

The arbitrators shall meet at Geneva, in Switzerland, at the earliest convenient day after they shall have been named, and shall proceed impartially and carefully to examine and decide all questions that shall be laid before them on the part of the Governments of the United States and her Britannic majesty, respectively. All questions considered by the tribunal, including the final award, shall be decided by a majority of all the arbitrators.

* * * * * * *

ARTICLE VI.

In deciding the matter submitted to the arbitrators they shall be governed by the following three rules, which are agreed upon by the high contracting parties, as rules to be taken as applicable to the case, and by such principles of international law, not inconsistent therewith, as the arbitrators shall determine to have been applicable to the case:

RULES.

A neutral government is bound—

First. To use due diligence to prevent the fitting out, arming, or equipping within its jurisdiction of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction to warlike use.

Secondly. Not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms or the recruitment of men.

Thirdly. To exercise due diligence in its own ports and waters, and as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

Her Britannic majesty has commanded her high commissioners and plenipotentiaries to declare that her majesty's government cannot assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in Article I arose, but that her majesty's government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of those claims the arbitrators should assume that her majesty's government had undertaken to act upon the principles set forth in these rules.

And the high contracting parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime powers, and to invite them to accede to them.

ARTICLE VII.

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the arbitrators who may assent to it.

The said tribunal shall first determine, as to each vessel separately, whether Great Britain has, by any act or omission, failed to fulfill any of the duties set forth in the foregoing three rules or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the tribunal find that Great Britain has failed to fulfill any duty or duties as aforesaid it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all the claims referred to it; and in such case the gross sum so awarded shall be paid in coin by the Government of Great Britain to the Government of the United States, at Washington, within twelve months after the date of the award.

The five arbitrators were Hon. Charles Francis Adams, of the United States; Sir Alexander Cockburn, of England; Count Frederick Sclopis, of Italy; Mr. James Staempfli, of Switzerland, and Viscount Itajubá, of Brazil. The tribunal met at Geneva, in Switzerland, the 15th of December, 1871, held a session of two days, and then adjourned to the 15th of June, 1872, when it reassembled at Geneva and remained in session until its labors were concluded and its decision and award published, September 14, 1872. In respect to the Alabama, the arbitrators were unanimously of opinion Great Britain had failed by omission to fulfill her duties as a neutral power; in respect to the Florida, by a majority of 4 to 1, they held Great Britain had also failed by omission to fulfill her duties as a neutral power; and in regard to the Shenandoah the arbitrators, by a majority of 3 to 2, held Great Britain had also failed by omission to fulfill her duties as a neutral power from and after the Shenandoah's departure from Melbourne, February 18, 1865.

These three vessels have been called the inculpated cruisers. As to all other confederate vessels complained of, called the exculpated cruisers, the tribunal declared Great Britain to be not guilty. Fifteen and a half million dollars in gold were awarded as an indemnity, including principal and interest, to be paid by Great Britain to the United States for the satisfaction of all the claims referred to their consideration under the treaty.

September 9, 1873, Great Britain paid to the United States the amount of the award. The same day the money was invested in United States 5 per cent. bonds, pursuant to the act of Congress approved March 3, 1873.

The Forty-third Congress passed the act of June 23, 1874, establishing the court of commissioners of Alabama claims, and provided for the examination, allowance, and payment of all claims presented to the court directly resulting from damage caused by the insurgent cruisers, the Alabama, Florida, and the Shenandoah after her departure from Melbourne. That act also provided that when any claimant had received compensation or indemnity toward the loss or damage actually suffered by him the court should deduct the amount received and allow the claimant to recover the balance or remainder only. (18 Statutes at Large, page 247, chapter 459, sections 11 and 12.) In other words, Congress, in respect to damages done by the inculpated cruisers, adopted the principle of allowing compensation for net losses only.

Pursuant to the act of June 23, 1874, $9,316,120 were distributed among claimants. March 31, 1877, $9,553,800 of the fund was in the Treasury of the United States. Since then it has drawn no interest.

It appears therefore that we have $10,000,000, in round numbers, remaining in the Treasury which was paid by Great Britain to settle the Geneva award. What was it paid for? It was not paid for the benefit of American insurance companies; it was not paid to reimburse the war-premium men; it was not paid because the property of some of our citizens had been destroyed by the exculpated rebel cruisers. But it was paid on account of the destruction of property of American citizens by the inculpated cruisers—the Alabama, the Florida, and the Shenandoah after it left the British port of Melbourne. The $15,500,000 which England paid into our Treasury was England's money before it was paid to us. After payment it became the money of the United States. It became the property of the Government, and not the property of any citizen or corporation here. It was thus paid and received pursuant to the treaty of Washington, in negotiating which the United States Government expressly reserved the right to distribute among its own citizens whatever sum the tribunal of arbitration might award in its favor according to its own will and pleasure.

Our Government distinctly refused when demanding and receiving the money to accept it on behalf of any private claimant. Mr. Fish, the Secretary of State, gave the following instructions to the counsel for the United States:

The President desires to have the subject discussed as one between two *governments*. In the discussion of this question and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded. *The Government wishes to hold itself free to decide upon the rights and claims of insurers upon the termination of the case.* If the *value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government without committal as to the mode of distribution.*

These instructions were obeyed to the letter. The counsel conveyed the demand of their Government to the tribunal in these words:

These claims are preferred by the United States as a nation against Great Britain as a nation, and are to be so computed and paid, whether awarded as a sum in gross, under the seventh article of the treaty, or awarded for assessment of amounts under the twelfth article.

Distribution by our Government means the concurrent action of the Senate and House of Representatives upon the subject, with the approval of the President.

What has been done with the rest of this Geneva award money? About $10,000,000 was distributed under the act of Congress passed June 23, 1874. To whom was it distributed by the provisions of that act? To those only whose property had been destroyed by the three inculpated cruisers. On what principle was that distribution made? Upon the principle of net loss, and that alone.

The doctrine of reimbursement for net loss is sound; it is equitable; it is just. Distributing the remainder of the fund upon that principle is the only fair way of disposing of the money. The doctrine of double reimbursement, or the payment of gross losses, was carefully prohibited by the terms of the act of 1874.

By that act of Congress nobody had any standing before the court

of commissioners of Alabama claims except those whose property had been destroyed by the inculpated cruisers, and every claimant was bound to account for all compensation or indemnity received by him from any insurance company or otherwise, and could recover only the balance of damage actually suffered, or, in other words, his net loss. And if an insurance company preferred a claim before the commissioners for allowance it was bound by the provisions of the statute to show to the satisfaction of the court that the amount of its losses by war risks during the late rebellion exceeded the amount of its war premiums, and recovery was allowed only for the excess of loss.

Under the express provisions of section 12 of that act any insurance company or insurer of property damaged or destroyed by the three insurgent cruisers named had the right to recover any balance of loss after showing to the satisfaction of the court that during the rebellion "the sum of its or his losses in respect to its or his war risks exceeded the sum of its or his premiums or other gains upon or in respect of such war risks; and in case of any such allowance the sum shall not be greater than such excess of loss." (18 Statutes at Large, page 248.)

Under the provisions of the act of 1874 balances of war premiums were allowed to insurance companies, as follows: The New Bedford Commercial Mutual Marine, $2,531.35; New Bedford Ocean Mutual, $17,425.86; New Bedford Mutual Marine, $66,526.25. (See cases 1089, 1093, and 1098, court of commissioners of Alabama claims, and report of Secretary of State on the same.) The Newburyport Merchant Marine Mutual also received about $2,500.

It is a curious and interesting fact, therefore, that the insurance companies alone (such as obtained reinsurance in other companies upon property covered by their own policies in order to save themselves from loss) obtained allowance by the act of 1874 for the amount of war premiums paid by them when their accounts showed a net loss in respect to property destroyed covered by their own policies.

Thus far at least, by act of Congress and by adjudication of the court, a precedent for the payment of war premiums has been established. If it was right to allow insurance companies for war premiums paid to other offices for reinsurance, it cannot be wrong to pay war premiums to merchants and ship-owners as long as the funds hold out. On the principles established by Congress in the former act, of reimbursing net losses only, I think few will now contend that insurance companies ought to be paid except they establish a net loss as before, pursuant to the provisions of section 12 of that act.

The question recurs, what shall we do with the balance in the Treasury? Shall we continue its distribution, governed by the cardinal principles of the act of 1874, by making reimbursement for net losses only, as the bill reported by the majority of the Judiciary Committee provides? Or shall we give the money to the insurance companies, who in fact lost nothing while the war lasted, but on the contrary during that trying period fattened upon the misfortunes of their countrymen. The balance of this fund still belongs to the Government, just as the whole did when it was paid. The Government owns the money absolutely. The whole title to the award, both legal and equitable, vested in the United States. The Government has neither received nor held this money as a trustee for anybody. The best considered legal authorities here and in England clearly and fully sustain these views. Any distribution is an act of grace, morality, and good conscience on the part of the Government toward its citizens.

I regret that some have said in this discussion, "Let the Government keep this money," and are opposed to any distribution. To my mind, sir, such a course, under the circumstances, would fall little short of national dishonor. Better let the insurance companies have what remains, or divide it *pro rata* among those who have been paid already.

Gentlemen seem to forget the fact that this fund was not paid or received for the loss of Government property. Indeed the Government lost little or no property by the confederate cruisers. Loyal citizens appealed to the Government in vain for protection to person and property on the high seas during the war. Hence nearly all of our prudent business men owning or sailing or using American ships, in order to save themselves from impending financial loss or ruin, were obliged to obtain insurance against war perils by the payment of heavy war premiums. The war-premium men, while the rebellion was flagrant and ever since, have borne equally with all other good citizens their proper share of the national burdens. They paid their taxes; they experienced all the ordinary risks of commerce and vicissitudes of trade which others did who patronized foreign vessels, and they paid millions of dollars to insurance companies besides. Good judges have estimated that the insurance companies paid out in losses only about $5,000,000 on account of war risks, while they received in war premiums about $10,000,000.

In this connection I desire to quote from the able and convincing argument of Samuel Stevens, esq., of Boston, Massachusetts, before the House Judiciary Committee, himself a heavy loser by the enforced payment of war premiums in the transaction of his business as a merchant and ship-owner in the Australian trade at Melbourne:

> It is probable that more than half the war premiums were paid on ships and outfits, or freights and charters, and it can be demonstrated that owners of vessels not only suffered the loss of war premiums paid by them on hulls and freights but were also obliged to pay war premiums on the gold value of their cargoes in order to secure freights, or to suffer a reduction in the rates of freights or charters, as compared with rates obtainable under foreign flags all over the world, resulting in almost a prohibition to their carrying valuable cargoes.
>
> Prudent business men did insure their ship property against capture, especially in large commercial cities, where individual ownership was large. Exculpated cruiser claimants had the same opportunities to insure, and neglected them. Had they improved them, their losses would have been paid by insurance companies, and thereby they would have contributed to the balance of the fund now remaining in the Treasury in consequence of war premiums having been paid, and they would then have had the same equities in that fund as we who did pay war premiums. Had there been no war premiums paid there would not have been any war losses paid by insurers, and the greater part, if not the whole of the balance of the fund would have been paid out, to cover the value of the property destroyed, and we submit that war premiums ought to be first considered.
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> It is doubtful if merchants generally made money during the war, as has been alleged in the Senate. If, however, they did, it has no bearing on war-premium claims. We all bore our shares of the burdens of war. We paid heavy taxes of which we did not complain and accepted all the ordinary contingencies of profit and loss in our business, just as those who were sufferers by inculpated cruisers did; but we paid war premiums in consequence of the unusual hazard created by the appearance of confederate cruisers on the high seas with the special object of destroying our property, and for which payments the United States has received compensation, certainly to that extent which the balance of the Geneva award fund is now held by reason of war losses paid by insurance companies, which, had it not been for the payment of war premiums, would have been paid out under the rulings of the court of commissioners of Alabama claims.

In this connection the following terse and comprehensive letter from George M. Barnard, esq., of Boston, Massachusetts, an extensive and reputable importer, shows conclusively that the argument of Senator EDMUNDS and others who have opposed any distribution of the fund among those who paid war premiums, in substance, because the importer realized whatever amount he was compelled to pay in the shape of war premiums, out of the profits obtained upon the sale of his goods, is unfounded and fallacious:

WASHINGTON, *January* 30, 1882.

GENTLEMEN: As the "Geneva award" is soon again to be considered by the Senate, and as there seems to be a strange misunderstanding of the actual loss of the war-premium claimants, I beg to state that I imported teas largely from China. In order to do this I was compelled to use letters of credit on London, which I could not obtain except on the condition that I would provide insurance against all risks, including that of war. The teas were shipped by American vessels, liable to capture. I was therefore compelled to pay war premiums.

My neighbor imported teas by British vessels, and thus avoided the additional cost of war premiums. But the teas being alike, they could be sold only at the same price, and I thus lost the whole war premium. Nor was the war premium reimbursed by a corresponding advance in general market prices, as these were kept down not only by direct importations under foreign flags but also by importations by steam or sail from the nearer markets of England, where were always large supplies, and whence they came whenever our prices in gold got above the English prices in gold. All foreign goods could be bought only for gold, and when I sold here for paper money brought only so much gold as the paper money would buy, which, when gold was at 280, was only 36 cents in gold for 100 cents in paper.

Respectfully, yours,

GEORGE M. BARNARD,
Of Boston.

To Hon. H. L. DAWES and Hon. G. F. HOAR,
Senators from Massachusetts, United States Senate.

A number of prominent citizens and business firms in my own State, New Hampshire, also suffered to a considerable extent from the payment of war premiums, as the following schedule showing the amounts paid by each indicates:

Abbott, J. S. & A. E	$630 55
Downing & Sons	7,711 50
Jones, William P	30,507 75
Lambert, William	1,638 50
Parrott, William F	22,625 99
Richmond & Loring	2,210 37
Sise, Edward F	4,897 00
Tredick, T. S	12,479 51
Tredick, J. M	8,260 50
Williams. Washington	3,410 00
Walker, Horton & Co	12,765 76
Total	107,137 43

In addition to the above, P. B. Holmes, of Greenland, as I am told, expended about $25,000 for war premiums, and Hon. Daniel Marcy, of Portsmouth, also paid a considerable amount during the rebellion on the same account.

I think the war-premium men have the strongest equitable right to the balance of the fund in the Treasury of any class of claimants. The committee's bill provides, first, for the payment of those who suffered losses from the exculpated cruisers, and then the balance goes to the war-premium men. Now, the exculpated-cruiser men took their chances. They purposely omitted to insure; they sailed with the peril of rebel capture and destruction before their eyes; they traversed dangerous seas with full knowledge of the enemy's presence in overpowering force, and as might reasonably have been foreseen and expected many vessels and cargoes were lost, whereas, had they paid war premiums and obtained insurance, as prudent and careful business men ought to have done under the circumstances, that would have been their only practical loss. But there is enough money in the Treasury for both classes of claimants if we do not allow the insurance companies to get four or five millions of dollars to which they are not entitled legally, equitably, or morally.

The insurance companies claim to participate in this distribution of the remainder of the Geneva award by right of subrogation. They contend because they have paid their policies of insurance placed upon vessels and cargoes destroyed by the inculpated cruisers, and because the owners of such vessels and cargoes were required to

deduct from the value thereof whatever had been received as insurance, that a share of this money rightfully belongs to them according to the doctrine of subrogation. What is subrogation in a legal sense? It is the substitution of one person in the place of another, and giving him the other's rights; it is the mode by which a third person who pays a creditor succeeds to the creditor's rights against the debtor.

Clearly upon the admitted facts before us no right of subrogation exists in favor of the insurance companies. As between the insurer and the assured whose property was captured or destroyed, the relation of debtor and creditor arose from the terms of the policy or contract. Upon payment of the loss by the insurer or debtor the creditor's debt was extinguished. But there was nothing left of the property itself, or any right of action growing out of its capture or destruction into which the insurer could by any possibility be subrogated. The title to a vessel or cargo was *ipso facto* changed upon its capture. It became the captor's property by force of arms and the laws of war.

Both parties to the insurance policies were the subjects and citizens of the United States, one of the belligerents in the late civil war. When the land or naval forces of the confederacy captured the property of the United States or of its citizens on land or sea the confederacy did not become a debtor to anybody on account of the capture, in any legal or equitable sense whatever. Neither the owner of the property insured nor the insurance company who paid a loss under such circumstances had any claim of any sort against the confederate government. Much less did either party to the policy have a claim against England for the loss on account of her omission to fulfill the duty of a neutral power toward the belligerents. And still less did either party acquire a claim against the United States by subrogation in any legal or equitable view, as understood or decided by the courts, on account of the recovery of the $15,500,000 of Great Britain before the tribunal of arbitration at Geneva. We see therefore that the doctrine of subrogation—the only ground upon which the insurance companies base their claim to share in the distribution—has no application to the matter before us. Of all the claimants the insurance companies have the least pretense of right to participate in the distribution of the balance of the fund.

In an opinion given by the late Hon. Caleb Cushing, one of the counsel of the United States at Geneva, on the distribution of the Alabama award, he expresses the following cogent and unanswerable views:

8. The award is to the United States, in conformity with the letter of the treaty, which has for its well-defined object to adjust and remove complaints and claims on the part of the United States.

The history of the treaty and of the arbitration, however, tends to show that it was the intention of the Government to exercise its own discretion, according to its own sense of justice and equity, in the distribution of indemnity among citizens of the United States, whether owners, mariners, insurers, or payers of premiums, who are actual losers by the acts or neglect of the British Government.

But like examination of the acts of the Government tends to show that it was the intention of the Government not to recognize any right of subrogation on the part of insurance companies, but to consider them only in so far as they were actual losers, on the whole, by the cruisers of the confederates, and, as such, claimants against the United States.

9. Enhanced payments of insurance were disallowed by the tribunal, as national claims of the United States against Great Britain.

But the Government has not the less the right, in the equitable distribution of the fund, and in the adjustment of losses, as respects premium payers and premium receivers, to indemnify those who have actually lost in paying premiums, instead of adding to the gains of those who have profited by the receipt of premiums.

10. Great Britain has no concern whatever with the manner in which the fund is disposed of by the United States.

If the fund be insufficient, we have no recourse on Great Britain; if there be a surplus, she has no recourse on us.

For, according to the words of the treaty, "each and every one of the said claims" are finally settled, "whether the same may or may not have been presented to the notice of, or made, preferred, or laid before the tribunal. (Article XVII.)

The minority report proposes to refer the claims of all persons and corporations to any portion of the Geneva award money to the Court of Claims. The minority bill proposes to allow all such parties to bring suit in the Court of Claims and allow that court to render a judgment for such amount as they shall think the claimant is justly entitled to recover under the treaty and award, "according to the principles of justice and equity and the laws of nations." (Section 1.) Section 3 provides that such persons and corporations may appeal to the Supreme Court of the United States. Now, this very right of appeal involves long delays. The insurance companies, if beaten in the Court of Claims, would not hesitate to appeal to the Supreme Court; and in the ordinary course of procedure in that court from three to four years would elapse before judgment. Even then I venture to say that the claims of the insurance companies would not be sustained.

Indeed it is quite possible under the loose phraseology of the minority bill the court would decide, in view of the peculiar and exceptional character of the treaty and award, that no class of claimants were entitled, according to the principles of justice or equity as understood and administered in our courts, or the law of nations, to recover this money out of the Treasury. On the contrary, it is quite clear to my mind, as suggested in the very able report of the majority of the Judiciary Committee of this Congress that, in order to distribute this fund justly, we should be governed by a more enlarged and liberal view of the rights of individuals and the duties of the Government toward its citizens than obtains at law or equity as understood and administered by our courts of justice.

Hence, the necessity of prescribing by law, as a guide for the court which is to act in the premises, not only the rules under which distribution shall be made but also the beneficiaries who may participate therein.

We are here to do the will of our constituents, whose public servants we are. Will any gentleman on either side of the Chamber assert that the constituency which elected him would vote in favor of allowing the insurance companies to receive a share of this fund after having already had their day in court and recovered their net losses? I do not believe a Congressional district in the Union would so decide.

In the decision of this matter we ought to reflect the will of those who sent us here, and whom we have the honor to represent.

To distribute this fund at all you are obliged to adopt the doctrine which is so well and ably stated in the majority report by the honorable chairman of the Judiciary Committee, [Mr. REED,] namely, those broad and comprehensive principles of equity and good conscience which ought to obtain in all the dealings and transactions between a just government and its citizens.

Hennepin Canal.

The lake and river navigation of the great West very early had a share of my attention and I never had a doubt of the constitutionality or expediency of bringing that navigation within the circle of internal improvement by the Federal Government, when the object to be improved should be one of general and national importance.

The junction of the two great systems of waters which occupy so much of our country—the northern lakes on one hand and the Mississippi River and its tributaries on the other—appear to me to be an object of that character, and Chicago the proper point for effecting that union.—*Thomas H. Benton.*

SPEECH

OF

HON. GEORGE R. DAVIS,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 25, 1882,

On concurrence in the Senate amendments to the river and harbor bill.

Mr. DAVIS, of Illinois, said:

Mr. SPEAKER: When the question of concurrence or non-concurrence to the Senate amendments to the river and harbor bill was before the House a few days since the friends of the project known as the Hennepin Canal were willing that this amendment should take the same course as the others, be non-concurred in, and the conference committee given the opportunity to meet, consult, and report before the subject was discussed in the House; but so soon as this amendment was reached it was pounced upon by a few self-constituted expounders of the Constitution, and the project characterized as something beyond the limits of the Constitution, a hydra-headed monster which should be knocked in the head on sight; and these gentlemen proceeded to perform this service to the utmost of their ability. Opportunity was not then given the friends of the measure to fully reply.

I avail myself of this present opportunity to briefly reply and to set forth some of the reasons which have led me to give my support to this measure; but before proceeding to speak upon the merits of the project I ask the indulgence of the House for a few minutes to invite attention to some of the arguments which have been advanced in opposition to the measure, and especially to those contained in the speech of my distinguished friend from New York, [Mr. DWIGHT,] printed in the RECORD of the 20th of July.

My friend from New York, and I understand some of the others who have been prominent in their opposition to this improvement, are directors in railway companies or are interested in railway transportation lines, honorable and eminently proper positions to occupy and laudable enterprises.

The friends of this measure are making no war upon railroads. They are as friendly to that character of transportation as becomes a member of this House.

The people of Illinois and the city of Chicago have derived as much benefit from that source as any people on this continent, which they recognize and appreciate, and no railways have been better received, been more generously encouraged, been more prosperous, or derived greater benefits from a people than those roads which are located in that State. Illinois has to-day more miles of railway than any other State, and her chief city is the largest railway center in the world. The stock of every road which will come in competition with the proposed canal is worth from 130 to 140, and the road which meets the Illinois and Michigan Canal and the Illinois River in competition is rich and powerful.

We give these roads every encouragement, and shall continue to do so so long as they remain in the character of public servants. But the idea that has been advanced, the special pleading that leads one to believe that the stockholders and directors of a railroad have as much right to do as they please with their road as another would with private property of his own I object to, for I do not admit that any such a right is vested in them. Every railroad owes its existence to rights granted by the people through the State's right of eminent domain. States cannot condemn property for private purposes, and private property cannot be so created. The State acts in this regard for the public good and for public convenience, and a railroad that denies its character as a public servant renounces its franchise.

The people have long since become aware that a multiplicity of railroads does not necessarily secure competition. The only competitor of railway transportation in this country is water transportation; so proven, so known, and so acknowledged by those who have studied the question.

In my friend's speech he attempts to demonstrate the uselessness of canals, and points to the experience of his own beloved State of New York as a beacon to light the pathway of those who wish to engage the Government in works of this character, and asserts that railroads have become ruinous competitors to the carrying trade on the canals. To such an extent is this so that he regards it as folly to seriously consider the subject of constructing a canal.

This statement is not so surprising coming from him, for he has apparently studied only the question of the earnings of a canal as he would the earnings of his railroad, and not the service the canals render the public. As the gentleman is incorrect in his premises, he cannot assume to be accurate in his conclusions. He submits in his argument to fortify his position a statement showing that the tolls on 5,775,220 tons of freight in 1866 were $4,426,639, and that in 1880 the tolls on 6,457,656 tons of freight were but $1,155,419; that is, the tons in 1880 exceeded those of 1866 by 682,436 tons, were tolled through the canal at a less cost by $3,271,220. And this is advanced as an argument in support of his proposition that railroads are ruinous competitors of the carrying trade on canals and that canals are useless. He loses sight entirely of the purposes of the canal. The canals, like the improvement of our water-ways, are for the public good and public convenience as much as the jetties on the Mississippi, and every canal operated by the Government is as free as the water-ways, and this should be so; they are not constructed or operated for profit. Is it expected that the Government is to charge tolls on the canal from Harlem River to the Hudson, which is to cost more than $2,000,000? Now, for a moment let us analyze his statement that the railroads have caused this great reduction of tolls on the Erie Canal, and see if his argument supports his proposition.

In 1870 his statement shows 6,173,769 tons of freight tolled through the canal at a cost of $2,611,578; in 1880, 6,457,656 tons at a cost of $1,155,419, or more freight by 273,887 tons at a cost less by $1,456,159. I have not the rate on freights for these periods on the New York railways, but the through rate on grain, all rail, Chicago to New York, March 4 to October 31, 1870, was from 40 cents to 50 cents per 100 pounds; in 1880 the through all-rail rates, Chicago to New York, March 8 to October 31, 1880, on grain were 30 cents to 35 cents per 100 pounds—a difference of from 10 to 15 cents per 100 pounds.

This being the through rate from Chicago, it will be seen that there could be no reduction between Buffalo and New York on the New York roads to warrant any such a reduction on the tolls of the Erie Canal. The reduction on through rates being but 10 to 15 cents for some 900 miles by rail, the *pro rata* reduction from Buffalo to New York could not have been more than from 3 to 5 cents per 100 pounds. And this cannot be regarded as a cause for reducing the tolls upward of 60 per cent. And further, in 1881, the tolls were reduced to $632,389 for tolling 5,175,505 tons of freight, a reduction of nearly 50 per cent. from the tolls in 1880, with no change in the through all-rail rates.

No, it is not the ruinous railroad competition which has caused the reduction of the tolls on the Erie Canal. We must look elsewhere for the cause.

I will take the two items of corn and wheat, and the movement of these two alone is sufficient to warrant the construction of the Hennepin Canal. Now, of the 116,369,222 bushels of corn and wheat shipped from Chicago to the seaboard last season, 89,564,278 bushels were shipped by water. This surely does not show any diminution of quantity forwarded by water by reason of any serious competition by the railroads.

It is not this ruinous competition that is troubling your great Erie Canal; it is not the railroads which have caused the State of New York to remove the exorbitant and enormous charges which obtained for a period of more than thirty years on the transportation of grain and provisions from the granary of the West through your great canal, paying you a surplus estimated at $72,000,000; it is not that. The trouble lies further north, in the Dominion of Canada, where extensive internal improvements have been made and are fostered; it is the Welland Canal and the Saint Lawrence route to the seaboard, which received last season from Chicago one-third as much corn and wheat as all the railroads combined leading from Chicago, (6,724,341 bushels.) This route is becoming popular and its business is increasing each year, and the city of New York would receive an infinitesimal quantity of the hundred millions of bushels of grain forwarded annually from Chicago to the seaboard if nothing but rail transportation could be provided.

The lakes and the Erie Canal furnish a much cheaper route than by rail. The immense exportation of grain from New York City is secured in this and in no other manner. The State of New York, to retain this, will reduce her toll charges to the minimum or make the canal free for this and for no other reason. The water-route through the Dominion of Canada is the only competition the Erie Canal need fear.

The Erie Canal has been, is, and will continue to be a great blessing not only to the State of New York but to millions of the people outside of New York, and it should now be made free. In a recent issue of the Chicago Tribune I find this short editorial relating to this very question:

> The friends of free canals in New York are getting somewhat alarmed at the prospect of the popular vote to be taken in that State this fall on the amendment to the constitution making the Erie Canal free of tolls. The State of New York has collected from the Erie Canal tolls enough to cover its original cost, all its enlargements, all its repairs, all its salaries, and all the money it has wasted and squandered by disgraceful contracts, and has paid into the State treasury a surplus of $75,000,000 cash. It is time for the State to relinquish this enormous tax on the great highway over which the wealth of the country has been pouring into the State for fifty years, and which has made New York City the great commercial port of the nation.
>
> The transportation of the country has far exceeded the wildest anticipations of the most sanguine. There are now 107,000 miles of railway in operation, and the Erie Canal still serves the country as a regulator and guide, controlling the cost of transportation on the merchandise which moves to and fro on this highway of the nation. Do the people of New York estimate what the difference of tax to the whole country is to put on or take off a toll of one mill per ton per mile on the merchandise transported across the United States annually? To continue these tolls on the Erie Canal at this day of progress and civilization would be a scandal to the intelligence and commercial spirit of New York. It would be on a par with placing toll-gates on Broadway and making foot-passengers and vehicles contribute to maintain the streets of the great city. There can be no question that should the State of New York now reject this proposed amendment and thus perpetuate the tolls on the Erie Canal for several years to come that the Canadians will open their gates free to all vessels, and thus reduce transportation by that route to Montreal and make that port the depot for the foreign trade to and from the West.

Further along in the speech of my friend, a speech carefully prepared, studied, and revised before publication, after complimenting some of the distinguished citizens of his State who were instrumental in starting and completing the great project of the Erie Canal, paying high and deserved tribute to their wisdom and sagacity for originating this grand work, which he regards as useless, he is pleased to advise us that Illinois has received large grants of land for canal and railroad purposes. In this connection I wish to emphasize a historical fact. The Government, for once in its life, seemed to have been inspired by that characteristic enterprise which is proverbial of the people of the State of Illinois and synonymous with the name of Chicago.

It wisely entered into a real-estate enterprise; with confidence well placed in the people, it trusted that good returns would be the result. Its confidence was not misplaced; and of all the lands it granted for this purpose it retained an equal proportion, and as eligibly located as those it granted. Withholding these lands from the market for a time, until contemplated improvements were well under way, it sold them for a sum which exceeded by nearly $9,000,000 the original Government value of all it granted and all it withheld. Further, it has received in the deduction of 33⅓ per cent. of what otherwise would have been due and paid for the transportation of an army of soldiers and prisoners, immense quantities of supplies and freight transported through the State on the railroad which the gentleman is pleased to say the Government gave us, a sum nearly, if not quite, equal to the value of every acre of land it granted for this purpose.

Such has been the return to the Government for the enterprise and sagacity shown by the men who formerly occupied seats here to this magnificent State. Can New York show a better return for grants made her? Again, we are informed that the State of New York makes and pays for her own internal improvements. If the gentleman will but consult the record he will find that this Government, from the year 1824 to 1879, (I have not the data to date,) paid out of the Treasury, when it could illy afford it, in money, not in land, to be subsequently returned with interest, but in cold cash for improvements of rivers and harbors, the sum of $9,070,503.06. This sum, understand, was for the improvement of rivers and harbors, not for light-houses, public buildings, arsenals, academies, and other public improvements made in that State by the Government, neither does it include the contemplated canal between the Harlem and Hudson Rivers, which has been surveyed and authorized, with an estimated cost of $2,100,000.

Again he advises us that, owing to the greatness in wealth and population, growth and prosperity of the States of Illinois and Iowa, we should build our own internal improvements, and not come as we do begging like mendicants for an appropriation. Iowa is eminently able and will speak for herself, but for Illinois, I would remind the gentleman that we are not here in any such humiliating attitude.

Illinois stands here proud of herself and her achievements; wealthy; in debt not for a dollar; populous, the fourth, and quite near the third, State in the Union; growth more rapid and more marvelous than most States; prosperity unequaled, growing from the farm-created wealth of $325,000,000 in value per annum, as estimated by

the Agricultural Department, to her agriculturists, and her chief city the first in commercial enterprise, first as a focal center of transportation, first as a shipping port of vessels entered and cleared, exceeding those of New York by more than 7,000 per annum; third in the product of its manufactories, aggregating $241,000,000 in 1880, and last of cities of larger population in its debt per capita; that State, my friend, stands here not as a mendicant, not as a beggar, not posturing itself in any such attitude, but she stands erect, and demands, not with the bludgeon or the bowie-knife, but in a respectful manner, that which she believes to be right and just between man and man, between State and State, between the Government and herself.

She believes that as she furnishes her full quota to fight the battles of the nation, that as she furnishes her full quota for the payment of the customs duties in proportion as her population bears to the whole, that as she pays one-fifth ($25,000,000) of all the internal revenue in this country, and performs cheerfully each and every duty expected of her according to her population, wealth, and prosperity, that the Government as a nation shall do its duty by her and her people.

The benefits to be derived by the public in the construction of the Hennepin Canal have been so ably presented by General HENDERSON and other friends of the project in both Houses that I will not detain the House at this time to repeat or enter into any detailed statement of them, but confine myself to the proposition before this House, which is: shall Congress authorize a survey to be made of the present Illinois and Michigan Canal and for the proposed Hennepin Canal? One branch of the Government says yes, and incorporates upon this bill an amendment for that purpose and sends it to this House for concurrence. Here it is antagonized by some members who assume that it is not within the function of the national Government to perform this service.

If it were a river or a creek it would be lawful, but to make a survey for a canal in a State is neither wise or lawful for the Government. Whether it is wise or not for the Government to enter upon the construction of that portion of this project known as the Hennepin Canal is, in a measure, to be determined by the very survey asked for. It requires the engineers to report the estimated cost of construction, the cost of maintenance when completed, and the advantages to be derived by its construction. The Senate of the United States has asked for this; one of the standing committees of this House, with but two dissenting voices, has asked by their report for the construction of this canal and recommended a large appropriation therefor.

The Legislature of the State of Illinois has asked that this canal be constructed. The Legislature of the State of Iowa in 1864, 1870, 1874, and 1882 has asked that this canal be constructed.

The Chicago Board of Trade, the Davenport Board of Trade, the Duluth Chamber of Commerce, the Buffalo Board of Trade, the New York Board of Trade and Transportation, and the New York Produce Exchange are among the commercial bodies which have indorsed this project and have asked the construction of this canal by the General Government.

The people of the Northwest, irrespective of party, are almost unanimously in favor of this canal. Do not these Legislatures, these commercial boards, these conventions of the people, and the people themselves know whether it is wise for the Government to move in this project? They are much better fitted, in my opinion, by residence and business pursuits to judge of the wisdom of this course than those who have antagonized it upon this floor. These bodies have given the subject much thought and study, and they represent no inconsiderable portion of the people who must provide the means required to construct this canal.

Now, let us see whether this survey comes within the functions of the national Government.

What Government has repeatedly done it may again undertake. I find in running over some of the acts passed in former Congresses that it has been customary for the Government to make surveys of this character and appropriate money therefor for more than half a century; not only authorizing surveys to be made for the construction of canals but to aid in their construction, accepting them from States, to be further improved and enlarged, purchasing thousands of shares in canal stock, and even purchasing canals outright. The precedents are all one way. I invite attention now to only a few that I noticed in rapidly running over the books.

Act of March 3, 1826: President authorized to cause to be made an examination south of Saint Mary's River, with a view to ascertain the most eligible route for a canal to connect the Atlantic with Gulf of Mexico, and appropriation made therefor.

Act of May 31, 1830: For completing survey to connect the Atlantic with Gulf of Mexico, and to secure detailed report of the practicability or impracticability for a ship or other canal, and making an appropriation therefor.

Act of August 30, 1852: For completing survey for the same ship-canal, and making appropriation therefor.

And again, March 3, 1875: Appropriation for still another survey for the same. This one project received four appropriations for survey.

Act of July 4, 1832: Authorizes President to cause an accurate and minute survey to be made between the waters of Saint Andrew's Bay of Chattahoochie and between Pensacola Bay and Bon Secour to ascertain the practicability and cost of canals to connect said bays and rivers, with estimates of cost, &c., and appropriation made therefor.

Act of March 3, 1837: Authorized survey for a canal to connect the Chesapeake Bay with Charleston, South Carolina, and appropriation made therefor.

Act of March 3, 1839: For further survey and estimates of cost to connect by canal Neenah and Wisconsin Rivers, and appropriation made therefor.

Act of March 22, 1867: Appropriation made for a survey for a ship-canal to connect Lake Ontario and Lake Erie, and appropriation made therefor.

Act of July 7, 1870: Provides for the purchase of canal and franchises from the Green Bay and Mississippi Canal Company.

Act July 11, 1870, to deepen ship-canal, Patapsco River, and Chesapeake, and appropriation made therefor.

Act March 3, 1871: Survey for ship-canal from the head of Sturgeon Bay, Wisconsin, to the shore of Lake Michigan, and appropriation made therefor.

Act March 3, 1873: Appropriation made for survey for an extension of the Chesapeake and Ohio Canal. Also appropriation of $20,000 for survey to connect inland waters from Donaldson, Louisiana, to Rio Grande River, Texas, by cuts and canals.

Act of March 3, 1875: For examination and survey of route for a canal from Lake Michigan to the Wabash River, and appropriation made therefor.

Act of June 14, 1880: Accepts from the State of Michigan Saint Mary's Canal, public works, franchise, &c., and appropriates $250,000 for improving and operating same.

Act of May 15, 1826: Purchases in name of United States 1,000 shares stock of Louisville and Portland Canal Company, at $100 per share; and the Secretary of the Treasury shall vote the stock for president of company, &c.

Act of March 2, 1829: Purchases 1,350 shares of stock in Louisville and Portland Canal Company at $100 per share; Secretary of Treasury to vote the stock.

Act of March 3, 1873: Appropriates $100,000 to complete the Louisville and Portland Canal, and Secretary of Treasury authorized to assume control in conformity with terms of joint resolution of the Legislature, State of Kentucky, approved March 28, 1872, and to reduce tolls to a minimum.

Act of March 3, 1881: Louisville and Portland Canal became free, and Secretary of Treasury authorized to draw his warrant on the Treasury to meet expenses of maintaining and operating said canal.

The act of June 23, 1874, authorizes survey for a cut or canal from Randall's Island, Harlem River, to the Hudson River. Amount of commerce to be benefited given by the engineer's report, page 631, as blank. The commissioners appointed by the Supreme Court to acquire right of way for the canal to connect Harlem and Hudson Rivers have not yet completed their work. Original estimate for fifteen-foot channel, $2,100,000.

If time would permit other precedents could be cited to show that it has been the policy and the custom of the Government from our earliest history, "from the fathers," so often referred to by the opponents of this measure, to the present time to authorize surveys to be made to ascertain the practicability of constructing canals, to aid in their construction, to purchase stock in canal companies, and to buy them outright, enlarge them, and make them free when the public would be benefited thereby.

Shall it be questioned to-day after such an array of interpretations of the Constitution by former Congresses that there is a constitutional right or power to make this survey?

Webster said in a letter to the convention that met in Chicago July 5, 1847, in referring to the necessity for improving our Western rivers and harbors and the importance of the Illinois and Michigan Canal as a connecting link between the two great systems, that—

> I hope the convention may do much good by enforcing the necessity of exercising these just powers of the Government. * * * This power, in my opinion, is not partial, limited, obscure, * * * but is * * * general, and limited only by the importance of each particular subject and the discretion of Congress.

Thomas H. Benton approved of the action contemplated by the convention, and being unable to attend, wrote as follows:

> The lake and river navigation of the great West, to promote which the convention is called, very early had a share of my attention, and I never had a doubt of the constitutionality or expediency of bringing that navigation within the circle of internal improvement by the Federal Government when the object to be improved should be one of general and national importance.
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> The junction of the two great systems of waters which occupy so much of our country—the northern lakes on one hand and the Mississippi River and its tributaries on the other—appear to me to be an object of that character, and Chicago the proper point for effecting that union, and near thirty years ago I wrote and published articles in a Saint Louis newspaper in favor of that object, indicated and accomplished by nature herself, and wanting but a helping hand from man to complete it. * * * I mention this to show that my opinions on this subject are of long standing, and that the nationality of the Chicago Canal, and, of course, the harbor at its mouth, are by no means new conceptions with me. * * * Thus, on the important items of the Chicago Canal, the rapids of the Upper Mississippi, and the Missouri River I was the first to propose to include them within the circle of internal improvement by the Federal Government. I had always been a friend to that system, but not to its abuse; and here lies the difference and the danger and the stumbling-block to success. Objects of general and national importance can alone claim the aid of the Federal Government; and in favor of such objects I believe all the departments of the Government to be united. Confined to them, and

the Constitution can reach them and the Treasury sustain them; extended to local or sectional objects, and neither the Constitution nor the Treasury can uphold them. National objects of improvement are few in number, definite in character, and manageable by the Treasury.

These statesmen found no difficulty in finding the requisite power and authority in the Constitution to engage the Government in works of this character.

The importance of the project, to be determined by Congress, and the discretion of Congress seemed to be the requisites to bring the work within the care of the Federal Government.

If this canal when constructed would only benefit a small community and was purely local in its character and benefits there would be some force in the argument that local capital should construct it. But this is not true; the State of Iowa will receive much greater benefits from it than the State of Illinois.

Why, then, should Illinois construct this canal? You may reply, let Illinois and Iowa build it then. Where will you stop? Where do you draw the line between local and national benefits, local and national improvements? This canal will greatly benefit all of the people west and northwest of Illinois, the Upper Mississippi from Saint Paul down. It will greatly benefit New York State and New York City, and the opposition coming from that quarter I cannot understand. The people east and west of Illinois will receive greater benefits than Illinois; and every man who is benefited by cheap transportation of grain and provisions to the East, whether he be the Iowa, Illinois, or the Minnesota farmer who raises the grain or the New England mechanic who consumes it, will be benefited by its construction.

If Congress has no constitutional power to construct internal improvements, by what power or right then did they grant aid, credit and lands to our railroad system? If they have the power, where in the Constitution do you find that such improvements should pass through more than one State? It seems that such improvements should be made where they can be constructed at the least expense, and where we can facilitate and cheapen the largest amount of commerce. The outlet for the commerce of the Northwest is New York City; it is not down the Mississippi; it will go to New York unless New York herself prevents it by crippling the water-route. The construction of the Hennepin Canal places Saint Paul and New York in direct water connection. The water-route is the cheaper, and grain moves to the seaboard from the interior by that route. There was received in Chicago last season of corn and wheat as follows:

Corn:	*Bushels.*
By canal	5,243,865
By rail	92,028,979
Total	97,272,844
Wheat:	
By lake	481,233
By canal	2,737
By rail	23,057,637
Total	23,541,607

Total amount of corn and wheat received, 120,814,451 bushels; of which more than 115,000,000 bushels were received by rail.

Our little Illinois and Michigan Canal, the only water transportation west or south connecting with Chicago, delivered five and a quarter million bushels, and the farmers along that line at its terminus and those so located as to be enabled to ship to Chicago by that route realized a considerable advance for their grain over the amount realized by the farmers living an equal distance from Chicago but who had only railway facilities.

The quantity of corn and wheat shipped from Chicago was as follows:

Corn:	*Bushels.*
By lake	72,400,769
By rail	21,172,165
Total	93,572,934
Wheat:	
By lake	16,685,046
By canal	478,473
By rail	5,632,769
Total	22,796,288

Total corn and wheat, 116,369,222 bushels; of which 89,504,278 bushels were shipped by water, showing that these two great staples move to the seaboard by water in spite of the ruinous competition of railroads. The two great systems, the lakes and the river, should be united. The project has been advocated for years, and never has it been regarded as a local or sectional one.

We hear much of the decline of our foreign commerce and all are eager to encourage it, yet here is a commerce on our lakes worth more than $100,000,000 that should command attention. More than one-fifth of the number of vessels and more than one-fourth of the total tonnage of the shipping of the United States to-day floats upon the waters of these two systems.

The State of Illinois has already done much to unite the two, and has expended a million dollars upon the Illinois River on its improvement which should have been expended by the national Government. With such improvement as the State has made, with some assistance from the national Government, the river is in such a condition already that, from the report of the Merchant's Exchange of Saint Louis, it appears that there were delivered from this river at Saint Louis 96,000 tons more freight than was delivered at the same place for the same period from the great Missouri, and that one hundred more vessels arrived there from the Illinois than from the Missouri, and yet this House votes $1,000,000 for the Missouri and but $175,000 for the Illinois.

Public improvements of this character should be made where there is commerce. You may put $20,000,000 into the Mississippi below Cairo, and for commercial purposes it will not be so beneficial as the expenditure of the four millions that are required to complete this canal; the great grain and provision States will send their products east. Why this House, after voting some $6,000,000, the most of which we all know is to be expended in reclaiming lands in the South, and then raise a constitutional question on the construction of the Hennepin Canal, strictly in the line of commerce, passes my comprehension.

Commerce will not be facilitated or navigation improved by the construction of a levee. A levee is not required until the river overflows its bank, and to be of service is located at least a quarter to a half mile from the stream, and a large amount of the sum appropriated by this bill is to be expended in building levees. The Constitution is found broad enough to embrace this character of improvement, but the power under the Constitution to make a survey for a canal where commerce requires it is questioned.

This amendment should be concurred in; let the survey be made, let the Congress be fully informed, and then let its action on the question of construction be that of statesmen thoroughly acquainted with the magnitude of their country and of its commercial life, and I have no fears for the Hennepin Canal.

Assay Office at Deadwood, Dakota.

SPEECH

OF

HON. R. F. PETTIGREW,

OF DAKOTA.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 27, 1882,

On the bill (S. No. 1604) to establish an assay office at Deadwood, in the Territory of Dakota.

Mr. PETTIGREW said:

Mr. SPEAKER: The bill I have the honor to bring to the attention of this House, (Senate bill 1604,) and which I now ask the House to take up and pass, is an exact copy of a bill introduced in this body by me on the 20th day of December last, to wit, H. R. 1887, and which on my motion was referred to the Committee on Coinage, Weights, and Measures. That committee, after due consideration, reported my bill back to the House with their unanimous recommendation that it be passed, instructing the chairman to make a motion to suspend the rules for that purpose.

Sir, the Senate bill now under consideration here provides for the location and establishment of a United States assay office in the city of Deadwood, Lawrence County, Dakota.

This city is situated in the famous region known as the "Black Hills," which region includes all the lands within Dakota immediately west of the Sioux reservation, and is the commercial capital of its people. The Black Hills proper is a section which must always be distinctive in itself because of a wonderfully formed line of demarkation, which I shall describe more fully before concluding. This line is elliptical in form, extending over one hundred miles in a northwest and southeast direction, and from forty to sixty miles broad, and is passed with difficulty except at particular points. Previous to 1876 this tract was a part of the wilderness embraced in the great Sioux reservation, then under the dominion of Spotted Tail, Red Cloud, Sitting Bull, and their dusky followers, and under the terms of their treaty with the United States was forever closed against settlement by the whites.

After the outbreak which ended in the massacre of Custer and his brave men on that memorable Sunday morning, June 25, 1876, on the Little Big Horn, the Indians belonging to the Sioux reservation not concerned with Sitting Bull were allowed to remain, but under a new compact made the year after the sad event, by which compact the Black Hills region, embracing 12,000 square miles in area, or nearly 8,000,000 acres, was surrendered by the Indians to the United States.

Sir, the circumstances attending the development of this location by the whites embrace some of the most thrilling as well as romantic incidents in the history of the West. When the 115 bodies of soldiers lay clustered around their fair-haired leader, festering in the burning sun where they had fallen under the murderous fire of thousands of treacherous Indians lying in ambush, martyrs to a false policy, which policy we who live near the Indians so well know is suicidal,

the Black Hills were already resounding to the echo of the miner's implements.

The white settlers of the country surrounding the Sioux early became interested in rumors of gold fields upon their reservation. The Indians on their visits to the agencies and trading posts would often allude to gold deposits of great richness in some mysterious part of their lands, and in support of their stories exhibited nuggets and specimens of gold-bearing quartz. But, sir, they studiously rejected all propositions to give up their secret or to guide parties to the location of the precious deposits.

Sir, these rumors multiplied, became more specific, and were corroborated by the production of many rich nuggets in the hands of traders who had obtained them from their original owners, and through these sources some idea of the direction in which these deposits were located was finally formed. Eventually the interest of the pioneers in Iowa, Nebraska, and "old" Dakota took shape in the organization of prospecting parties, the first starting from Sioux City, Iowa, in the early spring of 1873, about which time the lamented Custer with the Seventh Cavalry was sent to the region of the supposed gold fields by the Government, accompanied by Henry Newton and Walter E. Jenney, geologists, together with other eminent specialists, to investigate and report as to the correctness of the rumors and their value if the mineral deposits were found.

The official reports from this expedition more than confirmed the most extravagant rumors, and the interest and excitement soon rivaled the early days of California. Thousands rushed to the location early in 1874 from all parts of the world, but the national authorities undertook to protect the Indians in their exclusive occupation of these lands, and in their efforts to stem the tide of white adventurers the Army was engaged in arresting them by hundreds as trespassers, and, sir, it is matter of official history that a number of trains were taken into Fort Randall, the owners placed in close arrest, while their wagons and other property was piled up and burned before their eyes.

Encouraged by this example on the part of the Government the savages waged their relentless warfare upon the alleged trespassers with increased vigor, murdering them indiscriminately wherever found.

In the face of these obstacles, sir, the column of whites poured into the hills, eluding both the Army and the Indians, and before the treaty of 1877, by which the Black Hills were surrendered by the latter, there were fully 20,000 white people occupying the lands, with established cities, villages, and settlements of well-organized, orderly communities.

Sir, the Black Hills is now a flourishing portion of settled Dakota, fully organized and divided into three counties, to wit, Lawrence, Pennington, and Custer, the first named being the northernmost, Custer the extreme southernmost, with Pennington in the center. Together they contain 25,000 inhabitants, 16,000 residing in Lawrence, 5,000 in Pennington, and the remainder in Custer.

Deadwood is the county-seat of Lawrence and contains 4,000 inhabitants. This place, sir, is the outgrowth of the mining developments, and here the great bulk of gold produced in the hills finds its way, from whence it drifts into the commerce of the world.

Beside Deadwood, Lawrence County is the seat of Leeds City, with 3,000 people, and Central City, with 2,000.

The seat of these three cities, grouped within a radius of four miles, is the renowned Deadwood Gulch, which has already produced many millions of placer gold, and within a few months past quartz mining has assumed huge proportions, with enormous annual yield. Within this radius 1,200 stamps never cease their clatter day or night, producing at the rate of $5,000,000 pure gold per annum.

The quartz worked in these mills is obtained from the Deadwood vein, which is three hundred and twenty-five feet in width and three miles long. This vein has been opened to a depth of six hundred feet at different points and found to be rich in paying ore from its very surface to the lowest depths penetrated, yielding from $7 to $9 per ton throughout. It is all free-milling ore and is mined and milled at a maximum cost of $2.50 per ton.

Upon this vein several mills are in operation, yet the claims now being worked constitute but a small part of its area. In a single one of these mines in operation there is $25,000,000 in sight, being one of the most valuable properties in the world, already producing an annual revenue rivaling that of such old corporations of the East as the great Central Railroad of New York. In fact, sir, this enterprise owns and operates a steam railway of its own more than twenty-five miles in length, tapping the forests, and constantly operated for the single purpose of supplying timber for use in the mine.

This railway, from the rails to the great steam-horse which draws the cars, was imported across the uninhabited plains more than two hundred miles by means of horses, and was put in operation at a cost of more than $300,000. This item, sir, conveys a fair impression of the growing importance of the mining interests here.

Twelve miles distant, to the west of Deadwood, is Bald Mountain, which is another extensive vein of gold-bearing quartz, containing more gold to the ton; but the ore is refractory and requires roasting to reduce it, although the profit per ton is much greater. Mining is in successful progress here, with rich yield and most promising future.

Strawberry Gulch, ten miles from Deadwood, in another direction, is surrounded with mountains of gold-bearing ore of the free-milling class, not quite so rich as the Deadwood ores, in greater quantities, however, and easy of access. Mining operations are in progress here also, with satisfactory result, rapidly increasing in volume and promising immense proportions.

Besides many other beds of valuable gold-bearing quartz too numerous to specify, situated in this county of Lawrence, twelve miles to the southeast of Deadwood, is the village of Galena, at the base of another mountainous formation containing rich deposits of silver and inexhaustible quantities of lead. Two smelters are in constant operation producing pure silver at the rate of half a million dollars a year, with large profit to the owners. This silver-mining enterprise is in its very infancy, but the supply is practically inexhaustible and also has a great future.

Within this county are vast numbers of these veins containing both gold and silver, many of which have been prospected with satisfactory results and await the combined action of brawn and capital, ready to surrender their rich contents.

In Pennington County several locations are being mined successfully, some of the quartz deposits producing as high as $6,000 in gold per ton. The placer-mining interests in this county assume special importance.

At Rockerville, fourteen miles southeast of Rapid City, the capital of the county, there is a flume eighteen miles long bringing water from the headwaters of Spring Creek, which is used for washing gold out of the earth. The location of this place is a fertile plain of more than a thousand acres near the hill-top. Every inch of this plain is gold-bearing, already staked out in regular claims. Mining experts estimate its value at sixty cents per cubic yard, and fix its aggregate value at more than $2,000,000,000. One hundred thousand dollars was taken in the first year off of a single claim.

Since the introduction of the flume the product of gold at Rockerville has increased very rapidly and has amply compensated the projectors of the flume who expended a quarter of a million dollars in its construction.

There are several of these rich gold-producing plateaus in Pennington County already in occupation, but not so far advanced as the Rockerville plateau, and there are doubtless others not yet discovered, as Pennington County extends fully fifty miles across the quartz-bearing region.

That part of the Black Hills included in Custer County is also rich in quartz and gold-bearing earth, and mining of both classes is in successful progress with great promises in the future. Placer mining at Harney has proved very profitable, and is fast assuming vast proportions, while the quartz mines near Custer are being profitably worked, and a large mill on the Grand Junction mine is producing a constant and steady yield of gold at large profit.

Mr. Speaker, the people inhabiting this section are a mining community purely. They have laid the foundation of their own prosperity upon an enduring base, by delving into the earth and forcing her to exhibit the boundless treasure therein. The presence of these valuable deposits has already wrought wonders in the way of progress. Cities and towns have sprung into being throughout its domain possessing churches, schools, banks, hotels, and branches of all the industrial and commercial enterprises known to our frontier civilization. Valuable and extensive stock and grain farms have developed throughout the surrounding country, the products of which find ready and most remunerative markets at their very doors in supplying the miners in exchange for their native gold.

One great peculiarity of this mining land, Mr. Speaker, is its fertility. The soil produces rich crops to the very apex of the highest mountains, and it is not infrequent, sir, that mining operations lead into gardens of luxuriant vegetables.

Returning to the mineral wealth of this country, I will state that salt and petroleum exist in large quantities and are produced with little effort, in sufficient quantities to supply the home market. With transportation facilities these articles will become important items of export. Mica exists in inexhaustible quantities of superior quality, and is already an important item of export. Gypsum also exists in boundless masses. Copper, lead, and asbestus can be had for the taking. The hillsides are covered with forests of valuable timber, and great beds of pure bituminous coal, easy of access, surround the hills.

Here, sir, we find a busy community, possessed of vast wealth, paying the highest labor wages in the world; 200 miles away from railroad communication, which has built itself out of the soil, without the slightest aid from the outside, supporting themselves, paying their full tribute into the national Treasury, adding more than $6,000,000 to the annual gold product of the country, without a dollar's assistance from the nation.

Mr. Speaker, these people are more embarrassed by the lack of facilities for obtaining accurate, reliable, and authoritative tests of their ore than any other mining community in the country. The placer miners particularly, those plodding toilers who constitute the great bulk in point of numbers of the community, are especially inconvenienced for want of market facilities for their product; their daily gains in most instances constituting their whole stock in trade, which they are forced to sell, in part at least, to meet their daily wants. It has been the custom of the Government, Mr. Speaker, to establish assay offices at every point where gold and silver mining

has been developed in large fields and where the deposits appear to exist in quantities promising permanent operations. In proof of this assertion I beg to call your attention to the one at Charlotte, North Carolina; that at Boise City, Idaho; also the one at Helena, Montana; one at Denver, Colorado; mint and assay office at Carson City, Nevada, besides those at San Francisco and other older cities of the Union.

Sir, the great advantage of the United States assay office in a community like that of the Black Hills is that the miner is permitted to deposit his gold and receive a certificate for the value thereof; which certificate passes current in trade in any part of the United States, or, at his option, can have the metal run in bars and the value thereof stamped on each bar, when it becomes marketable at its actual value.

Without such an office at hand, Mr. Speaker, the miner is at the mercy of the merchant, trader, or sharper to whom he is compelled by his necessities to go with his gold, who, of course, fixes its value and weight by his own arbitrary standard.

No other mining community is so far from established marts for the product of the mines, or so completely at the mercy of the class I have just referred to. Yet, sir, this is second to but one other gold producing region in the Union in the value of its product.

Beside the advantage as a medium for getting the metals into market, the United States assay office affords a means for the prospector and investor to obtain accurate estimates of the value of the ores found throughout the mining lands, and protects them from the cupidity of private chemists who, unfortunately, are sometimes influenced by other than equitable reasons in preparing reports.

Free-milling ores of low grade exist in inexhaustible quantities throughout this land, and in these ores especially strict accuracy is vital, as the margin of profit is small at best, the revenue depending largely on the quantities handled. In proportion to the facilities for obtaining official reports upon specimens from new discoveries may we hope for the rapid development of additional mines.

Mr. Speaker, I believe you will justify me in occupying the valuable time of this House while I attempt a description of this remarkable revelation of the precious contents of the earth, as they are shown us in this spot, a trap-door, as it were, opened by the action of some mighty convulsion, through which the specimens in question have been thrust, and where they loom 4,400 feet above the surrounding country, torn and shivered in the form in which they have since lain, except such parts as have disintegrated under the action of the seasons during all the ages of their exposure.

Sir, the general character of the surrounding country is one vast plain ascending westwardly until it reaches, at the foot of these hills, an altitude of 3,000 feet above the sea. These plains are unbroken by mountains and unvexed by rocks until the uplift comprising this mineral exposure is reached, at which point we encounter an abrupt wall rising out of the prairie from four to five hundred feet. This wall is continuous, and walls in the Black Hills completely, in the elliptical form already mentioned, and incloses the whole of the mineral deposits known to exist here.

This line of limestone cliffs, when their summit is reached, recedes, if possible, more abruptly than on the outer wall. The geological revolution is entirely inside. The rocks are almost exclusively Archæan slates, and schists, and granite.

As you approach the center of the ellipse series of broken hills are encountered, rising one above the other, until at the summit they have an altitude 4,400 feet above the surrounding plains, or 7,400 feet above the sea. The highest of these peaks are composed almost exclusively of granite, the schists and slate constituting the next lower portions between the granite and limestone.

The barrier to this charmed region can be entered conveniently only where the mountain streams have forced passages on their way to the sea. Passing this rampart, you approach the hills, their somber covering of dense Norway pine giving the impression of black clouds in the distance; hence the term "Black Hills." Once within, sir, vein after vein of gold-bearing quartz is found on every hill, all of good paying quality. In every valley and on every stream placer gold is found, the earth being rich with it in inexhaustible quantities. Why, Mr. Speaker, it is in testimony in the courts, recorded there in disputed issues among the miners, that there has never a pan of earth been tested within this region that did not show gold.

Sir, when this region is tapped by the railroads and brought into communication with the outside, so that great mills can be constructed at reasonable cost, it will soon be impossible to get beyond the sound of their busy hum, while the placer yield will keep apace with its more stately rival.

It will be but a modest assumption, sir, based upon the uniform increase of the product and the supply awaiting the people to come, to say that within five years the annual yield of gold alone will reach $20,000,000.

Sir, the uplift produced by the mysterious powers of nature at this point, leaving it in its present disorder, thrusting these lower strata through the original level, is unquestionably, from a geological stand-point, of recent date, and could not have begun until after the cretaceous period.

Its recent character is proven by the formation of its drainage system. All the streams rise in the center of the uplift and flow thence outward in every direction. Also, from the fact that all the strata or rock dip outward from the center. Further, the strata of the rocks surrounding the hills are parallel and conformable.

And, sir, the different formations, such as the Pottsdam, Jura, Cretaceous, &c., have rough and broken edges where exposed to the surface, whereas if they had been formed after the hills had risen from the ocean their edges would have been worn off or welded into the geological strata which compose the hills, and there would have been no distinct line of demarkation.

Here, sir, we find a geological formation containing vast quantities of gold, which formation remained submerged until the very latest geological era, thereby subjecting the gold-bearing rock for the longest possible period to the influences of those conditions most favorable to the accumulation of gold in veins.

For these reasons, sir, as well as every other rule in geology that we may adapt to guide our judgment, we are justified in supposing the deposits of the precious metals in the Black Hills exist to great depths, as is fully proven by experiments so far as they have been made.

Therefore, Mr. Speaker, the product of these metals must be lasting and it must increase in volume, limited only by the effort made by man to disengage them from their native beds.

Mr. Speaker, I have given but a glimpse of the unbounded possibilities of the section in behalf of which I make this appeal to the House. It is beyond my feeble power, sir, to picture the work of nature on that spot or to enumerate the instances of important and valuable improvements already established by the busy brains and hands of the irrepressible pioneers already engaged in gathering the wealth here revealed.

In behalf of these latter I stand here asking this House to inaugurate an enterprise of small moment indeed to this great Government, but one, sir, which will guarantee the miner the full value of his earnings, and by standing between him and the vultures ever ready to pluck him he is encouraged to additional effort, thus increasing the annual product of precious metals, besides encouraging thousands of others to join in the work.

Mr. Speaker, one of the proudest events of this busy session to me will occur when I am assured that I can take this act and present it to these people as a law of the land, as an evidence of the thoughtful consideration of this Congress for her deserving wards living so far beyond the boundary of civilization.

Internal-Revenue Taxation.

SPEECH

OF

HON. THERON M. RICE,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 23, 1882.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 5538) to reduce internal-revenue taxation—

Mr. RICE said:

Mr. CHAIRMAN: Before proceeding with the discussion of the questions involved in the bill before the committee, I trust I may be pardoned for making brief allusion to another subject, although of less importance to the House and country, still one that I cannot overlook or pass in silence. During my temporary absence from the House on yesterday my colleague [Mr. BLAND] deemed it wise to make a premeditated attack upon the Greenbackers in the House, especially those from Missouri, and upon myself particularly. On another occasion during this session I was compelled to criticise the language of the gentleman and attribute his course to his ignorance of facts and over-partisan zeal. The performance of my colleague on yesterday I can only attribute to a willful and malicious effort to palm off upon the House and the country a gross perversion of facts as the act of a charlatan who, ignoring well-defined rules recognized by gentlemen and the courtesy due to members of the highest legislative body in the nation, descended to the tricks of the ward bummer to make political capital, and occupied the time of the House in an effort to manufacture buncombe to save his politically waning fortunes at home.

For over a month the gentleman has been writhing under the castigation I was compelled to administer to him on May 19 last, and yesterday he attempted to pour out his vials of wrath, and, unmindful of his duty to his district, his State, and the nation, forgetful of his high responsibility as a representative of an earnest, patriotic, and law-abiding constituency, he ignores all the higher duties of the trust devolving upon him, and at the expense of truth, justice, gentlemanly courtesy, and fair dealing, occupies the time of the House, hindering needful legislation, to wreak personal spite upon political opponents who have never entertained or expressed other than kindest personal feeling for him. Our offense may have been commiseration of his condition politically.

In the face of the personal disclaimer of each of his Greenback colleagues, members of this House from Missouri, and the written statement of Major Ben: Perley Poore, Compiler of the Congressional Directory, he charges "that my Greenback friends, Messrs. HASELTINE, RICE, and BURROWS, in some manner, in giving their biographical sketches to the printer of the Congressional Directory, somehow or other made the mistake, each and every one of them, of writing themselves down as Greenback Republicans." This in the face of the public apology of Major Poore, that his statistical statement was taken from an almanac, and not from the personal or manuscript statement of the gentlemen named. Now, sir, if political capital can be made from so gross a defamation, so unjustifiable a violation of gentlemanly courtesy and perversion of fact, the gentleman is welcome to all he can make out of it.

But, Mr. Chairman, the animus of the gentleman is shown further on where he quotes from an article in the National Republican of June 2, 1882, as follows:

Judge RICE made one or two ringing speeches, creating quite an excitement in his denunciation of the Bourbons. Yesterday a magnificent floral stand, surmounted with a trumpet, was placed on Judge RICE's desk as a compliment to the Missouri Greenbackers and to RICE as their voice. Judge RICE has been nominated by the Greenbackers of Missouri for supreme judge, and will doubtless be supported by the Republicans and every element of opposition to Bourbonism in the State, with good prospects of defeating Bourbonism this fall.

This, after all, seems to be the heart, the essence of my offending. It was like shaking a red rag in the face of a bull, and the gentleman on yesterday embraced his first opportunity to paw the earth and rend the air. He had filled a seat in Congress for nine years and had never done anything to call forth any popular or private demonstration of approval. So that it was like applying salt and pepper to a lacerated back to have the effort and action of his colleague, his Greenback political opponent, complimented or approved. The floral offering and the mention in the National Republican came to me as a surprise. Had I been advised of their preparation and of the sensitive disposition of my colleague I might have saved him the chagrin and mortification he seems to have suffered. As it is, I am not responsible for either, and the most I can say by way of reparation is, I commiserate him.

CONTESTED-ELECTION CASES.

The gentleman arraigns the Greenbackers for their votes upon the contested-election cases, and those from Missouri for having heretofore co-operated with the Republican party.

Mr. Chairman, I wish to state here and now for myself that for my action and votes in the past, or during my connection with your honorable body, I have no apology to make, either to the gentleman, this House, or the country. In the contested-election cases I studiously did what my conscience approved. Sir, those contested-election cases presented to this House a question of the highest privilege under the Constitution; they involved questions of law and fact, upon which we as sworn members were called upon to inquire and pass upon judicially. Under the Constitution there is no escape from this responsibility. I maintain that a member-elect's right to a seat on this floor is non-political, it is non-partisan. Our action upon it is purely judicial—to find the fact and decide the law.

And, sir, I assert that it is beneath the dignity of the American Congress in determining these questions to be in any manner influenced by partisan considerations or swerved by political zeal. The question is, was the contestant elected? If so, he is entitled to his seat, and no power, no voice can be justly interposed to keep him out; no matter what his politics, no matter what his creed. And, sir, I defy the gentleman to offer any reasonable excuse or justification for either himself or his party in defense of their course in obstructing legislation in voting for the retention of Chalmers and refusing to vote for the retention of Finley, and for their eight days of filibustering to prevent the unseating of Dibble and Wheeler. Sir, the "wayfaring man" who might read at all could not err in his judgment as to the right and justice of these cases, and no man, I care not what his politics, be he honest, understanding the law and the facts governing these cases, will censure Greenbackers either for their vote or action.

What are the facts of the case? In the case of Lynch *vs.* Chalmers there is no question but what Mr. Lynch was elected by a clear majority of 663 votes. No Democrat on this floor in his argument of Mr. Chalmers's right to retain his seat ever claimed that at the election of 1880 he received a majority of the votes cast, but for their defense were driven to take shelter behind technicalities of the most frivolous character and a decision of the supreme court of Mississippi upon a question over which it clearly had no jurisdiction.

The case of Mackey *vs.* Dibble: It is understood that Mr. Dibble was the successor of Mr. O'Connor, who deceased pending the contest. An examination of this case will show Mr. Mackey's election by a clear majority of 879 votes; that the Democratic board of election managers appointed under the laws of South Carolina so certified to Mr. Mackey's election, but the governor of the State, against this certification and without color of legal authority, issued the certificate of election to Mr. O'Connor. More need not be said; the right of Mr. Mackey to his seat as a member of this House was clear and undoubted.

The Bisbee *vs.* Finley (Florida) case: I concede there is some doubt in my own mind as to who was elected, Mr. Bisbee or Mr. Finley. The action of the Committee on Elections was such they in their majority report, as did the House, threw out some 350 votes which in all justice ought to have been counted for Mr. Finley. And there appears from the testimony other irregularities which in my judgment rendered the result very doubtful. I had no satisfactory assurance, and it does not appear in the evidence, that Mr. Bisbee was elected. Therefore, I, with my Greenback colleagues, voted to retain the contestee in his seat. In other words, we decided that the contestant had failed to make out his case. My colleague and the Democratic party, as had been their wont, refused to vote in this case. If they had stood to their colors and under their oaths had performed their duty in this case as did the Greenbackers, Mr. Finley would have been in his seat to-day, but refusing to vote they sacrificed their man. Can my colleague justify himself before his constituency?

In the case of Lowe *vs.* Wheeler the evidence was positive and undisputed that Mr. Wheeler was counted in by tissue ballots and fraud of the basest character. The seating of Mr. Lowe was just and proper and a deserved rebuke upon fraud and ballot-stuffing.

DISFRANCHISEMENT IN MISSOURI.

Mr. Chairman, I am also arraigned by my colleague for having in 1864 voted for an amendment to the constitution of Missouri disfranchising those who were in sympathy with secession or were guilty of overt acts of rebellion. For that vote I have no apology to make. I cast it, joining with the patriotic heart of Missouri, in company with many who are to-day Democrats, believing it was not only necessary but just as a war measure for the protection of loyalty and good government.

When I cast that vote I was with the Army at the battle's front. All that was dear to me was left behind, except the flag and loyalty to my country and her laws. I ever acted, voted, and stood by and with the men loyal and true to their country.

When the war was ended and peace restored in the land the Republican party of Missouri, whether wisely or unwisely, restored the franchise to all her people in 1870. It was this act of clemency on the part of loyal men in Missouri that made it possible for the gentleman to become a member of Congress from my State. And, sir, I feel that it comes with bad grace from him to arraign the Republican party and many who to-day are his political associates for acts of most sacred duty in the dark days of war and rebellion. Had the gentleman been in Missouri from 1861 to 1865 I cannot tell how he would have voted or how he would have shot; I only know he made it convenient to be where there was very little voting and no shooting. It was only when the war was over that he caught his breath and has been fighting in mimic fray ever since.

THRICE WELCOME PEACE.

When the war was over and peace again dawned upon the country I, for one, was willing and ready to welcome the day when the strifes and bitterness engendered by the conflict should be lost in the sound of the anvil, the forge, and the loom; when the swords should be beaten into plow-shares and the spears into pruning-hooks; when all our people should fraternize, and together joining hands around the old flag, vie with each other in the kindly offices of a common brotherhood to make our Union strong and our country glorious. When, sir, in later years I kissed the Greenback banner and wrapped the logic and successes of its future about me I am met on every hand with such as the gentleman from the fifth district of my State, [Mr. BLAND,] Bourbons of the deepest dye; men who never learn and who never forget; envious, morose, implacable, wrapped up in their own sordid selfishness; men who never placed themselves in harm's way and yet boast of their prowess. Instinctive defamers of truth, blind to integrity, they are false teachers and blind leaders.

Mr. Chairman, I opine that now my colleague has fully prepared his ammunition, it will not be many days before we will hear, with grip-sack well packed with his effort on yesterday, the greatest speech of his life, of him threading the hills and plains of his district, railing his constituents upon the great public necessity for his re-election.

Mr. Chairman, a few weeks since I listened with great interest to the gentleman from Michigan [Mr. HORR] as he compared the filibustering obstructionists of the House to great historic characters, when my eye intuitively fell upon my colleague, [Mr. BLAND,] and I wondered to whom he should be compared. Don Quixote first seemed to fill the bill, and then better still his squire, Sancho Panza; but, sir, after all, his true prototype only presented himself when I remembered—

Little Jack Horner who sat in the corner
Eating his Christmas pie;
He put in his thumb and pulled out a plum
And said, "What a great boy am I!"

In conclusion, suffice it to say if he is satisfied with his record I am with mine, and to our constituents do I leave the result.

Mr. Chairman, I regard it as an error of the present, when an adversary is unable to meet argument with argument, he should resort to epithet, scolding, or an attack upon the personal character or previous political history of his opponent. Gentlemen elected by intelligent constituencies, but lacking the qualities necessary to develop statesmen, finding it painfully evident that they can never be eminent, rush madly into the growing ranks of those who would be notorious, and the time of the House is wasted and its business

neglected, and weeks and months often consumed in fulminations without merit and in character unfit for the hustings—mere talk for buncombe, intended for home consumption. The matter presented is of no public significance, and of but little account, and the men who resort to it are about on a par with their matter. Denunciation has taken the place of honest discussion and billingsgate for words of sober thought and wisdom. This is wrong; and yet, sir, when under a lax ministration of rule a member is attacked, wantonly attacked, and basely misrepresented, it is but just he should have an opportunity to set himself right.

THE BLAND SILVER BILL.

Mr. Chairman, my colleague having done me the honor to call the attention of the House to a statistical sketch of myself as published in the Congressional Directory, I may offer no apology for paying him a like compliment. It appears that from 1855 to 1865 he resided in the State, then Territory, of Nevada, and that he was largely engaged in mining operations in both the States of Nevada and California. We may anticipate he struck a "bonanza." So that in 1865, when he came to Missouri, he was "well heeled" not only with ready cash but with a large amount of corporate stocks and bonds, yielding him liberal incomes in the gold and silver-producing fields on the Pacific slope. Now, it is but natural that his long association with the silver-producing people of the West, coupled with his interest therein, should make him feel not only very indignant but outraged when, in 1873, Congress demonetized the silver dollar. After much long and restless waiting his opportunity came when it was made possible for him to represent his district in Congress.

The act known as the "Bland silver bill" became a law in 1878. It is true, Mr. Chairman, that the masses of the people all over the South and West were clamorous for the remonetization of silver, but I assert that this sentiment among the people arose chiefly from their false education by a subsidized press and a class of men acting in the interest of the bonanza kings of the Western mines. The people were told that sacrilegious hands had desecrated and destroyed the old "dollar of the daddies." Their pride and prejudice were alike appealed to to popularize the scheme of remonetization, and all in the interest of the few in the East who owned mining stocks and those in the West who operated the mines producing silver bullion. The people really did not need the silver dollar; the legal-tender greenback one and two dollar bills were and are equally as safe and much more convenient for use.

The result of the operation of this bill proves the truth of what I assert, that the people after all do not want the silver dollars, for of the $100,000,000 which have been coined less than $20,000,000 are out among the people to increase the circulation, and the balance with all effort made to put it out upon the country is either dormant in the Treasury or locked up as a redemption for silver certificates, when the fact is, and the people are beginning to so understand it, an issue of legal-tender greenback one and two dollar bills would have answered every demand and performed every use as money as that performed by silver.

The Bland silver bill became a law on the 28th of February, 1878, and simply provided for the coinage of a standard silver dollar of 412½ grains of pure silver. From the date of the passage of the bill up to the 31st of May, 1882, the Government has paid out of the Treasury, in greenbacks and gold, the sum of $104,738,293.23 for silver bullion; and to whom? Those who own mining stocks and mines, thereby fostering an enterprise in which the people have no interest, and from which they derive a worthless use at this fearful cost. Now, sir, I submit that it would have been better for the country and better for the people to have let the silver dollar remain demonetized forever, increased the issue of legal-tender greenback small notes, and saved this $105,000,000 paid out for silver bullion for payment on the bonded debt.

I am aware that this bill of my colleague remonetizing the silver dollar has been the great hobby of his political life; but, sir, I assert that there has been no act of the American Congress in the last eight years possessing less of real merit. And I again repeat that the measure was not in the interest of the people, but that the motive and the interest was solely with the producers of silver bullion. To them it gave a ready cash market for the product of their capital and labor, out of which they have amassed fabulous fortunes, while to the people it has been an incubus and a curse.

With these facts and figures before the people, if my colleague can derive any glory in his achievement he is most welcome; for surely, sir, no one will envy him.

Does the gentleman say that silver coin is a legal tender in payment of the public debt? I answer true, but the bondholder refuses to receive it. And, sir, I am not advised that a dollar has ever been paid out by the Treasurer on the bonded debt. On the other hand, we do know that of the greenback dollar millions are paid out yearly for both principal and interest. I mention this to show, in a commercial sense, how worthless the use of silver, and how valuable the uses of the greenback legal-tender dollar.

Now, Mr. Chairman, that I may not be misunderstood, I wish to say, I do most emphatically denounce and condemn the act, and the motive of its authors which prompted it, demonetizing the silver dollar in 1873. I also condemn the act, and especially the motive, which prompted its remonetization, and since it is now the law that we must tolerate a bi-metallic coin, gold and silver, I insist for each a continuance of present fineness and value, and for each unlimited coinage. But, sir, as an original proposition to monetize either gold or silver, I am persuaded that I would oppose and denounce the Shylock scheme.

TREASURY NOTES VS. LEGAL-TENDER TREASURY NOTES.

Mr. Chairman, there is another branch of my colleague's [Mr. BLAND'S] speech, delivered in the House on yesterday, which though not germane to this debate I cannot in justice to the party I represent let pass unnoticed. It is of a public character and pertains to issues of vital importance to the people. I refer to his criticism of the amendment or additional section which I offered on May 19 last, to the bill from the Committee on Banking and Currency, "to extend the existence of the national banks." This amendment was in the following words:

SEC. 11. That from and after the passage of this act all redemptions of national-bank notes shall be made by a new issue of legal-tender Treasury notes, to be issued by the Secretary of the Treasury as redemption notes, and such issue shall be in excess of the Treasury notes now in circulation and in amount equal to the national-bank circulation.

And the Secretary of the Treasury is hereby authorized to prepare, at the earliest practical period, such amount of legal-tender Treasury notes as may from time to time be necessary for the redemption of all national-bank notes, as they may be presented for redemption or payment. All redemption of national-bank notes, whether made by the banks or by the Secretary of the Treasury, shall be made in such legal-tender Treasury notes, and in no other lawful money or coin.

The Treasury notes authorized by this section shall be a legal tender for all debts, public and private, and in practicable demominations of one dollar and upward.

My purpose in offering this section as an addition to the bill extending the charters of national banks was, to a certain extent, to curtail their absolute power to expand and contract the currency. I have ever regarded this as one of the worst and most objectionable features to national banking. This amendment provides for a steady volume of currency; that while the banks may under the law retire their currency in fact, or go into liquidation and retire it *in toto*, it can only be done by a redemption in a new issue of legal-tender Treasury notes, to be issued by the Secretary of the Treasury for that purpose, so that, though any one, or all the national banks might go into liquidation and retire their notes from circulation, still the volume of currency with the people would be unchanged, and consequently no disturbance of the commercial interests of the country.

But my colleague [Mr. BLAND] makes serious objection to this proposition. He objects to a redemption in Treasury notes, to be a full legal tender for all debts public and private, and with scornful denunciation exclaims "fiat paper money!" "fiatists!" "Greenbackers!" But that I may present the whole case fairly, and show the true issues between my colleague and myself, I will here call attention to a substitute which he offered for section 6 of the same bill, taken from his speech delivered on yesterday, and which is as follows:

SEC. 6. That national banking associations that may be continued by this act, and those whose corporate existence shall expire, shall be required to comply with the provisions of section 5221 and 5222 of the Revised Statutes in the same manner as if the shareholders had voted to go into liquidation as provided in section 5220 of the Revised Statutes; and the provisions of section 5224 not inconsistent herewith shall also be applicable to such associations.

That all the moneys deposited in the Treasury of the United States for the purpose of redeeming the circulation of national banking associations shall be deemed surplus revenues, and used in the payment of the current expenditures of the Government and in the extinguishment of the interest-bearing debt of the United States in the same manner as other surplus revenues are authorized to be expended.

That for the purpose of retiring and canceling the notes of national banking associations surrendering their circulation the Secretary of the Treasury shall cause to be printed and engraved Treasury notes of the United States, of the denominations of five, ten, twenty, fifty, one hundred, and one thousand dollars, bearing such inscriptions and devices as he may approve, to be exchanged for the bank notes above described on presentation of the same at the Treasury; and the Secretary of the Treasury shall cause to be issued said Treasury notes in lieu of such bank notes as shall become the property of the Government in payment of taxes or otherwise; and that the bank notes for which Treasury notes shall be substituted shall be destroyed.

That the Treasury notes issued in pursuance of this act shall be receivable and payable for all dues and demands for which national-bank notes are now by law receivable and payable, and shall be exchangeable for legal-tender notes when presented in sums of $100 or more for that purpose at the Treasury of the United States, but when so exchanged shall be paid out of the Treasury again as other current funds; and that said Treasury notes shall be redeemable at the pleasure of the United States, in legal-tender notes or coin, at the option of the Government.

EFFECT OF THE BLAND SUBSTITUTE.

This substitute clearly contemplates the continuance of national banking associations under the provisions of existing law, and only proposes to affect such banks as may from time to time go into liquidation. It contemplates that the retiring bank shall deposit with the Treasurer lawful money equal to the amount of its circulation—which deposit shall be deemed surplus revenue—and then the bank may withdraw its bonds. The only change thus far proposed by this substitute is that the redemption fund deposited by the bank "shall be deemed surplus revenue." The second proposition in the substitute is that the Secretary of the Treasury shall issue Treasury notes which "shall be receivable and payable for all dues and demands for which national banks are now used," to be exchanged for bank notes on presentation to the Treasury and "redeemable at the pleasure of the United States in legal-tender notes or coin at the option of the Government."

Thus it will be seen I have fairly stated the changes of existing law proposed by the said substitute. To these propositions I have serious objection. First, it permits a retiring bank, with a circulation of $50,000 or $500,000, to gather up of the lawful money of the country, legal-tender notes and coin, an amount equal to its circulation and deposit the same in the Treasury here at Washington. The bank may be located in the interior of the country, in the West, or in the South, far removed from the capital. Now, sir, I urge that the withdrawal from circulation of so large a fund in any locality, more especially from the interior, cannot result in anything less than a stringency in the money market, and must to a greater or less extent cripple trade and commerce and unsettle prices of production and labor.

And, sir, the fact that such deposit shall be regarded a surplus revenue in the Treasury to be paid out for Government dues does not return it to the section of country from whence taken. And more, it is not certain it will leave the Treasury at all for many months. As surplus revenue, it can only be paid out upon appropriations, and we all know that appropriations are made upon the basis of incoming revenue by taxation in some mode. So that the conclusion is inevitable that my colleague's substitute permits, through his proposed method of depositing lawful money for bank circulation, the liability of dangerous contraction, which may in the disposition of banks for the ends of their selfish greed amount to many millions of dollars within a period of sixty or ninety days, and for aught contained in the law or this proposed substitute there are no means to prevent.

The proposition of the gentleman to issue his proposed Treasury notes in exchange for bank notes is no relief, for such exchange neither increases nor diminishes the circulation. The banks have forced a contraction of fifty or one hundred million dollars for the redemption of their notes; commerce, labor, and production may languish, panics may come, and the country be racked by financial convulsions. Money will be dear, and prices correspondingly low; ruin may come to every industry, and yet, sir, under the theory of this substitute, or the law as it now is, there can be no relief to the country or its bankrupt people.

It is well known that in the past banks have exercised this power in furtherance of their speculative schemes to the detriment of trade, the embarrassment of commerce, and the distress of the people. And yet, sir, my colleague, actuated by some strange incentive I cannot account for, but under the cloak of the semblance of a remarkable philanthropy, with a full knowledge of the fact that the banks have used this power to amass fabulous fortunes of ill-gotten wealth at the sore cost of the people, indorses this power and their privilege, and in his substitute recognizes and permits its perpetration.

EFFECT OF THE RICE AMENDMENT.

Now, sir, I submit that my amendment directly by its terms prohibits any such wholesale contraction of the currency by the banks; it prohibits all contraction. By its express terms it proposes to make redemption by the banks of their circulating notes by a deposit of lawful money with the Treasury no longer possible, and expressly requires that all such redemptions should be made by legal-tender Treasury notes. More than this, it prohibits the banks from depositing their own notes and withdrawing their bonds; it provides that either they or any person may exchange at par the bank's "promise-to-pay notes" for legal-tender Treasury notes. So that as fast as bank notes are retired these legal-tender notes take their place, and the volume of the currency with the people continues thus unchanged. At the same time, the Government still holds the bonds deposited for redemption, and when the retiring bank's notes are all thus redeemed, the bond is, as a matter of course, paid off and will be canceled. If my colleague can see any "gratuity" in this to the banks his mental acumen is decidedly more bright than mine.

But will the gentleman say that the Government has no right to pay off and cancel the bond in this manner; that it has no legal right to do indirectly what under the law it cannot do directly? I answer, first, the Government has thus in effect paid off the bond in money the equivalent of coin, so that no one is cheated, no one is defrauded; second, the banks were organized and under their charters endowed with remarkable powers and liberal franchises for the purpose of furnishing the people and the country with a solvent and stable currency; they were designed as beneficent institutions, and it was expected they would be honest with the people. But time has demonstrated that they are the wanton oppressors of the people; that they know no law and are governed by no law, except so far as it caters to their selfish greed. Under a formal compliance with chartered power they have become despotic masters of the money volume of the people; they expand and contract as may be their opportunity for gain. Without regard to law or forms of law they demand and receive the highest rates of interest the market will bear; and when Congress proposes remedial legislation in the interest of the Government and people they boldly threaten they will precipitate upon the country a financial crisis.

Now, sir, this amendment simply proposed that national banks should be shorn of so dangerous a power; that banks might, if they choose to do so, retire their circulating notes, but not to the detriment of the business and commercial interests of the country, even though the result might be, in the manner proposed, the payment and cancellation of their deposited bonds. But the gentleman complains that "there is no provision in my amendment for winding up national banks, or compelling them to redeem their bonds on deposit. I answer existing law, which the gentleman indorses, is ample for this purpose. The existing law, coupled with my proposed amendment as to the mode and manner of the redemption of their circulating notes, I think will work well. And as to the deposit bonds, my plan proposes payment and cancellation. I, sir, am in favor of embracing every reasonable opportunity to pay the bonds, and thereby stopping the drain upon the resources of the country for interest. Does the gentleman say he is not in favor of payment?

Again, sir, my proposed amendment exchanges legal-tender Treasury notes for the notes of all banks which may go into liquidation as well as the notes of banks retiring their notes for purposes of contraction. Now, sir, under this system I suggest that it would not be long before the country would be amply supplied with a legal-tender national money currency, so that national banking would cease to be profitable and from utter exhaustion be compelled to retire from the contest. With a full volume of Treasury-note legal-tender currency in the hands of the people the days of national banks will be numbered.

MR. BLAND AND THE NATIONAL BANKS.

In this connection, lest at another time I may overlook it, I desire to call the attention of the House and the country to the anomalous position of my colleague in relation to national banks. The people of our State, and especially of his district, have been led to believe that not only he but his party are opposed to national banks. But so far as my colleague [Mr. BLAND] is concerned, this is a mistake; for, sir, I find, upon looking into the RECORD, that he has avowed himself as the ardent champion of national banks and the earnest advocate of their perpetuation. I read from the RECORD of the 11th of May last, page 11, and submit that the gentleman's tortuous professions and conduct may require from him a little explanation at home:

The following proposed substitute was submitted by Mr. BLAND:

"A bill to retire the circulation of national banks, and to continue them as banks of discount and deposit.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any national banking association organized under the acts of February, 25, 1863; June 3, 1864, and February 14, 1880; or under sections 5133, 5134, 5135, 5136, and 5154 of the Revised Statutes of the United States, may, at any time within two years previous to the date of the expiration of its corporate existence under present law, and with the approval of the Comptroller of the Currency, to be granted as hereinafter provided, extend its period of succession, by amending its articles of association, for a term of not more than twenty years from the expiration of the period of succession named in said articles of association, and shall have succession for such extended period, unless sooner dissolved by the act of shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law."

Mr. Chairman, I have no doubt if this bit of the honorable gentleman's political record should happen to fall into the hands of his constituents it would be regarded as not only very interesting reading but very instructive. Notwithstanding all assurances and professions of opposition to the continuance of the corporate existence of national banks, we are here shown that he is their advocate and champion. It is true that in section 4 of this substitute he limits their power from banks of issue to banks of discount, exchange, and deposit; but, sir, I ask in all sincerity, why should the Government favor and foster these moneyed institutions as the pet wards of the people? What motive, I would ask, has persuaded the gentleman to become the champion of national banks?

Is it necessary or for any consideration expedient that the Federal Administration should in any manner assume complications and dangers long since condemned by the popular voice of the American people? Has the gentleman forgotten the lessons of his party, as declared in its national platforms from 1832 down to 1860, the teachings of Jackson, Calhoun, and Jefferson? Whence has he drawn his new inspiration? Certainly not from the people, that he should thus espouse the cause of national banks, which are in truth and fact but cancerous excrescences upon our body-politic, poisonous to the life-blood of free government, and dangerous to the perpetuity of American institutions.

LEGAL-TENDERS VS. COIN.

Again, the gentleman complains that he does not understand my amendment. Mr. Chairman, to any other than a man who at home in the rural districts champions the cause of the people and in Congress the cause of national banks and corporate monopolies, I might be persuaded to offer apology; but, sir, to my colleague I say there is no one so blind as he who, having eyes, will not see, or so dumb as he who will not understand. The gentleman says my proposition "received but slight recognition in the House." Evidently, Mr. Chairman, this "recognition" business troubles him much more than anything else connected with this debate. The RECORD shows that my proposition received 44 affirmative votes, and that 34 of the 44 were Democrats and 2 Republicans.

Forty-four members of this Congress arise in their seats and boldly indorse the legal-tender fiat-money idea of the Greenback party. I have no doubt but the gentleman was astonished. Indeed, sir, I was surprised myself. I am, however, encouraged, for in this vote I see omen of good. The ball set in motion under the leadership of the gallant Weaver in the Forty-sixth Congress is moving on, gathering magnitude, momentum, and power at each revolution; the

star of the people's hope is becoming more firmly fixed in the political horizon; already the day dawn has broken in the East; the inevitable must surely come; the people's money shall be free. "One currency for the Government and the people, the laborer and the office-holder, the pensioner and the soldier, the producer and the bondholder!"

Ay, sir, I ask my colleague, who to-day panders to the dogma of a coin basis, to stand up in the strength of his waning manhood and answer the people whether or not in these declarations he cannot see mirrored his own political handiwork, and, seeing it, answer the people wherefore he has deserted the faith of the fathers, wherefore he could with his party in 1868 declare "one currency for the Government and the people" and in 1882 demand resumption and a coin basis, fiat coin money for the bondholder and monopolists, a legal-tender fiat money Treasury note to pay the debts of Government, and a promise-to-pay irredeemable Treasury note trash for the money of the people. I say to the gentleman that "truth, though crushed to earth, will rise again;" that "one currency for the Government and the people" is a principle indelibly chiseled upon the hearts of the people, and in their own good time will surely bring forth its fruit of equal and exact justice to all.

REDEMPTION OF LEGAL-TENDER NOTES.

Again, Mr. Chairman, my colleague is very much exercised because there is no provision in my amendment for the redemption of the legal-tender Treasury note therein proposed to be issued. And he says:

There is no provision in it for the redemption of the paper money herein authorized to be issued. We take it for granted that it was intended to be, and the effect would be, irredeemable. The terms of the proposition exclude coin redemption.

Now, sir, shrewd and astute as the gentleman may be, I want to say to him squarely and unequivocally that he was never more mistaken in all his life. True, my proposition does not mention, neither does it mean or imply, a "coin" redemption. True, sir, my proposition ignores the gentleman's theory, that a coin basis is either essential or necessary to the validity of the Treasury note issued by authority of law as money. The gentleman assumes, which is the accepted theory of bullionists, that money, absolute money, fiat money, can only be made of material of a large intrinsic or money value. And that this intrinsic value must be equal or nearly equal to its money value.

This theory is assumption merely, a cold-blooded, heartless, soulless assumption, unsupported by reason, by law, common sense, or justice. Sir, the fact is that it is the supreme will of the Government constitutionally expressed which makes and creates money, fixes its value, and determines the material of which it shall be made. The different nations of the earth in all time since the dawn of civilization have exercised this power arbitrarily. History proves that different nations have employed different materials of which to make their money. Some have chosen the precious metals, gold and silver, others iron, lead, copper, nickel, and tin, while others have used leather, and even bark. The coinage of money from all these materials has been made in the different periods of the past, and many of them are in use among the nations to-day.

And, sir, that time has never been (save in these later days, in the reign of gold kings) when the power or the right to make, stamp, and impress coinage upon any of the materials named, and thereby make the thing thus coined the money of the realm when made for uses of the people in trade and commerce, and a fine legal tender for the payment of all debts public and private, has never been questioned or denied. Money, without regard to the material of which it is composed, is a thing designed, created, and stamped by authority of the law-making power of a government; and it is money, absolute money, legal-tender fiat money, simply because, and for no other reason, it has been so declared. It is not essential to money that it must possess intrinsic value; intrinsic value is no necessary element of money. Commodity value is no part, no element of money value; for money value, which is the power of money to pay debts, is purely law value, nothing more, nothing less.

STANDARD OF VALUE.

The gentleman talks of a "coin basis" as a standard of value, and in thus asserting he but echoes the sentiment of bullionists and monopolists, when the fact is there is no such thing as "coin" or anything else used in the sense of money being a standard of value. Money, no matter of what material composed, absorbs commodity value, and by operation of law for all uses of money has such value and such only as the law gives it. For the edification of my colleague I call his attention to what the Supreme Court of the United States says upon this subject in an opinion delivered by Judge Strong, in December, 1870, in the case of Knox *vs.* Lee:

Here we might stop; but we will notice briefly an argument presented in support of the position that the unit of money value must possess intrinsic value. The argument is derived from assimilating the constitutional provision respecting a standard of weights and measures to that conferring the power to coin money and regulate its value. It is said there can be no uniform standard of weights without weight, or of measure without length or space, and we are asked how anything can be made a uniform standard of value which has itself no value?

It is hardly correct to speak of a standard of value. The Constitution does not speak of it. It contemplates a standard for that which has gravity or extension; but value is an ideal thing. The coinage acts fix its unit as a dollar; but the gold or silver thing we call a dollar is, in no sense, a standard of a dollar. It is a representative of it.

The court is here speaking of the greenback dollar created by the legal-tender act of 1862; and they not only say that "the legal-tender acts do not attempt to make paper a standard of value," but say more, that the "gold or silver thing we call a dollar is in no sense a standard of a dollar; it is a representative of it." Now, I submit, if it be true that commodity value of the material of which money is made be not essential to its money value when coined, if it be true that money, whether composed of the precious metals or paper, be not a standard of value, (both of which propositions are asserted and affirmed by the highest court in the Government,) then I ask in all reason why may not Congress ordain that money be made of and on paper in the form of full legal-tender Treasury notes?

CONSTITUTIONALITY OF THE LEGAL-TENDERS.

The Supreme Court, in the case of Knox *vs.* Lee, above cited, held, under the act of February, 1862, that the greenback dollar was lawful money and legal tender for the payment of all debts contemplated in the act. They not only say that the act itself is constitutional but that Congress had the power under the Constitution to make paper money and to declare it a legal tender. I read again what the court say:

Even the advocates of a strict literal construction of the phrase "to coin money and regulate the value thereof," while insisting that it defines the material to be coined as metal, are compelled to concede to Congress large discretion in all other particulars. The Constitution does not ordain what metals may be coined, or prescribe that the legal value of the metals, when coined, shall correspond at all with their intrinsic value in the market.

Nor does it even affirm that Congress may declare anything to be legal tender for the payment of debts.

The only provision in the Constitution relating to the power to create and make money is contained in article 1, section 8, paragraph 5, and reads as follows:

The Congress shall have power * * * to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

And in section 10, which recites that—

No State shall * * * coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts.

The people and the States, acting in their sovereign capacity, surrendered to Congress all power and control over the matter pertaining to the creation and issuance of money. As is seen, the language is brief, terse, and without entering into any detail as to how or in what manner the Congress shall perform the important trust simply confers the general power, leaving, and perhaps wisely so, to the wisdom and sound discretion of Congress the mode, manner, and means of carrying the general power so conferred into execution.

Who can say that the precious metals can alone be coined into money? The Constitution does not say so. Who can say that Congress shall ordain the use of copper, tin, or nickel? The Constitution in its recital of the general power conferred upon Congress "to coin money and regulate the value thereof" makes no mention of any of these metals. I answer, then, that no one with any semblance of reason can be justified in such assumption or assertion. Article 1, section 8, of the Constitution provides:

That the Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Hence the conclusion that Congress may, in the exercise of its discretion, enact such laws prescribing of what material money may be made, of what value when coined, and may also regulate its volume and use to all intents and purposes not incompatible with clear terms of the Constitution itself. Upon this point the Supreme Court, in the case of Knox *vs.* Lee, (*supra*,) say:

A decent respect for a co-ordinate branch of the Government demands that the judiciary should presume, until the contrary is clearly shown, that there has been no transgression of power by Congress, all the members of which act under the obligation of an oath of fidelity to the Constitution. Such has always been the rule. In Commonwealth *vs.* Smith, 4 Bin., 123, the language of the court was: "It must be remembered that, for weighty reasons, it has been assumed as a principle in construing constitutions by the Supreme Court of the United States, by this court, and by every other court of reputation in the United States, that an act of the Legislature is not to be declared void unless the violation of the Constitution is so manifest as to leave no room for reasonable doubt."

And in Fletcher *vs.* Peck, 6 Cranch. 87, Chief-Justice Marshall said: "It is not on slight implication and vague conjecture that the Legislature is to be pronounced to have transcended its powers, and its acts to be considered void. The opposition between the Constitution and the law should be such that the judge feels a clear and strong conviction of their incompatibility with each other."

It is incumbent, therefore, upon those who affirm the unconstitutionality of an act of Congress to show clearly that it is in violation of the provisions of the Constitution. It is not sufficient for them that they succeed in raising a doubt. Nor can it be questioned that, when investigating the nature and extent of the powers conferred by the Constitution upon Congress, it is indispensable to keep in view the objects for which those powers were granted.

This is a universal rule of construction, applied alike to statutes, wills, contracts, and constitutions. If the general purpose of the instrument is ascertained, the language of its provisions must be construed with reference to that purpose, and so as to subserve it. In no other way can the intent of the framers of the instrument be discovered. And there are more urgent reasons for looking to the ultimate purpose in examining the powers conferred by a constitution than there are in construing a statute, a will, or a contract. We do not expect to find in a constitution minute details. It is necessarily brief and comprehensive. It prescribes outlines, leaving the filling up to be deduced from the outlines.

That would appear then to be a most unreasonable construction of the Constitution which denies to the government created by it the right to employ freely every means not prohibited necessary for its preservation, and for the fulfillment of its acknowledged duties. Such a right we hold was given by the last clause of the eighth section of its first article.

Indeed, the whole history of the Government and of Congressional legislation

has exhibited the use of a very wide discretion even in times of peace and in the absence of any trying emergency in the selection of the necessary and proper means to carry into effect the great objects for which the Government was framed, and this discretion has generally been unquestioned, or if questioned, sanctioned by this court.

This is true not only when an attempt has been made to execute a single power specifically given but equally true when the means adopted have been appropriate to the execution, not of a single authority, but of all the powers created by the Constitution.

And again the court approvingly, repeating the language of Chief Justice Marshall in the case of Fisher *vs.* Blight, 2 Crouch, 358, say:

Congress must possess the choice of means, and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution. The Government is to pay the debt of the Union and must be authorized to use the means which appear to itself most eligible to effect that object. It has consequently a right to make remittances by bills or otherwise, and to take those precautions which will render the transaction safe.

POWER OF CONGRESS TO MAKE MONEY.

Mr Chairman, the foregoing language of the highest court known to our laws is terse, clear, and explicit, and needs no comment. The power of Congress in the exercise of its own sound discretion to not only coin money but to make choice of the means and material in its so doing, it seems to me cannot be doubted and should not be questioned.

It is claimed that the words "to coin," necessarily, or even essentially within the meaning of the Constitution, imply coinage of metal money. I answer, not at all. The phrase "to coin" is a verb, defining an act to be performed. The language of the Constitution is: "The Congress shall have power"—to do what?—"to coin money and regulate the value thereof."

Now, when I look to lexicographers to see the accepted meaning of the words "to coin" I find it means "to stamp and convert into money," to engrave, to form by stamping. So that I may add that the conclusion is inevitable that Congress may, under the recent powers conferred and in the exercise of a sound discretion, employ other commodities than any of the metals now in use out of which to create and coin money for the Government and the people. Sir, there can be no doubt of this proposition, for in 1862 Congress did, in the exercise of its high prerogative, create, and by stamping with the impress of fiat power, coin the legal-tender greenback dollar. Congress declared that it should be a legal tender for all debts, public and private, except for interest on the public debt and for payment of customs duties. To the extent that the greenback dollar was a legal tender it became absolute money, fiat money; but to the extent that it was not a legal tender, under the law it had no use and no value beyond its promise to pay, credit, which of course needed redemption.

Now, sir, the Federal and State courts have rendered some eighteen decisions declaring the legal-tender act of 1862 constitutional, and, sir, in all the cases touching upon it not one decision is there to be found holding the act invalid. More than this, sir, the decisions, with one exception, have been uniform that the greenback dollar was a good legal tender under the law of the land for the payment of all debts, public and private, except such as by the terms of contract were expressly made payable in coin. That I may not be misunderstood, and that this House, and especially my colleague, who seems to be much befogged on this question and entertains fears as to what the court may do in the future, I again call attention to the language of the Supreme Court in the case of Knox *vs.* Lee. In speaking of the power of Congress under the Constitution to make paper money a legal tender, the court uses this language:

Confessedly the power to regulate the value of money coined and of foreign coins is not exhausted by the first regulation.

The court is here speaking of the right of Congress to change the quantity of metal in coin after having once fixed it; and proceeds:

More than once in our history has the regulation been changed without any denial of the power of Congress to change it, and it seems to have been left to Congress to determine alike what metal shall be coined, its purity, and how far its statutory value as money shall correspond from time to time with the market value of the same metal as bullion.

How then can the grant of power to coin money and regulate its value, made in terms so liberal and unrestrained, coupled also with a denial to the States of all power over the currency, be regarded as an implied prohibition to Congress against declaring Treasury notes a legal tender, if such declaration is appropriate and adapted to carrying into execution the admitted powers of the Government?

No one ever doubted that a debt of $1,000 contracted before 1834 could be paid by one hundred eagles coined after that year, though they contained no more gold than ninety-four eagles such as were coined when the contract was made, and this not because of the intrinsic value of the coin but because of its legal value.

The eagles coined after 1834 were not money until they were authorized by law, and had they been coined before without a law fixing their legal value they could no more have paid a debt than uncoined bullion or cotton or wheat.

Every contract for the payment of money simply is necessarily subject to the constitutional power of the Government over the currency, whatever that power may be, and the obligation of the parties is therefore assumed with reference to that power. Nor is this singular. A covenant for quiet enjoyment is not broken nor is its obligation impaired by the Government's taking the land granted in virtue of its right of eminent domain. The expectation of the covenantee may be disappointed. He may not enjoy all he anticipated, but the grant was made and the covenant undertaken in subordination to the paramount right of the Government. (Dobbins *vs.* Brown, 2 Jones, (Penn.,) 75; Workman *vs.* Mifflin, 6 Casey 362.)

We have been asked whether Congress can declare that a contract to deliver a quantity of grain may be satisfied by the tender of a less quantity. Undoubtedly not. But this is a false analogy. There is a wide distinction between a tender of quantities or of specific articles and a tender of legal values. Contracts for the delivery of specific articles belong exclusively to the domain of State legislation, while contracts for the payment of money are subject to the authority of Congress, at least so far as relates to the means of payment. They are engagements to pay with lawful money of the United States, and Congress is empowered to regulate that money. It cannot therefore be maintained that the legal-tender acts impaired the obligation of contracts. Nor can it be truly asserted that Congress may not by its action indirectly impair the obligation of contracts if by the expression be meant rendering contracts fruitless or partially fruitless.

We are not aware of anything else which has been advanced in support of the proposition that the legal-tender acts were forbidden by either the letter or the spirit of the Constitution. It, therefore, they were what we have endeavored to show, appropriate means for legitimate ends, they were not transgressive of the authority vested in Congress.

Mr. Chairman, it seems to me unnecessary to pursue this branch of my argument further. I can conceive of no reason or authority for doubting the power or right of Congress, in the exercise of its own sound discretion, to (1) determine the proper commodities for coinage; (2,) to make such selection from commodities of much or little commercial value or a commodity of no intrinsic or commercial value at all; (3,) to regulate the coinage of all money, and when coined to regulate and fix its denomination or value; and (4) whether such commodity be metal or paper to make it absolute money and a legal tender for all debts, public and private.

But again. My colleague, in speaking of Treasury notes, makes the statement:

If they are not promises to pay under the decision of the Supreme Court, they cannot be made a legal tender for any debt, public or private, and would, therefore, be unconstitutional.

Mr. Chairman, I am surprised at my colleague. I am surprised at the extremity of desperation to which he seems to be driven. Meaning no disrespect, I say to him—bosh. For this last proposition at least he is entitled to commiseration. The gentleman is a lawyer, and in his effort on yesterday he has shown himself to be huge on the Constitution. But really, sir, I do pity the Supreme Court. "A Treasury note cannot be a legal tender for any debt, unless it be a promise to pay!" I pause for the gentleman to tell me and the House the book and page where that decision is to be found.

My colleague seems to be sorely troubled over another proposition relating to the action of the Supreme Court, in reference to which he says:

Cases are now pending in the Supreme Court involving the question whether Congress in time of peace has the constitutional right to issue paper money and make it legal tender for private debts. There is a general opinion entertained by the community that the Supreme Court would hold that Congress has no such power.

Mr. Chairman, who is it that questions the right of Congress "to issue paper money and make it a legal tender for private debts?" I ask again, and repeat, who is it? The gentleman makes a bold, open, defiant charge that it is the popular sentiment of the masses of the people that the greenback dollar will be demonetized, and that the people are to be robbed of the use of the best and most beneficent money they ever had.

That the gentleman should express such a sentiment in the face of the fact that eighteen decisions have been rendered by the Federal and State courts affirming both the legality and constitutionality of the legal-tender act of 1862; in face of the fact that it was the greenback dollar (when sneaking, cowardly gold, in the hands of its servile minions, fled the country or hid from use in dark dens and caverns in the hour of the nation's dire necessity) that came nobly forth, though wounded nigh unto death by Shylock's poniard, and saved the nation from dissolution and disintegration; that it was the greenback dollar that sustained our banner at every battle's front and at last made it possible for fifty million people, the happiest and proudest of all nations, to join hands around the old flag and chant the anthem of the free, "One country, one flag, one people"—I say, sir, that in the face of these facts the gentleman should express such a sentiment I can account for in no other way than that his own wish was father to the thought.

THE PEOPLE LOVE THE GREENBACK DOLLAR.

The gentleman says "there is a general opinion entertained by the community." I ask what community? That resumptionists, bondholders, and Shylocks demand a so damning and wicked wrong I do not deny; but, sir, I do deny that it is the wish or the fear of 99 per cent. of the American people. The masses of the people love the greenback dollar; to them it is honest money; it buys their bread and it pays their debts; it was the money of the soldier and sailor; it has been the solace and hope of the widow and orphan; it gave the country relief in the dark days when bankruptcy and financial ruin stalked abroad at noonday in the years from 1869 to 1874; it stood by the people and the country and bridged over the chasm created by the infamous resumption act of 1875; it has ever been the friend of commerce, progress, and enterprise.

It has been the benefactor of every State, every community, and every fireside home all over the broad land. It has given courage to all labor and production, and it is to-day no less than in all the twenty years of the past the people's and the nation's honest, faithful friend. And, sir, in these later years, notwithstanding the sneaking and whining moan which has occasionally come up from the gold caverns of Wall street, it has so grown in popular favor that its enemies even have been compelled to do it honor. In all the history of our country I assert there never has been a greater necessity or higher reason for the use among the people of an honest legal-tender Treasury-note money than exists to-day. Conceding it was

conceived and called forth as a war necessity, the legal-tender greenback dollar has proved a blessing in peace. And the reason for my colleague's doubt but confirms the truth of inspiration—"God often makes the wrath of man to praise him."

True, sir, I cannot say what our Supreme Court as now organized may decide in reference to these questions, but, sir, I defy reason and argument to answer my position in relation to legal-tender Treasury-note money. And, sir, I will add, taking upon myself the full responsibility of the statement, that the man, set of men, or party, I care not what its name or erudition, who shall dare to lay violent hands upon, demonetize, and desecrate the people's money, the legal-tender greenback dollar, that man or that party's political doom will be sealed. I tell you, sir, that the greenback dollar is loved by the people; as money they regard it as their friend; it is with them and of them in all their commercial intercourses; though crippled they know it is reliable for all their needs and necessities. And, sir, I fearlessly announce, that damned be the hand who dare lay violation upon it.

Again, if I understand my colleague's last proposition, it is that it will be unconstitutional for Congress to issue Treasury notes and make them a legal tender for private debts. He concedes, indeed, that is the meaning of his substitute, (to which I have called attention,) that Congress may issue Treasury notes and make them a legal tender for the payment of all public debts and dues, except the bonded debt; and also a legal tender for all debts due the Government, except customs duties, while for the uses of the people they are merely a "promise to pay," and not a legal tender for anything.

Now, sir, in all candor, in all reason and justice, why should this be so? Bear in mind, there is no question of constitutionality as to the right and power of Congress to create, stamp, and coin legal-tender paper money for the payment of the Government's debts and for payment of debts to the Government; then, why not equally constitutional that they shall be money in payment of debts among the people. Is the right of the Government, the privilege of the Government superior to the rights of the people; is there any reason why the Government should have absolute money and the people a mere promise to pay? I have been taught and supposed it to be true that the people and the Government are one; that the Government is the will of the people acting in a sovereign capacity to do the will of the people; and that Congress is but the voice of the people, alike the guardians of national sovereignty and the sovereigns the people.

ONE MONEY FOR THE PEOPLE AND THE GOVERNMENT.

Why, then, should we not have "one money for the people and the Government?" Congress has power "to coin money"—for whom? I answer, for the Government and the people. I submit, then, is it fair or honest that Congress should make anything money for the Government's use, compel the people to receive it as money, and yet for the people's use be not money at all, no different or better than any citizen's "promise to pay" who is of good credit? I say, sir, that the proposition is preposterous; that it is false in theory; that it is condemned by all reason, law, and justice; and I denounce it as a scheme of the coinocracy and goldocracy of the country to cheat, oppress, and prey upon the necessities of the people and their industries by giving coin as against the paper currency of the people an opportunity through the banks to redeem this non-legal-tender paper currency, and at such premium as they in their avarice may or can impose.

I denounce it, sir, as a scheme of sordid, soulless, and cold-blooded robbery; a scheme to force upon the country a use for gold which to-day has been measurably driven from the marts of trade and hoarded in non-use by the more popular legal-tender Treasury note. Am I not correct? If not, what reason can be given why the people should not have the same Treasury-note legal-tender money that you would furnish the Government? It is shown to be legal, and there is no longer any doubt about its being constitutional. I ask the candid mind to study the proposition a moment, and answer me if it is not an unblushing shame for Congress to issue a full legal-tender note for the payment of debts and dues of the Government to the people, and, with full money property and power to pay its debts, pay it out to the people to be used as their circulating medium and then immediately after having so paid it out turn round and demonetize it?

And yet, sir, this in "undress" is the naked proposition of my colleague, [Mr. BLAND.] But he says the Treasury note proposed by him may be exchanged for "legal-tender notes." What legal-tender notes? He stated in his speech on yesterday the Supreme Court would likely decide the greenback note unconstitutional; and suppose it should, then what? I would not be even seemingly unkind to my colleague. Evidently he is in a dilemma. I will give him opportunity for reflection and pass on. But when and where exchangeable? He says in his proposed substitute:

> And shall be exchangeable for legal-tender notes when presented in sums of $100 or more, for that purpose at the Treasury of the United States.

HOW IT WORKS.

Now, sir, to illustrate my idea of this proposition permit me to suppose a case. A is a Democrat of Mr. BLAND'S school. B is a Greenbacker and a sensible man; he knows and understands what is right and fair, and withal he is a stickler for honest money. A owes B $80 on a note; it is due and he calls upon him to make payment. B inquires, "What kind of money have you, Mr. A?" He answers, "Treasury notes." But B inquires again, "What kind of Treasury notes?" "Why, sir, they are the Treasury notes proposed by the Bland substitute for the Crapo bill." B at once says, "Mr. A, I cannot take them; those notes are not money; I have no use for promissory notes. I want lawful money or none at all." "But," says A, "these notes are good; they are the notes of the Government, issued by the Secretary of the Treasury." B answers, "True, that all may be, Mr. A, but they are not money, and I cannot take them." Now, this frets A; he tenders his Bland Treasury notes and pleads for mercy, but all to no purpose; B is inflexible.

Now, what can A do? He returns home, calls upon his honored Representative, and says: "Mr. BLAND, I owe that Greenbacker, B, $80; I have got the money; have tendered it to him, but he refuses to take it; he says it is not money; what am I do?" Mr. BLAND, I imagine, here exhibits a little uneasiness, but inquires, "What is your money, Mr. A?" A replies, "Some of your Treasury notes!" "Ah," (coloring in the face,) Mr. BLAND says, "that is strange, but I tell you, send them to Washington and exchange them for legal-tender notes." A goes to the express office and sends his $80 to the Secretary of the Treasury. In due course of mail he receives a letter from the Treasury Department advising him of the receipt of the $80, for exchange for legal-tender notes, but further advising him that under the provisions of the Bland substitute no exchange can be made for a less sum than $100.

Now, to be brief with this recital: A, after much trouble and an expense of $3.50 or $4, obtains the required amount of legal-tender notes, again calls upon B and takes up his note. After a few days A again calls upon his worthy Representative, Mr. BLAND, but is not in his usual good humor, and says, "BLAND, there must be something wrong about this Treasury-note business of yours; besides my time and the delay in paying that little note it cost me $4 to get those legal-tender notes from Washington. Mr. BLAND, I don't believe I want any more of your Treasury notes." My colleague is evidently in another muddle. Out of compassion for him I will leave him to his reflections and pass on. Again, the substitute of my colleague provides:

> And that said Treasury notes shall be redeemable at the pleasure of the United States, in legal-tender notes or coin, at the option of the Government.

ABSOLUTE MONEY. AN HONEST DOLLAR.

I submit, Mr. Chairman, I am again met with a very singular proposition. He, as is seen, proposes a Treasury note which is not a legal tender with which to redeem the national-bank notes; they are not money for any use of the people—to be redeemed at the pleasure of the United States in legal-tender notes—or coin, at the option of the Government. Now, I submit again to the gentleman, if it be true, as he asserts, that coin money is the only and true basis of a circulating medium for the country, will it ever be possible for the people with his Treasury notes ever to get any coin on them; first, for the reason that the Government may upon his proposition redeem in legal-tender notes; and, second, for the reason that from his declaration and argument the legal-tender notes will be held by the Supreme Court unconstitutional, and for that reason, on his theory, must all very soon be withdrawn from circulation, so that we will only have coin left for redemption, and that to be used only at the option of the Government.

I assert that a more cunningly devised scheme for the direct benefit of bankers and brokers could not possibly have been drafted. And, sir, upon the theory of his substitute it does not matter what the Supreme Court may decide as to the constitutionality or unconstitutionality of the greenback dollar. Still, the effect of his Treasury-note system means an opportunity for money and gold sharks to speculate upon the currency of the people.

On the other hand, the Treasury note proposed in my amendment is not only an honest dollar to pay the debts of the Government but it is also an honest dollar to pay any debt the people may owe. It is a legal tender, and to all intents and purposes for the uses of the people and the Government is absolute money, and will pay all debts, public and private, except such as by the terms of contract may be required to be paid in coin.

But the gentleman says it is irredeemable. I answer every payment of it is a redemption. Like gold and silver it passes from hand to hand, performing every office of money, to-day, to-morrow, and forever, or at least so long as the Government may continue to exist. It is a legal tender for all debts, public and private; it is what the people need for their accountings, and in their buying and selling of commodities it performs every office of coin money. Why, then, or for what reason, should it have a coin basis or a coin redemption? What farmer, what laborer, what manufacturer or producer, asks for or even thinks of a coin redemption of the greenback dollar? Why redeem? Do you receive coin? What more of value is it and how much more of commodity will it buy? The answer must be, not any. Then, again, I ask who wants coin redemption? I answer, sir, none other than the bondholders, the capitalists, and the gold ring.

In my amendment I asked for a Treasury note to take the place of national-bank circulation, and asked that it be a full legal tender for

all debts, public and private. If my proposition had become a law, there could be no pretense that it would change or alter subsisting contracts. And therefore I say to my colleague while we propose to be just to the bondholder, it is also our mission to be just and honest with the people; that while we would faithfully and honestly pay every dollar of the public debt, the National party demands of the Government an honest money with full debt-paying power to all the people alike. Barring special contracts and conceding the inviolability of all contracts, we know no reason why coin money should be made a legal tender for some purposes and not for all, and likewise we know of no reason why paper, stamped and coined by authority of law to perform the office of money, should not also be absolute money and a legal tender for payment of debts of the Government and all the people alike.

And, sir, I submit, if there shall be a discrimination as to choice of material out of which money for the Government and the people shall be made, let that discrimination be made in favor of paper money. First, for the reason that it costs the Government but little to produce it. Second, clothed with the fiat of the law, it performs all the functions of money in all the monetary departments of the Government, and performs every want, every necessity, and every beneficence required to be performed by money among the people. Third, it will be purely and absolutely an American institution, growing with our growth and strengthening with our strength; in all times it lives with the people, abides with the people in all their prosperity, their greatness, and their grandeur; abiding all our misfortunes, standing by the people and the Government, it boldly braves all danger, and, never doing or knowing dishonor, only falls when the nation in the evolution of the ages may sink to rise no more. Fourth, gold, on the other hand, is and always has been a sneaking, dastardly coward, shrinks from every calamity, unfaithful in every hour of national distress; a fawning sycophant in prosperity, but in every national adversity a tyrant and despot. And when danger threatens the life of the body-politic it hies to the fastnesses of dark caves and caverns, or flees to a foreign land—a veritable thief, bearing off our substance and robbing the people and the Government of the life-blood of national power, national preservation, and national existence.

In conclusion, sir, I for my people, for my country—and meaning, sir, all my language imports—demand an honest-money currency for the Government and the people.

ANALYSIS OF THE VOTES ON THE BILL TO EXTEND THE CORPORATE EXISTENCE OF NATIONAL BANKS.

Mr. Chairman, I now ask permission to print in the RECORD as part of my remarks the vote on the Crapo bill, to extend the charters of national banks, and the material substitutes and amendments offered thereto.

The bill had been reported by the Committee on Banking and Currency, and being upon the House Calendar so far down in the order of business that it could not possibly be reached or considered at this session, if by this Congress, except under a suspension of rules by a two-thirds vote, on Monday, the 1st day of May last, Mr. CRAPO, chairman of the Committee on Banking and Currency, submitted to the House the following resolution:

Resolved, That the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence be taken from the House Calendar and made the special order for the 9th day of May instant after the morning hour, and from day to day thereafter until disposed of, not to interfere with the consideration of general appropriation and revenue bills; said bill to be considered by the House as in Committee of the Whole, shall be open to amendment, including committee amendments and an amendment restricting the deposit of lawful money and withdrawal of bonds at pleasure; also an amendment in reference to the jurisdiction of State courts where a bank is situated in the trial of suits with citizens of that locality; also in reference to loans upon real-estate security; and such other amendments and restrictions as may be germane to the bill, or entire substitutes therefor.

Substantially the same resolution has been submitted to the House on two former occasions and was defeated by an ay and no vote. On this occasion the resolution was adopted, two-thirds of the members voting in the affirmative, and the following is the vote:

[NOTE.—Republicans, Roman letters; Democrats, italics; Greenbackers, small capitals.]

VOTE TO SUSPEND THE RULES.

YEAS—150.

Aldrich,	Carpenter,	*Ellis*,	Hepburn,
Anderson,	Chace,	*Ermentrout*,	Hill,
Barbour,	*Chapman*,	Errett,	Hiscock,
Bayne,	*Converse*,	*Evins*,	*Hoblitzell*,
Beach,	*Cox, William R.*	Farwell, Chas. B.	Horr,
Belford,	Crapo,	Farwell, Sewell S.	*Hubbs*,
Beltzhoover,	Cullen,	Fisher,	Humphrey,
Bingham,	*Curtin*,	George,	*Hutchins*,
Bliss,	Cutts,	*Gibson*,	Jacobs,
Bowman,	Darrall,	Godshalk,	Jadwin,
Bragg,	Davis, George R.	Grout,	Jones, Phineas
Briggs,	Deering,	Guenther,	Joyce,
Browne,	De Motte,	Hall,	Kasson,
Buck,	*Deuster*,	*Hardenbergh*,	Kelley,
Burrows, Julius C.	Dezendorf,	*Hardy*,	Ketcham,
Butterworth,	*Dibble*,	Harris, Benj. W.	*King*,
Calkins,	Dingley,	*Harris, Henry S.*	*Klotz*,
Camp,	*Dowd*,	Haskell,	Lacey,
Campbell,	*Dugro*,	Hawk,	Lewis,
Candler,	Dunnell,	Heilman,	Lindsey,
Cannon,	Dwight,	Henderson,	Lord,
Lynch,	Payson,	Sherwin,	Updegraff, Thomas
Mason,	Peelle,	*Singleton, J. W.*	Urner,
McClure,	Peirce,	Skinner,	Valentine,
McCoid,	Pettibone,	Smith, Dietrich C.	*Vance*,
McLane,	*Randall*,	Smith, J. Hyatt	Van Aernam,
Miles,	Ray,	Spaulding,	Van Horn,
Moore,	Reed,	*Speer*,	Walker,
Morey,	Rice, William W.	Spooner,	Watson,
Morse,	Rich,	Steele,	Webber,
Mutchler,	Richardson, D. P.	Stone,	Williams, Chas. G.
Neal,	Robinson, Geo. D.	*Talbott*,	*Willis*,
Norcross,	Robinson, James S.	Taylor,	*Wilson*,
O'Neill,	Ross,	Thomas,	*Wise, George D.*
Orth,	Russell,	Thompson, Wm. G.	*Wise, Morgan R.*
Pacheco,	*Scoville*,	Townsend, Amos	Young.
Page,	Scranton,	Tyler,	
Parker,	Shallenberger,	Updegraff, J. T.	

NAYS—65.

Atherton,	*Cox, Samuel S.*	*Jones, James K.*	*Scales*,
Atkins,	*Cravens*,	*Kenna*,	*Singleton, Otho R.*
Berry,	*Culberson*,	LADD,	*Springer*,
Blanchard,	*Davidson*,	*Latham*,	*Stockslager*,
Bland,	*Dunn*,	*Manning*,	*Thompson, P. B.*
Blount,	*Finley*,	*Matson*,	*Townshend, R. W*
Buchanan,	FORD,	*McMillin*,	*Tucker*,
Buckner,	*Forney*,	*Mills*,	*Turner, Henry G.*
Cabell,	*Gunter*,	*Morrison*,	*Turner, Oscar*
Caldwell,	*Hammond, N. J.*	*Mosgrove*,	*Upson*,
Cassidy,	HASELTINE,	*Muldrow*,	*Warner*,
Clardy,	*Hatch*,	MURCH,	*Wellborn*,
Clark,	*Herbert*,	*Oates*,	*Whitthorne*,
Clements,	*Holman*,	Paul,	*Williams, Thomas.*
Cobb,	*Hooker*,	RICE, THERON M.	
Colerick,	*House*,	*Robertson*,	
Cook,	JONES, GEO. W.	*Rosecrans*,	

NOT VOTING—76.

Aiken,	Fulkerson,	*McKenzie*,	*Shelley*,
Armfield,	*Garrison*,	McKinley,	Shultz,
Barr,	*Geddes*,	Miller,	*Simonton*,
Belmont,	Hammond, John	*Money*,	Smith, A. Herr
Black,	Harmer,	*Moulton*,	*Sparks*,
Blackburn,	Hazelton,	*Nolan*,	*Stephens*,
Brewer,	*Herndon*,	*Phelps*,	Strait,
BRUMM,	*Hewitt, Abram S.*	*Phister*,	*Tillman*,
BURROWS, Jos. H.	*Hewitt, G. W.*	Pound,	Van Voorhis,
Carlisle,	*Hoge*,	Prescott,	Wadsworth,
Caswell,	Houk,	Ranney,	Wait,
Cornell,	Hubbell,	*Reagan*,	Ward,
Covington,	Jorgensen,	Rice, John B.	Washburn,
Crowley,	*Knott*,	*Richardson, Jno. S.*	West,
Davis, Lowndes H.	*Leedom*,	Ritchie,	*Wheeler*,
Dawes,	*Le Fevre*,	Robeson,	White,
Dibrell,	Marsh,	*Robinson, Wm. E.*	Willits,
Flower,	*Martin*,	Ryan,	*Wood, Benjamin*
Frost,	McCook,	*Shackelford*,	Wood, Walter A.

Thus it is seen that 40 Democrats voted for the resolution, and 38 refused to vote at all; thereby, by the action and non-action of Democrats, the resolution was adopted by a two-thirds majority.

THE BLAND SUBSTITUTE.

Upon the Bland substitute for the Crapo bill the vote was as follows:

YEAS—71.

Aiken,	*Colerick*,	*Hewitt, G. W.*	*Reagan*,
Anderson,	*Converse*,	*Hoge*,	*Scales*,
Armfield,	*Cook*,	*Holman*,	*Shackelford*,
Atkins,	*Cox, William R.*	*House*,	*Singleton, Jas. W.*
Belford,	*Cravens*,	*Jones, James K.*	*Singleton, Otho R.*
Beltzhoover,	*Culberson*,	*Kenna*,	*Sparks*,
Berry,	*Davis, Lowndes H.*	*Knott*,	*Stockslager*,
Blackburn,	*Dugro*,	*Leedom*,	*Tillman*,
Blanchard,	*Dunn*,	*Le Fevre*,	*Turner, Henry G.*
Bland,	*Finley*,	*Manning*,	*Turner, Oscar*
Buchanan,	*Forney*,	*Matson*,	*Vance*,
Cabell,	Fulkerson,	*McMillin*,	*Warner*,
Caldwell,	*Garrison*,	*Mills*,	*Wellborn*,
Cassidy,	*Geddes*,	*Money*,	*Whitthorne*,
Clardy,	*Gunter*,	*Muldrow*,	*Williams, Thomas*
Clark,	HASELTINE,	MURCH,	*Willis*,
Clements,	*Hatch*,	Paul,	*Wilson*.
Cobb,	*Herndon*,	*Phelps*,	

NAYS—138.

Aldrich,	De Motte,	*Hoblitzell*,	O'Neill,
Barbour,	*Deuster*,	Houk,	Orth,
Bayne,	Dingley,	Humphrey,	Page,
Beach,	*Dowd*,	*Hutchins*,	Payson,
Bingham,	Dunnell,	Jacobs,	Peelle,
Bowman,	Dwight,	Jadwin,	Pierce,
Briggs,	*Ermentrout*,	JONES, GEO. W.	Pettibone,
BRUMM,	Errett,	Jorgensen,	Pound,
Buck,	Farwell, Sewell S.	Kasson,	Prescott,
Burrows, Julius C.	*Flower*,	Kelley,	Ranney,
BURROWS, Jos. H.	FORD,	Ketcham,	Ray,
Butterworth,	George,	*Klotz*,	Rice, John B.
Calkins,	Godshalk,	Lewis,	RICE, THERON M.
Campbell,	Grout,	Lord,	Rice, William W.
Candler,	Guenther,	Lynch,	Rich,
Cannon,	*Hardenbergh*,	Marsh,	Ritchie,
Carpenter,	Harmer,	Mason,	*Robertson*,
Caswell,	Harris, Benj. W.	McClure,	Robeson,
Chace,	*Harris, Henry S.*	McCook,	Robinson, Geo. D.
Covington,	Haskell,	Miles,	Robinson, Jas. S.
Crapo,	Hazelton,	Miller,	*Ross*,
Cullen,	Heilman,	Moore,	Russell,
Cutts,	Hepburn,	Morey,	Ryan.
Davis, George R.	*Hewitt, Abram S.*	*Mutchler*,	*Scoville*,
Dawes,	Hill,	Neal,	Scranton,
Deering,	Hiscock,	Norcross,	*Shelley*,

Shultz,	Taylor,	Van Aernam,	West,
Skinner,	Thomas,	Van Horn,	White,
Smith, A. Herr	Thompson, Wm. G.	Van Voorhis,	Williams, Chas. G.
Smith Dietrich C.	Townsend, Amos	Wadsworth,	Willits,
Smith, J. Hyatt	Tyler,	Wait,	*Wise, George D.*
Spaulding,	Updegraff, J. T.	Walker,	Wood, Walter A.
Spooner,	Updegraff, Thomas	Ward,	Young.
Stone,	Urner,	Watson,	
Strait,	Valentine,	Webber,	

NOT VOTING—82.

Atherton,	*Dibrell,*	Lacey,	*Richardson, Jno. S.*
Barr,	*Ellis,*	LADD,	*Robinson, Wm. E.*
Belmont,	*Evins,*	*Latham,*	*Rosecrans,*
Black,	Farwell, Chas. B.	Lindsey,	Shallenberger,
Bliss,	Fisher,	*Martin*	Sherwin,
Blount,	*Frost,*	McCoid,	*Simonton,*
Bragg,	*Gibson,*	*McKenzie,*	*Speer,*
Brewer,	Hall,	McKinley,	*Springer,*
Browne,	Hammond John	*McLane,*	Steele,
Buckner,	*Hammond, N. J.*	*Morrison,*	*Stephens,*
Camp,	*Hardy,*	*Morse,*	*Talbott,*
Carlisle,	Hawk,	*Mosgrove*	*Thompson, P. B.*
Chapman,	Henderson,	*Moulton,*	*Townshend, R. W.*
Cornell,	*Herbert,*	*Nolan,*	*Tucker,*
Cox, Samuel S.	*Hooker,*	*Oates,*	*Upson,*
Crowley,	Horr,	Pacheco,	Washburn,
Curtin,	Hubbell,	Parker,	*Wheeler,*
Darrall,	*Hubbs,*	*Phister,*	*Wise, Morgan R.*
Davidson,	Jones, Phineas	*Randall,*	*Wood, Benjamin*
Dezendorf,	Joyce,	Reed,	
Dibble,	*King,*	Richardson, D. P.	

So the substitute for the section offered by Mr. BLAND was not agreed to.

THE RICE AMENDMENT.

The vote upon the amendment offered by Mr. RICE, of Missouri, was as follows:

The question was taken; and there were—yeas 44, nays 147, not voting 100; as follows:

YEAS—44.

Anderson,	*Forney,*	*McKenzie,*	*Sparks,*
BRUMM,	*Geddes,*	*McMillin,*	*Springer,*
BURROWS, JOS. H.	*Gunter,*	*Mills,*	*Stockslager,*
Cabell,	HAZELTINE,	*Muldrow,*	*Turner, Oscar*
Cobb,	*Hatch,*	MURCH,	*Vance,*
Colerick,	*Holman,*	*Phelps,*	Van Horn,
Cook,	JONES, GEORGE W.	RICE, THERON M.	*Warner,*
Culberson,	*Jones, James K.*	*Richardson, Jno. S.*	*Wellborn,*
Davis, Lowndes H.	*Kenna,*	*Shackelford,*	*Whitthorne,*
Finley,	LADD,	*Singleton, Jas. W.*	*Williams, Thomas*
FORD,	*Matson,*	*Singleton, Otho R.*	*Wilson.*

NAYS—147.

Aiken,	*Dibble,*	Lewis,	Robinson, James S.
Aldrich,	Dingley,	Lord,	*Ross,*
Atkins,	*Dugro,*	Lynch,	Russell,
Bayne,	Dunnell,	Marsh,	Ryan,
Beach,	Dwight,	Mason,	*Shelley,*
Beltzhoover,	*Ellis,*	McClure,	Shultz,
Bingham,	*Ermentrout,*	McCoid,	*Simonton,*
Bland,	Errett,	McCook,	Skinner,
Bliss,	*Evins,*	McKinley,	Smith, A. Herr
Blount,	Farwell, Sewell S.	Miles,	Smith, Dietrich C.
Briggs,	*Flower,*	Miller,	Smith, J. Hyatt
Buck,	*Garrison,*	Moore,	Spaulding,
Buckner,	*Gibson,*	Morey,	Spooner,
Burrows, Julius C.	Godshalk,	*Morrison,*	Stone,
Caldwell.	Grout,	Mutchler,	Strait,
Calkins,	Guenther,	Neal,	Thomas,
Campbell,	Hall,	Norcross,	*Thompson, P. B.*
Candler,	Hammond, John	O'Neill,	Thompson, Wm. G.
Cannon,	*Hammond, N. J.*	Orth,	*Tillman,*
Carpenter,	*Hardenbergh,*	Parker,	Townsend, Amos
Caswell	Harris, Benj. W.	Payson,	*Turner, Henry G.*
Chace,	*Harris, Henry S.*	Peelle,	Tyler,
Clardy,	Heilman,	Peirce,	Updegraff, J. T.
Clark,	Henderson,	Pettibone,	Updegraff, Thomas
Clements,	Hepburn,	Pound,	Urner,
Converse,	*Hewitt, Abram S.*	Prescott,	Van Aernam,
Covington,	*Hewitt, G. W.*	*Randall,*	Wait,
Crapo,	Hiscock,	Ranney,	Ward,
Cravens,	*Hoblitzell,*	Ray,	Watson,
Cullen,	Houk,	*Reagan,*	Webber,
Cutts,	*House,*	Rice, John B.	West,
Darrall,	Humphrey,	Rice, William W.	White,
Davis, George R.	*Hutchins,*	Rich,	Williams, Chas. G.
Dawes,	Jacobs,	Richardson, D. P.	Willits,
Deering,	Jadwin,	Ritchie,	Wood, Walter A.
De Motte,	Kelley,	Robeson,	Young.
Deuster,	*Klotz,*	Robinson, Geo. D.	

NOT VOTING—100.

Armfield,	*Chapman,*	Hawk,	*Leedom,*
Atherton,	Cornell,	Hazelton,	*Le Fevre,*
Barbour,	*Cox, Samuel S.*	*Herbert,*	Lindsey,
Barr,	*Cox, William R.*	*Herndon,*	*Manning,*
Belford,	Crowley,	Hill,	*Martin,*
Belmont,	*Curtin,*	*Hoge,*	*McLane,*
Berry,	*Davidson,*	*Hooker,*	*Money,*
Black,	Dezendorf,	Horr,	*Morse,*
Blackburn,	*Dibrell,*	Hubbell,	*Mosgrove,*
Blanchard,	*Dowd,*	*Hubbs,*	*Moulton,*
Bowman,	*Dunn,*	Jones, Phineas	*Nolan,*
Bragg,	Farwell, Chas. B.	Jorgensen,	*Oates,*
Brewer,	Fisher,	Joyce,	Pacheco,
Browne,	*Frost,*	Kasson,	Page,
Buchanan,	Fulkerson,	Ketcham,	Paul,
Butterworth,	George,	*King,*	*Phister,*
Camp,	*Hardy,*	*Knott,*	Reed,
Carlisle,	Harmer,	Lacey,	*Robertson,*
Cassidy,	Haskell,	*Latham,*	Robinson, Wm. E.
Rosecrans,	*Speer,*	*Tucker,*	Washburn,
Scales,	Steele,	*Upson,*	*Wheeler,*
Scoville,	*Stephens,*	Valentine,	*Willis,*
Scranton,	*Talbott,*	Van Voorhis,	*Wise, George D.*
Shallenberger,	Taylor,	Wadsworth,	*Wise, Morgan R.*
Sherwin,	*Townshend, R. W.*	Walker,	*Wood, Benjamin.*

So the amendment was not agreed to.

FINAL PASSAGE OF THE BILL.

The vote of the House upon the final passage of the Crapo bill was as follows:

The question was taken; and there were—yeas 125, nays 67, not voting 99; as follows:

YEAS—125.

Aldrich,	*Evins,*	McKinley,	*Shelley,*
Barr,	Farwell, Sewell S.	Miles,	Shultz,
Bayne,	*Flower,*	Miller,	Skinner,
Beach,	*Garrison,*	Moore,	Smith, A. Herr
Belmont,	George,	Morey,	Smith, Dietrich C.
Bingham,	Godshalk,	*Mutchler,*	Smith, J. Hyatt
Bliss,	Grout,	Neal,	Spaulding,
Briggs,	Guenther,	Norcross,	Spooner,
Buck,	Hall,	O'Neill,	Stone,
Burrows, Julius C.	Hammond, John	Orth,	Strait,
Butterworth,	*Hardenbergh,*	Parker,	Thomas,
Calkins,	Harris, Benj. W.	Payson,	Thompson, Wm. G.
Campbell,	*Harris, Henry S.*	Peelle,	*Tillman,*
Candler,	Haskell,	Peirce,	Townsend, Amos.
Cannon,	Heilman,	Pettibone,	Tyler,
Carpenter,	Henderson,	*Phelps,*	Updegraff, J. T.
Caswell,	Hiscock,	Pound,	Updegraff, Thomas
Chace,	*Hoblitzell,*	Prescott,	Urner,
Covington,	Houk,	Ranney,	Van Aernam,
Crapo,	Humphrey,	Ray,	Wait,
Cullen,	*Hutchins,*	Rice, John B.	Ward,
Davis, George R.	Jacobs,	Rice, William W.	Watson,
Dawes,	Jadwin,	Rich,	Webber,
Deering,	Kelley,	Richardson, D. P.	West,
De Motte,	*Klotz,*	*Richardson, Jno. S.*	White,
Deuster,	Lewis,	Ritchie,	Williams, Chas. G.
Dibble,	Lord,	Robeson,	Willits,
Dingley,	Lynch,	Robinson, Geo. D.	Wood, Walter A.
Dunnell,	Mason,	Robinson, Jas. S.	Young.
Dwight,	McClure,	*Ross,*	
Ellis,	McCoid,	Russell,	
Ermentrout,	McCook,	Ryan,	

NAYS—67.

Aiken,	*Cook,*	JONES, GEO. W.	*Shackelford,*
Anderson,	*Cravens,*	*Jones, James K.*	*Simonton,*
Atkins,	*Culberson,*	*Kenna,*	*Singleton, Jas. W.*
Beltzhoover,	Cutts,	*Knott,*	*Singleton, Otho R.*
Bland,	*Davis, Lowndes H.*	LADD,	*Sparks,*
Blount,	*Dunn,*	*Le Fevre,*	*Springer,*
BRUMM,	*Finley,*	Marsh,	*Stockslager,*
BURROWS, JOS. H.	FORD,	*Matson,*	*Thompson, P. B.*
Cabell,	*Forney,*	*McKenzie,*	*Turner, Henry G.*
Caldwell,	*Geddes,*	*McMillin,*	*Turner, Oscar*
Cassidy,	*Gunter,*	*Money,*	*Vance,*
Clardy,	*Hammond, N. J.*	*Morrison,*	*Warner,*
Clark,	HASELTINE,	*Muldrow,*	*Wellborn,*
Clements,	*Hatch,*	MURCH,	*Whitthorne,*
Cobb,	*Hoge,*	*Randall,*	*Williams, Thomas*
Colerick,	*Holman,*	*Reagan,*	*Wilson.*
Converse,	*House,*	RICE, THERON M.	

NOT VOTING—99.

Armfield,	*Dibrell,*	Joyce,	*Scales,*
Atherton,	*Dowd,*	Kasson,	*Scoville,*
Barbour,	*Dugro,*	Ketcham,	Scranton,
Belford,	Errett,	*King,*	Shallenberger,
Berry,	Farwell, Chas. B.	Lacey,	Sherwin,
Black,	Fisher,	*Latham,*	*Speer,*
Blackburn,	*Frost,*	*Leedom,*	Steele,
Blanchard,	Fulkerson,	Lindsey,	*Stephens,*
Bowman,	*Gibson,*	*Manning,*	*Talbott,*
Bragg,	*Hardy,*	*Martin,*	Taylor,
Brewer,	Harmer,	*McLane,*	*Townshend, R. W.*
Browne,	Hawk,	*Mills,*	*Tucker,*
Buchanan,	Hazelton,	*Morse,*	*Upson,*
Buckner,	Hepburn,	*Mosgrove,*	Valentine,
Camp,	*Herbert,*	*Moulton,*	Van Horn,
Carlisle,	*Herndon,*	*Nolan,*	Van Voorhis,
Chapman,	*Hewitt, Abram S.*	*Oates,*	Wadsworth,
Cornell,	*Hewitt, G. W.*	Pacheco,	Walker,
Cox, Samuel S.	Hill,	Page,	Washburn,
Cox, William R.	*Hooker,*	Paul,	*Wheeler,*
Crowley,	Horr,	*Phister,*	*Willis,*
Curtin,	Hubbell,	Reed,	*Wise, George D.*
Darrall,	*Hubbs,*	*Robertson,*	*Wise, Morgan R.*
Davidson,	Jones, Phineas	*Robinson, Wm. E.*	*Wood, Benjamin.*
Dezendorf,	Jorgensen,	*Rosecrans,*	

Upon the bill reported by Mr. KELLEY, of Pennsylvania, chairman of the Committee on Ways and Means, "to correct an error in section No. 2504 of the United States Revised Statutes, 1878," in relation to

WOOLEN OR KNIT GOODS,

the vote was as follows.

IN RELATION TO WOOLEN OR KNIT GOODS.

YEAS—134.

Aldrich,	Bisbee,	Buck,	Caswell,
Anderson,	*Bliss,*	Burrows, Julius C.	Chace,
Atherton,	Bowman,	Butterworth,	*Converse,*
Barr,	Brewer,	Campbell,	Crapo,
Bayne,	Briggs,	Candler,	*Curtin,*
Belford,	Browne,	Cannon,	Dawes,
Bingham,	BRUMM,	Carpenter,	Deering,

De Motte,	Hubbell,	Parker,	Spooner,
Dezendorf,	*Hubbs,*	Paul,	Steele,
Dingley,	Humphrey,	Peelle,	Stone,
Dwight,	Jacobs,	Peirce,	*Talbott,*
Ermentrout,	Jorgensen,	Pettibone,	Taylor,
Errett,	Kasson.	*Phelps,*	Thomas,
Farwell, Sewell S.	Kelley,	Prescott,	Thompson, Wm. G.
Fisher,	Ketcham,	Ranney,	*Tillman,*
FORD,	*Klotz,*	Ray,	Townsend, Amos
Frost,	Lacey,	Rice, John B.	Tyler,
Fulkerson,	LADD,	Rich,	Updegraff, J. T.
Geddes,	Lewis,	Ritchie,	Updegraff, Thomas
George,	Lord,	Robeson,	Urner,
Gibson,	Lynch,	Robinson, Geo. D.	Valentine,
Hall,	Mason,	Robinson, James S.	Van Horn,
Hammond, John	McCook,	*Robinson, Wm. E.*	Wadsworth,
Harmer,	McKinley,	*Ross,*	Wait,
Harris, Benj. W.	*McLane,*	Russell,	Walker,
Harris, Henry S.	Miles,	Ryan,	West,
Haskell,	Moore,	Scranton,	White,
Hazelton,	Morey,	Shallenberger,	Williams, Chas. G.
Henderson,	*Mosgrove,*	*Shelley,*	Willits,
Hepburn,	*Mutchler,*	Shultz,	*Wilson,*
Hill,	Neal,	Smith, A. Herr	*Wise, Morgan R.*
Hiscock,	O'Neill,	Smith, Dietrich C.	Young.
Hoblitzell,	Orth,	Smith, J. Hyatt	
Horr,	Page,	Spaulding,	

NAYS—49.

Atkins,	*Cravens,*	*Knott,*	*Stockslager,*
Berry,	*Culberson,*	*Le Fevre,*	Strait,
Blackburn,	*Davidson,*	*Manning,*	*Thompson, P. B.*
Blount,	*Davis, Lowndes H.*	*Martin,*	*Townshend, R. W.*
Buchanan,	*Dibrell,*	*Matson,*	*Tucker,*
Buckner,	Dunnell,	*McMillin,*	*Turner, Henry G.*
Carlisle,	*Forney,*	*Mills,*	*Turner, Oscar*
Cassidy,	*Gunter,*	*Morrison,*	*Warner,*
Clements,	*Hewitt, G. W.*	*Oates,*	*Wellborn,*
Cobb,	*Holman,*	*Phister,*	*Willis.*
Colerick,	*House,*	*Reagan,*	
Cook,	JONES, GEO. W.	*Rosecrans,*	
Cox, Samuel S.	*Jones, James K.*	*Springer,*	

NOT VOTING—107.

Aiken,	*Dowd,*	*Kenna,*	*Richardson, J. S.*
Armfield,	*Dugro,*	*King,*	*Robertson,*
Barbour,	*Dunn,*	*Latham,*	*Scales,*
Beach,	*Ellis,*	*Leedom,*	*Scoville,*
Belmont,	*Evins,*	Lindsey,	*Shackelford,*
Beltzhoover,	Farwell, Chas. B.	Lowe,	Sherwin,
Black,	*Flower,*	Mackey,	*Simonton,*
Blanchard,	*Garrison,*	Marsh,	*Singleton, Jas. W.*
Bland,	Godshalk,	McClure,	*Singleton, Otho R.*
Bragg,	Grout,	McCoid,	Skinner,
BURROWS, Jos. H.	Guenther,	*McKenzie,*	*Sparks,*
Cabell,	*Hammond, N. J.*	Miller,	*Speer,*
Caldwell,	*Hardenbergh,*	*Money,*	*Stephens,*
Calkins,	*Hardy,*	*Morse,*	*Upson,*
Camp,	HASELTINE,	*Moulton,*	*Vance,*
Chapman,	*Hatch,*	*Muldrow,*	Van Aernam,
Clardy,	Heilman,	MURCH,	Van Voorhis,
Clark,	*Herbert,*	Nolan,	Ward,
Cornell,	*Herndon,*	Norcross,	Washburn,
Cox, William R.	*Hewitt, Abram S.*	Pacheco,	Watson,
Covington,	*Hoge,*	Payson,	Webber,
Crowley,	*Hooker,*	Pound,	*Whitthorne,*
Cullen,	Houk,	*Randall,*	*Williams,*
Cutts,	*Hutchins,*	Reed,	*Wise, George D.*
Darrall,	Jadwin,	RICE, THERON M.	*Wood, Benjamin*
Davis, George R.	Jones, Phineas	Rice, William W.	Wood, Walter A.
Deuster,	Joyce,	Richardson, D. P.	

INTERNAL-REVENUE TAXATION.

Mr. Chairman, as to the bill now under consideration, I am opposed to it, and for, in my own judgment, manifest good and sufficient reasons, shall give it my negative vote.

It has been stated, repeated, and rerepeated by the gentlemen who have advocated the passage of this measure, and as a reason for its becoming a law, first, that we have already an overflowing Treasury; and, second, that it is our duty as legislators to, so far as possible, relieve the onerous burdens resting upon the people. It is said that our internal-revenue system is a relic of the late war and that since the war has ended and the country has long since settled down to the even tenor of the good old ante-bellum times this tax may be dispensed with and ought to be removed from our statute-books.

It is true the war is ended, and that for a period of seventeen years the country has been measurably peaceful and quiet; but gentlemen must not forget that as an incident and bequest of that long and bloody struggle the debt still remains, an incubus upon the nation's prosperity, the interest on which is to-day sapping the life-blood and eating up the substance of the people.

In 1865, when the tread of hostile armies had ceased to reverberate through the land, when President Lincoln had issued his proclamation announcing to the world that at last the end had come, the Union saved, and that the authority of the Federal Government was again supreme, the aggregate unpaid war debt amounted to about $2,600,000,000.

Large as our debt then was it is demonstrable that it was clearly within the power of the Government to have paid every dollar, principal and interest, within the period of the next succeeding ten years, and this, Mr. Chairman, I assert might have been accomplished without violating any contract with creditors or the imposition of any additional tax burden upon the people. At that period less than one-tenth of our aggregate debt was payable in coin; under the terms of the contract creating it, more than nine-tenths was payable in lawful money of the United States, and every dollar of it was subject to option payment by the Government on or before the 1st of January, 1869.

The total revenue collected for 1865 was $620,000,000, and the total expenditures were $385,000,000, leaving a surplus of $235,000,000. In 1866 the Government's current contingent expenses were $206,000,000, and in 1867 $229,000,000. Now, with an annual income of $620,000,000 flowing into the Treasury, the annual surplus, averaging $350,000,000, would have paid every dollar of the public debt, principal and interest, within the period I have named, and we would have still had a surplus to spare. In 1865, 1866, and 1867, money was plenty, liberal prices were paid for labor, and produce of all kinds found good markets and remunerative sales all over the land. The country from North to South, from East to West, was never more prosperous.

And sir, I assert that there has never been a period in our American history when the burden of taxation bore less heavily upon the people and the country than it did within the period I have named. Our revenue system, especially the laws relating to internal revenue, was more just to the people and more evenly distributed the burden of taxation among all the people than now. And it will be remembered that in those prosperous years it was easier to collect the $620,000,000, and produced less distress to the country than to collect $400,000,000 or even $300,000,000 at any period since. This being true then, I appeal to gentlemen on the floor to answer, why has not the nation's war debt been paid? And why to-day, instead of these weeks and months consumption of our time and the nation's energies in devising plans to filch from the pittance income of labor and production to the exclusion of capital and moneyed rings, millions of dollars for interest money, are we not out of debt?

Mr. Chairman, the answer to my foregoing inquiries is obvious. The capitalists and bankers of the country, the moneyed Shylocks of America and Europe, profiting by their four years of profitable experience in manipulating our currency and bonds, and profiting, too, by the grand success of their English masters in plundering the people of England, through the instrumentality of a public debt, and as an inducement for their accomplishment, insidiously announced the damnable heresy that "a national debt is a public blessing." And to this they supplemented, with siren tone and patriotic eloquence:

> We have just emerged from a great national struggle which cost us dearly in blood and treasure. We are weary and should have rest. This generation has performed its part well; it has furnished with a lavish hand the sinews of war in blood and treasure, and covered itself all over with glory in saving the Union. Now it is but just that we divide honors with those who come after us. Let the posterity of honored fathers pay this debt.

When in fact and in truth these sirens in the days of the people's rejoicing were but masked thieves, "wearing the livery of heaven" but to rob and plunder the national Treasury. Their real purpose was to fasten upon the neck of American industry and production an onerous interest-bearing and interest-producing irredeemable debt. Their purpose was to fund the debt into long-time bonds, and for the benefit of banks and those who had large capital for investment.

A DEBT A CURSE TO A NATION.

It is an axiom that a debt is a curse to a nation as it is to the individual. The funding into long-time coin bonds a lawful money contract debt, as was done in the years that followed 1865, when the Government and the people had the means at hand of a speedy liquidation, I regard as one of the most infamous acts of American legislation in our history. It was legislation favoring the rich and capital, the bankers and corporate monopolists, and the oppression of labor and production.

Under the revenue law as it stood in 1865 taxation rested measurably alike upon all the people. It reached with something of equitable fairness and drew in equal proportion from the income of the millionaire, the mechanic, and the humble farmer; it drew from the gains of the artisan and the manufacturer; it received aid from trades and professions, and from the merchant, the operators and owners of telegraphs and railroads; it reached the bonanza kings of the mines and the jobbers and speculators in bonds and mortgages on Wall street.

The debt had been created in the interest of the people, all the people; all were equally benefited, and therefore all morally and legally bound, in the ratio of their financial ability, to aid in its payment. Good financial policy demanded payment while the country was prosperous and had to hand abundance of means of payment; the war was ended, the nation's heart was proud, and the people were full of rejoicings; the nation's Treasury was overflowing, $240,000,000 in 1865, and without the revenue reductions which were soon made, the decrease in fiscal expenditures, and the increase of trade and business, we may reasonably anticipate, would have largely increased this amount to, say, $400,000,000 of annual surplus.

WHY IT WAS NOT PAID.

Why, then, was not the debt paid? Nine-tenths of it was a lawful money contract, and contracted upon the greenback basis of value, and the greenback was a legal tender for it in payment. I answer, Mr. Chairman, it was not paid because we could not pay, nor because we had not the means of payment; it was not paid because the masses of the people did not want it paid, not because

the masses of the people did not wish the Government to be free from debt; but it was not paid because about one-half of 1 per cent. of the American people demanded that it should not be paid. And, sir, this one-half of 1 per cent. were the representatives of the great consolidated capital of the country—the men who own railroads and telegraphs, the millionaires, the bonanza kings of our gold and silver mines, the bond gamblers and stock jobbers on Wall street, the same class of men who in 1862, by threats of violence to the success of the Union's cause, bullied and badgered Congress to adopt the two exceptions to the law creating the greenback dollar, and then afterward with thieving avarice and skillful knavery defamed its credit until it was only worth thirty-eight cents on the dollar. It was not paid because the capitalists of the country, who had discredited the greenback, the people's money, the money that paid the soldier in the field and the sailor at the mast, then with their gold bought it up at thirty-eight cents on the dollar and invested in the Government 5-20 bonds at par, demanded that the debt be funded. These were the men, the only men, who demanded that the debt should not be paid. And why did they do it? The reason is apparent. They demanded that the debt should be funded into long-time, non-taxable bonds, and their motive was, first, it afforded them a secure investment—I may say a lucrative investment—for their surplus thousands and millions; and second, funding of the debt meant a large reduction of internal-revenue income and their consequent release from all the burdens of taxation as then existed. To the class of persons to whom I have referred to pay the debt implied that they would be required to pay 10 per cent. upon all their incomes in excess of $5,000 and 5 per cent. on all sums over $600 and under $5,000, while to fund this debt implied a release from all Federal taxation.

THE EFFECT OF NON-PAYMENT.

It is estimated that the annual income of William H. Vanderbilt is $30,000,000. Under the law as it was in 1865 he would be required to pay into the national Treasury per annum $3,000,000. And Jay Gould, Huntington, Belmont, and others from one to two millions.

I repeat, the funding of the war debt implied a release of all capital and incomes from internal-revenue taxation, and a transfer of the burden of the payment of the interest and principal of this debt from the shoulders of those most able, and for highest considerations of justice and fair dealing under the greater obligation to pay, to the shoulders of the delving and toiling masses.

But, sir, cowardly and selfish as was the appeal of capital, and servile and censurable as was our then sitting Congress, the demand was heeded, the debt funded, and an act passed to so amend our internal-revenue law as to release capital and Shylocks who had amassed their millions by "bearing" the people's money on the one hand, and taking every advantage of the Government's necessities on the other during the war, from all taxation in aid of paying a single dollar of the debt. So that to-day, sir, this debt, by virtue of the servile and I may say iniquitous legislation of the past, still rests an incubus upon the people, a very vampire upon the life of our struggling industries.

The disposition of past Congresses, including that of 1865 and 1866, has manifestly been opposed to the payment of the public debt; each and every reduction of the revenue is significant of such purpose.

The following table, compiled from official sources, shows the reductions of internal revenue commencing in July, 1866:

Act of July 13, 1866	$65, 000, 000
Act of March 2, 1867	40, 000, 000
Act of February 3, 1868	23, 000, 000
Act of March 31, 1868, } Act of July 20, 1868, }	45, 000, 000
Act of July 14, 1870	55, 000, 000
Act of June 6, 1872	21, 131, 000
	249, 131, 000

To which may be added the reductions made in revenue from customs:

Act of July 14, 1870	$30, 000, 000
Act of May 1, 1872, } Act of June 6, 1872, }	31, 215, 409

making a grand total of annual reduction of $310,346,409.

A RETROSPECT.

In looking back over the past seventeen years of our national history I ask, can there be any doubt of the ability of the Government to have paid every dollar of the public debt, in good faith to all creditors, and without distressing the country or the people. And I submit, would it not have been far better to have done so. And I further submit, can it be conceived that any honest, philanthropic statesman, standing in the sunlight of the surroundings of 1865 and 1866, legislating as the people's financier, with full knowledge of the resources of the Government and the people, adopting as the true policy of Congress what under similar circumstances would have been his own policy as an individual, could have done otherwise or voted otherwise than for payment? Treating the cause of the country as his own, and her interests as his own, I unhesitatingly say he could not. The sequence then is inevitable. Congress servilely bowed to the demands of the moneyed princes, and bound the people in chains and slavery.

Mr. Chairman, I have made this brief review of our war debt and criticised the action of Congress in relation to it mainly for the purpose of showing to this House and the country how completely Congress ever has been and now is under the control of capital, and how servilely it has ever yielded to the demands of capital, to the prejudice of the rights and the oppressing of the masses of the people. I have done so to show that it has ever been the fixed determination and purpose of the controlling majority in Congress to not only procrastinate payment of the public debt, but virtually to place it beyond the reach of payment. This object has been accomplished by two different methods, but both equally effective in producing the same end. One method has been funding into long-time bonds. And the other is the gradual reduction of revenue income, so as to render payment impossible. I charge, sir, that there is a fixed determination to so manipulate the finances of the country as to make the payment of the public debt impossible.

HOW STANDS THE CASE TO-DAY?

On the 30th of May last, as shown by the report of the Secretary of the Treasury, there was due of the three-and-a-half bonds (extended) $475,000,000. Now, sir, the best that can be hoped for, if the income remains unchanged and no material increase in expenditures for the fiscal year 1883 over 1882, is that we will be able to pay during the fiscal year of 1883, out of the combined sum of sinking fund and surplus, about $120,000,000 of this debt; when, sir, the fact is appropriations already made by this Congress for pensions, for river and harbor improvements, and other purposes, are in excess of appropriations for 1882 by at least $50,000,000, which upon a most careful calculation will leave very little in excess of the estimated $65,000,000 sinking fund for payment on the public debt.

This bill proposes to reduce the revenue derived from internal taxation by about $26,000,000; and, sir, we may anticipate, from the character of the numerous amendments proposed and the zeal with which they are urged, that the bill upon its final passage will bear upon its face a reduction of revenue amounting at least to $35,000,000. I therefore denounce this bill as but another scheme of capital, in its relentless war upon industry, to procrastinate and so tie up the hands of the Government as to render it impossible to pay the public debt.

Mr. Chairman, gentlemen on this floor have denounced our internal-revenue system, in fact all internal-revenue taxation. And my colleague [Mr. BLAND] declared in his speech on yesterday that "this internal-revenue system is a system of espionage inconsistent with the liberty and freedom of the citizen." So long as the Government requires revenue I know of no way to obtain it only by some system of taxation. All revenue is derived directly or indirectly from the people. All customs duties are an indirect tax upon the consumers of imported goods, and to the extent the tariff protects our home manufactories the people are taxed upon their consumption of our home production, not, however, for revenue but for the benefit of the manufacturer. As to the right of the Government to levy taxes for all necessary revenue there can be no question.

And, sir, I conceive it makes but little difference how or under what system taxes are levied upon the people, only that the law shall so distribute the burden that it shall rest with equitable fairness upon all the people alike and in proportion to their ability to pay. The genius of our American system of government is equal protection to all her citizens, the rich, the poor, the high, and humble. It protects alike all trades, all arts, all professions, all industries, and all capital; hence the correlative obligation of the citizen to maintain and protect the Government in the ratio of his ability and means. None should be exempted, no one should be excused.

INJUSTICE OF THE PRESENT INTERNAL-REVENUE SYSTEM.

I am prepared to not only admit but to prove that our present internal-revenue system is not only unjust but damnable in principle, and this especially for the reason of its apparent designed iniquitous discriminations.

Under existing law it imposes its burdens upon a class of our people least able to bear it, while thousands of millions of producing wealth and billions of capital remuneratively employed neither directly nor indirectly pays a single dollar of the annual revenue collected for the maintenance of the Government. Over $2,400,000,000 of capital invested in municipal, county, State, and Federal bonds is either by law exempted from all taxation, or protected by it in hiding from assessment, by the shrewd device of capitalists. And to this sum may be added $600,000,000 more invested in individual notes, bonds, and mortgages. All this and more has come by the persistent effort of capital to bend the acts of government to sordid and selfish purposes. And while I cannot, on account of the real needs of government for revenue, advise a repeal of existing law, I do demand, in the name of justice and in the interest of the people, a revision. And I suggest in making such revision, as also the revision contemplated by the tariff, that it may be well to heed the noble sentiment uttered by General Jackson in his memorable veto message of the United States Bank, when he said:

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government; equality of talents, of education, and of wealth cannot be produced by human institutions.

In the full enjoyment of the gifts of Heaven, and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law. But

when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges; to make the rich richer and the potent more powerful; the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government. There are no necessary evils in government. Its evils exist only in abuses. If it would confine itself to equal protection and as Heaven does its rains, shower its favors alike on the high and low, the rich and poor, it would be an unqualified blessing.

Nearly every change or reduction in the internal-revenue law since 1865 has been upon the demand of and in the interest of capital. And, sir, such is the fact and the rule as applied to this bill. This bill comes here in charge of the chairman of the Committee on Ways and Means, [Mr. KELLEY, of Pennsylvania,] and it is urged by him as a very wise, just, and philanthropic measure. Yes, he tells us the tax should be removed from matches and proprietary articles, such as medicines and cosmetics. The tax is 1 cent on a box of one hundred matches and 1 cent on a bottle of medicine worth twenty-five cents.

Now, sir, to remove this tax will be a loss to the revenue of about eight million dollars per annum, so immense with this insignificant tax is the quantity consumed each year. But who will be benefited? Mark my word, not the consumer—the masses who buy patent medicines and matches—for, I assert, the cost to the consumer will remain the same, and this little "one cent," instead of benefiting the people, will be absorbed as an additional profit by the manufacturer and dealer. And the same may be said as to the reduction of tax on cigars and cigarettes. But the banks have been clamoring at the door of the Ways and Means Committee room, and as usual they have obtained a hearing and moved the great big heart of the Ways and Means Committee to favorable action. There are to-day about twenty-two hundred national banks with an aggregate capital of $364,000,000. They have, as shown by the latest official reports, a circulation of about $320,000,000. This amount of notes is issued, then, charged simply with the cost of issue. These notes the banks under the law are privileged to use as money in their business for the period of twenty years. This use of the $320,000,000 is a pure gratuity to the banks. Now, for this great privilege of being furnished by the Government with this enormous capital they are required by existing law to pay a pittance tax to the Government of one-twelfth of 1 per cent. per month upon their average circulation of these notes; also one-twenty-fourth of 1 per cent. per month upon their capital beyond the average amount invested in United States bonds.

These banks are permitted under their charters to receive deposits, about 60 per cent. of which they are allowed to use in their business of exchange and discount; and for this privilege they pay a tax of one twenty-fourth of 1 per cent. per month upon the average of said deposits. The banks complain that these taxes are a great hardship, and ask Congress to relieve them from all tax charge under the law except upon their circulation.

Mr. Chairman, I do not hestitate to say, "Oh, shame! where is thy blush?" So high a privilege, a favor so beneficent in opportunity is vouchsafed to no person or class of persons save a national banker, and yet these national banks are whining, begging sycophants at the door of Congress asking to be relieved from the payment of this pittance of tax. These same banks divided among themselves in the last year as net profit over $60,000,000, and reports show that their average net income, that is, of all the national banks in the United States, was about 10 per cent. upon their aggregate capital. All the taxes paid by national and independent banks combined only amount to about $13,000,000, while they possess and control aggregate resources amounting to $2,250,000,000.

Now, I ask, in all reason and justice, why should these taxes be taken off? Has this Congress decided, are gentlemen on this floor prepared to say that the capital of this country shall bear none of the burdens of government? Is it true that capital has become the special pet, the foster-child of the Government; that it is to be favored with all privileges, all prerogatives, all protection, and in turn bear none of its burdens? The answer is potent. Such has been the unvarying tendency of legislation for the last seventeen years, and the act before us is but the consummation of the wrong and the outrage which had its beginning in 1866.

Do gentlemen tell us that we shall raise all needed revenue from the tariff as revised, and that it shall be made equitable and just so that the burden shall rest on all the people alike? I answer all such pretenses are a show and a fraud. The staple articles for which a tariff protection is demanded are iron, cotton, and woolen goods and sugar; and who does not know that all such taxes are at last paid by the consumer, and this not in proportion to his wealth or his ability to pay, but rather in the ratio of his necessity for the use of the article upon which the duty has been imposed? And, sir, the people who travel by rail and the western farmer who by railroad sends his wheat and corn to the Atlantic seaboard market pays in freights and tolls the $28 per ton duty on steel rails, so that it is clear that a revenue by custom duties falls unequally upon the people and by far the heaviest upon the laboring and the producing classes.

THE PURPOSE OF THE PRESENT BILL.

No man in this House more clearly and thoroughly understands this question in all its bearings than the learned and very astute advocate of a protective tariff from Pennsylvania, the chairman of the Committee on Ways and Means. And hence his zeal for the abolishment of internal-revenue taxes, for the twofold purpose (1) to make way for his incoming protective-tariff scheme, the great hobby of his life, and (2) the relief of banks and all capital from any and all responsibility in bearing the burdens incident to government, the accomplishment of both being the darling plot, the ideal scheme of consolidated capital.

This bill proposes to relieve bank checks from being stamped. What tax is paid by the people more easily than the stamp tax on checks? Or what tax paid by a class of people more able to pay it? Who demands that this tax be taken off? I have never heard the people complain. It is a well-known fact that bankers are asking it, and why? Because they, instead of their customers, pay about two-thirds of this tax, and well can they afford to do it with a large class of depositors for the privilege of the use and as an encouragement to deposits.

The number of depositors in the various banking institutions of the country amounts to about 8,000,000, and of this number the average deposit of each is about $350, upon which is raised, by this two-cent stamp duty, about two and a quarter millions of dollars, two-thirds of which, as I have said, is paid by the bankers themselves. The bill proposes $180,000 reduction of tax on rectifiers and wholesale dealers in whisky, and a slight relief to manufacturers of tobacco. What relief, I inquire of the honorable gentleman in charge of this bill, does this afford to the people? The capitalist who carries a large stock of distilled liquors and the manufacturer of tobacco and cigars may make a little larger profit, but to the consumers of these classes of goods the price will remain the same.

WHO NEED RELIEF.

Mr. Chairman, if there is any one class of persons who really need, I may say who really deserve, relief from the onerous burdens and exactions of our internal-revenue law they are the farmers of the country who grow and produce tobacco. Like the crop of corn and wheat, it is the product of the farm grown by their toil and labor. The law as it now stands prohibits the farmer from making any sale of his crop, under high penalty, to any one except a Government licensed dealer in leaf tobacco or a manufacturer. This bill proposes no material change, except, perhaps, lowers a little the license tax of the dealer and manufacturer, but so far as the farmer is concerned it affords him no relief whatever.

The result of this is, the poor farmer is obliged to haul his crop of three hundred or one thousand pounds, often a long distance, to one of these dealers, and when there he is subjected to the knavery of a man who is protected from all competition which is ever found in an open market, and compelled to take such price as he can get or not sell at all. Now, I ask why it is that gentlemen's philanthropy to, as they profess, relieve the people from some of the burdensome exactions of this law, they have given no thought to the delving, toiling farmer? His little crop of tobacco is the crop of his farm; it is his dependence, in many instances it is his only income. Now, why in all justice and reason may he not sell to whom he pleases in the open market as his neighbor is permitted to sell his corn and wheat?

WHO ARE RESPONSIBLE.

Mr. Chairman, I leave Republicans and Democrats who vote for this bill to answer to their constituents in the tobacco-growing districts of the country. In this bill you afford relief, when no relief is really needed, to the capitalistic dealer and manufacturer, and the dealer in distilled spirits, by reducing his tax, and thereby affording him an opportunity for increased profits, but the poor farmer you hold with tyrannical power under your iron heel of oppression. I characterize this act as I do the motive which has given it being, but another proof of the disposition of the ruling majority to aggrandize capital at the cost and expense of labor; to encourage monopoly to prey upon and enslave industry and production.

Mr. Chairman, I have no doubt, from the sentiment I hear expressed on this floor, that this bill or one of substantially like import will become a law; and now, sir, I am impressed that it will pass, not as a partisan measure, not as the foster-child of the Republican or the Democratic party, but as the pet scheme of the very large ruling majority of the Forty-seventh Congress. And, sir, I declare to this House and the country that from the events of concurrent history for the past seventeen years I believe it to be but the consummation of the grand purpose and scheme of capital and monopolistic wealth of the country, represented in all these years by a large ruling majority in Congress, to, first, render inevitable a postponement of the payment of the public debt; and, second, to release the mammoth and consolidated wealth of the country from bearing any portion of the taxation necessary for either the payment of that debt or any of the current contingent expenses of the Federal Government.

WHO BEAR THE BURDENS.

And, sir, I assert that the abolition of the internal-revenue system, as it existed at the close of the war, was and will be but the veritable accomplishment of this purpose and end. It is the transfer of all the financial burdens of the Government from the shoulders of capital, capitalists, land bonanza kings, to the shoulders of sweating and toiling production and labor. The moneyed financiers and Shylocks so understand it and to this end have they insidiously,

industriously, and earnestly labored, until the acme of their ambition has become an accomplished fact and the victory won.

One word more. We have been repeatedly told during this session "that we must not pay off the bonded debt too fast;" "that we have an overflowing Treasury;" "therefore income should be reduced." And we are further told "that too rapid a payment of the public debt would have a tendency to disturb the financial condition of the country," force banks into liquidation, &c. Now, sir, what does all this mean? I will tell you what it means, at least what I think it means. It means, sir, that it is the fixed purpose of the ruling majority in this House of both parties to so reduce the Government's income as to render it impossible to make more than nominal annual payments on the public debt, and to carry over for the benefit of bankers and capitalists the bulk of the $475,000,000 of 3½ per cent. bonds now due until 1891; and so on until 1907. And then, for want of funds to make payment of the whole debt, perpetuate it still by refunding.

CONCLUSION.

Now, sir, I know this is not what the people want. It is not such treatment as the toiling millions of the country deserve. On the other hand they want the nation's debt paid; and, sir, I predict, understanding their rights, they will demand that it shall be paid, and more than this, that the laws of the nation be so enacted that capital shall bear its fair proportion of all burdens of Federal taxation.

I am no alarmist; I have no part or lot with those who would excite or inflame the passions or prejudices of men; but with an earnest desire to serve my country I ask gentlemen to call a halt, to look well to this legislation and take no action that would tend to unsettle the already feverish relations existing between capital and labor, but rather by wise forethought so legislate as to protect the producer of wealth equally with the holder or consumer, and by just, generous action consolidate these two great agencies. Let us dare to do right, looking only for our reward in the unity, peace, plenty, and prosperity of all our people. No favored class, but a justly dealt with, harmonious whole.

Land Patents in the Virginia Military Land District of Ohio.

REMARKS

OF

HON. JAMES S. ROBINSON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, August 1, 1882,

In support of House bill No. 6520 in relation to land patents in the Virginia military land district of Ohio.

Mr. ROBINSON said:

Mr. SPEAKER: A residence of thirty-five years in the Virginia military district of Ohio, and familiarity with the title to the bounty lands granted by acts of the Virginia Legislature running from 1778 to 1784, and during that time having often been an eye-witness to acts of hardship and injustice to the hardy pioneer, and with the view of confirming the title to these lands in the possession of these settlers I introduced House bill No. 5123 in the early part of the session. The bill now under consideration is a substitute for that bill.

Under the various laws passed by the Virginia Legislature above referred to, that State provided the following bounties for her officers and soldiers who had or should enlist and serve for a period of three years in the continental line:

	Acres.
To a major-general	15,000
To a brigadier-general	10,000
To a colonel	5,000
To a lieutenant-colonel	4,500
To a major	4,000
To a captain	3,000
To a subaltern	2,000
To a non commissioned officer	400
To a private	200

The heirs of any officer or soldier who died in the service was entitled to the full bounties.

There are included in what is known as the Virginia military district of Ohio the counties of Adams, Brown, Clermont, Clinton, Highland, Fayette, Madison, and Union, and portions of Scioto, Pike, Ross, Pickaway, Franklin, Delaware, Marion, Hardin, Logan, Clark, Greene, Champaign, Warren, Butler, Hamilton, Montgomery, Miami, and Auglaize, twenty-six counties in all. It will be readily understood how important it is to the people residing in these counties that the question of ownership to these lands should be forever settled. It is one of the most fertile regions of the United States, embracing at least one-half of the productive valleys of the Scioto and Big Miami Rivers, with all of the valley of the Little Miami.

The controversies that have existed for nearly three-quarters of a century over the validity of the titles in this large reservation have done much to retard its growth. Long-continued vexatious litigation, commencing in our State courts and ending in the Supreme Court of the United States, have induced many people to shun this district.

The history of this reservation and the mode of acquiring titles have been thus briefly stated by another: During the revolutionary war the State of Virginia, then claiming to own the northwestern territory, provided by law that her officers and soldiers in the Virginia military line on continental establishment should be entitled to land-warrants to locate lands in compensation for services during the war. A land office was established at Richmond, Virginia, the officers of which, in pursuance of law, issued to the soldiers a vast number of warrants. The office is yet maintained and its records preserved at Richmond. These warrants were assignable, and the holder secured a title as follows:

When the State of Virginia ceded the northwestern territory to the United States a sufficiency of the land between the Little Miami and Scioto Rivers, in the State of Ohio, was reserved to satisfy these warrants. As the warrants could be located also on lands in Kentucky, an office was established without authority of law by a surveyor named Anderson, and known as "Anderson's office," in which entries were made and surveys recorded. This was by law subsequently recognized, transferred to, and established at Chillicothe, Ohio, where it has ever since remained.

The mode adopted of perfecting a title was for the holder of a warrant, or his agent, to make an entry in the proper book of entries in the office of the principal surveyor of the Virginia military district, at Chillicothe. Subsequently, at such time as the owner of the entry chose, he procured a survey to be made by said principal surveyor or his deputy, and to be returned to and recorded in the proper book of surveys in said office at Chillicothe. Subsequently, when the owner of the survey might deem proper, he filed the original warrant or a certified copy and the survey with the Commissioner of the General Land Office, when a patent issued.

Entries were sometimes made and many years would elapse before surveys were made, and in some cases very many years would still further elapse before the warrant and survey would be returned to the General Land Office to procure a patent.

As soon as the lands were entered they became taxable in Ohio, and were sold without regard to the issuing of a patent; judicial sales were made, they were sold by order of probate courts, sold for taxes, &c.

The supreme court of Ohio held that the statute of limitations did not run in favor of a party in possession of these lands until a patent was issued, and many years after the owner of an entry and survey had sold it, and especially when the evidence of the sale had been lost, some person claiming to be heir, or some lawyer fishing for old claims, would, in some cases, get out a patent to the heirs of deceased locators of surveys, and bring ejectment suits to turn out parties who had been long in possession. This was regarded as a great evil, and Congress consequently limited the time within which warrants and surveys were to be returned to the General Land Office to procure patents.

The act of March 3, 1853, was the last act until that of 1880 to authorize the return of warrants and surveys and the issue of patents. The act of 1853 "allowed a further time of two years to make and return surveys to the General Land Office." Its title declared that it was "an act allowing the further time of two years to those holding lands by entries in the Virginia military district of Ohio made prior to January 1, 1852, to have the same surveyed and patented." The effect of this act was that if surveys were not returned to the General Land Office by March 3, 1857, no patent could issue for lands even if the survey was afterwards returned, and the land reverted to and became the property of the United States, to be disposed of for the benefit of all the States. Some patents were issued, however, on surveys returned after that time; but on the 3d of April, 1880, the Commissioner of the General Land Office decided that there was no authority to issue patents unless the surveys and warrants were returned prior to March 3, 1857.

This decision, if not reversed by the Secretary of the Interior or the Supreme Court of the United States, will protect the present occupants in the possession of their homesteads. The passage of this act is urged in the interest of those who have owned, occupied, and improved their lands, unconscious that a defect in their title existed. The passage of this bill is most valuable and important to the people of the Virginia military district. A portion of the city of Columbus, the capital of my State, is built upon lands that have never been carried into patent by reason of the fact that the warrants were not returned to the General Land Office prior to the expiration of the provisions of the act of 1853. From the best information obtainable it is estimated that there are within the limits of the reservation 130,000 acres of land for which no patent has been issued. The value of this vast acreage in its present state of improvement and cultivation is fully equal to a thousand million dollars, or a sum equal to one-half our present national debt. I venture to say that these lands are to-day occupied by not less than two thousand families.

The lands in some cases have been covered by an entry; in others by entry and survey; and in most cases, it is presumed, the warrants have never been returned to the General Land Office; so that under the decision of that office, and as the law stood prior to the act of May 27, 1880, no patents can issue. If this decision can stand, and if its effect cannot be defeated under this last-mentioned act, it will be of great service to the owners of the 2,000 farms I have mentioned. Many of these, probably most of them, have been occupied for a period of from twenty-one to seventy-five years. In the early history of the State land-warrants were sold and passed from hand to hand at twenty-five cents an acre, as the warrants issued to the soldiers of the war of 1812 and the Mexican war were sold in open market; and men bought lands without looking to see if patents had been issued, and took written contracts of purchase and made payment in the course of years, but often died without obtaining deeds of conveyance. When deeds were made they were frequently not recorded. Judicial sales were made, but records have been lost or destroyed; tax sales were made, often imperfect, but parties bought and sold the lands through long periods of time. Men generally sup-

pose that if they find land has been occupied twenty-one years this gives a good title, and they buy on the faith of this without looking further. In all justice and by every rule of morality and public policy men who have claims to lands should assert them within twenty-one years, or forever leave in repose and security undisturbed those who have in good faith occupied them during that length of time in the honest belief that they had a good title.

To allow patents to be issued at this late day upon fraudulent proofs would unsettle titles and cause endless confusion and great loss to the innocent holders of these lands.

There is no reason why protection should not be given as well to parties in possession for twenty-one years under an entry and survey as in cases where patents have issued. The entry and survey vest in the party in whose favor they are made the full, perfect, equitable title. After they are made the United States holds the title as a mere trustee, with no beneficial interest in the lands. But the Supreme Court having decided that the statute of limitations does not begin to run until the patent issues, it consequently gives no protection to a possession for twenty-one years, nor forty, nor seventy-five years before it issues. Hence, it is of the utmost importance to parties in possession of these unpatented lands that no patent should issue to disturb them; and because of the injustice of allowing parties having made entries and surveys to obtain patents and turn out honest owners of lands occupied for a long period of time, Congress, by the act of March 3, 1853, provided in effect that all surveys should be returned to the General Land Office within two years, or no patent could issue thereon. Repeated efforts were made in Congress to give further time to return surveys, but it was always refused up to the act of May 27, 1880.

The necessity of approving the decision of the Commissioner of the Land Office by an act of Congress is apparent, in order to discourage lawyers from bringing suits on old claims in the hope of harassing occupants with years of expensive and ruinous litigation, with the view of effecting compromises. A half dozen suits of this character were recently compromised in Marion County, Ohio, one of the counties in my district, at a heavy cost to occupants, who had long lived in fancied security under warranty deeds from the late W. L. Sullivant, a former wealthy resident of Columbus, Ohio. All compromises of this character result in additional lawsuits. These suits are profitable to the lawyers, but very annoying to the unfortunate defendant.

I conclude with the statement that in my opinion this bill ought to pass. It is an act of justice to the parties in possession of these lands. Every civilized country has passed statutes of limitation as to title to real estate, indispensable to the security and repose of the people. Is it not time, after a lapse of seventy-five years, that this security should come to the people of the Virginia military land district?

Civil-Service Reform in the Forty-Seventh Congress, and Statesmen selected "by lot."

SPEECH

OF

HON. JOHN D. WHITE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 7, 1882.

The Committee of the Whole on the state of the Union having under consideration the sundry civil appropriation bill—

Mr. WHITE said:

Mr. CHAIRMAN: It will be utterly impossible in the brief time allowed me to say what I had intended in reply to the gentleman from Pennsylvania [Mr. BAYNE] and my colleague [Mr. WILLIS] on the subject of civil-service reform; and I ask permission to incorporate in my remarks what I have not time to say on that subject. The gentleman from Pennsylvania [Mr. BAYNE] was pleased to refer yesterday to a conversation stated to have occurred between a Senator and a Cabinet officer. I quote his remarks, as follows:

"Well, how about the Buckner case?"

The Senator did not recall the Buckner case at once, having been absent from town when it was brought up. This was the case fully detailed in the Tribune, where Mr. Wilson, as internal-revenue collector, holding the highest grade in the service, was removed after being two years in office, to make room for a Grant man.

It is very unfortunate, Mr. Chairman, (and I regret it as much as any one,) that my friend from Pennsylvania should have alluded to a case about which he seems to have known so little.

If the gentleman had taken the pains which I have taken to examine the records of those two gentlemen, (Wilson and Buckner,) he would have found that the New York Tribune's article is simply a slander on the Administration. There were good and sufficient reasons for the removal of Mr. Wilson and for the appointment of Captain Lewis Buckner, who was a gallant soldier and had served for years under his father, the former collector, and whose record as an officer stands second to none in this country.

But Mr. Wilson was totally unfit for so important a post, requiring rare executive ability. Doubtless the fault was not his, but congenital. No President of the United States looking to the good of the country alone would ever have made such a puerile appointment. I could name some of the bad influences which brought about his appointment, but do not care to discuss that now.

But, sir, this is not all. I would remind the gentleman from Pennsylvania that almost every one nominated by the President for appointment in Kentucky, and confirmed without delay by the Senate, has been either a woman or an inactive Republican who found influence outside of Kentucky, but who is considered as very little better, if any, than Bourbon Democrats by the rank and file of the Republican party throughout the State of Kentucky. I am sure that the independent Republicans of Pennsylvania could not have recommended more harmless appointments, and I am equally certain that the independent Democrats of Kentucky have no fault to find with them. But, sir, the very moment that the President sends in the name of a competent person who is not identified with sore-headed Republicans or recommended by Democrats he is met by the bitterest opposition from civil-service reformers, so called, both within and without the State.

My friend from Pennsylvania [Mr. BAYNE] seems to have a perfect dread of bosses, afraid that his party will have "subsidiary bosses and organs," and that these bosses, subsidiary bosses and organs, will proceed with method to nominate candidates, and that "they will tolerate no insubordination," going even to the extremity of "cashiering deserters." He sees in the President of the United States a great political machine boss who has no love for his country and is not even actuated by a desire to preserve the ascendency of the Republican party. He says:

President Arthur has violated his promises and set at naught the principles of the Republican party. He has removed many faithful and competent officers without cause and while in commission, thus not only violating his promise, but, as I believe, the Constitution and laws as well.

Has the gentleman forgotten that the Constitution of the United States, article 2, section 2, declares that the President "shall nominate and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law?"

The gentleman from Pennsylvania, [Mr. BAYNE,] for some cause, seems not to like the President. It is not clear to my mind, after a careful study of his speech, that he would be willing to trust any President of the United States to perform the duties imposed upon him by the Constitution of the United States, for he says:

A mere caprice may actuate him to remove one, ten, or a thousand, and to appoint others in their places. Party zeal, personal pique, factional spirit, selfish ambition, the frenzy of intoxication, or the madness of passion, any motive may influence him to sweep out the entire civil list, with the exceptions I have named, and to appoint any persons he may choose to fill it up again.

Mr. Chairman, what is there to justify this morbid, unreasonable, and frenzied attack on the institutions of our country, on the Constitution and laws of the land, and on the President of the United States, legally elected, lawfully installed, and possessing the confidence and sympathy of the American people in the discharge of the most delicate and onerous duties ever imposed on any citizen of our great and growing country? After the facts and figures given a few moments ago by the gentleman from Ohio [Mr. BUTTERWORTH] the country will wait anxiously for the proof of the charges made by the gentleman from Pennsylvania [Mr. BAYNE] against the President in regard to the bloodthirstiness with which he has made removals from office and the reckless abandonment with which he has appointed incompetent men to fill the vacancies thus created. Think of it! Only five removals in the great State of Pennsylvania, and three of them made for cause. What a spectacle the independent movement in Pennsylvania presents if this be all that can be shown of its foundation principles! And for this amazing offense, Mr. Chairman, a member of the legislative branch of the Government has seen fit to rise in his place on this floor and arraign the Executive of this nation. I quote his exact language, as follows:

Mr. BAYNE. Who will say that these changes of internal-revenue collectors, and the numerous changes of postmasters, marshals, &c., are made with a view to improving the service? It will be noted that promotions are rarely made. The appointees as a rule are new and untried men. There must be a motive for making these changes, for even Mr. Arthur would hesitate, in view of his declarations and the protest of the masses of the people, if he were not impelled by some motive which imparts a considerable degree of hardihood. There is a motive, and that motive is to establish and maintain a political machine. This administration very soon after its accession began to make appointments on a well-defined proscription for political opinions, and the wayfaring man cannot help but see that the object is to intrench itself and its factional following in the official positions of the Government with a view to perpetuating its ascendency and control. It is not the success of the Republican party that is sought, but the resurrection of a minority of that party by the systematic dispensation of patronage.

In a word, the Executive and those from whom he takes advice have undertaken the peculiar task of stalwartizing the Republican party, and that too when the very name of stalwart has become a reproach. The stalwarts compose not only a minority of the party but a very small minority. There is not a corporal's guard of stalwarts in any of the Western States except Illinois. In Ohio, Indiana, Michigan, Iowa, Minnesota, Kansas, and Nebraska there are no stalwarts

worth mentioning. Enough cannot be found to fill the offices. If there be I should be glad to have it stated by any of the Representatives from those States. Illinois has a few, but the independent Republicans outnumber the stalwarts ten to one, I am told, in that State. If I am in error, I would be glad to be corrected by any of the Representatives from that State.

Mr. THOMAS. The gentleman is mistaken as to that.

Mr. BAYNE. I may be. I am not so fully advised as to California, Oregon, Nevada, and Colorado, but I doubt not the stalwarts could be easily enumerated in those States.

Mr. STEELE. In Indiana we are neither independents nor stalwarts, as you are in Pennsylvania, but all Republicans.

I thank the gentleman from Indiana [Mr. STEELE] for having made so pertinent a reply. The gentleman from Pennsylvania [Mr. BAYNE] has made grave charges. They do not seem to be warranted by the facts. I do not believe they will meet with general credence.

"STALWARTS" IN 1880.

He talked about the machine of the "stalwarts." He tried to make it appear that the President of the United States was the head of a great political machine and had agents all over the country, and that he was trying to do this country some harm. What does the gentleman mean by the word "stalwart?" The first time I remember to have heard that word in connection with the politics of this country was by a bolter and a deserter from the ranks in the Chicago convention in 1880, where I was, as chairman of the Kentucky delegation, endeavoring to carry out the instructions given me, not only by that delegation but by the State convention of Kentucky, which had in the most formal manner instructed its delegates to act as a unit in the national convention in support of General Grant's nomination for the Presidency. There were four of those bolters, and they gloried, at that time, in the distinguishing title of "stalwarts." One of those "stalwarts" voted thirty-six times for Hon. James G. Blaine, and will be remembered as the author of the late famous letter in the Democratic Washington Post defaming General Garfield. The other three of the "Kentucky Big Four," as those bolters were called by the press at that time, likewise voted thirty-six times in utter disregard of the instructions they had accepted from the regularly constituted State convention of Kentucky.

For the benefit of the curious, and especially the gentleman from Pennsylvania, I read from the proceedings of the national convention, Chicago, 1880, page 32, of the volume supervised by Charles W. Clisbee, reading secretary of that convention, which shows that the word "stalwart" had then a different signification from that attached to it on yesterday by the gentleman, [Mr. BAYNE.] It is as follows:

On the call of the State of Kentucky:

Mr. WHITE, of Kentucky. Under instructions from the convention of the State of Kentucky, Kentucky casts 24 votes ay.

Mr. HAMILTON, of Kentucky. I protest against the vote given by the chairman of the delegation. There are four members of the delegation who desire to vote "no."

Mr. WHITE, of Kentucky. I wish to state——

Mr. HAMILTON, of Kentucky. You cannot deprive us of our votes.

Mr. HUBBARD, of Kentucky. Mr. President——

The PRESIDENT. The gentleman from Kentucky is out of order. Does the gentleman from Kentucky desire that his vote may be changed from the affirmative to the negative?

Mr. HUBBARD, of Kentucky. He does, sir—four of us. There are four "stalwarts" from Kentucky.

The PRESIDENT. The vote of the gentleman from Kentucky will be recorded in the negative.

Mr. HAMILTON. Mr. President——

Mr. HUBBARD. I have the floor.

The PRESIDENT. The gentleman from Kentucky has not the floor for any purpose except to declare his vote. If any other gentleman from Kentucky desires to claim the same privilege he will be recognized.

Mr. HAMILTON. Mr. President——

The PRESIDENT. The gentleman from Kentucky is out of order. No business is now in order except the calling of the roll. Any other questions may be settled by the convention as it pleases when the roll-call is over.

Mr. CONKLING. That is right.

The PRESIDENT. The Chair will permit no delegate to interrupt the roll-call, except when an individual delegate rises and claims that his vote has been improperly reported by the chairman of his delegation, and it will be recorded by the secretary. Does any other delegate from Kentucky rise for that purpose?

Mr. WHITE, of Kentucky. Kentucky votes—20 yea, 4 nay.

The PRESIDENT. The chairman of the Kentucky delegation now announces that there are four dissenting voters. They will be so recorded.

THE KENTUCKY BIG FOUR.

Those four gentlemen violated the instructions of a regular State convention. The Republican party of Kentucky had held its county meetings, sent its delegates to the State convention, and in that State convention passed a resolution that the Kentucky delegation should vote as a unit. But at Chicago four of that delegation rose up, formed a group, and embracing each other, proclaimed through their spokesman that they were "stalwarts." I will say to the gentleman from Pennsylvania [Mr. BAYNE] that if by the term "stalwart" he means a bolter, then I hope for the honor and dignity of our American form of government that this is not a "stalwart" administration.

MAJORITY RULE.

This much is certain, in this country the will of the majority must govern; and it is no less true of every political party that the will of the majority, as expressed in its county and State conventions, must prevail. Their meetings are free to everybody of the accepted faith, and all should feel and manifest a personal interest in conducting them properly. If the general public are too busy, or too indifferent, or too ignorant, to attend to the political duties devolving upon them as a part of their heritage of American citizenship, it is exceedingly disingenuous in them to wrap the robe of virtue about them, keeping themselves "unspotted from the world," and to snivel at the management of public affairs for the defects of which, if any, they themselves are largely to blame, by reason of their failure to perform their full political duties.

Everybody is agreed about the general principles which should regulate the civil service of our country. All parties contend that the public offices should be filled by proper appointments, and that all appointees should be honest, capable, and faithful.

The trouble arises in the application of these principles to individual cases, where invidious comparisons are so frequently made. This is a free country, where there is no distinction between citizens recognized by law, and it is hard for the average office-seeker to realize that one citizen is not just as good as another, and in his individual case a little better.

LAUDABLE AMBITION.

Every one has a perfect right to put whatever estimate he chooses upon his own honesty, capacity, fidelity, and fitness for any duty or any position to which he may aspire in either private or public life. Progressive ideas are instilled into the minds of the youth of the land, and they are inspired with bright hopes of the future greatness of the Republic, when old fogies shall retire and superior talent shall control affairs. They naturally look forward to the time when they shall become "mighty men" and "men of renown." From infancy the youth is inspired with ambition, taught self-reliance, and he naturally becomes self-confident and aspires to be somebody and to do something worthy of the commendation of the best men and women of his acquaintance. He has a good opinion of himself, appreciates the esteem of his fellows, and in various ways seeks recognition and opportunity to give evidence of his worth. It rests with the people alone to decide his fitness.

BE SUBJECT UNTO "THE POWERS THAT BE."

I have never heard of any competitive examination being had prior to the nomination or the election of a constable or a magistrate whom the people saw fit to elect for either of those offices. There is no power "under heaven nor among men" that can prevent his being magistrate or constable so long as he is the officer elected by the people. If he is a bad officer it is the fault of the people themselves, and for all the blunders, either inadvertent or premeditated, which he may make, his constituency must assume the responsibility. If he be a gambler or a drunkard or ignorant or neglectful or discourteous or dishonest or in the least unfaithful or incompetent it is within the power of his constituents to supplant him with a better man at the next election. If the country is at the present time afflicted by any of these evils it is the fault of the people and not of the law.

Dishonesty can be dealt with by ceasing to trust the dishonest person. Negligence and incompetency and immorality can be dealt with as summarily.

EVILS REQUIRING HEROIC TREATMENT.

If the representatives of the American people have neither the wisdom nor the courage to devise a way and provide the means for regulating the manufacture and sale of all intoxicating liquors, and protecting their constituents from the degrading and destructive effects of alcoholism, it is a calamity for which their constituents are responsible. If this Congress fails to give aid to the common schools to educate the millions of illiterates within our country and thereby dispel the cloud of ignorance which surrounds the ballot-box, it rests with the people to say when, if ever, such unfortunates shall be helped to exercise aright the elective franchise.

If the fruits of labor shall ever be equitably adjusted among all classes and the wrongs of women ever righted it will not be by the flipping of a nickel or a dime, but by the voice of a majority of the legal votes cast throughout the Union. If ever the hundred thousand offices of our National Government shall all be filled with honest, faithful, and capable public officers it will be when the right of every part of our country to equal representation is duly considered and recognized in making appointments, when the principle adopted March 3, 1875, for the Treasury Department shall be applied to every branch of the Government. That law is as follows:

That the duties heretofore prescribed by law and performed by the chief clerks in the several bureaus named shall hereafter devolve upon and be performed by the several deputy comptrollers, deputy auditors, deputy register, and deputy commissioner herein named: *Provided*, That on and after January 1, 1876, the appointments of this Department shall be so arranged as to be equally distributed between the several States of the United States, Territories, and the District of Columbia according to population. Approved March 3, 1875.—*Statutes at Large*, volume 18, pages 398 and 399.

In accordance with section 2 of article 14 of the Constitution of the United States "Representatives are apportioned among the several States according to their respective numbers," and I would have all appointments to the civil service of the National Government apportioned in the same way. Then we should have what was intended by the fathers of the Republic—"a Government of the people, for the people, and by the people." It would be difficult to improve upon the tests prescribed by the President in his first message to Congress, as follows:

There are very many characteristics which go to make a model civil servant. Prominent among them are probity, industry, good sense, good habits, good tem-

per, patience, order, courtesy, tact, self-reliance, manly deference to superior officers, and manly consideration for inferiors. The absence of these traits is not supplied by wide knowledge of books or by promptitude in answering questions, or by any other quality likely to be brought to light by competitive examination. To make success in such a contest, therefore, an indispensable condition of public employment would very likely result in a practical exclusion of the older applicants, even though they might possess qualifications far superior to their younger and more brilliant competitors. These suggestions must not be regarded as evincing any spirit of opposition to the competitive plan, which has been to some extent successfully employed already, and which may hereafter vindicate the claims of its most earnest supporters; but it ought to be seriously considered whether the application of the same educational standard to persons of mature years, to young men fresh from school and college, would not be likely to exalt mere intellectual proficiency above other qualities of equal or greater importance. Another feature of the proposed system is the selection by promotion of all officers of the Government above the lowest grade, except such as would fairly be regarded as exponents of the policy of the Executive and the principles of the dominant party, to afford encouragement to faithful public servants by exciting in their minds the hope of promotion, if they are found to merit it, is much to be desired; but would it be wise to adopt a rule so rigid as to permit no other mode supplying the intermediate walks of the servants?

There are many persons who fill subordinate positions with great credit, but lack those qualities which are requisite for higher posts of duty, and besides the modes of thought and action of one whose service in a governmental bureau has been long continued are often so cramped by routine procedure as almost to disqualify him from instituting changes required by the public interests and infusion of new blood from time to time into the middle ranks of the service might be very beneficial in its results.

The subject under discussion is one of grave importance. The evils which are complained of cannot be eradicated at once. The work must be gradual. The present English system is a growth of years and was not created by a single stroke of executive or legislative action. Its beginnings are found in an order in council promulgated in 1855, and it was after patient and cautious scrutiny of its workings that fifteen years later it took its present shape.

Five years after the issuance of the order in council, and at a time when resort had been had to competitive examinations as an experiment much more extensively than has yet been the case in this country, a select committee of the House of Commons made a report to that House, which, declaring its approval of the competitive method, deprecated, nevertheless, any precipitancy in its general adoption as likely to endanger its ultimate success.

During the tentative period the result of the two methods of pass examination and competitive examination was closely watched and compared. It may be that before we confine ourselves upon this important question within the stringent bounds of statutory enactment, we may profitably await the result of further inquiry and experiment.

The submission of a portion of the nominations to a central board of examiners, selected solely for testing the qualifications of applicants, may perhaps, without resort to competitive test, put an end to the mischief which attends the present system of appointment, and it may be feasible to vest in such a board a wide discretion to ascertain the characteristics and attainments of candidates in these particulars which I have already referred to as being no less important than mere intellectual attainment.

If Congress should deem it advisable at the present session to establish competitive tests for admission to the service, no doubts, such as have been suggested, shall deter me from giving the measure my earnest support; and I urgently recommend, should there be a failure to pass any other act upon this subject, that an appropriation of $25,000 a year may be made for the enforcement of section 1753 of the Revised Statutes. With the aid thus afforded me I shall strive to execute the provisions of that law according to its letter and spirit.

I am unwilling, in justice to the present civil servants of the Government, to dismiss this subject without declaring my dissent from the severe and almost indiscriminate censure with which they have been recently assailed. That they are as a class indolent, inefficient, and corrupt is a statement which has been often made and widely credited, but when the extent, variety, delicacy and importance of their duties are considered, the great majority of the employés of the Government are, in my judgment, deserving of high commendation.

HON. ALBERT S. WILLIS.

Now, Mr. Chairman, in regard to my colleague from the fifth district, [Mr. WILLIS,] I was surprised that he should appear here as the champion of civil-service reform. I invite his attention, if he is on the floor, to a statement in the Courier-Journal of the 29th of September, 1880, which is pertinent to this question of civil-service reform.

Mr. TOWNSHEND, of Illinois. Is the gentleman from Kentucky aware that his colleague [Mr. WILLIS] is not here?

Mr. WHITE. I do not know that he is not here. He usually is here, and I regret his absence, as this is my only chance, and that through the kindness of the gentleman from Pennsylvania, [Mr. MILLER,] to get the floor before general debate closes. I shall not go outside of the record. I read from the Courier-Journal, the leading Democratic paper in my State, and, I may say, in the Southwest, and published in the district of my colleague, [Mr. WILLIS.] It is as follows:

To the people:

The result of the contest between Messrs. Hoke and WILLIS is simply a public scandal. The struggle which preceded it was sufficiently disagreeable; but the finality is disgraceful. Judge Hoke has paid the penalty of his folly by his bad luck. Mr. WILLIS has nothing left him but to pay the penalty of his by promptly retiring from the field. Under no circumstances can he longer represent this district in Congress. No self-respecting Democrat can vote for him; and no self-respecting Democrat will.

There is nothing left Major Castleman but to call a convention to nominate a Democratic candidate whom the people may support without dishonor. It is not necessary to make an argument on this point, because there can be no two opinions about it.

Judge Hoke is off, and Mr. WILLIS, by his own act, has disqualified himself. The Democratic party owes it to itself to resent the assumption of these two audacious persons. If it fails to do so the people will.

Let the proper authorities at once call a convention, and let the convention give us a nominee whom we can vote for without a sacrifice either of our dignity or our honor.

I hope my time may be extended till I finish this line of argument.

Mr. REED. I hope the time of the gentleman will be extended. As the Chair knows, there was a misunderstanding.

The CHAIRMAN. If the gentleman from Pennsylvania [Mr. MILLER] does not claim the time——

Mr. WHITE. He does not claim the floor. He yields his entire time to me.

The CHAIRMAN. The gentleman from Kentucky may proceed.

"BY LOT" AGAINST PRIMARIES AND "LOCAL COMMITTEES."

Mr. WHITE. Sir, what was the cause of this severe criticism on my colleague? And I allude to this matter of history in our State because my colleague [Mr. WILLIS] has appeared here as the champion of civil-service reform, and has by his sweeping attack on party organization invited debate. We all believe in civil-service reform. But as some one has well said, much depends on what is meant by the term "civil-service reform."

My colleague [Mr. WILLIS] says that our present system is "false," "inefficient," and "unrepublican," and that "streams of political corruption flow from the fountain-head," and, rising on tiptoe, cries aloud:

Civil-service reform is the great demand of the hour.

He tells us:

It is an issue of public virtue, an issue of peace and fraternity, an issue that rises far above party politics, as it involves the welfare and concerns the honor of our whole people. Upon that issue the public judgment is already made up. In every forum of opinion our civil service has been denounced as a national disgrace and a national danger. The press has spoken out boldly, patriotically, and sympathetically upon the subject.

Again he says:

Think of it, ponder it, my countrymen! Here is a question of the gravest and greatest importance, a question which comes home to the bosoms and business, which touches the interests of all our people, a question which has challenged the ripest scholarship and the profoundest statesmanship of England and of the world, a question now of the most vital and pressing concern in our own country, and which for successive years has been urged upon the American Congress—purification of the civil service—reform, reform inside and outside, reform from the highest to the lowest, reform at home and abroad, reform in the Chief Executive, reform in all the offices, reform in all the branches and departments and dependencies of the Government, judicial, legislative, executive, and ministerial; reform, not partial, not temporary, not incomplete and spasmodic, but full, ample, sincere, thorough, and immediate reform throughout all the length and breadth of our land. [Applause.] This is the great, the inexorable demand of the hour. This problem, affecting the destinies for good or evil of the American Republic, with its fifty million people, this issue so grand, so solemn, so tremendous, so full of inspiration, was submitted in this Congress to the Select Committee on Reform in the Civil Service.

Look on that picture and then look on this, as drawn by the organ of the independent, sore-headed clique of the Louisville Commercial, which is published at the home of my colleague, [Mr. WILLIS.] I read from the Louisville Commercial of September 27, 1880, as follows:

SETTLED—MR. WILLIS AND JUDGE HOKE RELIEVE THE DEMOCRACY OF A TROUBLESOME MATTER WITH THE AID OF A COIN—HEADS AND TAILS AS CONGRESSIONAL ASPIRANTS—TAILS TRIUMPH.

It has been stated heretofore that the Democratic mind just now was in a terrible state of excitement over the question as to who should run for Congress in this district.

Yesterday the members of the Congressional committee were nearly all consulted, and it was generally understood that the majority of them were in favor of having only one candidate.

Knowing that a convention, or some other agent, would be brought to bear, Mr. WILLIS called on Judge Hoke yesterday afternoon, at four o'clock, for the purpose of ascertaining whether the candidates might not fix up the matter without the expense or intervention of a convention.

The affable judge was willing to adopt any honorable and dignified method of settlement, and the valuable medium of two nickels and the ancient game of "heads you win and tails you lose" was proposed and immediately agreed upon.

It was a rare sight. There were two gentlemen, representing all the dignity and intelligence of the great Democratic party in this district, getting down to chuck-a-luck in order to show their disinterested devotion to that party.

The Commercial man did not see the game, but he was told that the grave judge placed his ambition on the head of the coin, while the astute Congressman murmured "tails" with suppressed breath, as he watched the tossing.

The coin was thrown into the air and as it descended on the table the scene may be better imagined than described. The shield was next to the table and the reverse side shone only for WILLIS.

The Democracy will now subside and the canvass proceed.

And then, on September 29, 1880, this same Louisville Commercial proceeds to comment on the conduct of the independent Democratic civil-service reformer of the fifth Kentucky district, my colleague, [Mr. WILLIS,] as follows:

OUR NICKEL STATESMAN—"TALL ACHES FROM LITTLE TOE-CORNS GROW."

Colonel Robert Baird has in his memory the information for a most entertaining lecture, showing how many times a single vote has had the most important influence on the destiny of this country.

In the early classical studies we learn that one philosopher was choked by a hair in a glass of milk; another by a grape-stone.

Within this week a single turn of a nickel has been allowed to decide a matter of national moment, whose far-reaching consequences no foresight can now reveal. This fateful nickel choked an ambitious political career to death in a cool, matter-of-fact way. True it was to the unfeeling world only a Democratic career, but that Democrat was human, had relatives and friends, and but a moment before the ill-omened nickel did its work he was basking in the genial glow of great expectations.

In the purely personal aspect, Messrs. Hoke and WILLIS could stake their fortunes or characters or political ambitions on their luck in matching nickels and have only their own sober second thought to reckon with in judging the prudence, the wisdom, the far-seeing common sense of staking their all on the turn of a coin. But from the public stand-point there are some considerations that seem not to have entered into the thoughts of these two gentlemen, who were just before offering themselves as representatives of a great district in some most important public matters. No thinking man would intrust any serious business to the sense, wisdom, or prudence of a lawyer who would stake $10,000 (the salary of a term in Congress) upon the chance of his matching a nickel laid down by another man.

If a young man well launched in pursuit of an honorable ambition, garnering

diligently the golden sheaves of the esteem, respect, and confidence of his thousands of fellow-citizens, in the midst of a prosperous harvest of honors suddenly stops and risks every hope and noble aspiration upon the turning of a coin, upon a single chance of odd or even, he can not help losing the confidence of his constituency, for it is inexcusable folly to stake such things on a gambler's chance.

When one who has reached the prime of life, the age of sound manhood, who is developed and mature and past the time for the great risk that the days of youth may sooner take, who seeks a new honor in the noon of life to round out the tokens won in young manhood, who moves about among his neighbor men a man among men, a power in the State, asking the great trust of a law-maker for a great nation, stops short in his career and stakes his ambition and prospects upon a single throw of the dice of chance, public opinion will say that in losing the throw he lost less than in consenting to make it. When Messrs. WILLIS and Hoke staked their hopes and ambitions and $10,000 salary on the turn of a nickel, they did a thing which no person with wisdom enough for a law-maker would consent to do. It was unwise, reckless, and frivolous. It would condemn them if they took such risks with what was their own money, their own hopes and prospects. But they were gambling for the wages of officers of the nation; they were staking upon the turn of a nickel the sacred trust of helping make laws for fifty million human beings.

If either of them has any learning, any wisdom, any judgment, any idea which gave him a right to ask to be a law-maker, or was of value to his fellow-men, of importance to his country, or to this district, with its tens of thousands of people and great commercial interests, in staking what he did upon the turn of a coin he gambled with what was his constituents' property, not his. He staked perhaps the welfare of a nation, the hopes of humanity, the honor of his people, on a gambler's chance. A lawyer staking his client's fortune at faro, a priest staking a cathedral at dice, a banker staking the deposits trusted to him, are not more blamable. It matters not that these are not great men; they were seeking a great post, and smaller men have done great good or evil in great places. These men have by their conduct shown that they regard a great public trust as their personal property or plaything, to be gambled for, or bought, or sold like any other of their chattels, for they cannot comprehend, or, comprehending, have no respect for the dignity, honor, and high trust they ask at their people's hands.

Mr. Chairman, the above quotation is from a paper which arrogates to itself as much of virtue, independence, decency, and wisdom as the most ultra civil-service reformer on this floor; a paper which has reduced the science of office-seeking and office-holding to a fine point, and one of whose editors has contrived to hold on to an important Federal office from the stormy days of Andrew Johnson until the dead calm of the present hour; and I think it is safe to say that he would have held over with the greatest equanimity of temper had Hancock been elected President, or at least been willing to have tossed a nickel for it. I state these facts to show that a civil-service reformer is the author of the comments which I have quoted. But lest I should do my colleague [Mr. WILLIS] some injustice I submit his own letter and interview published with it in the Louisville Courier-Journal of September 30, as follows:

LOUISVILLE, *September* 26.

Major JOHN B. CASTLEMAN, *Chairman, &c.:*

DEAR SIR: We respectfully request that you convene the members of the city legislative committee to meet on Tuesday, October 5, 1880, to take such action as they may think necessary in the interest of the Democratic party of this district.

ALBERT S. WILLIS.

"My purpose in drawing up this note," continued Mr. WILLIS, "has already been announced and fully explained. I had signed it and proposed to get Judge Hoke to do so, and then the signature of all my friends on the committee. This either would have induced Major Castleman to call the committee together or would have shown the status of the committee, and I believe the result would have justified my declaration that I was always willing to carry out the agreement before the committee and that I had no motive to withdraw from it, because the majority of the committee was in my favor.

"I was absent from the city last Saturday, and on my return received a message from Judge Hoke that he would assent to the arrangement proposed in my note. With the view of obtaining this assent, I called Monday morning at the court-room and made an engagement to meet him at his office at 11.30 a. m. We met at that hour in a private room and I told him what I came for. He remarked that had I met him Sunday he would have promptly united with me, but he now believed that he was tired of the committee and its action and presumed I was too. I told him I was, but hoped he would consent to make another effort amicable to adjust our canvass. He referred to the fact that our friends were mutual. We then discussed the present outlook for both in a perfectly frank and friendly manner, but were of the opinion that there was a strong probability at that time that a convention would be called, though neither desired it; that parties unfriendly to both were trying to create an impression that there was a muddle in the district; that there was bitter feeling between us, and that on this as a basis both be set aside. We fully agreed that a convention or primary election would create bitter dissensions in Democratic ranks, and aside from this fact that as ordinarily conducted they were a blur and a disgrace upon every party and should always be avoided unless a strong party necessity demand it. Both agreed that it was desirable to unite and harmonize the party and were both ready to sacrifice our individual ambition for that purpose.

"After considerable conversation to this effect Judge Hoke proposed to settle it by lot. He remarked: 'You think you have a majority of the people, and I think I have. Let us assume that we are equal before the people, and decide this controversy by lot.' To this I agreed, and we met at his office in the afternoon and the decision was made as agreed.

"Judge Hoke then wrote his card of withdrawal, which I never saw until it was in print. At the time the proposition of deciding by lot was made we discussed the propriety of that mode of settlement. Judge Hoke remarked that he considered it as good as any mode; that no matter how it was settled, somebody would complain. He called my attention to the fact that the statutes of Kentucky expressly provided for a settlement of this kind where parties received the same number of votes for an office.

"The words of the statute are that in such cases the right to the office shall be decided by lot. He referred to several cases which had come before him where the decision had been made in this way. The case presented by the statute is much stronger than the one between Judge Hoke and myself, because in that people have absolutely become a party to the contest by their votes, but in this case no votes have yet been cast. I have been all over the city to-day and among representative men of all classes and conditions. I find an almost unanimous sentiment in favor of this action of ours. Relieving the district as it does as far as we are concerned from further contest, and determining our candidacy by a method sanctioned by law, that has been resorted to hundreds of times in this and every State in the Union, that involves no sacrifice of principle or honor on either party, and relieve the people of the district of scenes of bribery, corruption, and political debauchery which are too common attendants of conventions and primaries. I have no fears but that the people generally of Oldham, Jefferson, and the city of Louisville will cordially indorse this action of ours, nor have I any fears that either he or I will be believed to have violated any principle of personal or political honor. I leave this, however, to the judgment of my constituents. As to the motives which are prompting efforts to keep this matter before the party I may speak more fully within a day or two."

I call attention to the fact that my colleague did not deny that his candidacy for Congress in the fifth Kentucky district was decided by the aid of a coin and without the aid of any convention, without any caucus, without the sanction of the proper committees, without a primary election, or in any way giving the people a chance to express their preference as to who should be the Democratic nominee for Congress to succeed their then sitting member, [Mr. WILLIS.] I would have the committee which has heard his speech on civil-service reform take note of the fact that so far from denying that his nomination for Congress was made "by lot," he proclaimed it and declared that it was satisfactory to himself and Judge Hoke, in accordance with the statutes of Kentucky, and met with favor in the eyes of his constituents. This is a bad showing for his constituents and for Kentucky statutes. Had the act to regulate voting at primary elections and prevent fraud therein for Harrison, Bourbon, Campbell, and Kenton Counties, which was passed by the General Assembly of the Commonwealth of Kentucky, and approved April 19, 1880, been made to apply to Jefferson County, Kentucky, I submit that section 7 of that act had been violated by Messrs. Hoke and WILLIS, of the fifth Congressional district of Kentucky, where they decided by lot who should be the nominee of the Democratic party. Section 7 of said act is as follows:

It shall be unlawful to bet or make a wager of money or property or other thing on the result of such an election; and any one so offending shall, on conviction, be punished in the mode now prescribed by law for betting on the results of a regular election.

Now I submit that when a gentleman is a candidate for Congress, "subject to the approval of the Democratic party," it is hardly fair to the voters residing in that district to have the question of superior fitness settled by the tossing of a coin in a corner in the hands of the ambitious statesman. It would be well for us to repeat often the following passages from the sacred Scriptures:

Be not overcome of evil, but overcome evil with good.—*Romans*, xii, 21.
Submit yourselves to every ordinance of man for the Lord's sake. * * *
Servants, be subject to your masters with all fear; not only to the good and gentle, but also to the froward.—1 *Peter*, iii, 13–18.
Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God.
Whosoever, therefore, resisteth the power resisteth the ordinance of God; and they that resist shall receive to themselves damnation.—*Romans*, xiii, 1–2.
Lift not up your horn on high; speak not with a stiff neck.
For promotion cometh neither from the east, nor the west, nor from the south.
But God is the judge; he putteth down one and setteth up another.—*Psalms*, lxxv, 5–7.

The law against gaming in Kentucky is clear, but there is a looseness about its enforcement which is by no means creditable to the Democratic authorities which control the affairs of that State. Observe the law:

Any wager upon the result of an election, no matter in what form it is made, if the real effect intended is that one party may lose and the other gain money or property, according as the election may terminate for or against a particular candidate, is gaming in contemplation of the statute. (Commonwealth *vs.* Shouse, 16 B. M. 328; see, also, Todd *vs.* Caplinger, 4 Bush, 139.) Note on page 501, General Statutes of Kentucky.

The lottery business is not as popular in Kentucky as it was before the Louisville library lottery dazzled the eyes of the whole country by the brilliancy and success of its gigantic swindling operations. The statute is, that—

Whoever shall set up, draw, manage, or otherwise promote any lottery for money or other thing, or dispose of, or promote the disposing of, any money or thing of value by way of lottery, or aid in committing either of said offenses, shall be fined from five hundred to ten thousand dollars.

PRACTICE WITHOUT LICENSE.

But, Mr. Chairman, by the law of our State (General Statutes of Kentucky, article 23, section 2) artists may dispose of their pictures "by lot," and without going into the discussion of the merits of that statute, I cite it as a semi-vindication of the cheap method resorted to by Judge Hoke and my colleague [Mr. WILLIS] to avoid the expense of a primary election which the "legislative committee and its action" foreshadowed.

But I ask my colleague, who is a firm believer in the Bible, is that being obedient to "the powers that be?" How can he as a Democrat defy the primary and the Democratic machine politicians, where only the unadulterated Democracy exercising their assumed superiority can select their fittest representative to champion their cause before the people? On what principle of political ethics is he bound by a Democratic caucus of this House when he is unwilling to test the sense of his party in primary meetings at home. What becomes of the doctrine of "home rule?" What chance have the people for civil service reform?

NO LAW FOR SETTLING A FACT BY LOT.

When and where did a Kentucky jury ever decide by legal authority any question of fact "by lot?" What judge would think for one moment of deciding a question of law "by lot?" What person accused of crime would consent to be tried "by lot" rather than "enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory

process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense," as is guaranteed by the Constitution of the United States?

If members of Congress may properly be nominated "by lot," why may they not be elected in the same way?

By statute of Kentucky, "where damages are uncertain a jury is necessary." By article 8 of the Constitution of the United States, "in suits at common law, where the value in controversy shall exceed $20, the right of a trial by jury shall be preserved."

Would any self-respecting court sustain a verdict certified to by a jury as the result of casting lots, regardless of the law and the evidence?

Sir, what vast expenses have been incurred by lawsuits, to no purpose, if the flipping of a nickel is the proper method to settle questions of fact as to fitness and questions of principle as to party ascendency in this nation.

Mr. Chairman, in the confession of record in the Louisville papers, made by my colleague [Mr. WILLIS] nearly two years ago, taken in connection with his eloquent lecture on civil-service reform delivered on yesterday, I find food for the most profound reflection.

If his speech on civil-service reform means anything it means a rebuke to the plans and methods of the Republican party to maintain ascendency as a political power in this country. This being the case, I have not felt at liberty to withhold my protest, however feeble it might be, against the inconsistent course of my independent Democratic colleague from the city of Louisville.

SMALL COIN IN POLITICS.

If my colleague [Mr. WILLIS] and Judge Hoke can prevent "scenes of bribery, corruption, and political debauchery, which are too common attendants of conventions and primaries," by the tossing of a copper, then, sir, why may we not utilize this discovery in the selection of all officers from the Presidency down to the appointment of clerks in the various departments of the Government?

We are told that certain Congressional aspirants were afraid of a convention or a primary election lest the gentlemen most anxious to be nominated should "both be set aside." Mr. Chairman, this is the gist of the whole matter, a mortal fear of being set aside. The Army is afraid of a reduction lest somebody shall be set aside. The Navy opposes a reduction lest somebody shall be set aside. The army of tax-gatherers, spies, and informers are all opposed to a reduction of taxes and clerical force lest somebody shall be set aside. And here we have the amazing spectacle of a Congressman and his warm personal friend assuming, by the toss of a dime, to nominate a Congressman for the great metropolis of my State, lest they themselves "should be set aside" by the voice of the people. It may be true that in the city of Louisville, where there are 1,700 illiterate white voters, and where it is reported that many of the best men sit idly by and allow the great affairs of State and nation to be controlled by reckless politicians, many of whom seem to live solely for the spoils of office, the voice of the people is stifled because of "bribery, corruption, and political debauchery" practiced there. But I trust to God the time may never come when the people of this country shall be prohibited by "scenes of bribery, corruption, and political debauchery," or by the flipping of a penny, from giving a full, fair, and intelligent expression as to whom they shall vote for.

I need not remind my colleague [Mr. WILLIS] of the numerous attempts by the people of our State to enact laws which would abolish the legalized lotteries—stains upon our statute-books, which, according to his own showing, have blurred the vision and blunted the sensibilities of his own constituency. I would call his attention to the fact that the mariners "cast lots and the lot fell upon Jonah;" and that "they took up Jonah and cast him forth into the sea; and the sea ceased from her raging." But will any one undertake to justify the casting of Jonah overboard because "the sea ceased from her raging?" If so, I trust he may be able to explain why "the Lord spake unto the fish and it vomited out Jonah upon the dry land?" And I cannot help thinking that the good people of Louisville must regret that the Democratic bosses of the politics of that district have become so corrupt that there is no longer any chance for the moral and religious element of that community, aspiring to Congressional honors, to obtain the object of their laudable ambition without resorting to that practice adopted by the Roman soldiers, who, when they had crucified the blessed Jesus "parted his garments, casting lots upon them what every man should take." (St. Mark, xv., 24.)

Mr. Chairman, in view of the fact that my colleague [Mr. WILLIS] is one of the most liberal, conscientious, and independent Democrats of this body, and, as I believe, perfectly sincere in his notions about reform in the civil service, I have thought it not improper to present for his consideration and for those who are to be guided by his precepts some of the inconsistencies into which, as a reformer, he has drifted.

Moreover, in view of the fact that during the last year the immigration of foreigners to our country has exceeded half a million souls, destined to become citizens of the United States, and as there are about 12,000 foreign white and 6,000 illiterate colored voters residing within the district which my colleague [Mr. WILLIS] represents, I have conceived it to be my duty to contribute my mite to the discussion of an interesting subject which has been injected into this debate, but which has very little connection with the bill under consideration.

CONCLUSION.

In conclusion, Mr. Chairman, I beg to say that in all this matter I have spoken purely in a political light. I say frankly that in the case of my colleague [Mr. WILLIS] it fell to the lot of a creditable gentleman. And the same may be said had it fallen to his competitor. But what guarantee have we that selection "by lot" will be confined to such gentlemen as Messrs. Hoke and WILLIS in the future. Still let us take a hopeful view of the political situation, and trust to the virtue and intelligence of the people, by the aid of Divine Providence, to save the Republic.

Now, as to appointments in Kentucky made by the present Executive, they are such as were fit to be made by reason of the competency and good reputation of the appointees. They will stand the test of the severest criticisms. The President is to be commended for his rare good judgment in their selection.

I thank the gentleman from Pennsylvania [Mr. MILLER] for having given me his time.

Extravagance in Public Expenditures.

SPEECH

OF

HON. STROTHER M. STOCKSLAGER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 14, 1882,

On the sundry civil bill.

Mr. STOCKSLAGER said:

Mr. SPEAKER: The great struggle of 1876, in which the Democracy received a popular majority for its candidate for President and Vice-President of a quarter of a million votes, was fought by that party under the banner of "economy and reform." All parties since that time, as well as before, have in all their platforms, State and national, demanded an economical administration of public affairs. And yet, Mr. Speaker, notwithstanding these pledges, we are making the most reckless and extravagant expenditures of the public money and in some cases keeping up, as I believe, a useless class of officials at the public expense.

It will accomplish no good to talk to a Republican Congress about reducing the number of officers or their salaries, except to call the attention of the country to the matter, as that party was never known to do anything of the kind unless driven to it by an irresistible public opinion. On the contrary, they go on increasing public expenditures at an enormous rate. The increase of the net ordinary expenditures for the present fiscal year, as appropriated by the present Congress, over the expenditures of the last year, appropriated by a Democratic Congress, will aggregate the enormous sum of $45,000,000 to $50,000,000.

But, Mr. Speaker, it is not my purpose to go into an extended discussion of the constant and rapid increase of public expenditures wherever the Republican party has power, but rather to point out a few useless offices in the Government service and direct attention to the reckless extravagance in their payment. I desire to call the attention of the House and the country to the following list of customs districts in the United States, with number of persons employed in each, their compensation, and amount of revenue collected in each district, as shown by the official report of the Register of the Treasury to the Secretary, made June 30, 1881; it is official:

Statement of the number of persons employed in each of the following districts of the United States for the collection of customs for the fiscal year ended June 30, 1881, *with their occupation and compensation, together with amount of revenue collected in each district.*

MACHIAS, MAINE.

One collector	$1,800 89
One special deputy collector and inspector	1,095 00
Two deputy collectors and inspectors	1,640 00
Total	4,535 89
Amount collected	423 93
Cost of collecting in excess of collections	4,111 96

FRENCHMAN'S BAY.

One collector	1,480 18
One special deputy collector	1,200 00
One deputy collector and inspector	1,095 00
Two deputy collectors and inspectors	1,200 30
One deputy collector and inspector	12 50
Cost of collecting	4,987 98
Amount collected	228 16
Cost of collecting in excess of collections	4,759 82

BELFAST, MAINE.

One collector	$1,180 78
Two deputy collectors and inspectors	2,190 00
One deputy collector	400 00
One deputy collector	300 00
One deputy collector	200 00
One inspector	100 00
One storekeeper	100 00
Two storekeepers	100 00
Cost of collecting	4,570 78
Amount collected	1,291 77
Cost of collecting in excess of collections	3,289 01

CASTINE, MAINE.

One collector	937 25
Two inspectors	2,190 00
Three deputy collectors	2,463 75
Cost of collecting	5,591 00
Amount collected	500 11
Cost of collecting in excess of collections	5,090 89

WISCASSET, MAINE.

One collector	831 70
Two deputy collectors	2,190 00
One inspector	1,095 00
Cost of collecting	4,116 70
Amount collected	622 31
Cost of collecting in excess of collections	3,494 39

SACO, MAINE.

One collector	327 10
One deputy collector	450 00
Cost of collecting	777 10
Amount collected	16 10
Cost of collecting in excess of collections	761 00

WALDOBOROUGH, MAINE.

One collector	2,050 68
Two deputy collectors, &c	2,920 00
One deputy collector, &c	1,095 00
One deputy collector, &c	912 00
One deputy collector, &c	730 00
One deputy collector, &c	700 00
Cost of collecting	8,407 68
Amount collected	2,095 37
Cost of collecting in excess of collections	6,312 31

NEWBURYPORT, MASSACHUSETTS.

One collector	459 74
One deputy collector, &c	1,095 00
One inspector, &c	972 15
One weigher, &c	417 15
One janitor	540 00
Cost of collecting	3,484 04
Amount collected	2,348 53
Cost of collecting in excess of collections	1,135 51

GLOUCESTER, MASSACHUSETTS.

One collector	3,836 00
One deputy collector	1,500 00
One clerk	1,300 00
Four inspectors	4,380 00
One inspector	300 00
One inspector and storekeeper	1,224 00
One inspector and storekeeper	1,204 00
One inspector and storekeeper	892 00
One boatman	750 00
One janitor	500 00
Cost of collecting	15,886 00
Amount collected	6,841 71
Cost of collecting in excess of collections	9,044 29

MARBLEHEAD, MASSACHUSETTS.

One collector	428 45
Two deputy collectors, &c	2,190 00
Cost of collecting	2,618 45
Amount collected	2,211 54
Cost of collecting in excess of collections	406 91

BARNSTABLE, MASSACHUSETTS.

One collector	2,306 60
One deputy collector and inspector	1,095 00
One deputy collector and inspector	900 00
One deputy collector and inspector	800 00
Two deputy collectors and inspectors	1,500 00
Two deputy collectors and inspectors	1,000 00
One deputy collector and inspector	400 00
One janitor	350 00
One clerk	300 00
One boatman	60 00
Twelve storekeepers	600 00
Cost of collecting	9,311 60
Amount collected	462 36
Cost of collecting in excess of collections	8,849 24

EDGARTOWN, MASSACHUSETTS.

One collector	$728 45
One deputy collector, &c	1,095 00
One deputy collector, &c	800 10
One inspector	600 00
One inspector	495 00
One inspector	467 85
One night watchman	600 00
One boatman	300 00
Cost of collecting	5,086 40
Amount collected	855 98
Cost of collecting in excess of collections	4,230 42

NEWPORT, RHODE ISLAND.

One collector	1,111 28
One deputy collector	1,000 00
One inspector	1,095 00
One inspector	602 25
One inspector	292 00
One inspector, occasianal	297 00
One boatman	400 00
Cost of collecting	4,797 53
Amount collected	1,103 25
Cost of collecting in excess of collections	3,684 28

FAIRFIELD, CONNECTICUT.

One collector	1,471 96
One deputy collector, &c	1,200 00
One inspector	222 60
One inspector	200 05
One inspector, temporary	12 50
Cost of collecting	3,106 64
Amount collected	1,911 78
Cost of collecting in excess of collections	1,194 86

STONINGTON, CONNECTICUT.

One collector	619 86
One deputy collector	400 00
Two deputy collectors	600 00
One inspector	10 00
One boatman	144 00
Cost of collecting	1,773 86
Amount collected	139 87
Cost of collecting in excess of collections	1,633 99

DUNKIRK, NEW YORK.

One collector	1,169 15
One deputy collector and inspector	1,195 00
Cost of collecting	2,364 15
Amount collected	20 70
Cost of collecting in excess of collections	2,344 45

GREAT EGG HARBOR, NEW JERSEY.

One collector	548 58
One deputy collector	600 00
One inspector and boatman	541 50
One inspector and boatman	480 00
Cost of collecting	2,170 08
Amount collected	1,158 82
Cost of collecting in excess of collections	1,011 26

BURLINGTON, NEW JERSEY.

One collector	238 62
Cost of collecting	238 62
Amount collected	72
Cost of collecting in excess of collections	237 90

ALEXANDRIA, VIRGINIA.

One collector	515 20
One deputy collector	1,200 00
One inspector	1,095 00
One janitor	500 00
Cost of collecting	3,310 20
Amount collected	1,074 10
Cost of collecting in excess of collections	2,336 10

PAMLICO, NORTH CAROLINA.

One collector	1,698 14
One deputy collector	1,000 00
One deputy collector and inspector	699 30
Two deputy collectors and inspectors	720 60
One deputy collector and messenger	320 00
Four boatmen	480 00
Cost of collecting	4,918 04
Amount collected	3,047 82
Cost of collecting in excess of collections	1,870 22

BEAUFORT, NORTH CAROLINA.

One collector	$1,156 79
Four deputy collectors	540 00
One deputy collector	440 00
One boatman	240 00
Cost of collecting	2,376 79
Amount collected	13 84
Cost of collecting in excess of collections	2,362 95

GEORGETOWN, SOUTH CAROLINA.

One collector	418 85
Two boatmen	600 00
Cost of collecting	1,018 85
Amount collected	147 32
Cost of collecting in excess of collections	871 53

SAINT MARY'S, GEORGIA.

One collector	477 85
One deputy collector	777 43
One inspector	243 00
One clerk	300 00
One boatman	300 00
Cost of collecting	2,098 28
Amount collected	592 40
Cost of collecting in excess of collections	1,505 88

SAINT AUGUSTINE, FLORIDA.

One collector	531 80
One special deputy collector	300 00
Two deputy collectors	480 00
Two boatmen	480 00
Cost of collecting	1,791 80
Amount collected	59 70
Cost of collecting in excess of collections	1,732 10

SAINT JOHN'S, FLORIDA.

One collector	1,487 51
One deputy collector and inspector	1,095 00
One deputy collector and inspector	499 30
One boatman	120 00
One messenger	300 00
Cost of collecting	3,511 81
Amount collected	894 95
Cost of collecting in excess of collections	2,616 86

SAINT MARK'S, FLORIDA.

One collector	1,314 39
One deputy collector	750 00
One special deputy and inspector	1,460 00
Two inspectors	2,190 00
Two boatmen	600 00
Cost of collecting	6,314 39
Amount collected	4,914 23
Cost of collecting in excess of collections	1,400 16

APALACHICOLA, FLORIDA.

One collector	840 08
One deputy collector	550 00
One inspector	115 50
Four boatmen	129 00
Cost of collecting	1,634 58
Amount collected	729 28
Cost of collecting in excess of collections	905 30

TECHE, LOUISIANA.

One collector	1,723 69
Four inspectors	4,380 00
Two boatmen	960 00
Cost of collecting	7,063 69
Amount collected	235 86
Cost of collecting in excess of collections	6,827 83

SANDUSKY, OHIO.

One collector	2,500 00
One deputy collector	1,000 00
Two deputy collectors	800 00
Two deputy collectors	400 00
One deputy collector	112 50
Two deputy collectors	240 00
Cost of collecting	5,052 50
Amount collected	618 82
Cost of collecting in excess of collections	4,433 68

SUPERIOR, MICHIGAN.

One collector	2,500 00
One deputy collector	1,200 00
One deputy collector and inspector	1,200 50
One deputy collector	1,000 00
Eight deputy collectors and inspectors	1,971 00
Two inspectors	2,190 00
Cost of collecting	10,065 50
Amount collected	5,466 86
Cost of collecting in excess of collections	4,598 64

MICHIGAN, MICHIGAN.

One collector	$2,500 00
One deputy collector	1,200 00
Two deputy collectors, at $600	1,200 00
Nine deputy collectors	2,606 87
Three deputy collectors	507 54
One clerk	121 00
One deputy collector	140 00
One deputy collector	120 00
Cost of collecting	8,455 41
Amount collected	2,831 53
Cost of collecting in excess of collections	5,623 88

DULUTH, MINNESOTA.

One collector	2,500 00
One special deputy collector	1,400 00
One deputy collector	1,095 00
One deputy collector and inspector	1,095 00
One inspector	699 00
One inspector and clerk	792 00
Cost of collecting	7,581 00
Amount collected	3,048 23
Cost of collecting in excess of collections	4,532 77

BURLINGTON, IOWA.

One surveyor	524 28
Cost of collecting	524 28
Amount collected	39 32
Cost of collecting in excess of collections	484 96

PUGET SOUND, WASHINGTON TERRITORY.

One collector	3,000 00
Two deputy collectors and clerks	4,300 00
One inspector and clerk	1,200 00
Three inspectors	4,380 00
One inspector	1,095 00
Four inspectors	4,809 00
One watchman	730 00
Three boatmen	1,800 00
One boatman	782 50
Cost of collecting	22,082 50
Amount collected	8,425 54
Cost of collecting in excess of collections	13,656 96

It will be seen from the above list of thirty-four customs districts that there are two hundred and forty-one men employed, costing many thousands of dollars, and yet at no one of the whole number is the amount of revenue collected equal to the cost of collection. Let us take a few of them and examine them and we can see the reckless extravagance of the expenditures.

Take Barnstable, Massachusetts. We find that there are twenty-four men employed in this district, costing the Government $9,311.60. They collected the enormous sum of $462. We see it costs over $20 to collect $1. The average amount collected by each man is $19, and the amount received for this service about $388.

Take Dunkirk, New York. There are two men employed, costing $2,364.15, and they collected the enormous sum of $20, or over $118 for each dollar collected. Each man collected $10, and received for his services $1,182.07½.

Take Beaufort, North Carolina. There are seven men employed, costing $2,376.79, and they collected $13.84, costing the Government $170 for each dollar collected. Each man collected on an average $1.98, and received from the people the sum of $399.54 for his onerous services.

Saint Augustine, Florida. There were six men employed, costing the Government $1,791.80, and they collected $59.20; costing about $30 for each dollar collected.

Teche, Louisiana. Seven men employed, costing $7,063.69; they collected $235.86, or about $30 for each dollar collected. Each man collected on an average $33.70, and received the sum of $1,009 for his services.

Sandusky, Ohio. Nine men employed, costing $5,052.50; they collected $618.82, or about one-eighth as much as they received.

Michigan, Michigan. Nineteen men employed, costing $8,455.41, and they collected $2,831.53.

Burlington, Iowa. The cost of collections was $524.38, and only $39.82 collected.

These cases, scattered all over the country, show that there are certainly some glaring and outrageous cases where good Republicans—for those employed are all Republicans—are provided for at the public expense, who in return aid the Republican committee by the 2 per cent. of their salaries paid to HUBBELL, where there is great danger, to say the least, of its use in corrupting the ballot-box and debauching the electors.

But, Mr. Speaker, bad as the foregoing official statements are, I now propose to call attention to others which are based upon the same official authority, and which are much more outrageous than those to which I have already referred.

Below is a statement of the number of persons employed in each of the following districts of the United States for the collection of cus-

toms for the fiscal year ending June 30, 1881, with their occupations and compensation, at none of which any revenue was collected:

KENNEBUNK, MAINE.

One collector	$99 85
One deputy collector, &c	595 60
Two inspectors	153 40

YORK, MAINE.

One collector	263 39

NANTUCKET, MASSACHUSETTS.

One collector	290 90
One deputy collector	800 00
One deputy collector	450 00

BRISTOL AND WARREN, RHODE ISLAND.

One collector	185 55
One deputy collector, &c	1,095 00
One deputy collector	249 00
One boatman	216 00

SAG HARBOR, NEW YORK.

One collector	486 48
One surveyor	547 80
Two deputy collectors	480 00

LITTLE EGG HARBOR, NEW JERSEY.

One collector	379 73
One deputy collector	600 00
One inspector	1,236 00
Two inspectors	1,065 00

BRIDGETON, NEW JERSEY.

One collector	778 28
One deputy collector	73 00
One deputy collector	80 00

ANNAPOLIS, MARYLAND.

One collector	250 00
One deputy collector	292 00
One inspector	1,095 00
One boatman	180 00

EASTON, MARYLAND.

One collector	2,508 75
One deputy collector and inspector	1,095 00

TAPPAHANNOCK, VIRGINIA.

One collector	547 80
One deputy collector	600 00

YORKTOWN, VIRGINIA.

One collector	480 39
One deputy collector	360 00
One inspector	903 00

CHERRYSTONE, VIRGINIA.

One collector	828 00
One deputy collector and inspector	1,277 50
One deputy collector and inspector	365 00
Two boatmen	200 00

PETERSBURGH, VIRGINIA.

One collector	283 46
One deputy collector and clerk	1,200 00
One deputy collector and inspector	1,095 00
One temporary inspector	15 00
One messenger	730 00
One janitor	600 00
One boatman	180 00

ALBEMARLE, NORTH CAROLINA.

One collector	1,202 20
One special deputy collector	300 00
One deputy collector	1,095 00
One deputy collector	600 00
One inspector	927 00
One inspector	198 00

VICKSBURGH, MISSISSIPPI.

One collector	583 47

GALENA, ILLINOIS.

One surveyor	406 98
One deputy surveyor and clerk	500 00
One janitor	360 00

CAIRO, ILLINOIS.

One surveyor	944 57
One deputy surveyor	600 00

LA CROSSE, WISCONSIN.

One surveyor	1,200 00

EVANSVILLE, INDIANA.

One surveyor	350 00
One deputy surveyor	500 00

SOUTHERN OREGON.

One collector	1,082 50
One special deputy collector	200 00

MINNESOTA, DAKOTA TERRITORY.

One collector	2,500 00
One special deputy collector	1,460 00
One deputy collector	2,000 00
One deputy collector	1,460 00
Two deputy collectors	2,190 00
One clerk and inspector	1,460 00
One inspector, gauger, &c	1,460 00
Two inspectors, mounted	2,555 00
Two inspectors, mounted	2,190 00
One inspector and storekeeper	900 00

DELAWARE, DELAWARE.

One collector	$2,035 76
One special deputy collector	1,600 00
One deputy collector	600 00
Two deputy collectors	1,000 00
One inspector	997 00
One inspector	994 50
Five boatmen	1,500 00

Here we find, Mr. Speaker, twenty-one districts kept up, in which eighty-eight men are employed at a cost of many thousands of dollars to the Government, at none of which is a single dollar of revenue collected. Why the necessity for keeping up these districts? There is no reason. There can be only one excuse for it, and that is that places may be made for Republicans to live at the expense of the public. It is sometimes contended that it is necessary to keep up these districts to prevent smuggling and other frauds upon the revenue. But, Mr. Speaker,, even if that were true, it occurs to me that there would be no necessity for keeping from five to twenty men at a place. But there is nothing in this argument, especially as to many of the districts. In my own State, at Evansville, in the district represented by my colleague, Mr. HEILMAN, there are two men employed and not a dollar collected, and so far as I have been able to learn never was a dollar collected. Certainly no one will contend that there is any danger of smuggling there. So with Galesburgh, Illinois; Cairo, Illinois; Vicksburgh, Mississippi, and many other places. No, Mr. Speaker, it is not because it is necessary for the Government service to have this large number of men drawing pay from the Government and performing no services, but is to meet the exigencies of party necessity, as I believe.

It was very recently stated upon the floor of this House by the distinguished gentleman from Tennessee, the former chairman of the Committee on Appropriations, and one of the most careful and most accurate members of this House, that within a period of ten years, between 1870 and 1880, our list of civil officers in the employ of the General Government had nearly doubled; that in 1870 1.4 per cent. of the whole population held civil offices under the General Government; and in 1880 2.2 per cent. of the whole population were paid officers upon the civil list of the United States.

From this statement, of the accuracy of which I have no doubt, it will be seen that the number of officials is increasing enormously, and it certainly is a cause for alarm, and especially when they must be supported in idleness, as I have shown many of them are, upon the money rung from the tax-payers of the country. Let us weed out useless officials, abolish useless offices, and begin to enforce that economy and reform so much needed in the public service, and to which all parties are pledged.

Death of Hon. Thomas Allen.

SPEECH

OF

HON. WILLIAM H. HATCH,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 23, 1882.

The House having under consideration resolutions of respect for the memory and services of Hon. THOMAS ALLEN, deceased, late a Representative from the State of Missouri—

Mr. HATCH said:

Mr. SPEAKER: Hon. THOMAS ALLEN, a Representative from the State of Missouri, died in the city of Washington on the 8th day of April, 1882. On that day the announcement of his death was made to the House and a committee appointed consisting of seven members and three Senators to escort his remains to the city of Pittsfield, Massachusetts, for interment. Hon. J. R. Chalmers, of Mississippi, then a member of this House, was appointed by the Speaker as one of that committee. Having known him many years and being an admirer of Mr. ALLEN, he had prepared some remarks upon his life and character which he had expected to deliver upon this occasion. When it was decided by the House that he was not a member of this Congress he left his manuscript with me, as the chairman of that committee, with a personal request that I should read it as a part of my remarks upon this occasion, which I now proceed to do.

REMARKS PREPARED BY MR. CHALMERS.

Mr. SPEAKER: The committee selected by you under the order of this House to attend the funeral ceremonies of our deceased brother, Hon. THOMAS ALLEN, of Missouri, have performed that solemn duty. We escorted his remains to his native town, where they were temporarily deposited in his summer mansion built on the spot where once stood his grandfather's house in which he was born. The funeral services were performed in the Congregational church of which his grandfather, Thomas Allen, was the first pastor, and we buried him beside his forefathers, in the family lot, in the cemetery of

Pittsfield, Massachusetts. This is one of the most striking of the New England towns. Situated on the Berkshire hills, near the headwaters of the Housatonic River, it is 1,100 feet above the level of the sea, and its air is pure, bracing, and invigorating.

There are no rough and precipitous mountains around it suggestive of strong and uncultivated men, but the massive hills and Greylock Mountain, seen from a distance through the pure, clear atmosphere, are suggestive of calm, peaceful, and dignified manhood. There are no mountain torrents to break the silence of the surrounding hills, but there are beautiful and pellucid lakes and clear, bold running streams that set the wheels of machinery in motion and send up a mingled hum from the voices of nature and art. To one who saw it thirty-three years ago Pittsfield presents the appearance of great improvement, but to one who studies its possibilities for the future it seems but in its infancy, with vast undeveloped resources and power still in reserve. It is a historic town and filled with honorable names and memories.

The Allens, the Larneds, the Pomeroys, and the Merrills were honored names in the days of the Revolution, and these names are preserved with honor by the present generation. We were shown the park beneath whose branching elms the citizen soldiers of Pittsfield assembled to march forth to battle in 1776, in 1812, and again in 1861. Here stood the old church from which Thomas Allen, the fighting parson, led his congregation to the battle of Bennington. The old frame building is gone, and in its place stands a massive structure of native granite with a memorial slab in commemoration of Thomas Allen, the grandfather of our colleague; and on the opposite side of the park stands the Berkshire Atheneum, a princely donation to the town from our deceased friend, and a lasting monument to his culture, his taste, his liberality, and his ennobling devotion to the home of his childhood.

We reached Pittsfield on the day of its annual town meeting, and nothing could more clearly indicate the character of its inhabitants than their conduct on this occasion. No man could be more highly esteemed than THOMAS ALLEN was esteemed by them. They showed this in every gesture, word, and look. There was no violent demonstration of feeling and no ostentatious parade, but there was manifest appearance of deep and heartfelt manly grief; and yet the town meeting was not adjourned. It is a day of great political import in New England—a day on which the entire legislative business of the town is to be transacted for the next year, and with them duty comes first. Their ancestors, who followed Thomas Allen to the battle of Bennington, did not fire a gun until they had knelt on the battlefield and listened to a fervid prayer from their earnest leader, and their descendants move with the same precision and order to-day.

The town meeting is democracy in its simplest form, where the people assemble in the town hall and legislate for themselves without the intervention of representatives. The town hall has been called the cradle of liberty, and it was recently said on this floor by Mr. Tillman, of South Carolina, that if our liberties are ever overthrown the last struggle will be made at the door of a town hall in New England. It was amid such scenes and surrounded by such a people that THOMAS ALLEN, the late member of Congress from the second district of Missouri, was born and reared. If birth-place has any influence over the destiny of man, if the scenes of childhood mold the character or shape the course of maturer years, then the silent grandeur of the Berkshire hills impressed themselves upon the life and character of the modest, dignified, and intellectual man whose loss we now mourn.

THOMAS ALLEN was born in Pittsfield, Massachusetts, August 29, 1813, in the midst of our second war with Great Britain, in which his father was a captain, and he graduated at Union College in 1832. I leave to others the details of his remarkable and successful career, and shall only call attention to a few leading features of his history. With a good education and only $25 in money, at the age of nineteen, friendless and alone, he began the struggle of life in the great metropolis of New York; at the age of sixty-nine he died, leaving an estate worth fifteen millions in money. After five years of hard labor and close economy in New York, at the age of twenty-three he appeared in Washington as the editor of the Madisonian, through the columns of which he soon wielded a powerful influence in political affairs. In a contest for Public Printer, then conferred only on leading political writers, he was elected over such distinguished men as Gales and Seaton, of the National Intelligencer, and Blair and Rives, of the Globe.

A few years later he was an acknowledged power in political circles, consulted about the formation of Mr. Tyler's Cabinet, and the editor of the Administration organ. Such rapid and brilliant success might have addled the brains of a less self-poised and clear-headed man. To a young man of talent, power, and ambition nothing is more fascinating and seductive than political life. To speak from the editorial tripod and watch the effect of his arguments upon eager and increasing readers, and see his sentiments quoted, commended, and followed by the multitude, gives pleasing and peculiar satisfaction.

To speak from the hustings and see the crowd swayed by his utterances, to hear the shouts of exultant partisans, to feel the inspiring influence of that mesmeric sympathy which binds the speaker to the hearts of his audience, and to know that he can arouse the feelings and play upon the passions and prejudices of his hearers as the artist plays upon an instrument thoroughly in tune, produces a delirium of delight, which unfits the orator for the more quiet work of business life. And the fame of Henry Clay, the old man eloquent, upon whose words listening Senates hung, has made a seat in Congress the day-dream of every ambitious youth in the land.

Mr. ALLEN tasted the intoxicating draught of political life, he received the plaudits of admiring friends, he heard the prophetic praise from Andrew Jackson, and obtained the entire confidence of a President in power, and yet the cup passed from him without injury and without regret. In 1842, when the administration of his friend, Mr. Tyler, was in full power, he retired from the political arena in Washington and removed to Saint Louis, Missouri, where he married a lovely and wealthy young lady and thoroughly identified himself with the growing interests of his adopted home. Like Prentiss and Quitman, who were so much honored and loved in Mississippi, he came of the best New England stock, which was broadened and liberalized by transplanting in Southern soil.

The sudden change from a bare competency to what was then great wealth, received with his bride, did not enervate the mind or slacken the energies of Mr. ALLEN, but he made it tributary to an active, useful, and successful business career. Tom Benton, the great Missouri Senator, pointing across the Rocky Mountains to the Pacific Ocean, said: "There is the East." TOM ALLEN, catching the inspiration, began the construction of the first of that system of Pacific railroads which has since become the great highway of commerce between the East and the West. Railroad after railroad and corporation after corporation grew and prospered under his successful management, until war came to check the prosperity of his adopted State.

When peace was restored he once more entered actively into every enterprise calculated to increase the prosperity of Saint Louis, and to him more than any other one man is due the liberal system of internal improvements adopted by the Legislature of Missouri, and the construction of the Iron Mountain Railroad, which opened up to the Saint Louis market the richest mineral region of the world. But in the midst of his arduous labors he found time for the intellectual enjoyment of literary and scientific studies and for the pleasing duties of social and domestic life. A cultured companion, a genial friend, an affectionate husband, and a devoted father, he was at the same time a sound lawyer, a strong political thinker, and wonderful in business success—not wonderful in the rapidity or amount of his accumulations, for there are many who have surpassed him in both, but wonderful for the honesty and integrity of his dealings and the gradual and uniform success of his operations. While others have amassed greater fortunes and with more rapidity, their pathway has been strewn with the wreck of thousands upon whose ruined fortunes they rose.

Mr. ALLEN was formed in a different mold. He was no stock-jobber, no speculator, and no corporation wrecker, but an honest, straightforward worker in the regular channels of business life. His fortune, though large, was the result of regular and legitimate profit in regular and legitimate trade. His moral character was as pure as the air of his childhood's home; his principles were as firm as the granite in his native hills; and his intellectual strength, like the water-power of his native town, seemed to rise equal to every demand upon it and to perform its work with an ease that indicated immense power still in reserve.

Whether we consider him toiling in New York as attorney's clerk on a salary of $300 a year, or successfully conducting a leading political journal in Washington, or shaping the internal-improvement system of Missouri in the State senate, or presiding over great corporations and turning railroad lines to the Pacific and the Southwest, or dying by inches under a painful and incurable disease, we find him the same self-poised, unostentatious man, bearing himself with dignity, ability, and courage. He signalized his love of ancestry and his devotion to his birth-place by purchasing his grandfather's farm and erecting a princely mansion where the family homestead once stood. He left a granite monument to his cultured taste and his devotion to the cause of education in the Berkshire Atheneum, erected in his native village at a cost of $50,000.

He left a monument of his liberal views and progressive spirit in the new fire-proof Southern Hotel erected in his adopted city, Saint Louis, the most magnificent and best appointed hotel in the world. And in commemoration of his genius, perception, and business success he has left a name to be forever connected with the first of the great system of Pacific railroads and indissolubly linked with the wonderful Iron Mountain of Missouri. In politics he was, like his grandfather, a thoroughgoing Democrat, and a desire to do his whole duty to his party impelled him at great risk to be present at the organization of this House; and this perhaps hastened his final dissolution.

But the seeds of a fatal disease were clearly developed in his system long before his death, and he knew for many months that he must surely and shortly die. His heroic fortitude and Christian patience under his long and painful suffering and impending death were in perfect harmony with his whole character and life. A short time before his death, and when it was known that his end was near, my attention was attracted by the statue of the dying Napoleon in the Corcoran Art Gallery. The cold marble seemed almost to breathe the anguish of the dying hero. His body swollen with disease and

his face pinched and shrunken with pain, tells the story of a bursting heart which, like the imprisoned eagle, is beating itself to death against the wires of its cage. It pictured the end of an ambitious and dissatisfied soul; the end of a man who knew he must die, and yet his untamed and untamable spirit speaks in tones of remonstrance and resistance, and demands one more chance to live and be free.

While I gazed on it, I could but think of our patient, suffering colleague, who was dying but a few short steps away. He too knew that he must die, and he was meeting death with the same quiet Christian resignation that he had met the issues of life. He was not unwilling to die, and yet he expressed to his pastor the desire that he might have been spared a few years more to do something in Congress for the home of his adoption. He was full of honors, and yet his spirit felt that its full mission had not been filled. He was full of years, and yet older men than he bore his body to the grave. At the head of his coffin as it lay in the church was a column of sweet-scented flowers representing a broken shaft. The broken shaft is usually the emblem of a young life cut short in its career. This could not be said of THOMAS ALLEN, and yet in his dying moments he felt that he had left a portion of his work unaccomplished.

When he retired ftom the political arena in Washington in 1842, the hope and desire that he might some day return as a member of Congress might have filled his imagination as it did that of many ambitious young men before him. He had now gathered wealth to the fullness of his desire. He had retired from active business labor and prepared for cultivated enjoyment and political life, but like Moses on Mount Pisgah he was only permitted to behold the Canaan he had so long sought. The overtaxed physical system fell beneath the strain imposed on it by a too vigorous mind; the engine was too powerful for the frame that encased it, and the exhausted body perished while the spirit was yet strong. The broken shaft of sweet-scented flowers was a fitting emblem of a life which breathed only the fragrance of purity and a death that cut short a labor of usefulness and love.

In connection with the remarks that I had proposed to submit on this solemn occasion—solemn to every member of the Missouri delegation particularly, and to all who knew Mr. ALLEN in life—and without consuming the time of the House to read it at this time, I propose to print the able, carefully-prepared, and truthful tribute to the life and worth of THOMAS ALLEN, made at his own home upon the occasion of his burial by his pastor, Rev. J. L. Jenkins.

SERMON.

[1 *Samuel*, 25: 1.—Samuel died; and all the Israelites were gathered together, and lamented him, and buried him in his house at Ramah.]

Not since Moses, who died four hundred years before, had there been in Israel so great a man as Samuel. In troublesome times he preserved order, administered justice. He consolidated the nation, founded schools, served faithfully and wisely for thirty years in high positions. He died, and dying received the most generous appreciation and homage.

The means by which these were expressed are mentioned. I dwell for a moment upon each in order:

First. "All the Israelites were gathered together." Says Mr. Stanley: "We are told with a peculiar emphasis of expression that all the Israelites, not one portion or fragment only, as might have been expected in that time of division and confusion, but all were gathered together around him who had been the benefactor of all." A time had come when men of all sections and factions were constrained to recognize eminent services and eminent ability and eminent worth. They stopped their dissensions, forgot party allegiance, put by local prejudices, personal grievances. Men who forced Samuel from office, and men who would keep him in it, met at his grave and alike honored him. It was a generous tribute, this gathering of all the Israelites at the burial of Samuel. From the extremes of the kingdom, from its chief cities, men came to a quiet village that by their presence they might express their appreciation of the labors and worth of the man who had died.

Second. "They lamented him." Grief soon becomes conventional. There are prescribed ways for manifesting it, a period fixed during which signs of sorrow are exposed. When in Europe a member of a royal family dies, other courts go into mourning for a specified time. Among us, I believe, there are rules respecting the matter. Black is to be worn so long, displaced so gradually. We early find traces of such conventionalities. Aaron and Moses were mourned for thirty days. Of Samuel it is simply said, "They lamented him." The plain, unqualified statement testifies to the genuineness of the sorrow; a sorrow superior to ceremonies and demanding its own free, unrestricted indulgence! What heartier tribute was possible! "They lamented him."

Third. "They buried him in his house at Ramah." In his house means probably in the court or garden attached to his house. We have another account of Samuel's burial. "All Israel had lamented him and buried him in Ramah, even in his own city." Evidently the great, simple man's preferences were regarded. Sorrow for him was tender, as it was genuine and universal. They buried him in his own house at Ramah, his own city. There were more famous places; Gibeah, the royal residence, was one. Saul, who was fond of processions and display, might have arranged a splendid funeral pageant and brought crowds to his capital. Daring, impulsive as he was, he could not violate the intrinsic propriety which demanded the burial of the simple, stern prophet in the village where he was born and lived. So he was buried in Ramah, his own city.

This Ramah had the power of awakening strong local attachments. Its probable site was a hill-top, now easily seen from Jerusalem, looking to the northeast. It commanded fine views. Its people were intelligent and good, if Samuel's parents represent them. Here he was born and carefully nurtured by his wise and pious mother. Here he made his own home when a man; here he located a school of the prophets; "here," as Matthew Henry expresses it, "he enjoyed himself and his God in his advanced years;" and here, in the place he had served and made illustrious, he was buried.

The power of awakening strong local attachment long continued to Ramah. A thousand years after Samuel's death, the little village is made famous again by a worthy citizen who could not be tempted from it by all the splendors of a great city and capital. Joseph, the honorable councilor, who went in boldly to Pilate and begged the Lord's body and fitly buried it, was known as Joseph of Arimathea, another name for Ramah, a resident, if not a native of the place where Samuel was born and lived and was buried.

To be lamented as Samuel was by all his countrymen, to be mourned for a very great number of days, to be peacefully buried in his own quiet and loved village, were there not here ample compensations for years of industry and public service. Not till men are gone are they known. Under such condition do we live. Our lives here are such that what is best is seldom most conspicuous. Here influences that warp and distort judgments are many and strong. Here occasions for misunderstandings, for conflict, for alienations, are so frequent that perfect concord is impossible. Wise men do not expect it. What is possible, what may be reasonably expected, is that when a man dies, then his fellows will be quick to see and confess his worth and the worth of his services. If, under the great illumination which death diffuses, men remain blind and refuse to see the excellencies made apparent, we are forced to recognize the presence and power of inveterate prejudice or wicked hate. If, on the other hand, when men die and in their ascension lose the disfigurements and imperfections belonging to the earthly life, and they who are spectators exult in the new clear revelations of truth and beauty, and long to abide under them ever more, what worthier tribute to the dead can there be, and what conduct worthier of the living.

We often hear the homage paid the dead disparaged, undervalued. It is called cheap, and a poor substitute for the just treatment of the living. To me it seems very precious. Very precious, for the act embodies the best sentiments and wisest judgments of men. Men see clearly and feel rightly at the grave as nowhere else. Here clouds and mists rise and disappear, prejudices are carried off, all the spiritual forces are at liberty to act freely, without hinderance. Hence the real, substantial worth of the homage paid the dead. Men do nothing of finer quality. Estimates made at the grave partake of the clemency and justice of Heaven. It was not cheap and meaningless, this gathering of all the Israelites at Ramah, the mourning for Samuel for a very great number of days, and his quiet burial in his own city. The whole world held then nothing of greater value. Here were love, gratitude, veneration. No costlier offerings could be. There was almost infinite worth in them. So when any grave friends and acquaintances gather, when men come from afar to be present, when every available means is used for expressing affection, respect, the homage is not cheap and meaningless. It is precious and significant.

That burial in Ramah three thousand years ago, when friends and fellow-citizens gathered and lamented and buried a faithful, good man, has had innumerable repetitions, is being repeated now and here.

THOMAS ALLEN was born in this town August 29, 1813, in a house standing on the site where, in 1858, he built the one from which we have just brought his body. His father was Jonathan Allen. He was named for his grandfather, Thomas Allen, the first pastor of this church. His mother was Eunice Williams Larned, granddaughter of Colonel Israel Williams, of Hatfield. So that it has been said Mr. ALLEN "derived his descent on one side from one of the revolutionary whigs most noted for his uncompromising zeal, and on the other from one of the staunchest American adherents to the British Crown." His ancestry was not a weak one. The chances were there would be in him a double portion of strength. It is man's first and most lasting advantage to be well born; to inherit a good body, full of vitality, a sound mind, firm will, a controlling moral sense. There was once in New England a generation able to transmit these valuable legacies. It could not give children great riches, great honors; it could and did give what was of greater worth—health, intellect, determination, conscience. Into a large inheritance of these Mr. ALLEN was born. His education began formally in the schools of this town, in which he continued till he entered Union College in 1829.

His purposed destination was the law. In 1835 he was admitted to the New York bar. His career was not to be that of a lawyer. He began early to write; wrote so much that it was said of him at twenty-one that no young man in the country of his age had written so much. His vocation seemed found; he was to be an editor. It proved not to be his calling.

He betrayed early a taste for politics. His mind was suited to grave public questions; he had the power to influence by strong, persuasive speech. But his life-work was not to be that of the mere partisan politician. After various essays in different directions he was guided to his assigned task. Devout believers in God find marks of His wisdom in the orderly migrations of birds and beasts; devout students of history see God in emigrations, in colonizations, in the grand movements by which the world's population is transferred from one scene of effort to another. This large faith bears reduction and individualization. The steps of a man are ordered by God. There are always foreordinations requiring the birth to be in the proper Bethlehem, the preparatory life in Nazareth, the years of active service in busy, growing Capernaum. Men do not determine their own careers; they fulfill them. We are all God-led as truly as were the Israelites. What I am asserting was true of Mr. ALLEN. There were years of uncertainty, of attempts, of experiments. He was feeling after the track he was to pursue through the wilderness of this world; he was seeking after the work given him to do. His seeking was in time rewarded.

The workman and the work came together. The work was a great work. We all learn early the famous saying of Lord Bacon, to the effect that the most heroical of works is the founding of a colony. He is called to grand tasks who has to do with shaping the destiny of a great State. A first necessity is its enrichment by the discovery and use of its own resources by the easy introduction of needed supplies from without. Changes have come over the world. Forts, defenses, are not a primal need. Populations are not now to be kept out of given territories; they are to be tempted into them. It is high service those do who cast up highways in the wilderness; who redeem the fruitful earth from barrenness; who expose the treasures of its mines; who, in the biblical sense of the word, "subdue the earth." These are your true conquerors. They come up out of Edoms, their garments not rolled in blood but fragrant with the odors of field and vineyard; they mark their progress not by ruin and desolation but by the waste places they build. The pæan chanted over their conquests is without wail or sigh, is the merry shout of harvesters, the undisturbed laughter of children in village streets.

A new type of heroes is appearing. The old traditional type is becoming extinct. The man, sure of honor, is the explorer, the inventor, the discoverer, who enriches human life and adds to the well-being of mankind; who makes States strong not in fortresses but in the resources supporting great populations and in the means whereby great populations are made intelligent, virtuous, pious. He is called to a supreme work who has to do with shaping the destiny of a great commonwealth. That is a heroical work whose end is public enrichment and strengthening of a State. Men do not blunder upon such works. God girds men for them. It was so with Mr. ALLEN. He was raised up for a work and so found it. He was led from this his native village, with many wanderings, half across the continent to a spot predestined to be the seat of empire, early christened with a most sovereign name. He saw possibilities others saw not, and so was a prophet. He had the voice of a prophet, and aroused the people. He had the compelling force of a prophet, and his bidding was more or less heeded. Thus, under a divine guidance and because of a divine endowment, did Mr. ALLEN find the great, grand work of his life. It might be that a man should be led to his assigned work and be unconscious of the leading. He might think the work a discovery of his own, or he might think nothing of it. Neither was possible to Mr. ALLEN. He had what men of his class commonly have, faith in God. It is not the unbeliever that, Abraham-like, leaves country and home and friends for an unknown land. Faith has wrought civilizations, and only faith. The world's best workers have been and must be believers. Mr. ALLEN was a believer in God. "I know not," he said, "how is it with other men, but I have been a man of prayer all my life. I have always before important decisions sought guidance from God." He believed the ordering of his steps was with God.

His aims were to make his labors promotive of divine ends. I am not claiming that he did not seek his own profit in what he did; I am not supposing that Mr. ALLEN was devoted to the special service of God as the early Jesuit preachers and missionaries were. I am, however, very certain that it was his aim to promote on the earth the kingdom of God. For this phrase is a large one; the devoted Jesuit did not understand it fully; perhaps not so well as the energetic, far-seeing man of business. That which is natural is first. A State must have a material basis; good society must have physical resources. It is a divine work to find and supply these. Manna no longer falls from heaven. Ravens no longer bring food. The kingdom of God may not be meat and drink, but it would soon, so far as the earth is concerned, come to an end without them. Mr. ALLEN did not confine his efforts to merely material results. By an early and always indulged impulse he was a man of varied and pronounced scholarly tastes. He was, as has been said, an effective writer. It is possible to make a valuable volume of the papers prepared by him on different subjects. He was interested in and promoted the sciences. He was the wise patron of education. His wisdom, his insight, are conspicuous in his gift to his native town. He could do nothing better for it than encourage the habit of good reading among its people. The beautiful building whose doorway is fittingly draped in mourning to-day will not only perpetuate here the memory of his name but will be a testimony to his wisdom.

I have not intended any studied analysis of Mr. ALLEN's character. I think the hasty sketch given reveals him. He was well born; had found a work—a work that could be done only by a man rarely gifted. He did his work well. He did a great work well. There were once princes in Europe ruling a smaller territory than Mr. ALLEN managed, a smaller number of subjects than he had men under him, handling no such sums of money as he handled. This great work he did, and did well. And it is measure and indication of the rare powers in him. Besides these great executive abilities he had other rare gifts. Not every great worker is a scholar. Mr. ALLEN was. Not every great worker is a man of large heart. Mr. ALLEN was. He had two homes. He did the impossible; he served two masters. We know he loved Pittsfield. He came back when able and bought his birth-place, built here for himself a home, delighted to come to it. And here he was interested in our local affairs. Would have our burial place beautified. Among his last gifts was one toward the improvement of the interior of this church. He attended the meetings of the county historical society, prepared and read papers before it. Was president of the board of trustees of the Atheneum. And here he is brought for burial that he might rest with his forefathers. Pittsfield did not engross all Mr. ALLEN's affection, interest. He loved the city which was his home, and whose prosperity he so wisely and successfully promoted. Here he was loved, respected. It did not seem to us a strange thing when his fellow-citizens elected him member of Congress. I think we all rejoiced in their act. Not only that it honored one of us but because it was an honor most worthily bestowed. Here, where he was known, where the discipline of his life was known; here, where his firm devotion to the Union was known, here it was felt that a new and strong man was putting his hand upon the National Government, and that therefore it would be the more stable. To his adopted home Mr. ALLEN was as loyal as to his birth-place. "I would like," he said in his last sickness, "to live a few years longer. There are some things I would like to do for Missouri." He died in her service. In her loss we share. Our hope for her is that other men, as able, as good, may be found to serve her, and lead her on to greater and greater prosperity.

There was in Mr. ALLEN a strong moral sense. He had that which has been in the past rather characteristic of New England. We have not always excelled in fine manners, in many elegancies, but we have had a robust sense of what was right and wrong. Hence reforms have so easily gotten and kept a foothold here. We are growing practical, are being practical in matters of expediency, and yet we believe wrong is wrong and right is right, that they are contrary one to the other, as far apart, as irreconcilable as light and darkness, heaven and hell. This New England conscientiousness was in Mr. ALLEN. He discriminated. He felt the imperative claim of the right. He revolted from the wrong. At the base of his character was this firm rock. Allied to his moral sensitiveness was Mr. ALLEN's faith in God. He had this, not as an inheritance, but as a conviction, and not as a useless conviction. God was an intelligent person to him, a being from whom direction could be received, to whom service was due. Mr. ALLEN believed in immortality. He may well have believed in it. He could not easily conclude that a force which had been what his personal will and energy had been should suddenly cease. He never supposed it would. In the long sickness which he suffered from his mind was naturally much engaged with the supreme problems of life and death. He was able to think calmly and protractedly. His thoughts were high. He had, he said, during his illness, revelations. Yes, revelations of God, and in many ways. Evidently God was in his thoughts much. So in those weeks, months, of pain, of confinement, as he was drawing nearer to God, God drew near to him. And at last he was not, for God had taken him.

Public Buildings.

SPEECH

OF

HON. W. S. SHALLENBERGER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 5, 1882,

On the subject of public buildings.

Mr. SHALLENBERGER said:

Mr. SPEAKER: The Senate bill which has just passed the House without a dissenting voice, authorizing the construction of a public building for the accommodation of the United States courts, post-office, and other Government offices in the city of Fort Wayne, Indiana, is probably the last bill of this character which will pass Congress before adjournment.

In order to correct some misrepresentations in reference to the character and amount of the appropriations for public buildings made by the present Congress, and to satisfy very many members of the House who are continually seeking information on this subject, I desire, as chairman of the committee to which is referred all bills relating to the subject of public buildings and grounds, to submit a statement in detail of all bills referred to the committee, the present condition of the same, the number which have finally passed, and the appropriations therefor. Also a list of all appropriations made by the present Congress in continuation of work upon buildings authorized by former Congresses, which, taken together, will show the aggregate appropriations made in the present Forty-seventh Congress for the public buildings and grounds of the United States. Thirty-three buildings in all have been authorized by the present Congress, as follows:

Public buildings authorized by the Forty-seventh Congress and appropriations therefor.

Name of place.	Ultimate cost.	Present appropriation.
Abingdon, Virginia	$50,000	$25,000
Brooklyn, New York	800,000	300,000
Columbus, Ohio	250,000	100,000
Concord, New Hampshire	200,000	100,000
Council Bluffs, Iowa	100,000	50,000
Dallas, Texas	75,000	37,500
Denver, Colorado	300,000	100,000
Detroit, Michigan	600,000	250,000
Erie, Pennsylvania	150,000	100,000
Fort Wayne, Indiana	100,000	50,000
Frankfort, Kentucky	100,000	100,000
Galveston, Texas	125,000	62,500
Greensborough, North Carolina	50,000	25,000
Hannibal, Missouri	75,000	37,500
Harrisonburgh, Virginia	50,000	25,000
Jackson, Tennessee	50,000	25,000
Leavenworth, Kansas	100,000	10,000
Louisville, Kentucky	500,000	200,000
Lynchburgh, Virginia	100,000	50,000
Marquette, Michigan	100,000	50,000
Minneapolis, Minnesota	175,000	60,000
Oxford, Mississippi	50,000	.....
Pensacola, Florida	200,000	200,000
Peoria, Illinois	225,000	100,000
Poughkeepsie, New York	75,000	75,000
Quincy, Illinois	175,000	87,500
Rochester, New York	300,000	150,000
Saint Joseph, Missouri	75,000	.....
Scranton, Pennsylvania	75,000	37,500
Shreveport, Louisiana	100,000	100,000
Syracuse, New York	200,000	100,000
Terre Haute, Indiana	150,000	75,000
Williamsport, Pennsylvania	100,000	50,000
Total	5,775,000	2,732,500

In addition to the above appropriations the following amounts have been appropriated for the continuation of work upon buildings authorized by former Congresses:

Appropriations Forty-seventh Congress for continuation of work on buildings authorized by former Congresses, the improvement of grounds connected therewith, &c.

Place.	Amount.	Place.	Amount.
Montgomery, Alabama	$60,000	Buffalo, New York	$87,500
Little Rock, Arkansas	3,000	Utica, New York	7,500
Washington, D. C.	15,000	Cleveland, Ohio	150,000
Washington, D. C.	25,000	Cincinnati, Ohio	350,000
Hartford, Connecticut	20,000	Cincinnati, Ohio	100,000
Key West, Florida	4,000	Toledo, Ohio	100,000
Cairo, Illinois	60,000	Pittsburgh, Pennsylvania	200,000
Chicago, Illinois	31,000	Philadelphia, Pennsylvania	400,000
Topeka, Kansas	40,000	Memphis, Tennessee	75,000
Paducah, Kentucky	25,000	Nashville, Tennessee	6,000
New Orleans, Louisiana	60,000	Danville, Virginia	30,000
New Orleans, Louisiana	100,000	Port Townsend, Washington Territory	18,000
Baltimore, Maryland	250,000	Charlestown, West Virginia	10,000
Baltimore, Maryland	100,000	Buildings under the War and Interior Departments	663,500
Boston, Massachusetts	175,000	Building under the control of the Treasury Department	140,000
Fall River, Massachusetts	15,000		
Kansas City, Missouri	75,000		
Saint Louis, Missouri	180,000		
Jersey City, New Jersey	4,000		
Albany, New York	25,000	Total	3,624,500
New York, New York	20,000		

From the above statement it will appear that the total appropriations for buildings authorized, as well as those in process of construction during the present Congress, aggregate $6,357,000.

From a digest of appropriations prepared by the Treasury Department for each fiscal year it appears that the aggregate appropriation for public buildings and grounds during the Forty-fourth Congress was $5,731,632.78, for the Forty-fifth Congress $8,037,475.97, and for the Forty-sixth Congress $8,252,047.17.

I have not had time to prepare a careful statement, as I should liked to have done, of the exact amount of appropriations made during each Congress since the war closed, but find in convenient form

Executive Document No. 12, Forty-third Congress, first session Senate, in response to a resolution of the Senate, a letter of the Secretary of the Treasury, which gives the aggregate amounts expended for public buildings and grounds in each State and Territory, also the District of Columbia, from June 30, 1865, to June 30, 1873, from which it appears that the total expenditures covering four Congresses were $28,348,389.52; or an average expenditure during the Thirty-eighth, Thirty-ninth, Fortieth, and Forty-first Congresses of $7,062,097.38.

The average, as will appear from the figures given, for the Forty-fourth, Forty-fifth, and Forty-sixth Congresses was $7,340,384.64.

RECAPITULATION.

Average aggregate appropriations during the Thirth-eighth, Thirty-ninth, Fortieth, and Forty-first Congresses	$7,062,097 38
Aggregate appropriations, Forty-fourth Congress	5,731,632 78
Aggregate appropriations, Forty-fifth Congress	8,037,475 97
Aggregate appropriations, Forty-sixth Congress	8,252,047 17
Aggregate appropriations, Forty-seventh Congress	6,357,000 00

The number of buildings authorized by the present Congress is larger than for many years, and yet the aggregate appropriation therefor is comparatively small. The buildings are distributed over the country, chiefly in the smaller cities.

The five cities of Boston, Philadelphia, Chicago, Cincinnati, and Saint Louis together absorbed nearly one-half of all appropriation made in the Forty-fourth, Forth-fifth, and Forty-sixth Congresses. They received $3,216,000 in the Forty-fourth, $3,675,000 in the Forty-fifth, and $2,820,000 in the Forty-sixth Congress. These large and expensive structures will soon be completed, and I sincerely hope that in future our public buildings may be less expensive and more widely distributed. The House committee has in almost every instance reduced the ultimate cost of buildings, and in some instances greatly below the amount named in the bill as introduced.

It will also be observed that the House committee favors in many cases smaller amounts than the Senate. Indeed the House itself has not only sustained the committee by a large majority to the full extent it was willing to go in fixing the limit of cost but has in several instances, and at least once against my personal appeal as chairman, voted an increase over the House bill to meet in part the previous action of the Senate. Out of one hundred and twenty-nine bills for separate buildings introduced and referred to the committee during the present Congress only sixty-one have received favorable action and have been placed, under the rules, upon the Calendar of the House. The committee has not sought in any instance to secure the passage of a bill or defeat its passage by invoking partisan or sectional considerations.

Every bill was carefully scrutinized in committee, the phraseology made to correspond in its general provisions to a form adopted by the joint committee of the Senate and House, so that the Government might be fully protected by perfect title and ceded jurisdiction before any money should be expended on the site, and providing further that not less than forty feet and as much more as the Secretary of the Treasury may determine shall be open space around the building to afford light, ventilation, and protection from fire. Your committee believe that as a rule more ground should be purchased originally as a site for public buildings. Scarcely a city in this country can be named in which unimproved ground is not a good investment, and the increasing needs of the service can in that event be met by additions to the building.

The lot of ground should be ample and the present building only large enough to meet the wants of the near future. Plans can be drawn which provide for future extension. The number of buildings authorized by the Forty-seventh Congress, as I have said, is large, but the average cost when completed will be small. No particular effort was made to distribute them over the country, but it will be observed that they are very well scattered over seventeen States and one Territory—twelve go to the South at an average ultimate cost of $120,833.33, thirteen to the West at an average cost of $184,615.38, and eight to the Middle and Eastern States at an average cost of $237,500.

The present appropriation for these thirty-three buildings is larger than is usually made the first year and the aggregate appropriation for the session are thereby increased, but it will result, I think, in a decided gain to the Government.

One great objection to the system under which public buildings have been constructed heretofore has been the tedious delays incident to dribbling appropriations over a series of years.

There is no sufficient reason why Government buildings should not be pushed rapidly to completion, the official force of superintendent, clerk, &c., discharged, the rentals paid by the Government stopped, and the capital invested made active.

I hope that radical changes can be made in this respect. I commend the whole subject to the Secretary of the Treasury, in the hope that he will give the committee at the opening of the next session the benefit of his experience and good judgment, to the end that methods as nearly akin as possible to those adopted by our best business men may be secured and enforced by amended legislation, if need be, in the construction of all public buildings.

EXTRAVAGANT RENTALS PAID.

The rentals paid by the Government aggregate an immense sum, and are necessarily extravagant in some cases. Buildings such as are adapted to the use of the Government are few and held at high rates. No provision can be made until the necessity is upon the Department to have more room. Healthy competition is therefore difficult to find, yet I am satisfied rents might be considerably reduced by a vigorous exercise of proper authority in the heads of Departments.

I am surprised to find our Democratic friends resist almost unanimously every effort made to do away with high rents in this city by the purchase or erection of suitable buildings. In few instances are rented buildings either convenient or at all secure for records, the loss of which would cost the Government a large sum.

In the second session, Forty-sixth Congress, the Committee on Expenditures on the Public Buildings, through its chairman, Mr. DEUSTER, submitted a report, No. 1730, in which the following words occur:

> Your committee, therefore, having investigated this subject as far as possible at this time, submit these views and figures. We add that, in the opinion of your committee, it is an unwise policy on the part of the Government to pay rents from year to year that are equivalent to 5, 6, 10, and even as high as 20 per cent. of the value of the property rented,
>
> The total amount annually expended for rented premises in all the Departments exceeds one and a quarter millions of dollars; a sum equivalent to 4 per cent. interest on more than $31,000,000. This amount, judiciously expended, would construct several hundred handsome public buildings; enough to supply the needs of the public service for half a century to come, and put one in every important city in the Union not already supplied.
>
> * * * * * * *
>
> Your committee would further suggest that the inconvenience, trouble, and expense that would follow frequent or sudden removals to some extent places the Government in the power of the owners of the rented premises and endangers the safety of the public records.
>
> Your committee would also recommend that a resolution be adopted requiring the heads of Departments and disbursing officers of the Government to adopt some system of rules and regulations in regard to renting buildings and offices that will open the door to competition, and thus avoid the payment of exorbitant and unreasonable rates.

In the face of this report of a Democratic committee in a Democratic Congress every effort to secure proper buildings for the use of the Government by purchase or construction was defeated, and rentals were continually increased at extravagant rates.

Twenty thousand dollars a year was paid during three Democratic Congresses for a building occupied by the Department of Justice and Court of Claims. It stood on about one-third of the lot known as the Freedman's Bank property; and yet when our committee at the present session unanimously reported a bill to purchase the entire property, including the building named, for $250,000, after private parties had offered $225,000 cash for it, the proposition was met by the most violent opposition from the leaders on the Democratic side. The property was purchased, however, and even at 4 per cent. the whole property will cost annually $10,000 hereafter, or one-half the annual amount Democratic economy paid in rent for the building. Again, in the city of Brooklyn an average of over $20,000 per year has been paid in rentals for twenty years to accommodate United States courts, revenue office, and post-office, in the most inconvenient and insecure way, say, in all, $400,000, and nothing to show for it.

The Secretary of the Treasury in the Forty-sixth Congress strongly urged the construction of a building, which he said could be built for $800,000 complete, to accommodate all those offices, but which might have been secured twenty years ago for half the cost. The bill failed, although favorably reported from committee and earnestly pressed by several members. It passed finally in the present Congress.

In the city of New York the Government purchased a piece of property twenty years ago for use as a post-office, &c., costing $200,000, and about $64,000 were expended upon it since in the way of repairs. The Government had the use of it, thus saving rent until a few years ago, when the new buildings were ready.

The old property was no longer useful. Several Secretaries of the Treasury had urged its sale at public auction. The committees, House and Senate, had reported well-nigh unanimously a bill to sell it under conditions that would secure its full value, which was placed at over $600,000, and might bring perhaps a million dollars. The Secretary of the Treasury, familiar with the city, had said that in no event would the Government either use the old building or build a new one on that lot; and yet Democratic economy opposed violently the sale of that property. The conclusion seemed to be that the Government must keep property of its own in New York when it is not needed and not likely to be needed; but it shall not own property in Brooklyn, where it is sorely needed and over $20,000 in rent annually paid.

I could cite many other instances in which the effort to secure suitable buildings for the Government, inexpensive yet convenient and fire-proof, to be owned by the Government free of taxation and extortionate rentals, was met by an effective resistance from the Democratic side of the House, many of whom seem to think that a reduction of present expenditures is necessarily economy. They lose sight of the fact that this country is rapidly peopling; that business in all the Departments is increasing steadily, demanding additional accommodations; that cities all over the land are now in the position New York was twenty years ago, with eligible lots or squares of ground that the Government should own, and not wait until rents had eaten up the value and the property had appreciated beyond reach.

The farmer who finds his flocks increasing does not hesitate to in-

crease his expenditures for sheds and barns over previous years. It is economy to provide suitable accommodations. The man who denies himself a needed roof for his house or a fence for his farm, while abundantly able to have both, lest the simple rule of addition will show a larger expenditure in that year than in preceding years, is not a wise man. It is the part of wisdom to secure the very best accommodations and conveniences at the very lowest price for the transaction of either private or public business, and I will go to the extreme of holding administrative officers to a strict accountability for the disbursement of appropriations for public buildings, as well as of all other expenditures.

The question often arises, where shall the limit be in the erection of public buildings? No absolute rule can be fixed. Population alone will not guide us. Small towns may be the geographical center for twenty counties which can hold United States courts nowhere else so well, and can seldom rent proper accommodations in such a city. Large cities can furnish rented buildings to better advantage than small ones, and yet the large cities have almost completely absorbed the appropriations for public buildings in recent years. It is not right.

The people who pay taxes and travel great distances to post-offices and to court have equal claims upon the Government for suitable accommodations. No prudent business man of ample means desires to rent his storeroom or banking-house. If he has a reasonably permanent business he desires to have a solid, convenient business house, and gains greatly more in the respect and confidence of the community than he can possibly lose by a little extra expense possibly involved. So it is with the government of the people, for the people. They incline to respect the dignity and authority of the government that comes to transact its business in their midst in its own permanent buildings.

In conclusion let me say that my feeble efforts shall be devoted to securing the largest number of really needed public buildings at a moderate average cost and a still better system of expending the money Congress may appropriate from time to time, so that no one may have reason to doubt the prudent disbursement of all appropriations. Members of Congress locally interested have been to blame perhaps in the past for encouraging a change of plans or an increase of the limit of cost until expenditures became grossly excessive.

An amount sufficiently large to complete the building should be named in the original law as the limit of cost, and then should not be exceeded. Liberal appropriations and prompt prosecution of the work will lessen the dangers I have named.

I now submit a detailed statement of the work of our committee. The bills introduced are arranged by States. Blank spaces indicate no action:

History of all bills introduced authorizing the construction of public buildings, first session Forty-seventh Congress.

Number.	House or Senate.	United States courts or not.	Name of city or town.	Population, 1880.	Amount asked.	Amount reported by House committee.	Amount reported by Senate committee.	Passed, ultimate cost, &c.	Present appropriation.
2153	House	Yes	Huntsville, Alabama	4,977	$75,000				
983	Senate		do		125,000				
5582	House	No	Eureka Springs, Arkansas	3,984	50,000				
1623	Senate		do		50,000				
5584	House	No	Hot Spring, Arkansas	3,554	50,000				
1101	Senate		do		50,000		$50,000		
4415	House	Yes	Tucson, Arizona Territory	7,007	50,000				
79	House	No	Los Angeles, California	11,183	75,000				
2138	House	Yes	San Francisco, California	233,959	700,000				
2172	House	No	Sacramento, California	21,420	100,000	$100,000			
81	House	Yes	Denver, Colorado	35,629		200,000			
24	Senate		do		300,000		300,000	$300,000	$100,000
1591	Senate	Yes	Pueblo, Colorado	3,217	100,000				
2831	House	No	Norwich, Connecticut	15,112	100,000				
6195	House	No	New Castle, Delaware	3,700	15,000				
1776	Senate		do		15,000		15,000		
		Yes	Washington, District of Columbia	147,293					
2788	House		Hall of Records		200,000				
817	Senate		do		200,000	200,000	200,000		
5529	House		Interior and Post-Office Departments						
5781	House		Geological Survey						
5988	House		Executive Mansion		1,000,000				
1842	Senate		do		300,000				
103	House	Yes	Key West, Florida	9,890	150,000				
104	House	Yes	Pensacola, Florida	6,845	250,000	200,000			
6	Senate		do		250,000	200,000	200,000	200,000	200,000
2211	House	Yes	Jacksonville, Florida	7,650	100,000				
106	House	Yes	Macon, Georgia	12,749		125,000			
109	House	Yes	Augusta, Georgia	21,891	200,000	100,000			
2135	House	Yes	Savannah, Georgia	30,709	200,000				
2085	Senate	No	Brunswick, Georgia	2,891	75,000				
1906	House	Yes	Boise City, Idaho Territory	1,899	50,000	50,000			
2028	Senate		do		50,000				
132	House	No	Rock Island, Illinois	11,659	100,000				
465	Senate		do		100,000				
179	House	Yes	Peoria, Illinois	29,259	400,000	225,000			
238	Senate		do		400,000		400,000	225 000	100,000
218	House	Yes	Quincy, Illinois	27,268	250,000	175,000	175,000	175 000	87,500
239	Senate		do		250,000				
6841	House	Yes	Springfield, Illinois		26,000				
248	House	No	Terre Haute, Indiana	26,042	150,000	100,000			
62	Senate		do		150,000		150,000	150,000	75,000
284	House	Yes	Fort Wayne, Indiana	26,880	100,000	100,000			
670	Senate		do		100,000		100,000	100,000	50,000
294	House	Yes	New Albany, Indiana	16,423	75,000	75,000			
776	Senate		do		75,000				
2875	House	No	Richmond, Indiana	12,742	50,000				
308	House	Yes	Council Bluffs, Iowa	18,063	100,000	100,000	100,000	100,000	50,000
498	House	Yes	Frankfort, Kentucky	6,958	100,000	100,000			
361	Senate		do		100,000		100,000	100,000	100,000
505	House	No	Maysville, Kentucky	5,220		30,000			
521	House	Yes	Louisville, Kentucky	123,758	750,000	500,000	500,000	500,000	200,000
923	Senate		do		750,000				
475	House	No	Owensborough, Kentucky	6,231	50,000	50,000			
3948	House	No	Lexington, Kentucky	16,656	250,000				
1011	Senate		do		250,000				
5641	House	No	Newport, Kentucky	20,433	100,000				
343	House	Yes	Leavenworth, Kansas	16,546	100,000	100,000	100,000	100,000	10,000
585	House	No	Baton Rouge, Louisiana	7,197	100,000				
1421	Senate		do		100,000				
592	House	Yes	Monroe, Louisiana	2,070	100,000				
601	House	Yes	Shreveport, Louisiana	8,909	150,000	100,000			
750	Senate		do		100,000		100,000	100,000	100,000
1250	Senate		do		250,000				
1348	Senate		do		100,000				
3962	House	Yes	Opelousas, Louisiana	1,676	60,000				
1054	Senate		do		60,000				
1248	Senate		do		250,000				
1347	Senate		do		100,000				
4215	House	No	Morgan City, Louisiana	2,015	100,000				

History of all bills introduced authorizing the construction of public buildings, &c.—Continued.

Number.	House or Senate.	United States courts or not.	Name of city or town.	Population, 1880.	Amount asked.	Amount reported by House committee.	Amount reported by Senate committee.	Passed, ultimate cost, &c.	Present appropriation.
4287	House		Morgan City, Louisiana		$150,000				
1249	Senate		do		150,000				
1737	Senate	No.	Natchitoches, Louisiana	2,785	50,000				
3964	House	No.	Calais, Maine	6,173	75,000				
1060	Senate		do		75,000				
4837	House	No.	Saco, Maine	6,389	100,000	$50,000			
4841	House	Yes.	Augusta, Maine	8,665	150,000	100,000			
1061	Senate		do		150,000		$150,000		
1914	Senate	No.	Annapolis, Maryland	6,642	100,000				
3684	House	No.	New Bedford, Massachusetts	26,845	20,000				
5660	House	No.	Haverhill, Massachusetts	18,472	50,000				
2110	Senate		do		50,000		50,000		
723	House	Yes.	Marquette Michigan	4,690	200,000	100,000	100,000	$100,000	$50,000
877	Senate		do		200,000				
754	House	No.	Jackson, Michigan	16,105	75,000				
745	House	Yes.	Detroit, Michigan	116,340	750,000	600,000	600,000	600,000	250,000
1757	Senate		do		750,000				
815	House	No.	Minneapolis, Minnesota	46,887	175,000	125,000			
751	Senate		do		175,000		175,000	175,000	60,000
3340	House	No.	Duluth, Minnesota	838	125,000				
1266	Senate		do		125,000				
6437	House	Yes.	Winona, Minnesota	10,208	100,000				
2071	Senate		do		125,000				
863	House	Yes.	Oxford, Mississippi	1,534	50,000	50,000	50,000	50,000	
874	House	Yes.	Vicksburgh, Mississippi	11,814	35,000				
2252	Senate		do		100,000				
875	House	No.	Natchez, Mississippi	7,058	35,000				
6720	House	Yes.	Aberdeen, Mississippi	2,339	100,000				
4878	House	No.	Sedalia, Missouri	9,561	50,000				
880	House	No.	Hannibal, Missouri	11,074	75,000	75,000		75,000	37,500
1336	Senate		do		75,000				
929	House	No.	Saint Joseph, Missouri	32,431	125,000	100,000	75,000	75,000	
616	Senate		do		100,000				
3354	House	Yes.	Jefferson City, Missouri	5,271	75,000	75,000			
889	Senate		do		100,000		100,000		
4160	House	No.	Fort Benton, Montana Territory	1,618	15,000				
6668	House	Yes.	Helena, Montana Territory	3,624	50,000				
1007	House	Yes.	Carson City, Nevada	4,229	100,000	75,000			
911	Senate		do		100,000		100,000		
1015	House	Yes.	Concord, New Hampshire	13,843	250,000	200,000			
196	Senate		do		250,000				
1034	Senate		do		250,000		200,000	200,000	100,000
4468	House	No.	Hoboken, New Jersey	30,999	40,000				
5026	House	No.	Paterson, New Jersey	51,031	100,000	80,000			
6733	House	No.	Camden, New Jersey	41,659	75,000				
1760	Senate		do		75,000		75,000		
1089	House	Yes.	Brooklyn, New York	566,663	800,000	800,000	800,000	800,000	300,000
1544	Senate		do		800,000				
1186	House	Yes.	Rochester, New York	89,366	300,000	300,000	300,000	300,000	150,000
821	Senate		do		300,000				
2087	House	No.	Poughkeepsie, New York	20,207	75,000	75,000			
1095	Senate		do		75,000		75,000	75,000	75,000
2521	House	Yes.	Syracuse, New York	51,792	100,000	200,000	200,000	200,000	100,000
1554	Senate		do		200,000				
2782	House	Yes.	Buffalo, New York	155,134	250,000				
2797	House		do		300,000				
3388	House	Yes.	New York, New York	1,206,299	1,000,000				
3725	House	No.	Cape Vincent, New York	1,361	25,000	10,000			
4032	House	Yes.	Auburn, New York	21,924	150,000				
4230	House	No.	Newburgh, New York	18,049	100,000	75,000			
4913	House	No.	Yonkers, New York	18,892	20,000				
5120	House	Yes.	Troy, New York	56,747	250,000				
1920	Senate		do		150,000				
1190	House	Yes.	Greensborough, North Carolina	2,105	50,000	50,000	50,000	50,000	25,000
1214	House	Yes.	Asheville, North Carolina	2,616	150,000	59,000			
996	Senate		Asheville and Greensborough, North Carolina		150,000		a 50,000		
1221	House	Yes.	Charlotte, North Carolina	7,094	100,000	50,000			
2543	House	Yes.	New Berne, North Carolina	6,443	100,000	50,000			
2542	House	Yes.	Statesville, North Carolina	1,062	80,000				
4059	House	No.	Durham, North Carolina	2,041	100,000				
6124	House	Yes.	Wilmington, North Carolina	17,350	100,000				
6648	House	No.	Fayetteville, North Carolina	3,485	75,000				
1273, 1275	House	Yes.	Columbus, Ohio	51,647	950,000	350,000		250,000	100,000
1501	Senate		do		350,000				
3736	House	No.	Steubenville, Ohio	12,093	55,000	40,000			
3739	House	No.	Dayton, Ohio	38,678	80,000	75,000			
4925	House	No.	Springfield, Ohio	20,730	75,000				
4930	House	No.	Mansfield, Ohio	9,859	50,000				
5958	House	No.	Lima, Ohio	7,567	150,000				
2572	House	Yes.	Portland, Oregon	17,577	150,000				
1388	House	No.	Reading, Pennsylvania	43,278	80,000	80,000			
2622	House		do		80,000				
1550	Senate		do		80,000				
1396	House	No.	Lancaster, Pennsylvania	25,769	75,000	75,000			
1630	Senate		do		75,000				
1437	House	No.	York, Pennsylvania	13,940	75,000				
1441	House	Yes.	Erie, Pennsylvania	27,737	300,000	125,000			
102	Senate		do		200,000		150,000	150,000	100,000
1449	House	Yes.	Williamsport, Pennsylvania	18,934	250,000	125,000	100,000	100,000	50,000
1489	Senate		do		125,000				
2594	House	No.	Scranton, Pennsylvania	45,850	300,000	100,000	75,000	75,000	37,500
1322	Senate		do		100,000				
4690	House	No.	Allentown, Pennsylvania	18,036	100,000				
4940	House	No.	Lebanon, Pennsylvania	8,778	50,000				
6143	House	No.	West Chester, Pennsylvania	7,046	30,000				
6144	House	No.	Chester, Pennsylvania	14,997	30,000				
5566	House	Yes.	Providence, Rhode Island	104,857	125,000				

a For Asheville.

History of all bills introduced authorizing the construction of public buildings, &c.—Continued.

Number.	House or Senate.	United States courts or not.	Name of city or town.	Population, 1880.	Amount asked.	Amount reported by House committee.	Amount reported by Senate committee.	Passed, ultimate cost, &c.	Present appropriation.
384	Senate	No	East Greenwich, Rhode Island	2,887	$12,000				
1555	House	Yes	Greenville, South Carolina	6,160	50,009	$50,000			
1014	Senate		do		50,000		$50,000		
6823	House	No	Beaufort, South Carolina	2,549	50,000				
1586	House	Yes	Jackson, Tennessee	5,377	50,000	50,000	50,000	$50,000	$25,000
1636	House	Yes	Chattanooga, Tennessee	12,892	100,000	75,000			
1184	Senate		do		100,000				
1659	House	Yes	Tyler, Texas	2,423	100,000				
1661	House	Yes	Galveston, Texas	22,428	500,000	125,000	125,000	125,000	62,501
1672	House	Yes	Waco, Texas	7,295	200,000				
1674	House	No	Houston, Texas	16,513	300,000	75,000			
1681	House	Yes	Jefferson, Texas	3,260	50,000	25,000			
1689	House	Yes	Brownsville, Texas	4,938	60,000				
1149	Senate		do		60,000		60,000		
1690	House	Yes	San Antonio, Texas	20,550	150,000	100,000			
1717	House	Yes	Dallas, Texas	10,358	250,000	75,000	75,000	75,000	37,500
		Yes	Graham, Texas	576					
5390	House	No	Montpelier, Vermont	1,847	150,000				
1383	Senate		do		150,000	60,000	150,000		
6788	House	No	Brattleborough, Vermont	4,471	50,000	40,000			
1777	House	Yes	Harrisonburgh, Virginia	2,831	75,000				
1875	Senate		do		60,000		50,000	50,000	25,000
1785	House	Yes	Lynchburgh, Virginia	15,959	100,000	100,000	100,000	100,000	50,000
1563	Senate		do		100,000				
1875	Senate		do		60,000				
2718	House	Yes	Norfolk, Virginia	21,966	55,000	50,000			
4622	House	Yes	Abingdon, Virginia	1,064	75,000				
1875	Senate		do		60,000		50,000	50,000	25,000
1962	House	No	Port Townsend, Wyoming Territory	917	27,000	27,000			
1797	House	Yes	Clarksburgh, West Virginia	2,307	40,000	40,000			
500	Senate		do		40,000		40,000		
2104	Senate	No	Martinsburgh, West Virginia	6,335	50,000				
3150	House	No	Racine, Wisconsin	16,031	50,000				
6366	House	Yes	La Crosse, Wisconsin	14,505	100,000				
1883	Senate		do		100,000		100,000		
6367	House	Yes	Oshkosh, Wisconsin	15,748	100,000				
1956	Senate		do		100,000				

RECAPITULATION.

Number of separate buildings asked for in House bills	129
Number of separate buildings asked for in Senate bills	66
Number of separate buildings asked for in both Houses	135
Number favorably reported from House committee	61
Number favorably reported from Senate committee	27
Number favorably reported from both committees	68
Number of bills for separate buildings finally passed	33
Ultimate cost of all buildings asked for	$20,240,000
Ultimate cost of all buildings bills for which have finally passed and become laws in the present Congress	$5,775,000
Total amount of present appropriations therefor	$2,732,500
Amount appropriated for buildings and grounds authorized by former Congresses	$2,861,000

Pay of Surgeons attending the late President.

SPEECH

OF

HON. WILLIAM M. SPRINGER,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 14, 1882.

The House, as in Committee of the Whole, having under consideration the Senate amendments to the bill (H. R. No. 6243) to supply certain deficiencies—

Mr. SPRINGER said:

Mr. SPEAKER: The Senate amendment to the deficiency bill, now under consideration, provides for the appointment of a board, consisting of the First and Second Comptrollers of the Treasury and the Treasurer of the United States, to audit the expenses attending the sickness, death, and burial of the late President Garfield. I will ask the Clerk to read section 6 of the bill, which is the Senate amendment under consideration.

The Clerk read as follows:

SEC. 6. That a board of audit, consisting of the First and Second Comptrollers of the Treasury and the Treasurer of the United States, is hereby constituted, to whom shall be referred all claims and the determination of all allowances to be made growing out of the illness and burial of the late President James A. Garfield; that the said board shall hear, and examine, and determine all questions arising out of said claims and proposed allowances, and shall make an award in each case for services rendered, or supplies furnished, which, when received, shall be taken in full compensation of all demand whatsoever; that said board of audit shall issue a certificate, signed by each member of said board, setting forth the amount awarded to each person, and on account of what services rendered or supplies furnished, and shall transmit said certificate to the Secretary of the Treasury, who shall cause to be paid to the several persons named therein, or their legal representatives, the amount so certified; and to enable the Secretary of the Treasury to pay said awards the sum of $57,500, or so much thereof as may be necessary, is hereby appropriated; and of this amount not more than $35,500 in all shall be certified and paid for medical services and attendance; and in making said awards it shall be lawful for said board to make allowances to employés of the Government for extra services in amounts not exceeding three months of their current pay: *Provided*, That no claim shall be considered and no allowance shall be made by said board on or after January 1, 1883: *And provided further*, That the aggregate amount of awards made by said board shall not exceed the amount hereby appropriated: *And provided further*, That no claim shall be considered under this section unless the person filing the same shall file a release under seal of all claims against the representatives of the late President growing out of said illness and burial.

Mr. SPRINGER. I regret that I am limited to seven minutes in the discussion of a subject of this importance. I had hoped that by having this matter considered in the House as in Committee of the Whole ample time would be given for debate.

The honorable gentleman from Ohio, [Mr. TAYLOR,] the chairman of the special committee on this subject, stated that the provisions of the Senate amendment are not satisfactory to the surgeons themselves. This bill allows them not more in the aggregate than $35,500 for their services, to be distributed among them under the provisions of this amendment by the board of audit, consisting of the First and Second Comptrollers of the Treasury and the Treasurer of the United States, as I have stated. These physicians, it seems from the statements of the honorable gentleman, are not satisfied with $35,500 for their important services. A single one of these physicians, a gentleman who claims to have had charge of the case, has been allowed by the committee of which the gentleman from Ohio is chairman $25,000 as his portion, leaving but $10,500 for all the other physicians in the case. If we have seen an unseemly quarrel with regard to the autopsy upon the dead body of Guiteau, what will be the disturbance among the physicians when the attempt is made to divide this sum of $35,500 equitably among them, with the aid of the First and Second Comptroller of the Treasury and the Treasurer of the United States?

But the gentleman from California [Mr. PAGE] says that these services are worth all that has been recommended. I take issue with him.

Mr. PAGE. I did not make any statement of what the services were worth.

Mr. SPRINGER. I understood the gentleman to say that he would have printed some papers to show the value of the services.

Mr. PAGE. I told the gentleman a few moments ago that I needed no such statement.

Mr. SPRINGER. I understood the gentleman to say that the papers he proposed to publish did not make that statement, but that in his opinion these services were worth this money. If I am mistaken I withdraw the remark. But the gentleman has said, by the report to which he has agreed, that the services of the physicians were worth $85,000, more than twice what this amendment proposes to pay.

I shall ask to have printed as part of my remarks an extract from the report of the special committee of this House and the views of the minority of the special committee; and also, as there has been a claim of extra medical services in this case, I shall ask to print some other statements in regard to the treatment of the case.

The following is a schedule of claims passed and allowances made by a majority of the special committee:

Allowance to Mrs. Lucretia R. Garfield of one year's salary, less payments already made.

Dr. D. W. Bliss	$25,000 00
Dr. D. H. Agnew	15,000 00
Dr. F. H. Hamilton	15,000 00
Dr. Robert Reyburn	10,000 00
Dr. S. A. Boynton	10,000 00
Dr. Susan Edson	10,000 00
William Crump	3,000 00
R. S. S. Jennings, expenses, $724.08; use of property, $275.92	1,000 00
Navy Department, expenses	2,225 40
Navy Department, expenses of Marine band	527 00
William R. Speare, undertaker	1,835 50
C. A. Benedict, coffin, trimmings, &c., and undertaking	887 50
Independent Ice Company	1,516 92
H. L. Crawford, sprinkling streets near Executive Mansion	270 00
C. T. Jones, board, carriages, &c., at Elberon	1,092 25
William Schoonmaker	16 00
Geo. Tieman, surgical instruments and supplies	85 27
W. B. Moses & Son	40 35
R. K. Helphenstine, medicines	278 35
Geo. W. Knox	13 00
White & Overman	16 80
Singleton & Hoeke	122 44
Telephone Company	50 00
C. F. Schmidt	50
Herman W. Atwood	75
Milne & Proctor, bedstead and mattress	162 55
Cleveland Transfer Company	14 00
Shuster & Sons	9 00
L. H. Schneider	7 59
Hooe Brothers & Co	4 06
G. G. Simms	71 10
W. S. Thompson	18 15

The foregoing allowances were not made with the concurrence of a majority of the special committee. A minority report was submitted, as follows:

VIEWS OF THE MINORITY.

The undersigned, members of the special committee authorized to audit certain expenses growing out of the sickness and burial of the late President Garfield, respectfully dissent from the report of the majority of the committee for the following reasons: We do not object to the payment by the General Government of the funeral expenses of the late President, who was stricken down in the performance of his duties and because of his occupying a public station. Our objection to the report of the committee grows out of the recommendation for payment for the services of the physicians and surgeons who attended the late President during his illness. The amounts recommended to be paid by the majority of the committee are as follows: to Dr. D. W. Bliss, $25,000; to Drs. Hamilton and Agnew, $15,000 each; to Drs. Reyburn and Boynton and to Mrs. Dr. Edson, $10,000 each, making a total for professional services of $85,000.

In addition to this the committee recommend the promotion of Drs. Barnes and Woodward with increased pay in accordance with their promoted rank. There was no evidence before the committee, *ex parte* or otherwise, tending to establish the character of the services rendered or the value of such services. The undersigned were perfectly willing to concede that liberal compensation should be allowed to the physicians and surgeons, a compensation in excess even of what it were possible for any of the medical attendants to have earned in ordinary practice during the time, but the sums recommended to be paid by the majority of the committee are deemed by the undersigned to be excessive and out of proportion to the services rendered.

No accounts or bills were presented by any physician or surgeon, with perhaps one exception. No witnesses were called, no evidence by affidavit or otherwise submitted upon which the committee could base its finding. The conclusion reached by the majority of the committee was therefore based upon such information as had been derived from reading the newspapers, and does not differ in the least from that which every gentleman possesses who pays any attention to the news of the day. The undersigned were of the opinion that there was no extraordinary medical skill exhibited in the treatment of the case, and nothing calling for an extraordinary allowance for professional services; but, while willing to be liberal, they could not consent to the manner of payment recommended, nor to extravagance and wanton lavishment of the public funds.

The undersigned also respectfully protest against that part of the report of the majority which recommends the promotion of Surgeon-General Barnes to a major-general's rank, and retirement thereunder, and to the recommendation for promotion of Dr. Woodward from a major to a lieutenant-colonel, with rank and pay of the latter office. The undersigned are of the opinion that this committee has no jurisdiction to make any recommendation with regard to the military establishment. The committee could only consider such matters as were referred to them by the resolution of the House. The resolution authorized us to audit certain expenses, and not to recommend promotions in the military service of the Government.

There is no precedent, so far as we have been able to learn, for Congress assuming to pay for the services of physicians attending upon persons in civil positions; but in view of the circumstances of the assault upon the late President, and of the great interest of the people in his recovery, the undersigned were willing that the Government should assume to pay such sums for professional services as might lawfully have been recovered from the estate of the late President, and were desirous of treating such claims as claims against the estate of the deceased rather than as properly cognizable by Congress. They were willing, therefore, to appropriate to the estate such portion of the unearned salary of the late President as would cover all such claims; but they cannot agree that sums shall be appropriated for professional services far in excess of the value of such services, and which sums are bottomed upon claims not formally presented, and supported by no evidence as to the value of the services rendered. For these reasons the undersigned respectfully protest against the passage of the bill reported by the majority of the committee, and recommend the adoption of the following resolution:

Resolved, That the report of the majority of the committee, together with the bill accompanying said report, be recommitted with instructions to the committee to require all persons having claims cognizable by said committee to present accounts thereof, and to require claimants in all cases to furnish proof as to the value of services rendered or material furnished; and in the case of allowances for professional services as physicians or surgeons to make such allowances only as would be properly chargeable to and provable against the estate of the late President, and to provide in the bill when again reported such further appropriation of unearned salary as would cover the amounts audited for such professional services.

All of which is respectfully submitted.

JO. C. S. BLACKBURN.
WILLIAM M. SPRINGER.
BENJAMIN LE FEVRE.

As I signed these views of the minority of the special committee, I may say that they concisely state my opinion on the subject. I do not know that I could make myself better understood or enlighten the House by a further statement.

Mr. Speaker, I have seen no evidence that extraordinary medical skill was exhibited by the physicians. It was disclosed by the autopsy in the President's case that these physicians treated to the day of his death a pus cavity as a gunshot wound, and that pus cavity the result of malpractice in the case at the very beginning. It has also been charged in the public press, and I have seen no denial of it, that certain brokers in Wall street were advised from day to day by cipher telegrams of the true condition of the President, these statements differing from the statements of the official bulletins. In this connection I will ask to have printed as part of my remarks a telegram from Washington City, which was published in the Chicago Inter-Ocean of August 25, 1881, and also in the New York Herald of the same date, showing the condition of the stock market at the time the President was lingering in this city, and the nature of the bulletins that were being published at the time giving what purported to be a true account of his condition. The article is as follows:

[Dispatch published in the Chicago Inter-Ocean, and New York Herald, Thursday, August 25, 1881.]

WASHINGTON, D. C., *August* 24, 1881.

For some time it has been rumored that some one on Wall street had means of knowing the condition of the President and what was going on at the White House, that were denied to the public. This evening that this is true can be no longer contradicted, for it is positively known that before some members of the President's family were aware of the intention to summon Dr. Agnew here for a consultation as to the removal of the patient, some one in New York had the information. It is not certainly known when the physicians formed the determination themselves, but it could not have been very long since, because Dr. Agnew returned to Philadelphia only yesterday, where he was known to have been last night, an interview with him appearing in the local press this morning.

It is said that Dr. Bliss telegraphed for him at 9.40 this morning, but whether that is true or not only an inspection of the files at the telegraph office would prove. It is thought not unlikely, however, that this is the time at which the summons was sent, although it does not follow that consultation had not been had before with reference to the matter. At any rate, it is clear that by noon it was known, and variously interpreted on Wall street. That it was kept a profound secret here will be appreciated when it is known that Dr. Boynton, the President's cousin, and Mrs. Garfield's physician, and the most confidential friend of the family, was actually from 9.30 o'clock to 11.30 o'clock to-night at a newspaper office, revising an interview for publication in the morning, and he was not aware that Dr. Agnew was expected, or that the Cabinet had been told to wait until he came for his decision as to whether the President should be removed or not. He did not know that the Cabinet had not departed as usual an hour and a half before he left the newspaper office. Aside from the doctor's statement that he knew nothing about it until told near midnight, is the extreme improbability of his being absent from the White House when business of such grave moment was pending, a movement which might prove immediately fatal or might insure the recovery of a man whom he loves as a brother. Still, although Dr. Boynton was loitering in a newspaper office, unconscious of what was going on, Wall street had known of it at noon.

Another circumstance that adds a link of evidence to show that some one who had special means of knowledge as to the patient's condition is employed in furnishing the information to stock-jobbers, is the fact that three days ago a man appeared here and told several persons that he had come to make arrangements for a direct wire from the White House to a broker's office in Wall street, but he found that he had been forestalled. He offered to prove by files at the Western Union telegraph office that it was a fact that dispatches went directly from the White House to Corbin's place in New York, a banker broker's office. This gentleman said that he would give $10,000 to know five minutes in advance that the President was dead.

If more convincing proof is needed it only remains to give the cipher by which it is believed communication is carried on between a person who has special facilities for knowing the patient's actual condition and certain other persons on Wall street. It is not asserted that the key given below embraces quite all of the code, but there is enough given to show that some one is trafficking upon the life or death of the nation's patient. The cipher is as follows, being literally transcribed so far as known at this hour:

1. Harry will mean that he is improving.
2. Mary will mean, he is improving nicely.
3. H. G. will mean he is failing.
4. Frank will mean he is failing rapidly.
5. New York will mean he is holding his own.
6. N. J. will mean he will probably die.
7. S. D. will mean he will surely die.
8. D. K. B. will mean he will undoubtedly recover.
9. John will mean he will surely recover.
10. Bates will mean he is gaining.
11. Sam will mean he is gaining strength.
12. Jersey City will mean do not credit reports.
13. Brooklyn will mean there is no danger.
14. Washington will mean he is out of danger.
15. It is not clear what is meant by No. 15.

There is reason to believe that No. 12 has been sent more frequently than any of the others.

That telegram appeared in two of the leading newspapers of the country at the date stated. I have seen no contradiction of the serious charges made in it, nor do I believe any has been made. The article was written by Mr. Byron Andrews, of the Inter-Ocean, one of the most honorable and reliable of Washington correspondents. These statements demand investigation. If any physician in the case is responsible directly or indirectly for the publication of false bulletins as to the President's condition while secret cipher information was sent to Wall street giving his true condition, instead of allowing compensation, we should instruct the district attorney to institute proceedings in the courts looking to punishment of the guilty parties.

I shall also ask to have printed as part of my remarks a paper signed by Dr. Boynton, who was in attendance upon the President, and approved by Mrs. Garfield; and in connection with this the testimony of Dr. Bliss in the Guiteau trial as to the manner in which he was brought into the case. The papers referred to are as follows:

[New York Tribune of April 26.]

MENTOR, OHIO, *October* 14, 1882.

This certifies that on or about August 8, 1881, the late President, James A. Garfield, made the following statement to me in presence of Mrs. Garfield, namely: That Dr. J. H. Baxter had been his physician for many years, and that he still considered him as his physician. He also stated that he had no knowledge of ever having placed himself under the professional care of Dr. D. W. Bliss, and he did not believe Dr. Bliss had ever spoken one word to him upon the subject.

Mrs. Garfield stated at the same time that she had never been consulted by Dr. Bliss upon the subject, and had no knowledge of the President having chosen Dr. Bliss as his attending surgeon.

S. A. BOYNTON, *M. D.*

Indorsed, as follows, by Mrs. Garfield:

MENTOR, OHIO, *October* 24, 1881.

I have read the statement of Dr. Boynton made to-day, and will say that it is entirely correct.

LUCRETIA R. GARFIELD.

DR. BLISS'S OWN STATEMENT.

[Testimony in the Guiteau trial, November 19, 1881. Dr. Bliss under cross-examination by Mr. Scoville.]

Question. Who called you to attend this case?
Answer. The Secretary of War sent for me.
Q. When?
A. At the time of the shooting; within a few minutes after it his carriage came for me.
Q. Did you find any physician there when you arrived?
A. Yes, sir; I did. There were two physicians.
Q. Who were they?
A. Dr. Townshend and Dr. Purvis.
Q. After the President was removed to the White House who then requested you to stay or to take charge of the case, if any?
A. Do you mean the day of the shooting?
Q. Yes.
A. There was nothing said about it that day.
Q. When was there anything said about it?
A. The next morning.
Q. Who then made such a request?
A. The President.
Q. Any one else?
A. No one else. Mrs. Garfield and the President and myself were together.
Q. That was all?
A. That was all.

Commenting on the foregoing, a distinguished gentleman recently said:

I leave that testimony to be determined by the credibility of the gentleman who makes this claim, by the wife of General Garfield, and by the statement of his most intimate medical and personal friend, and I think I am authorized by these facts in stating that Dr. Bliss, the principal recipient of this bounty, was a volunteer in the case, and that he is entitled simply to payment on a *quantum meruit*, and upon that basis and that alone.

I had hoped I would be permitted to comment on each of these papers; but I cannot do so in the limited time allowed me. They show that the chief physician in this case was a volunteer, and continued in the case to the end without the consent of the President or of his family. That he kept the other physicians from knowing the true condition of the President was exposed on more than one occasion during the progress of the case. In many instances the official bulletins were known to be false; and if they were reread to-day, in the light of the autopsy and subsequent events, they would appear ridiculously false and unaccountably stupid.

The wife and family of the dying President were never informed of the danger approaching, nor was the unfortunate victim given any intimation of his approaching dissolution. Who can tell what advice, suggestion, or dying blessing he may not have desired to give his afflicted wife and disconsolate children? His pastor was not allowed to see him and administer the consolation of religion before he was ushered into the presence of his Maker. As he fell on the fatal day of his wounding, so he passed from this world into eternity. It is the universal prayer of his countrymen and civilized people throughout the world, that he may rest in peace. But no physician in attendance ever thought it worth while to give him the consolation of assurance in the hour and article of death that although he must die here he should live again in the great hereafter.

It is said that the public sentiment of the country demands that Congress should liberally compensate the President's physicians. I do not so understand it. The Saint Louis Globe-Democrat, one of the leading Republican papers of the country, in an editorial article on the 21st of April last, in speaking of the recommendations of the special committee of the House, said:

The only reason that the sums recommended are as large as they are is that there prevails a tacit impression that the Government ought to pay more for what it gets than any one else. This is wrong in principle, and lies at the root of most of the public extravagance that exists.

The minority report of the committee assumes that the Government should pay whatever President Garfield's estate is liable for, placing a liberal construction upon the amount. In this view it will be supported by those who give the matter thought. Any other conclusion argues a careless regard for the public money. The fact that President Garfield was the patient and that he was assassinated does not take away the business character of the remuneration; it simply furnishes ground for the Government to assume the indebtedness and relieve the late President's estate from any claim against it on that account. It would be well for Congress simply to ask the creditors how much is due them, and, if there is no marked attempt at gouging, to order it paid. Probably Drs. Agnew, Hamilton, Bliss, and others can control their feelings sufficiently to comply with the request, with the understanding that the money will come from the national Treasury.

Gentlemen will find when they return to their constituents that the Globe-Democrat has correctly reflected public sentiment on this subject. And in this matter public sentiment is based upon a just and fair principle which should govern all legislative bodies. We are frequently appealed to to be liberal, and I too often see a disposition to be liberal—liberal in disposing of other people's money. What is required of us is to be just to all concerned, to the tax-payers and the tax-consumers. The sums proposed to be paid to the President's physicians are beyond all reason and far in excess of what would be paid if a private individual had been treated and paid his own bills. If extraordinary skill had been shown, and a life had been saved which the country could ill afford to lose at the time, I should favor appropriations commensurate therewith; but no such services have been shown in this case.

I have dealt as mildly with the subject as it is possible under the circumstances. If I have failed to properly characterize the conduct of the physicians and the incompetency evinced at every stage of the case, it is not from want of feeling or indifference to the treatment of the late President. I may say, however, in contemplating the dead body of Garfield, in view of "the deep damnation of his taking off," as was said by Mark Antony over the body of Cæsar:

Pardon me, thou bleeding piece of earth,
That I am meek and gentle with these butchers.

Appropriations.

SPEECH

OF

HON. JOHN D. C. ATKINS,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 5, 1882.

The House having under consideration the bill (H. R. No. 6716) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes—

Mr. ATKINS said:

Mr. SPEAKER: The duty of providing ways and means for the support of the Government devolves upon Congress, and the Constitution especially invests the House of Representatives with the prerogative and duty of defining the limits of taxation, hence the practice of the origination of appropriation bills in that body. But the expenditure of the moneys thus appropriated is committed by the direction of Congress to the Executive Departments of the Government. Congress then appropriates and the Administration in power at the time expends the public moneys. Congress is responsible for the appropriations, but the Administration is responsible for their expenditure.

As this conference report is now under consideration, that the House may compare this sundry civil bill with other sundry civil bills, I will here give the amount of each of these bills for the last eleven years. In 1873 the sundry civil bill of that year amounted to $20,148,413.90, in 1874 it amounted to $32,186,139.09, in 1875 it was $27,009,744.81, in 1876 it was $26,644,350.09. This period the Republicans were in the majority in Congress. In 1877 the Democrats came into power, and for that year the sundry civil bill amounted to $16,351,474.58, in 1878 it was $17,133,750.06, in 1879 it was $24,750,100—but it was the bill of that year that contained the fisheries award under the treaty of Washington of $5,500,000. Subtracting that sum, which was unusual, and the sundry civil bill of 1879 would have been $19,250,100. In 1880 it was $17,634,868.56, in 1881 it was $22,503,508.23, in 1882 it was $22,092,194.12. These six years the Democrats were in the majority. And the present bill amounts to $25,589,358.06. The study of these figures will show at a glance that those bills under Democratic rule were much less than under Republican majorities.

I now invite the attention of the House to a table which will exhibit in detail the fourteen appropriation bills, the last of which is now about to be passed. I also include in the table the amounts contained in the same bills for the last fiscal year ending June 30, 1882, and for the purpose of comparison I have extended the table so as to embrace, in addition, the appropriations from 1873 to 1881 inclusive. This table is carefully compiled from the official records of this House, and is reliable and accurate. In preparing this table I have had it made up so as to embrace the deficiencies that are passed at the same time the other appropriations are made; in other words, instead of carrying back the deficiencies to each preceding year, I have counted them along with the other appropriations made at the same session, so as to show how much is appropriated in the grand aggregate at each session or during each term of Congress.

I invite your special scrutiny and study of this table, as it presents in a compact form the whole history of appropriations by Congress for the last eleven years, and presents in striking contrast the economy of the Democrats in comparison with that of the Republicans during the periods respectively that they had control of the House of Representatives.

TABLE A.—*Appropriations made by Congress during the fiscal years* 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, *and* 1883.

Titles.	1873.	1874.	1875.	1876.	1877.	1878.
Legislative, &c	$18,671,785 74	$17,120,496 60	$20,783,900 80	$18,902,236 99	$15,417,933 33	$15,450,345 30
Military Academy	326,101 32	344,317 56	339,835 00	364,740 00	290,065 00	286,604 00
Army	28,683,615 32	31,796,008 81	27,788,500 00	27,933,830 00	25,987,167 90	25,612,500 00
Navy	18,296,733 95	22,276,257 65	20,813,946 20	17,001,006 49	12,742,155 40	13,541,024 40
Indian	6,349,462 04	5,540,418 90	5,680,651 96	5,360,554 55	4,572,762 00	4,829,865 69
Pensions	30,480,000 00	30,480,000 00	29,980,000 00	30,000,000 00	29,533,500 00	28,533,000 00
Post-office	28,519,341 84	32,529,167 00	35,756,091 00	37,524,985 00	34,585,701 00	33,584,143 00
Consular and diplomatic	1,219,659 00	1,311,359 00	3,404,804 00	1,374,985 00	1,187,197 50	1,138,374 50
Sundry civil	20,148,413 90	32,186,129 09	27,009,744 81	26,644,350 09	16,351,474 58	17,133,750 06
Fortifications	2,037,000 00	1,899,000 00	904,000 00	850,000 00	315,000 00	275,000 00
Deficiencies	6,596,677 39	12,978,418 60	4,083,914 26	4,703,699 18	2,908,177 09	2,745,480 97
Rivers and harbors	5,588,000 00	6,102,900 00	5,218,000 00	6,643,517 50	5,015,000 00	.....
Miscellaneous acts	8,383,743 23	3,354,824 17	1,921,614 13	1,862,929 19	5,647,505 84	1,262,061 31
District of Columbia	.....	.....	.....	.....	.....	.....
Agricultural	.....	.....	.....	.....	.....	.....
Totals	175,300,533 73	197,920,297 38	183,685,002 16	179,166,209 90	154,533,639 65	144,392,149 23
Less pensions and deficiencies	37,076,677 39	43,458,418 60	34,063,914 26	34,703,699 18	32,441,677 09	31,278,480 97
Totals	138,223,856 34	154,461,878 78	149,621,087 90	144,462,510 72	122,111,962 56	113,113,668 26

Titles.	1879.	1880.	1881.	1882.	1883.
Legislative, &c	$15,430,781 30	$16,136,230 31	$16,532,008 93	$17,797,397 61	$20,210,090 64
Military Academy	282,805 00	319,547 33	316,234 28	322,435 37	335,557 05
Army	25,583,186 01	26,797,300 00	26,425,800 00	26,687,800 00	27,258,000 00
Navy	14,152,603 70	14,028,468 95	14,405,797 70	14,566,037 55	14,816,176 70
Indian	4,721,275 70	4,713,478 58	4,657,262 72	4,587,866 80	5,229,374 01
Pensions	29,371,574 00	56,233,200 00	41,644,000 00	68,282,306 68	100,000,000 00
Post-office	33,256,373 00	36,121,400 00	39,093,420 00	40,957,432 00	44,643,900 00
Consular and diplomatic	1,070,135 00	1,097,735 00	1,180,335 00	1,192,435 00	1,236,655 00
Sundry civil	24,750,100 00	17,634,868 56	22,503,508 23	22,092,134 12	25,589,358 06
Fortifications	275,000 00	275,000 00	550,000 00	575,000 00	375,000 00
Deficiencies	11,962,013 02	4,633,824 55	6,118,085 00	5,124,046 65	29,248,193 96
Rivers and harbors	8,307,000 00	9,577,494 61	8,976,500 00	11,547,800 00	18,743,875 00
Miscellaneous acts	1,572,659 00	2,995,123 77	4,959,332 01	1,128,006 15	5,420,385 29
District of Columbia	.....	.....	1,712,628 67	1,689,008 72	1,695,098 04
Agricultural	.....	.....	253,300,60	335,500 00	427,280 00
Totals	170,735,506 29	192,653,671 66	189,328,212 64	216,694,378 14	295,248,943 75
Less pensions and deficiencies	41,333,587 02	60,867,024 55	47,762,085 00	79,830,106 68	129,248,193 96
Totals	139,401,919 27	131,786,647 11	141,566,127 64	136,864,271 46	166,000,749 79

RECAPITULATION OF TABLE A.

Average per annum appropriations, exclusive of pensions and deficiencies, from 1873 to 1876, inclusive	$146,692,333 44
Average per annum appropriations, exclusive of pensions and deficiencies, from 1877 to 1882, inclusive	130,807,432 71
Average reduction per annum during years 1877 to 1882 over years 1873 to 1876, inclusive	15,884,900 73
Average per annum appropriations, exclusive of pensions alone, from 1873 to 1876, inclusive	153,533,010 79
Average per annum appropriations, exclusive of pensions alone, from 1877 to 1882, inclusive	135,811,962 82
Average reduction per annum during years 1877 to 1882 over years 1873 to 1876, inclusive	17,721,047 97
Increase of appropriations for 1883 over 1882	78,554,565 61
Increase of appropriations for 1883, exclusive of pensions, over same for 1882	30,836,872 29
Increase of appropriations for 1883, exclusive of pensions and deficiencies, over same for 1882	29,136,478 33
Increase of appropriations for 1883, exclusive of pensions, over average for same during years 1877 to 1882, inclusive	43,436,980 93
Increase of appropriations for 1883, exclusive of pensions and deficiencies, over average for same during years 1877 to 1882, inclusive	35,194,314 08

It seems, Mr. Speaker, that the appropriations at the present session of Congress aggregate $295,248,943.75, not including the Geneva award, which I believe was about $11,000,000. However, that is an extraordinary and unusual appropriation, and should not, I will admit, be counted in the general aggregate of the appropriations for this session.

The sum I have named is much larger than the amount appropriated at the last session of the Forty-sixth Congress, which was $216,694,378.53. I am now speaking simply of the appropriations for current expenditures, including pensions, deficiencies, and miscellaneous appropriations. I am aware that it is often contended that deficiency appropriations should be carried back to the account of the preceding year. My remarks are being submitted upon the basis of each year's appropriations, embracing deficiencies and treating them as a part of the grand aggregate, and as though they belonged to the same fiscal year for which the other appropriations are made, and is the fairest method of treating them. Comparing the aggregate appropriations of this session with the aggregate appropriations of the last session of the Forty sixth Congress, there is for this session an excess of $78,554,565.61.

Mr. HOLMAN. Does that include miscellaneous appropriations?

Mr. ATKINS. It includes everything except the Geneva award of $11,000,000. If we exclude pensions the appropriations at this session show an excess of $30,836,872.29, and if we exclude both pensions and deficiencies the appropriations of this session exceed those of the last session of the Forty-sixth Congress $29,136,478.33.

Mr. HOLMAN. That includes miscellaneous appropriations?

Mr. ATKINS. Of course it does. The miscellaneous appropriations of this session of Congress are much larger than at the last session. At this session they have amounted to $5,420,385.29 including the appropriations made to-day, for instance, the appropriation made for the estate of Mr. Forney, former Secretary of the Senate, and the $50,000 for the public building at Fort Wayne, Indiana.

In the very nature of things it is next to impossible for Congress to accurately anticipate the wants of the Government. The country is too large, its interests too many and too varied to admit of absolute exactness in estimating for its necessities; hence to a greater or less extent there will be deficiencies. But these deficiencies have become of late years quite a factor in the financial budget of this country. They depend greatly upon the fidelity and economy of the Administration or upon their unfaithfulness and extravagance.

Mr. HOLMAN. Were not many of the items in the deficiency bill this year merely appropriations for the current year, and not for previous years?

Mr. ATKINS. So far as that is concerned, to be very frank, some of the deficiency appropriations made this year should no doubt date

back to the last year. But in my judgment vastly the greater portion of deficiency appropriations of this year are justly chargeable to this year for the reason that in my opinion they are not legitimate deficiencies. A legitimate deficiency in my view is where there is a failure on the part of Congress to make a sufficient appropriation to meet the demands which the law of Congress requires. For instance, we have two hundred and ninety-three members of this House and eight Delegates. Their salaries are fixed by law. Their mileage and their allowance for stationery are fixed by law. If we appropriate too little money to pay our salaries, our mileage, and our stationery allowance, it is a legitimate deficiency because Congress has failed to make a sufficient appropriation to meet the demands required by law.

But if Congress fails to make an appropriation sufficient to meet the demands of the Executive Departments in the administration of their miscellaneous and contingent fund; for instance, by way of illustration, I hold it is not a legitimate deficiency, but it is a debt which is incurred by the unwarranted action of the officers of the Government. In that respect lies the difference between many of the deficiencies, some of which are legitimate, while others are not.

Mr. HOLMAN. Does not that also refer to some of the items for the Navy?

Mr. ATKINS. I think so. I believe the appropriation of $300,000 for the repair of the flag-ships Lancaster and Brooklyn clearly come under the head of simple debts incurred by the Government in violation of the spirit and intention of Congress. In making provision for the Bureau of Construction and Repair Congress appropriated $1,500,000 for that bureau, and it distinctly stated that $300,000 of that amount should be used for the repair of those vessels; but instead of that the Bureau of Construction and Repair expended the whole $1,500,000, and then $300,000 more, and came back and asked Congress to supply that latter amount as a deficiency. I deny that it was in any sense a legitimate deficiency, and this statement, Mr. Speaker, illustrates millions of dollars of so-called deficiencies.

The whole deficiencies of this session amount to $29,212,682.26, $16,000,000 of which are for pensions and pension arrears.

I have not time to point out the numerous instances of such unlawful deficiencies annually incurred by wasteful and extravagant and it may be corrupt officials in charge of public revenues, in defiance of the plain-written statutes of Congress forbidding such practices. Their exposition would furnish ample material for a speech much longer than I design this to be—a speech at some proper time, I trust, some member will deliver upon this floor. There is no more inviting field. When it is done the Department or bureau of this Government which shall escape just condemnation for its open violation of law will receive, as it will be entitled to, the commendation if not the thanks of Congress.

Fixing, then, in your mind, Mr. Speaker, the nature of a lawful deficiency and in what respect it differs from a debt of the Government unlawfully incurred, it remains for me to say that Congress is responsible for the former and the Administration is responsible for the latter. And as the power is vested in Congress alone, with the approval of the President, to say how much money and for what purpose it shall be expended, it follows that any excess of expenditure incurred by the Administration unless in pursuance of laws enacted by Congress and the limitations thereof is not only unlawful but a gross usurpation.

It is fair to conclude that when Congress makes appropriations that it knows what it is about, and that it means what it says; that is, that the expenditures must be circumscribed by those expressed limits; otherwise Congress, which represents the people, lays and collects taxes and appropriates the revenues for the uses of the Government, is sovereign in these respects in theory only, but is in fact the mere puppet to do the bidding of a selfish, usurping, and extravagant bureaucracy, run by subaltern clerks.

Many of these deficiency bills are not regular deficiencies, but are expenditures incurred by Government officials without authority of law.

Section 3678, Revised Statutes, reads thus:

All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made and for no others.

Now, will any one pretend to claim that moneys appropriated for miscellaneous and contingent funds of the various bureaus, for the maintenance of the Navy and of the Army, and for many other branches of service shall be or can be lawfully diverted to the employment and payment of clerks and other employés, as has been the common practice in some of the Departments, thereby necessitating an insufficiency of the appropriation for the purpose specified in the appropriating act; and I submit is it fair thus to act as some of the Departments and bureaus have done and then come before Congress asking for deficiencies brought about not by complying with but by violating the law? And is it the duty of Congress to encourage these violations of the statutes and the creation of deficiencies, whether lawful or unlawful, by a too ready yielding and granting their requests? Is not our readiness to give an incentive to them to ask? Thus many unlawful expenditures are incurred in violation of law, contracts are entered into in excess of appropriations, and when the money gives out straightway great deficiency estimates are sent in for Congress to provide payment, whereas had the Departments observed the statute forbidding the contracting for any service or thing until an appropriation has first been made by Congress for that particular object, there would of course be no deficiencies.

That the country may not be confused by this talk about deficiencies and pensions—subjects, however, which ought to be closely and critically understood by Congress and the people—allow me to again refer to the above table. The appropriations for all purposes for 1881 are $189,328,222.64, pensions $41,644,000, leaving $147,684,222.64 for net ordinary. Now, take deficiencies from that sum, which were $6,118,085, and we have $141,566,137.64, for 1881.

The whole sum appropriated for 1883 is $295,248,943.75. Excluding pensions and pension deficiency, $116,000,000, and other deficiencies, $13,212,681.26, and we have for 1883, the appropriations being made at this session, $166,000,749.79, for net ordinary expenditures, or $24,434,612.15 in excess of the net ordinary appropriations for the fiscal year ending June 30, 1881, and $29,136,478.33 in excess of the net ordinary appropriations for the year ending June 30, 1882, or $34,214,102.68 in excess of the net ordinary appropriations of the fiscal year ending June 30, 1880, which were $131,786,647.11 exclusive of pensions and deficiencies. At the same rate of appropriations for 1884, the Forty-seventh Congress, Republican, exclusive of pensions and deficiencies, will have appropriated in round numbers, $58,000,000 more money to defray the net ordinary expenditures of the Government than was appropriated by the Forty-sixth Congress, which was Democratic.

Thus it will be seen that the Republican party in administering the Government, exclusive of pensions and deficiencies, appropriates about 20 per cent. more money than the Democrats have done for the same purposes; this, too, with the great advantage of being in accord with the Administration, for if the Democrats of the House, showing as they have their disposition and power to retrench expenditures, had the advantage of a Democratic administration intent upon retrenchment and reform, as it doubtless would have been, the facilities thereby afforded for curtailing public expenditures and lessening annual appropriations, cutting off useless service and unlawful deficiencies and otherwise reforming the civil service, would have largely reduced the annual budget, thereby adding to our surplus to be applied to the extinction of the national debt, or by that sum to have diminished the taxes of the people.

The natural growth of the Government is something I admit, but unfortunately for our Republican friends the Democrats practiced an economy in the Forty-fourth and Forty-fifth Congresses amounting to $85,855,136.54, or $21,463,783.13 average per annum—in the face of a Republican administration—less than the Republicans appropriated in the Forty-second and Forty-third Congresses, and the disadvantage of the growth of the Government was against the Democracy in this calculation. I excluded the fisheries award in 1877 of $5,500,000 just as I have excluded the Geneva award at this session of $11,000,000 as extraordinary and unusual. And again, taking the last session of the Forty-sixth and the first session of the Forty-seventh, the difference is $29,136,476.33 in favor of the economy of the Democrats.

Why should it cost $25,000,000 on an average annually more under a Republican than under a Democratic House of Representatives to administer the Government? As I have before intimated the Republicans are more prone to yield to the demands of a Republican administration in excusing violations of the laws and allowing larger and questionable deficiencies. As for instance the Democrats allowed in 1879 and 1880 each about $5,500,000, and in 1881 between seven and eight millions, carrying back the deficiencies to each year respectively, not including pension deficiencies, while the Republicans, exclusive of pension deficiencies, have in 1882 allowed $13,212,681.26.

That the public may not be misled or confused in their understanding as to the amounts of deficiencies appropriated for by Congress, I will give them for the last eleven years as shown by table A, which is taken from the laws of Congress and the records of the House itself: deficiencies allowed in 1873 were $6,596,677.39; in 1874, $12,978,418.60; in 1875, $4,083,914.26; in 1876, $4,703,699.18, and in 1883, $13,248,193.96; aggregating $41,609,904.39. During each of these years the Republicans had control of Congress. For the six years, between 1876 and 1883, exclusive, the Democrats had control of the House and a part of the time the control of the Senate. The deficiencies allowed in 1877 were $2,908,177.09; in 1878, $2,745,480.97; in 1879, $11,962,013.02; in 1880, $4,633,824.55; in 1881, $6,118,085; and in 1882, $5,124,046.65; aggregating $33,391,627.28, or $8,618,277.11 less in six years appropriated for deficiencies by the Democrats than were appropriated by the Republicans in five years.

Or, in other words, the Democrats appropriated for the six years they had control of the legislation on an average, per annum, the sum of $5,565,271.21, while the Republicans appropriated on an average, per annum, the sum of $8,521,980.88; no pension deficiencies are included in either of the periods.

Below I give a table showing the larger deficiencies allowed during this session, very few of which can be justly called a deficiency in the sense of the word as before explained; and the remaining six or seven millions allowed are in the main far less entitled to be

classed as legitimate deficiencies, as they, like many of these, were made in excess of authority and outside of law:

TABLE B.—*Deficiencies provided for on account of the fiscal year* 1882.

Compensation of postmasters	$1,192,206 88
Transportation by railroads	1,120,000 00
Miscellaneous postal service	75,144 35
Naval service	425,407 04
Indian service	1,036,881 67
Pensions	16,000,000 00
Army	520,000 00
Public printing and binding	865,000 00
Fish and fisheries	82,001 45
Tenth census	620,000 00
Expenses of United States courts	253,056 78
Internal-revenue service	380,000 00
Mints and assay offices	53,418 00
Expenses of Congress	85,273 01
Pension Office	73,900 00
Patent Office	44,911 79
General Land Office	25,000 00
Total	22,852,200 97

After this showing it is very plain that deficiencies are much larger under Republican than under Democratic rule; and the only way to account for the excess must be from the fact that the Departments are less careful, more extravagant, and more confident of having their demands satisfied by a Republican than by a Democratic Congress.

But knowing that our Republican friends will seek to cover their extravagance behind the familiar and popular defense of pensions, and would have the public believe that the increase of expenditures under their administrations is to be attributed to the extraordinarily large sums paid for pensions, I propose to strip the issue of all expenditures for pensions in every form, and then to see how the account stands between the two parties. With this view I produce a table carefully prepared from the records of the Treasury Department, excluding pensions and interest:

TABLE C.—*Per capita net ordinary expenditures of the Government, exclusive of pensions and interest, for the fiscal years* 1858 *to* 1861, 1873 *to* 1876, *and* 1879 *to* 1882.

Years.	Estimated population.	Total net ordinary expenditures, exclusive of pensions.	Per capita expenditure.
1858	29,793,032	$71,110,668 87	$2 38
1859	30,618,176	65,133,727 36	2 12
1860	31,443,321	58,955,952 39	1 87
1861	32,064,000	61,581,456 05	1 95
1873	41,676,000	151,129,210 04	3 62
1874	42,795,000	165,080,570 34	3 83
1875	43,949,000	141,073,632 05	3 21
1876	45,135,000	136,600,417 67	3 02
1879	48,863,000	126,498,452 14	2 58
1880	50,155,783	113,312,887 81	2 26
1881	51,462,000	127,083,618 01	2 47
1882	52,799,000	125,559,038 83	2 37

Average per capita for the four years from 1858 to 1861, inclusive	$2 08
Average per capita for the four years from 1873 to 1876, inclusive	3 42
Average per capita for the four years from 1879 to 1882, inclusive	2 42

Thus it will be observed that the entire expenditures, excluding interest and pensions, as shown by this table, for the per capita expenditures under a Republican administration is from 20 to 25 per cent. greater than under a Democratic administration, whether before or since the war. The luxury of Republican rule costs that much more than under Democratic rule. Whether it be appropriations or expenditures, whether in the grand aggregate or in analytical detail, whether collectively or per capita, whether before or since the war, that fact is clearly established.

Another reason for Republican extravagance arises out of the constant and gradual increase of salaries and the creation of new offices and the grading-up of clerical positions.

That there may now and then be a just necessity for the increase of a salary I will not deny. There are some very laborious and overworked positions, with inadequate salaries it may be, while there is a large percentage much too high-gauged by the labor performed; but to equalize them so as to affix to each just compensation would be a task of great difficulty, labor, and perplexity. The whole number of clerks carried in the legislative, executive, and judicial appropriation bill is 7,745. The net increase over last year is 1,590. Of that increase 1,210 are for pensions, the remainder (380) are for other Departments.

The force is increasing in a larger ratio than are the revenues. As the Post-Office Department is one of constant growth and ramifies itself into all of the political and social relations of the people, any statistics in reference to it are eagerly sought and appreciated.

The following table will show the percentage of increase in clerical force, the percentage of cost of such force, and the percentage of actual increase in revenues for 1882 over 1881, and the estimated increase of 1883 over 1882:

POST-OFFICE DEPARTMENT.

Increase in number of clerks and others in 1882 over 1881, 7⅛ per cent.
Increase in cost of force for 1882 over 1881, 7¼ per cent.
Actual and estimated increase in revenues for 1882 over 1881, 13¼ per cent.
Increase in number of clerks and others for 1883 over 1882, 10⅜ per cent.
Increase in cost of force for 1883 over 1882, 10⅝ per cent.
Estimated increase of revenues for 1883 over 1882, 8 per cent.

It will be observed that the percentage of clerical force and cost of same for 1882 over 1881 is considerably less than the percentage of increase in revenues, being 7⅛ of force and 7¼ in cost of force to 13¼ per cent. of revenue, while the rate per cent. of number and cost of clerical force as provided by the current legislative, executive, and judicial appropriation bill for 1883 over 1882 is about 11 per cent. to 8 per cent. increase in the revenues. Now I leave these figures to point their own moral. It is the repetition of the same idea. It results from increase of force and increase of salaries above the ratio of the increase of revenues. In this connection I publish as a part of my remarks the following letter from Postmaster-General Howe:

OFFICE OF THE CHIEF CLERK TO THE POSTMASTER-GENERAL,
Washington, D. C., July 20, 1882.

SIR: In reply to your dispatch to the Postmaster-General, he directs me to say that the postal receipts for the nine months ended March 1, 1882, amount to $31,067,343.65. The receipts for the quarter ended June 30 are not ascertained, the accounts being in process of adjustment by the auditor. A careful estimate places the receipts for the entire fiscal year at $41,772,000. This is an increase of 13.5 per cent. over receipts for the year ended June 30, 1881.

Very respectfully,

F. H. HOWE, *Chief Clerk.*

Hon. J. D. C. ATKINS,
House of Representatives, Washington, D. C.

This table and these figures show that somehow or other expenditures under a Republican House exceed those under a Democratic House, no matter in whatever branch of public service we look.

In analyzing expenditures in different branches of the public service it is curious to see how the expenditures under a Democratic House of Representatives fall below those under a Republican House, as the following table, compiled from tables of revenue and expenditures, furnished me by the Treasury Department, and therefore official, shows:

Civil and miscellaneous:	
1873-'74-'75-'76, (Republican)	$280,998,779 84
1877-'78-'79-'80, (Democratic)	229,884,855 42
Difference in favor of Democrats	51,113,814 42
War Department:	
1873-'74-'75-'76, (Republican)	167,828,600 15
1877-'78-'79-'80, (Democratic)	147,779,460 70
Difference in favor of Democrats	20,049,139 45
Navy Department:	
1873-'74-'75-'76, (Republican)	94,919,780 30
1877-'78-'79-'80, (Democratic)	60,987,348 31
Difference in favor of Democrats	33,932,431 99
Indians:	
1873-'74-'75-'76, (Republican)	28,995,381 96
1877-'78-'79-'80, (Democratic)	21,055,853 67
Difference in favor of Democrats	7,939,528 29

In 1857-'58-'59-'60 the total customs amounted to $208,418,862.26. We had no internal revenue then.

Thus it will be observed that in four years the Republicans expended in civil and miscellaneous expenditures $51,000,000, in the War Department $20,000,000, $33,000,000 in the Navy, and in the Indian Bureau $8,000,000 more than was expended when the Democrats had control of the House of Representatives. That the growth of the country is a justifiable answer for these increased appropriations under Republican rule, and that this apology to cover their extravagance is fallacious, I quote from a speech I delivered in this House on the 15th of June, 1880, commenting upon a table prepared from the finance report of 1879 and from the records of the Treasury Department relating solely to expenditures and published in the CONGRESSIONAL RECORD of that date. I then commented as follows:

Thus it will be seen that, tried by the per capita cost of administration, the three years preceding the war the average per capita expenditure per annum was $2.17, while for the years 1874, 1875, and 1876 it was $4.01, and for 1877, 1878, and 1879 it was reduced to $3.03. The last year of Mr. Buchanan's administration the expenditures fell to $1.91 per capita per annum.

The table included expenditures for the payment of pensions. At that time there was no interest, or practically none.

Now, the estimates found in the Book of Estimates for the fiscal year ending June 30, 1883, amount to $255,219,190.83, being less than the amount appropriated by the enormous sum of $41,162,149.50. It may be remarked that the appropriations exceed the estimates for the first time in many years. In order that the country may arrive at a correct idea of the appropriations made by the Republicans and

Democrats respectively, I will show the amounts appropriated for all purposes, exclusive of pensions, for the four years preceding the advent of the Democrats to the control of the House of Representatives in 1877, and the four years they held the majority in that body, including deficiencies and carrying them back to each preceding year. In 1873 the appropriations were $151,202, 274.94; in 1874 they were $158,545,793.04; in 1875 they were $154,324,787.08, and in 1876 they were $147,370,687.81, or for the four years indicated the grand aggregate was reached of $611,443,542.87. Now take the next four years, and we find appropriated for 1877, $124,857,443.53; 1878, $125,075,671.28; 1879, $134,034,919.27, and for 1880, $135,838,000, aggregating $519,806,-034.08, being $91,637,507.79 less to run the Government for four years under the Democrats than for the four preceding years by the Republicans. In 1879, too, it will be remembered that Congress appropriated out of the Treasury $5,500,000, under the treaty of Washington, to pay the fisheries award to Great Britain, which was peculiarly extraordinary. Subtracting that from the last aggregate of $519,806,034.08 leaves the sum of $514,306,034, or $97,137,507.79 less appropriated durring the Forty-fourth and Forty-fifth Congresses by the Democracy than for the corresponding period of the Forty-second and Forty-third Congresses under the Republicans. In this calculation the deficiencies are carried back to the preceding year. In both periods pensions are excluded. In the table marked A the deficiencies are credited to the same years that the other appropriations are made for; in this calculation they are, as just stated, carried back to the preceding years, which will account for the difference in the two statements.

I exclude the fish award of $5,500,000 on the same ground that I exclude from the appropriations made at this session of Congress the $11,000,000 for the Geneva award. Counting in that sum, and the grand aggregate of appropriations at this session would amount to $306,248,943.75. But I exclude both the fish award and the Geneva award as extraordinary and unusual appropriations.

The Secretary of the Treasury, in his annual report to Congress of December last, estimates the total ordinary receipts at $400,-000,000. The estimated ordinary expenditures, including interest on the public debt, sinking fund, collection of customs, and all other expenditures under permanent appropriations, he puts at $340,462,-507.65. In his estimates of total receipts the Secretary only allows $20,077.95 as the actual appropriation from the Treasury for postal expenditures, and does not include $41,000,000 of postal revenues. Add that sum to the estimated expenditures. and we have about $380,000,000, the estimated expenditures for 1883. Add the postal revenues of $41,000,000 to the $400,000,000 of estimated receipts, and we have $441,000,000 of total receipts for 1883.

The appropriations made at this session of Congress are $295,248,-943.75 exclusive of the $11,000,000 for the Geneva award, which makes $306,248,943.75. The total estimated expenditures under permanent appropriations amount to $126,202,939.22, which added makes the grand aggregate of $432,451,882.97 of appropriations for the fiscal year ending June 30, 1883. In that deficiencies appropriated at this session are included, for it is fair to presume that the deficiencies will be as great next year as they are this under the management of our Republican friends; besides each Congress must be held responsible for what it appropriates.

At this rate of public expenditure, there will soon be no great surplus in the Treasury to vex us.

If this rate of expenditure continues, as it now from present appearances bids fair to do, instead of reducing taxes I rather fear they will be more likely increased. It is true there is at this time a cash balance available in the Treasury of $139,000,000, but it is rapidly melting under the calcium-light of Republican statesmanship and will soon be gone. Nevertheless I favor a reform in our tariff laws which will bear more equally upon the people; in fact, reduce their burdens and at the same time increase the revenue. By adopting the revenue basis of taxation that desirable result can be doubtless attained, as the history of taxation in every country has demonstrated, notably in England and in this country.

But assuming that the total receipts, including revenues, will be $440,000,000, and that the total expenditure will be $380,000,000, including postal expenditure, there will be only $60,000,000 surplus, which with another amendment to the pension laws or the adoption of a grand isthmian scheme may be swept from the vaults of the Treasury. But the appropriations made by this Congress as the estimated expenditures under permanent appropriations amount to $432,000,000, including Geneva award, thus equaling, or nearly so, the estimated receipts, and leaving no surplus, or practically none, for the fiscal year of 1883.

More recent calculations by statisticians in the Treasury Department put the annual interest at $57,000,000, while the Secretary in his annual report of December last puts the annual interest at $65,-000,000. The following table, compiled in the Treasury Department, is a full exhibit of the expenditures under permanent appropriations. This was for the past fiscal year of 1882. In a note from the very able and efficient chief of the warrant division, Mr. McClellan, bearing date 31st of July past, I am informed that there will be a reduction below these figures both in the interest and sinking fund account of $15,000,000 each, making $30,000,000, which would reduce the expenditures under the permanent and indefinite appropriations to $116,849,000.

Expenditures under permanent and indefinite appropriations during fiscal year ending June 30, 1882.

Interest on the public debt	$71,077,206 79
Salaries and expenses steamboat inspection service	228,371 46
One month's pay to certain employés of the House	19,960 93
International bimetallic commission	19,664 40
Contingent expenses national currency, reimbursable	38,329 64
Coinage of standard silver dollar	136,658 67
Refunding to national banking association excess of duty	412 66
Expenses of Smithsonian Institution	62,825 54
Return of proceeds of captured property	2,698 94
Mail transportation, Pacific railroads	544,786 83
Fees of supervisors of elections	38,397 08
Salaries retired judges	36,757 10
Arming and equipping militia	148,631 48
Powder and projectiles, proceeds of sales	30,200 56
Ordnance material, proceeds of sales	64,957 58
Support of Soldiers' Home	76,071 20
Bounty under act July 28, 1866	63,518 50
Operating and care Saint Clair Flats Canal, Michigan	4,889 60
Operating and care Saint Mary's Falls Canal, Michigan	24,000 00
Operating and care Louisville and Portland Canal, Kentucky	44,562 91
Operating and care Des Moines Rapids Canal, Iowa and Illinois	45,000 00
Transportation of the Army and its supplies, Pacific railroads	811,072 28
Bounty to Fifteenth and Sixteenth Missouri Cavalry	99,000 00
Trusses for disabled soldiers	10,000 00
Transportation and distribution of rations for persons rendered destitute by overflow of Mississippi River	15,319 47
Redemption of stamps—internal revenue	25,565 91
Refunding taxes illegally collected—internal revenue	59,657 78
Allowance or drawback—internal revenue	49,770 90
Repayment to importers excess of deposits—customs	3,522,431 72
Debentures or drawbacks—customs	2,188,733 19
Debentures and other charges—customs	179 45
Unclaimed merchandise—customs	2,203 63
Marine-Hospital Service	468,120 16
Expenses of collecting revenue from customs	6,506,359 26
Extra pay to officers and men in Mexican war	869 70
Gratuity to machinists in lieu of re-enlistment	35,000 00
Relief of persons impressed into the naval service	2,192 40
Repayment for land erroneously sold	47,241 48
Indemnity for swamp lands purchased by individuals	126,677 50
Two, three, and five per cent. fund—net proceeds sales of public lands	87,035 39
Maryland institution for the blind	4,825 00
	86,770,157 09
Redemption of bonds for sinking fund	60,079,150 00
Total	146,849,307 09

TREASURY DEPARTMENT,
Warrant Division, July 31, 1882.

I could pursue these analyses and comparisons further, exhibiting like results favorable to the Democrats, but it only adds demonstration to facts too well attested and universally admitted by all fair men. I have spoken from the record. These tables are compiled in every instance from the official records of the Government. I have endeavored to be fair, and I think I have been accurate.

The steady increase of expenditures, the creation of new bureaus, the extension of the paternal care of the Federal Government over almost every conceivable interest of the people, interestswhich used to be considered as purely domestic, and therefore under the charge of the State Governments exclusively, are rapidly familiarizing the public mind with the enlarged powers of the national Government, whether constitutional or assumed, so that we may expect and prepare ourselves in the future for larger appropriations and expenditures than were borne in the past. But with all that, there is still the greater need for watchfulness and a jealous guarding of the public interests by the Representatives of the people who supply the revenues against the cunning devices of what is now a well-known organization designed to exploit the Treasury.

The countless millions which have been thus exploited through unjust and discriminating laws, in almost every way, would be a frightful picture for the American people to gaze upon. But for their indomitable energy and for the amazing wealth of their unbounded natural resources the people would read in this picture of maladministration of their public affairs the bankruptcy of their nation and of themselves. But so young, vigorous, recuperative, and giant-like is the Republic, we may confidently hope with a frugal husbanding of our resources to find ourselves at the close of this century practically clear of debt and possessed of a wealth and comfort that far exceeds that of any other nation that has ever existed. But to attain that desirable end the laws of taxation should be equal and just, the protection to monopolies, whether in their individual or corporate capacity, should cease, and the public moneys should be judiciously appropriated according to law, and faithfully expended under the strict limitations of the same. Guided by any other rule there is no safety for the Government.

One other thought occurs to me. No party in power should be allowed to collect assessments for election purposes from officials and employés, as the larger the salaries are the larger are the assessments. The motive for the increase of salaries becomes one of the preservation of political power, which may become so great and powerful as to control elections and perpetuate the party in power indefinitely. This no political party or administration should be allowed to do. The Democrats in the Forty-fourth Congress thought they had effectually prevented this evil when they passed the following as a

part of the legislative, executive, and judicial appropriation bill for the year ending June 30, 1877. Section 6 reads thus:

That all executive officers or employés of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from any other officer or employé of the Government any money or property or other thing of value for political purposes; and any such officer or employé who shall offend against the provision of this section shall be at once discharged from the service of the United States; and he shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding $500.

This came from the Committee on Appropriations at the first session of the Forty-fourth Congress, at that time so ably presided over by the distinguished gentleman from Pennsylvania, [Mr. RANDALL.] We scarcely thought that it would be evaded by our Republican friends by a technicality. We did not believe that any one would seek to place disabilities in the suppression of an admitted evil upon officers and employés of the Government, and yet allow Senators and Representatives in Congress to perpetrate deeds made unlawful for others to commit.

And yet it is true. To-day a member of Congress is allowed to assess a Government clerk or employé or laborer for political purposes, when such assessment and payment would send other persons to prison unless they paid a fine of $500. This unlawful practice a Democratic House attempted to abate, but the spirit and intention of the law is violated by a technical dodge, by handing over to a Congressional committee the entire body of Government officials and employés, to be exploited out of 2 per cent. to help continue and perpetuate that party in power; whereas plain, common people would be punished for doing the same thing.

But outside of the wrong and general indefensibility of those assessments it is a blow at the independence of the citizen who happens at the time to be a Government employé; but it also tends to induce the party in power to create new and unnecessary offices, to proved larger salaries, and to indulge extravagance in public expenditures. In that a wrong is done to the whole people. The good of the public ceases to be the rule and guide in the civil service, and only what is best calculated to perpetuate indefinitely the ruling party in power becomes the rule of action. The statement of this proposition carries to every patriot's mind and heart its own condemnation. The people will see to it that the law of 1877 is not evaded, but enforced, and if need be, enlarged, so as to let members of Congress understand that they possess no exclusive privileges, and are as amenable to the laws as are the private citizens of our common country.

Support of Common Schools.

SPEECH

OF

HON. CLEMENT DOWD,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 27, 1882,

On the bill (H. R. No. 6158) to aid in the support of common schools.

Mr. DOWD said:

Mr. SPEAKER: This bill is in many respects the most important one which has engaged the attention of the present Congress; not on account of any grave constitutional or political question that is involved, nor because of the magnitude of the appropriation, but it affects the vital principles upon which our free institutions and the peace and order of society must forever rest.

We have appropriated more than twenty millions to support our Navy and improve our commerce upon the seas. We have appropriated about twenty millions for our inland navigation and to improve our rivers and harbors, while this bill proposes to apply only ten millions per annum for five years to improve the facilities of educating the illiterate and helpless masses of white and colored children in all parts of the country. The bill, as reported unanimously from the committee of which I have the honor to be a member, is as follows:

A bill to aid in the support of common schools.

Whereas it appears from the tenth census that one-eighth of the people of the United States are totally illiterate, and it seems that those States in which illiteracy exists to the greatest extent are not at present able to provide by local and State taxation for the adequate support of common schools to meet the emergency; and

Whereas the general welfare and perpetuity of our whole country depend upon the intelligence of all its citizens, and it is deemed to be the duty of the General Government to aid temporarily in the support of common schools: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for five years next after the passage of this act there shall be annually appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000,000 to aid in the support of free common schools, which amount shall be known as the common-school fund.

SEC. 2. That the Secretary of the Treasury shall annually apportion to the several States and Territories the said sum of $10,000,000, according to the number of their respective populations of ten years and upward who cannot read and write, as shown by the Tenth Census of the United States, which report shall be submitted to the Commissioner of Education.

SEC. 3. That before any State or Territory shall be entitled to receive its share of said fund it shall have provided by law for the free common-school education of all its children of school age, without distinction of color, for at least three months in each year, from the funds provided for schools under the laws of said State or Territory; and in no case shall any State or Territory be allowed out of said fund a greater sum than such State or Territory shall have expended during the previous year for the common-school education of the children of such State or Territory, exclusive of the amount received from the United States and exclusive of the sums paid for grounds, school buildings, or repairs on the same: *Provided*, That separate schools for white and colored children shall not be considered a distinction of color.

SEC. 4. That an amount not exceeding 5 per cent. of the sum apportioned to each State and Territory may be used by them for the education of teachers in normal schools, teachers' institutes, or otherwise.

SEC. 5. That it is hereby further provided that before any State or Territory shall be entitled to receive its share of said fund it shall have complied with the following conditions:

First. That it shall have applied all moneys by it previously received under the provisions of this act in accordance therewith.

Second. That it shall have caused to be made such reports to the Commissioner of Education concerning the condition of the schools in the same, on or before the 1st day of August in each year, as said Commissioner of Education, under the direction of the Secretary of the Interior, shall deem desirable; and shall especially report for each county as follows: The number of public schools of every grade; the whole number of days actually taught in each during the year preceding; the total amount received from State taxes and from local taxes and the total amount expended for educational purposes in the preceding year; the total amount expended for white and colored schools separately; the number of public-school buildings owned and hired, and the character, condition, and value of the same; the number of children, white and colored, male and female, in attendance on the public schools, and the length of attendance; the number of male and female teachers, white and colored, employed at the same time and at different times in the same year, with particulars as to qualifications of same; the number of school libraries, and the number of volumes therein; the branches taught and the textbooks used; the total amount of wages paid to teachers, male and female, white and colored.

SEC. 6. That the Commissioner of Education shall prepare forms of such blanks as shall facilitate the making of the reports herein provided for and transmit the same to the State and Territorial authorities.

SEC. 7. That in such States or Territories as shall maintain separate schools for white and colored children the money so apportioned shall be divided according to the respective number of such white and colored children in such State or Territory.

SEC. 8. That no part of the money so received from the United States shall be expended in the purchase of real estate, the construction or repair of school buildings, or in paying the salary of any public officer not engaged in teaching.

SEC. 9. That in case any State or Territory shall misapply or misappropriate the money, or any part thereof, received under this act, or shall fail to comply with the conditions thereof, or to report as herein prescribed, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the amount so misapplied or misappropriated shall have been replaced by such State or Territory and applied as herein required; and until such report shall have been made all money so retained and not paid to such State or Territory shall be kept separate in the Treasury of the United States.

SEC. 10. That on or before the 1st day of September of each year the Commissioner of Education, under the direction of the Secretary of the Interior, shall certify to the governor of each State and Territory whether it is entitled to receive its apportionment under this act, and, if so entitled, the amount of such apportionment, and it thereupon shall be entitled to receive the same; but such certificate shall not be issued until all the requirements of this act referring to the duties of the officers of such State or Territory shall have been complied with.

SEC. 11. That the amount apportioned to any State or Territory, and certified as herein provided, shall be paid on or before October 1 of each year, upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States, to such officer as shall be by the laws of such State or Territory entitled to receive the same.

SEC. 12. That the Commissioner of Education shall annually report to Congress the information received by him from the reports of the school officers of the several States and Territories provided for herein, together with such recommendations as will in the judgment of the Commissioner subserve the purposes of this act.

SEC. 13. That there is hereby appropriated the sum of $10,000,000 for the year commencing September 1, 1882, which shall be apportioned as directed herein; and those States and Territories which have provided by law for the free common-school education of their children of school age, without distinction of color, shall be entitled to their apportionment of said sum, all other requirements precedent to the right to receive such apportionment being hereby waived for the year 1882.

SEC. 14. That any State signifying its desire that the amount allotted to it under the provisions of this act shall be appropriated in any other way for the promotion of common-school education, in its own borders or elsewhere, its allotment shall be paid to such State to be thus appropriated: *Provided*, That its Legislature shall have first considered the question of its appropriation to the general fund for use under the provisions of this act in States and Territories where the proportion of illiterate persons is more than 5 per cent. of the whole population.

It will be seen that the proportion of the fund due each State, the basis being illiteracy, is to be turned over to and distributed by the State authorities exclusively, so that there can be no sort of friction between the State and Federal governments as to the conduct and management of the schools or of the fund. It cannot be alleged therefore that there is any politics in the bill. It recognizes no distinction of race, caste, section, or color. It provides for all sections, all classes, all races, colors, and nationalities, strictly and solely upon the basis of illiteracy. In other words it is a national charity, bestowed equally and impartially according to the wants and necessities of its recipients and beneficiaries.

While no one doubts the necessity for some such endowment from some source there are those, even upon this floor, who do call in question the power and perhaps the expediency of such a measure on the part of the General Government. I shall not discuss the question of power. It is too late now to deny the constitutional power of the General Government to make donations or appropriations in some form for educational purposes. The question has long ago been practically settled by precedent at least.

I care not whether you say the power is derived from that clause in our Constitution which says Congress shall provide for the general welfare, or whether you take the higher ground that Macaulay assumed before the British Parliament in 1847, that the doctrine of self-preservation applies to nations as well as individuals; that "it is the sacred duty of every government to take effectual measures for securing the persons and property of the community;" "that the education of the common people is the most effectual means

of protecting persons and property, and that as the gross ignorance of the multitude produces danger to life and property, it is inconceivable how, even on the very lowest view of the duties of Government, it can be contended that education is not the province of government."

And even if we go back to Adam Smith, we find that while he was unfriendly to State interference, especially for educating the higher classes, and was in favor always of restricting the functions of government, he distinctly admits there is a difference as respects the poorer people, and that the State is deeply concerned in the education of the masses. "For that ignorance," says he, "spread through the lower classes, neglected by the State, is like unto a leprosy or some other fearful disease, and where this duty is neglected there is danger of riot, disorder, and dissolution."

But I have said there are too many precedents already established to leave room for debate as to the question of power in this country and under our Constitution. As early as 1642 the Protestant Nonconformists, the founders of the Commonwealth of Massachusetts, men of such high spirit and firm convictions that they preferred life in a wilderness with the privilege of worshiping according to the dictates of their own consciences rather than in a land of prosperity where they could not enjoy these blessings, "though their love of freedom was unbounded and indestructible, they could see nothing servile or degrading in the principle that the State should take upon itself the charge of educating the people." In their first legislative enactment on this subject they distinctly affirm the principle that "education is a matter of the deepest possible importance and the greatest possible interest to all nations and all communities, and that as such it was in an eminent degree deserving of the peculiar attention of the State."

"Educate the people" was the first admonition addressed by Penn to the Commonwealth he founded. "Educate the people" was the last legacy of Washington to the Republic of the United States. "Educate the people" was the unceasing exhortation of Jefferson. Washington in his Farewell Address said:

> Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

The writings of John Adams show that he placed the highest estimate upon popular education as a necessary safeguard of free institutions. Thomas Jefferson, after retiring from the Presidential office, devoted the remainder of his life to the cause of education in his native State. His system embraced elementary schools, colleges, and a university. In a letter to a friend dated January 6, 1816, he says:

> If a nation expects to be ignorant and free in a state of civilization, it expects what never will be. The functionaries of every government have propensities to command at will the liberty and property of their constituents. There is no safe deposit for them but with the people themselves; nor can they be safe with them without information. Where the press is free and every man able to read all is safe.

And as a testimony to all men of the estimate he placed upon education, he wrote this epitaph to be inscribed upon his tomb: "Author of the Declaration of Independence, of the Virginia bill for religious freedom, and father of the University of Virginia."

Mr. Madison said:

> A popular government without popular information, or the means of acquiring it, is but a prologue to a farce or tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power which knowledge gives. * * * The best service that can be rendered to a country next to that of giving it liberty is in diffusing the mental improvement essential to the preservation and enjoyment of that blessing. * * * It is only when the people become ignorant and corrupt that they become incapable of exercising sovereignty. Then usurpation is of easy attainment and an usurper will soon be found.

But I need not multiply extracts from the speeches and writings of the eminent men of this country from the foundation of the Government in support of the proposition that our free institutions rest upon the intelligence of the people, and cannot be expected to withstand the corruption, insubordination, and violence which are so generally the offspring of ignorance. The Government of the United States, Congress itself, is committed not only to the expediency and necessity for governmental aid for educational purposes but also to the constitutional power of Congress to grant such aid.

The following table will show the number of acres of public lands that have been granted from time to time by Congress for the benefit of common schools in certain States and Territories. It will be seen that some of the States, to wit, the original thirteen, and Maine, Vermont, and Kentucky, have received no part of these large donations. But this is of course due to fortuitous circumstances, and does not weaken the force of the self-evident proposition that the General Government has the same power to make a donation to one State as to another, and the same power to donate money that it has to donate land or anything else of value. Even as late as July, 1862, Congress granted to each State, old and new, 30,000 acres of the public domain for each Senator and Representative in Congress, to endow a college of agriculture and the mechanic arts in *each* State, and nobody has been heard to raise the cry that that act was unconstitutional or an unwarranted interference with the local affairs of the States.

The table of land grants by the General Government for educational purposes is as follows:

	Acres.		*Acres.*
Alabama	902,774	Michigan	1,067,397
Arizona	4,050,350	Minnesota	2,969,996
Arkansas	880,460	Mississippi	837,584
California	6,719,324	Missouri	1,199,139
Colorado	3,715,555	Nebraska	2,702,044
Dakota	8,554,560	Nevada	3,985,430
Florida	908,503	New Mexico	4,309,368
Idaho	3,233,137	Ohio	704,488
Illinois	985,066	Oregon	3,329,706
Indiana	650,317	Tennessee	100,000
Iowa	905,144	Utah	3,130,869
Kansas	2,891,306	Washington	2,488,675
Louisiana	786,044	Wisconsin	958,649

I beg leave also to present in this connection the memorial of the National Educational Association to the joint committee of the two Houses, which contains a table of valuable statistical information, to wit:

A MEMORIAL TO CONGRESS.

The undersigned earnestly call the attention of Senators and Representatives to the following facts and suggestions with reference to governmental aid to common schools, on the basis of illiteracy.

The following table is based upon the estimates of the Bureau of Education. In the sums raised by the States interest on the invested funds is not included, except in a few States. The table is not exhaustive, but only illustrative:

State.	Total population, 1880.	Total illiterates, ten years and over, who cannot write, 1879.	Colored illiterates, ten years and over, who cannot write, 1879.	Total of State and local taxes for common schools, 1879.	What this gives for an average school of 30 pupils per annum.	Total sum that a fund of $3 per capita for illiterates would give the State.	How much this because of colored illiteracy.	How much of it to white illiteracy.
Alabama	1,262,505	433,447	321,680	$250,000	$17	$1,300,341	$965,040	$335,301
Iowa	1,621,615	46,609	.....	4,227,300	.....	139,827	.....	139,827
North Carolina	1,399,750	463,975	271,943	314,719	20	1,391,925	815,829	576,096
Wisconsin	1,315,097	55,558	.....	2,223,581	.....	166,674	.....	166,674
Kentucky	1,648,090	348,392	133,895	947,392	76	1,045,176	401,685	643,491
Michigan	1,636,937	63,723	.....	2,453,831	.....	191,169	.....	191,169
Arkansas	802,525	202,015	103,473	189,080	28	606,045	310,419	295,626
Connecticut	622,700	28,424	.....	1,276,667	.....	85,272	.....	85,272
Louisiana	919,946	318,380	259,429	450,000	42	955,140	778,287	176,853
Kansas	966,096	39,476	.....	1,276,786	.....	118,428	.....	148,428
Georgia	1,542,180	520,416	391,482	471,089	27	1,561,248	1,174,446	381,862
Massachusetts	1,788,085	92,980	.....	4,372,286	.....	278,940	.....	278,940
South Carolina	995,577	369,848	300,071	440,110	16	1,109,544	930,213	179,331
Minnesota	780,773	34,546	.....	1,361,526	.....	103,638	.....	103,638
Maryland	934,943	134,488	90,172	1,210,977	275	403,464	270,519	132,948
Maine	648,906	22,170	.....	820,860	.....	66,510	.....	66,510
West Virginia	618,457	85,373	10,139	703,185	247	256,128	30,417	225,711
Nebraska	452,402	11,528	.....	786,963	.....	34,584	.....	34,584
Tennessee	1,742,359	410,722	194,495	698,776	51	1,032,166	583,435	648,781
New York	5,082,871	219,600	.....	9,675,992	.....	658,800	.....	658,800
Virginia	1,512,565	430,452	315,660	1,261,975	87	1,291,056	941,980	344,076
Ohio	3,198,062	131,847	.....	6,714,086	.....	395,541	.....	395,541
Mississippi	1,131,597	373,201	319,573	334,769	26	1,119,603	959,529	160,344
New Jersey	1,131,116	53,249	.....	1,742,198	.....	159,747	.....	159,747
Florida	269,493	80,183	60,420	104,530	39	240,549	181,260	59,289
New Hampshire	346,991	14,302	.....	544,716	.....	42,906	.....	42,906
Missouri	2,168,380	208,754	56,244	2,163,330	310	626,262	168,732	457,530
Illinois	3,077,871	145,397	.....	6,735,478	.....	436,191	.....	436,191

We respectfully suggest:

1. The help should be so given that it will stimulate rather than supersede the necessity of State effort.

2. It should be help for the common schools; temporary aid in the training of teachers perhaps, but chiefly in giving them opportunity to teach.

"The safety of the Republic is the supreme law of the land." This is the maxim which not only justifies but demands action on the part of the General Government; and it should also suggest the limitations under which the action should be taken.

3. The help should be immediate and not remote. The fortunes of war and the necessities of legislative action have made citizens of a large mass of ignorant men, whose votes are to shape, for weal or woe, the character of our laws. Education alone can convert this mass of ignorance and element of danger into one of enlightened strength and safety.

Largely more than one-half of a fund for the education of the illiterate would go to the South for negro illiteracy; less than one-fourth because of white illiteracy. If Congress should create a fund which would give $3 per annum per capita for the education of this class alone it will require an aggregate annual sum of $18,719,958. Of this Mississippi, *e. g.*, would receive $1,119,603, but of this $959,529 would be for colored illiterates and $160,344 for white illiterates.

Representing an educational work in the South chiefly for the negro race, in which have been expended about $10,000,000, and speaking with a wide knowledge of facts, we emphatically assert the impossibility of accomplishing this great work unless the General Government shall come to the assistance of those States in which this illiteracy is chiefly found.

Every dollar we have expended expresses the conscientious and earnest desire of the donor that this work shall be done, and is an emphatic vote for the action for which we ask.

In the name of the millions of Christian citizens whom we represent, we earnestly urge Congress to help qualify the ignorant voters, who are intrusted largely by Congressional action with the ballot, for the duties with which they are charged, believing the power to do this is co-ordinate with the power that enfranchised them.

REV. M. E. STRIEBY, D. D.,
American Missionary Association, Congregational.
REV. J. C. HARTZEL, D. D.,
Secretary Freedmen's Aid Society, Methodist.
REV. H. L. MOREHOUSE, D. D.,
Home Missionary Society, Baptist.
REV. SHELDON JACKSON, D. D.,
Home Missionary Society, Presbyterian.
REV. J. L. M. CURRY, D. D.,
Agent of the Peabody Fund.
PROF. C. C. PAINTER,
Fisk University, Nashville, Tennessee.
S. C. ARMSTRONG,
Hampton Institute, Virginia.

WASHINGTON, D. C., *March*, 1882.

A number of bills were introduced and referred to our committee, differing in many respects but all agreeing in one essential particular, and that is that the fund should be distributed upon the basis of illiteracy. This will of course give the greater portion to the South. Not that the South was deficient in educational facilities before the war, for by the census of 1860 it appears that the white population of the North was about 19,000,000 and of the South about 8,000,000. The North at that time had 205 colleges, 1,407 professors, and 29,044 students, while the South had 262 colleges, 1,488 professors, and 27,055 students. For these institutions the North expended $1,514,688 and on academic institutions $4,663,749. For similar institutions the South expended respectively $1,662,419 and $4,328,127.

While the slaves were freed by the results of the war and the right of suffrage conferred upon 800,000 or more of voters who could not read the ballots they cast, the people of the States in which these new rights were conferred were stripped of their property and rendered bankrupt by the results of the same conflict. "The assessed valuation for taxation of property, real and personal, in North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas, in 1860, was $3,244,239,406; in 1870, $1,830,863,180—a shrinkage in ten years of 43¼ per cent." In North Carolina the assessed valuation of real and personal property in 1860 was $292,297,602, while in 1870 it was only $130,378,622, and in 1880, $156,100,202. It is absolutely impossible, therefore, to say nothing of the equity and justice of the case, for the South to educate the 4,000,000 of liberated people within her borders; and yet they must be educated, for we have the testimony of the fathers and the history and experience of the world that free institutions cannot stand nor the peace and order of society be preserved where there is such a large percentage of ignorance among the masses and at the polls. Hopeless as the task would seem to be, the Southern people have set themselves courageously and energetically to work. Dr. Currie, agent for the Peabody fund, who has traveled all over the South and knows whereof he speaks, says:

Notwithstanding the drawbacks and obstacles, the South has made cheering progress in the work of universal education. In the lapse of a few years every Southern State has incorporated into organic law and put upon the statute book a system of free public instruction. Every State has a superintendent of schools. Communities are supplementing by local taxation the State revenues. Educational journals are published in seven States and normal schools are rapidly growing into favor.

From the address before our committee of Hon. J. H. Smart, of Indiana, who presided at the National Teachers' Association which met in Atlanta some two years ago, and who understands well what the people of the South have done and are willing to do, I quote, as follows:

Now, I want to express the opinion that the Southern people are willing to do all they can to cure this great evil and remove this great wrong, and, so far as I have observed, the work that has been done, under existing circumstances, has been a marvelous work. The Southern people have made a heroic effort, certainly in three or four States that I have visited, to do the best that could be done for these colored people. I want to say that throughout the length and breadth of the Southern States, without one exception, the colored people are given the same advantages that the white people are given. No distinction whatever is made; and, so far as I was able to find out, there is an almost unanimous, certainly an overwhelming, sentiment in favor of educating the colored children equally with the white children. And I believe, from what I saw, that we are able to trust the existing State organizations, represented by these gentlemen; we are able to trust them with whatever means we can appropriate, and I speak after some investigation and after deliberation.

There is a pressing need, and these gentlemen have told you about it; there is no necessity for me to talk about it, but I want to express the feeling that I think exists in my own section of the country; that this appropriation ought to be made—not only for the protection of the people of the South but for the protection of the people of the North; that while we do not need it for our own illiterates, for we ought to be able to take care of them ourselves, we need it because we suffer from an ignorant ballot, and we see danger in it, so that we join our brethren from the South in asking Congress to make an adequate and a speedy appropriation in order that this great evil may be rooted out.

From the speech of Hon. M. A. Newell, State superintendent of schools, Maryland, delivered before the joint committee of the two Houses, I quote as follows:

We look upon ignorance not as a local but as a national question, and we consider it as much, or nearly as much, of an evil to have ignorance in Florida or Georgia as it would be to have it in Maryland or Pennsylvania. Yet I think, though you and the gentlemen of this committee have studied this question long and deeply, you are hardly aware, even now, of the immense mass of ignorance that is pressing upon us not only in the South but in the Middle States and in the North.

I am old-fashioned enough to think still that the State ought to do nothing that the private individual can do as well; and I am willing to carry it further, and to say that the National Government should do nothing that the State government can do as well; but all history and all experience prove to us that the individual is not able to educate his children. He has never done it in the history of the world; the State must come in and aid him in the work; and I think we have proved abundantly that in our Southern States at all events the State is not able to do the work of education. Therefore I say it is the duty and the privilege of the National Government to come in and help the States to do that which they are willing but are not able to do.

Also, the following from the speech of Hon. D. F. De Wolfe, State superintendent of schools, Ohio, delivered on the same occasion:

There is one point that I should like to speak of for the State of Ohio, and I think for the Central and Western States. I have mingled with these people for forty years; was with them during the great struggle that resulted in the reconstruction, so called, of the Southern States. Those States were a party to the doctrines that were embodied in that reconstruction when they united in imposing on the Southern States a large body of voters. They took the responsibility of imposing upon that section of the country and upon the United States a large body of voters. I do not know but that they did wisely, and I do not know but that they think they did wisely, but they think they assumed very great responsibilities, and I think they are ready now to consider those responsibilities, and to take what action may be necessary to meet those responsibilities.

The State of Ohio is a wealthy State, but she feels that she has about all that she can do to support her own system of schools, of which she feels proud. She sympathizes with Georgia and South Carolina and the other States of the South in the great labor that has been imposed upon them in this imposition of so many millions of people as citizens who are not educated. I think that whole section will be hearty in its accord with the notion of doing at once all that the United States Government feels that it can do at once for the assistance of those States in this matter.

I beg indulgence for one other quotation at this point. It is from the excellent address of Rev. Dr. Mayo, a Northern gentleman who has spent the last two years in visiting and addressing the teachers and pupils of the Southern schools, and who seems to be not only well acquainted with the educational condition of our people but in earnest sympathy with them as well as deeply interested in his work:

Rev. Dr. MAYO. Gentlemen of the committee, I suppose my brethren have asked me to say a word to you because for the last two years I have spent my whole time during the school year in visiting the schools of twelve of the Southern States, from Virginia to Texas inclusive. During this time I have had the most ample opportunities afforded me by the State authorities, by teachers, by citizens, by pupils, by people of every class, to ascertain the condition of educational affairs in that portion of the country, and I feel that I am in a condition to form intelligent opinions in regard to the several matters that will come before you in this consultation. Of course time will not permit me to give the data or the reasons for conclusions which I may express to you, but ever since I began this work—and I would say that previous to that I had no personal knowledge of affairs in the South, and never went through the South until two years ago—several conclusions have forced themselves constantly upon my attention.

In the first place, I am fully prepared to indorse that emphatic declaration of Dr. Curry, who perhaps better than any Southern man understands the educational condition of the South, when he says that the illiteracy of the Southern States is absolutely appalling. By this I do not wish to say that the leading classes of the Southern States are an ignorant people. I find them there a very cultivated people; I find a people equal to any people in the world; I find as a class the white people of the South are fully up to the people of any State in the Union in natural capacity and force; but the condition of illiteracy which exists seems to me absolutely appalling. And one little point I wish to call your attention to here: not only is this illiteracy confined to the colored people and to the poor white people but there is great danger, unless something can be done soon, that great numbers of the children of the better classes of white people in the South will be plunged into illiteracy.

No class in the South suffered so much from the effects of the war as the respectable leading class of white people in the South, and to-day there are hundreds of thousands of boys and girls growing up through all the Southern States, the sons and daughters of the leading people of those States, who, unless something can be done very soon, will be doomed to grow up in ignorance. Perhaps the most pitiful thing that can happen to any State is that it should lose what it has gained. While the blacks and the poorer whites are really better off in educational affairs than ever before, the children of the better classes of people are absolutely worse off than they ever were before

Now, to meet this condition of illiteracy, it seems to me utterly idle to speak of anything but a system of thorough elementary education afforded by the State. No church system of schools, no private system of schools can meet the exigency. There must be a system of elementary education, which includes the training of teachers, proper school-houses, and everything of this kind, in order to meet this great want.

Another matter has forced itself very constantly on my attention which has been alluded to before, which is this: I am pretty well acquainted with the condition of education in our country and in other countries, and I have no hesitation in announcing to you, gentlemen, my conviction that never within ten years in the history of the world has an effort so great, so persistent, and so absolutely heroic

been made by any people for the education of the children as by the leading class of the people in our Southern States.

Practically, within ten years every one of these Southern States has put on its statute-book a system of public schools; practically, within this time every district of country in the South has received something that can be called a school. This school public, as we may call it, consisting of State officials, of school officers, of superior teachers, of thoughtful people all over the South, is to my mind the most forcible, the most persistent, the most devoted school public now in any part of the world. There is no body of superior teachers doing so much work for so little pay and under such great disadvantages as in the South to-day. There is no minority of people working so hard to overcome this terrible calamity of illiteracy anywhere in the world to-day as in the South. I give this as the deliberate result of two years of observation in twelve States.

Once more, gentlemen, it seems to me that in building up this system of elementary education our Southern people have come almost to a halt. For the last ten years the school public has been working in every conceivable way to bring the attention of the people to this matter, and I believe to-day that the practicable limit of taxation is about reached. We may say ideally and abstractly that the Southern people can give more than they do for education; but practically, looking at them as we look at every other people in the world, I believe the limit is reached.

We must remember, gentlemen, that nine men out of ten in the South never saw what we call a good public elementary school. The thing that is necessary is to put for one year, for two years, for three years in every district through that country a school that will be a fair representative of a public school, that the people can see it; and once having seen it and enjoyed its benefits, they never will give it up again. Now, it is utterly impossible for the average school authority to get the money to put such a school on the ground.

Give to that man another $500, another $1,000, and at once, without wearing himself out with importunity, he can put on the ground the school that the people need; a school that, instead of being a school that satisfies nobody, is a school that satisfies everybody; and once having seen that school for one year, for two years, for five years, for ten years, that people will be stimulated to great exertions, and will never give it up. * * * What is to be done should be done at once to meet the great demand of the present. * * * I am acquainted with the State superintendent of instruction, I believe, in every Southern State. I am acquainted with the State school board, I think, of every Southern State but two or three. I have studied with great care in the records of all those offices their methods of distribution of money. I believe there is no set of men in this country who are handling a moderate amount of money with greater economy, with greater fidelity, than these gentlemen. I believe if there is any set of men in this country that can be trusted to administer a fund of $10,000,000 or $15,000,000 in thirteen or fourteen States with fidelity, it is the school authorities of those States, and therefore it seems to me that this money should go directly to the children through the accustomed channels, of course being guarded by all proper safeguards in the central power.

These extracts I have given from the speeches and writings of eminent philanthropists and educators from the North who have given the whole subject careful consideration, and who understand the sentiments and feelings of the people North and South upon this great question. They present a picture much stronger and more vivid than I could hope to do of the appalling mass of ignorance existing, especially in the late slave States, and of the heroic, gigantic, but almost desperate and hopeless efforts the people of those States are making to grapple with it and overcome it. The people of the South, philanthropists and good men all over the country, are deeply concerned in this matter. We appeal to our fellow-citizens in all the more favored sections of the country to aid us in this terrible conflict.

I appeal to the members of this House who represent wealthy and prosperous States and communities in the North, East, and West to aid us at least to the extent of voting for this bill. If your people do not need the little portion of the fund they would get they can so much the better afford to pay what will be so little to them and so much to us. You are interested as well as we, your people as well as ours. If free government proves a failure at the South because of ignorance and its attendant evils, no part of the country, however enlightened within itself, can escape the consequences. If disorder and violence and anarchy prevail at the South, prosperity at least will be retarded at the North.

I hope it will not be offensive to say that the people of the South were not alone responsible for the institution of slavery and the illiteracy that was inseparable from it. If we cherished that institution the people in all parts of the country sanctioned it and acquiesced in it, and the statesmen of all parts of the country are on record in favor not only of its legality and constitutionality but also of its protection. Let me say further, it was not abolished because it was illegal or immoral or unconstitutional, but only as a war measure. The proclamation of emancipation contained a provision that if the rebels would lay down their arms and return to their allegiance to the Union the slaves of the South might still continue in bondage.

But I would not revive sectionalism in any sense or any form. I abhor it as the evil genius of a once happy and united people, as a monster that has disturbed the peace, happiness, and prosperity of this country for more than half a century. Away with it forever. Let it be buried, embalmed, if you choose, in the ruins and sufferings of the past. Let us henceforth "know no North, no South, no East, no West, but one common country." If we cannot therefore appeal to your sense of justice to help us with this herculean task, we will not stand upon words; we appeal to your humanity, your self-interest, your love of country.

I have no toleration for that spirit which objects that this is a new departure, an unauthorized interference with the local affairs of the States. Such a sentiment is not only at war with the spirit of the American people, as I believe, but wholly unworthy of the momentous issues involved. Will any professing to be statesmen stand upon such flimsy and idealistic technicalities, and with folded arms suffer those to become cancers upon the body-politic who might have been its power and its strength? Does any one believe that the functions of government are only those of a great hangman; that it can do nothing for the repression of crime except to build prisons and gibbets and barracks, or parade bayonets and muskets?

Can it do nothing to improve the understanding, enlighten the minds, cultivate the morals, and discipline the passions of the people? Must it wait till the incendiary fires are blazing, till riots and murder take place, and then begin its work, which can only be to shoot, to imprison, and hang? I believe in no such doctrine as that. The like of it was never dreamed of, even in the old philosophy of the wildest and extremest of State-rights advocates. The objection to the bill does not rest, I am sure, upon any such grounds. It does not come from the people or the States that believed in these extreme doctrines. I was pained and alarmed to see a distinguished gentleman from the wealthy and enlightened State of New York the first to object, and then another from Pennsylvania, and another from Indiana, and another and another and another, all from the North, East, and West. No man from the South objected, or could object and then go back and hold up his head among his constituents.

Let me remind the distinguished gentlemen who interposed these objections and thus defeated the present consideration of this bill that they and the people they represent were chiefly instrumental in liberating and placing the ballot in the hands of the illiterate masses we are now trying to educate, and, in conclusion, quote for their benefit the almost prophetic words of one of England's greatest statesmen and authors:

He is a very short-sighted friend of the common people who is eager to bestow upon them vast franchises, and yet makes no effort to give them that education without which such franchises cannot be beneficial either to themselves or the State.

The following table shows the number of voters in the late slaveholding States that cannot read or write:

States.	Total males of 21 years of age and upward.	Number of males 21 years of age and upward who cannot write.		
		White.	Colored.	Total.
Alabama	259, 884	24, 450	96, 408	120, 858
Arkansas	182, 977	21, 349	34, 300	55, 649
Delaware	38, 298	2, 955	3, 787	6, 742
Florida	61, 699	4, 706	19, 110	23, 816
Georgia	321, 438	28, 571	116, 516	145, 087
Kentucky	376, 221	54, 956	43, 177	98, 133
Louisiana	216, 787	16, 377	86, 555	102, 932
Maryland	232, 106	15, 152	30, 873	46, 025
Mississippi	238, 532	12, 473	99, 068	111, 541
Missouri	541, 207	40, 655	19, 028	59, 683
North Carolina	294, 740	44, 420	80, 282	124, 702
South Carolina	205, 789	13, 924	93, 010	106, 964
Tennessee	330, 305	46, 948	58, 601	105, 549
Texas	380, 476	33, 085	59, 069	92, 754
Virginia	334, 505	31, 474	100, 210	131, 684
West Virginia	139, 161	19, 055	3, 830	22, 885
Total	4, 154, 125	410, 550	944, 424	1, 354, 974

The ability to write is considered by statisticians the true test of illiteracy, as many persons through shame will not admit they cannot read, but are not so likely to claim that they can write. Besides, a person who can read and not write is essentially an illiterate.

The following statement, showing the ratio of illiterate males of twenty-one years of age and upward to the whole number of males of the same ages in the States named, is derived by the committee from the preceding table. There being but few foreigners in those States, nearly all of those persons are citizens of the United States and voters:

Ratio of illiterate males twenty-one years of age and upward.

Alabama	46.7	Mississippi	46.7
Arkansas	30.4	North Carolina	42.3
Delaware	17.6	South Carolina	51.9
Florida	38.6	Tennessee	31.9
Georgia	45.1	Virginia	39.8
Kentucky	26.0	West Virginia	16.4
Louisiana	47.4	Missouri	11.0
Maryland	19.4	Texas	24.3

The average ratio of illiterate males of the ages named in the above States is 32.3.

Of the above illiterates 69.7 per cent. are colored, and 30.3 per cent. are whites.

Total expenditure for public schools, as shown by last census, for the year 1880.

Alabama	$465, 724	Matana	$70, 374
Arizona	61, 172	Nebraska	1, 047, 907
Arkansas	179, 464	Nevada	144, 244
California	2, 912, 579	New Hampshire	568, 087
Colorado	423, 527	New Jersey	1, 798, 547
Connecticut	1, 381, 052	New Mexico	18, 891
Dakota	95, 807	New York	9, 952, 653
Delaware	169, 303	North Carolina	360, 985
District of Columbia	438, 567	Ohio	7, 529, 859
Florida	120, 690	Oregon	311, 752
Georgia	642, 090	Pennsylvania	7, 243, 967
Idaho	38, 348	Rhode Island	530, 825
Illinois	7, 467, 660	South Carolina	353, 442
Indiana	4, 491, 850	Tennessee	736, 660
Iowa	4, 914, 689	Texas	726, 496
Kansas	1, 819, 385	Utah	170, 883
Kentucky	824, 797	Vermont	446, 216
Louisiana	529, 065	Virginia	863, 407
Maine	995, 983	Washington	108, 771
Maryland	1, 291, 741	West Virginia	656, 024
Massachusetts	4, 841, 338	Wisconsin	2, 228, 660
Michigan	2, 661, 541	Wyoming	28, 594
Minnesota	1, 564, 194		
Mississippi	691, 080	United States	75, 574, 048
Missouri	655, 158		

TABLE No. 4.—*Illiteracy in the United States, (census of* 1880.)

States and Territories.	Total population.	Total population who cannot read, ten years of age and over.	Percentage of total population who cannot read.	Total population who cannot write, ten years of age and over.	Percentage of total population who cannot write.	Total white population.	Total white population who cannot write, ten years of age and over.	Percentage of total white population who cannot write.	Total colored population.	Total colored population who cannot write, ten years of age and over.	Percentage of total colored population who cannot write.
The United States	50,155,783	4,923,451	9.82	6,239,958	12.44	43,402,970	3,019,080	6.96	*6,752,813	2,220,878	47.70
Alabama	1,262,505	330,279	29.33	433,447	34.33	662,185	111,767	16.88	600,320	321,680	53.58
Arizona	40,440	5,496	13.59	5,842	14.45	35,160	4,824	13.72	5,280	1,018	19.28
Arkansas	802,525	153,229	19.09	202,015	25.17	591,531	98,542	16.66	210,994	103,473	49.04
California	864,694	48,583	5.62	53,430	6.18	767,181	26,090	3.40	97,513	27,340	28.04
Colorado	194,327	9,321	4.80	10,474	5.39	191,126	9,906	5.18	3,201	568	17.74
Connecticut	622,700	20,986	3.37	28,424	4.56	610,769	26,763	4.38	11,931	1,661	13.92
Dakota	135,177	3,094	2.29	4,821	3.57	133,147	4,157	3.13	2,030	664	32.71
Delaware	146,608	16,912	11.54	19,414	13.24	120,160	8,346	6.95	26,448	11,068	41.85
District of Columbia	177,624	21,541	12.13	25,778	14.51	118,006	3,988	3.38	59,618	21,790	36.55
Florida	269,493	70,219	26.06	80,183	29.75	142,605	19,763	13.86	126,888	60,420	47.62
Georgia	1,542,180	446,683	28.96	520,416	33.75	816,906	128,934	15.78	725,274	391,482	53.98
Idaho	32,610	1,384	4.24	1,778	5.45	29,013	784	2.70	3,597	994	27.63
Illinois	3,077,871	96,809	3.15	145,397	4.72	3,031,151	132,426	4.37	46,720	12,971	27.76
Indiana	1,978,301	70,008	3.54	110,761	5.60	1,938,798	100,398	5.18	39,503	10,363	26.23
Iowa	1,624,615	28,117	1.73	46,609	2.87	1,614,600	44,337	2.75	10,015	2,272	22.69
Kansas	996,096	25,503	2.56	39,476	3.96	952,155	24,888	2.61	43,941	14,588	33.20
Kentucky	1,648,690	258,186	15.66	348,392	21.13	1,377,179	214,497	15.58	271,511	133,895	49.31
Louisiana	939,946	297,312	31.63	318,380	33.87	454,954	58,951	12.96	484,992	259,429	53.49
Maine	648,936	18,181	2.80	22,170	3.42	646,852	21,758	3.36	2,084	412	19.77
Maryland	934,943	111,387	11.91	134,488	14.38	724,693	44,316	6.12	210,250	90,172	42.89
Massachusetts	1,783,085	75,635	4.24	92,980	5.21	1,763,782	90,658	5.14	19,303	2,322	12.03
Michigan	1,636,937	47,112	2.88	63,723	3.89	1,614,560	58,932	3.65	22,377	4,791	21.41
Minnesota	780,773	20,551	2.63	34,546	4.42	776,884	33,506	4.31	3,889	1,040	26.74
Mississippi	1,131,597	315,612	27.89	373,201	32.98	479,398	53,448	11.15	652,199	319,753	49.03
Missouri	2,168,380	138,818	6.40	208,754	9.63	2,022,826	152,510	7.54	145,554	56,244	38.64
Montana	39,159	1,530	3.91	1,707	4.36	35,385	631	1.78	3,774	1,076	28.51
Nebraska	452,402	7,830	1.73	11,528	2.55	449,764	10,926	2.43	2,638	602	22.82
Nevada	62,266	3,703	5.95	4,069	6.53	53,556	1,915	3.58	8,710	2,154	24.73
New Hampshire	346,991	11,982	3.45	14,302	4.12	346,229	14,208	4.10	762	94	12.34
New Jersey	1,131,116	39,136	3.46	53,249	4.71	1,092,017	44,049	4.03	39,099	9,200	23.53
New Mexico	119,565	52,994	44.32	57,156	47.80	108,721	49,597	45.62	10,844	7,559	69.71
New York	5,082,871	166,625	3.28	219,600	4.32	5,016,022	208,175	4.15	66,849	11,425	17.09
North Carolina	1,399,750	367,890	26.28	463,975	33.15	867,242	192,032	22.14	532,508	271,943	51.07
Ohio	3,198,062	86,754	2.71	131,847	4.12	3,117,920	115,491	3.70	80,142	16,356	20.41
Oregon	174,768	5,376	3.08	7,423	4.25	163,075	4,343	2.66	11,693	3,080	26.34
Pennsylvania	4,282,891	146,138	3.41	228,014	5.32	4,197,016	209,981	5.00	85,875	18,033	21.00
Rhode Island	276,531	17,456	6.31	24,793	8.97	269,939	23,544	8.72	6,592	1,249	18.95
South Carolina	995,577	321,780	32.32	369,848	37.15	391,105	59,777	15.28	604,472	310,071	51.30
Tennessee	1,542,359	394,385	19.09	410,722	26.63	1,138,831	216,227	18.99	403,528	194,495	48.20
Texas	1,591,749	256,223	16.10	316,432	19.88	1,197,237	123,912	10.35	394,512	192,520	48.80
Utah	143,963	4,851	3.37	8,826	6.13	142,423	8,137	5.71	1,540	689	44.74
Vermont	332,286	12,993	3.91	15,837	4.77	331,218	15,681	4.73	1,068	156	14.61
Virginia	1,512,565	360,495	23.83	430,352	28.45	880,858	114,692	13.02	631,707	315,660	49.97
Washington	75,116	3,191	4.25	3,889	5.18	67,199	1,429	2.13	7,917	2,460	31.07
West Virginia	618,457	52,041	8.41	85,376	13.80	592,537	75,237	12.70	25,920	10,139	39.12
Wisconsin	1,315,497	38,693	2.94	55,558	4.22	1,309,618	54,233	4.14	5,879	1,325	22.54
Wyoming	20,789	427	2.05	556	2.67	19,437	374	1.92	1,352	182	13.46

* Including Indians, Chinese, Japanese, &c.

The above table, prepared at the request of Hon. H. W. BLAIR, chairman of the Senate Committee on Education, is respectfully submitted to the Superintendent of the Census, with the statement that while its figures are believed to be in most instances correct, they are entirely preliminary, and therefore subject to such changes as may result from the final revision.

HENRY RANDALL WAITE,
Special Agent Statistics of Education, Illiteracy, Libraries, Museums, and Religious Organizations.

Table showing the proportion which each State and Territory would receive of $10,000,000 *distributed upon the basis of illiteracy.*

States and Territories.	Population.	Proportion to each.	States and Territories.	Population.	Proportion to each.
The United States	50,155,783	$10,000,000	New Hampshire	346,991	$22,920 03
Alabama	1,262,505	$694,631 40	New Jersey	1,131,116	85,335 50
Arkansas	802,525	323,744 14	New York	5,082,871	351,925 45
California	864,694	85,625 56	North Carolina	1,399,750	743,554 70
Colorado	194,327	16,785 37	Ohio	3,198,062	211,294 71
Connecticut	622,700	45,551 59	Oregon	174,768	11,895 91
Delaware	146,608	31,112 39	Pennsylvania	4,282,891	365,409 53
Florida	269,493	128,499 27	Rhode Island	276,531	39,732 64
Georgia	1,542,180	834,005 54	South Carolina	995,577	592,709 00
Illinois	3,077,871	233,009 57	Tennessee	1,542,359	658,212 81
Indiana	1,978,301	177,502 76	Texas	1,591,749	507,105 99
Iowa	1,624,615	74,694 42	Vermont	332,286	25,379 98
Kansas	996,096	63,263 23	Virginia	1,512,565	689,671 41
Kentucky	1,648,690	558,324 28	West Virginia	618,457	136,821 42
Louisiana	939,946	510,227 73	Wisconsin	1,315,497	89,095 85
Maine	648,936	35,529 08	Arizona	40,440	9,362 42
Maryland	934,943	215,527 09	Dakota	135,177	7,726 01
Massachusetts	1,783,085	149,007 40	District of Columbia	177,624	41,311 17
Michigan	1,636,937	102,120 87	Idaho	32,610	2,849 38
Minnesota	780,773	55,362 55	Montana	39,159	2,735 59
Mississippi	1,131,597	598,082 58	New Mexico	119,565	91,596 77
Missouri	2,168,380	334,543 89	Utah	143,963	14,144 32
Nebraska	452,402	18,474 49	Washington	75,116	6,232 41
Nevada	62,266	6,520 88	Wyoming	20,789	891 03

Support of Common Schools.

SPEECH
OF
HON. HORATIO BISBEE,
OF FLORIDA.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 27, 1882,

On the bill (H. R. No. 6158) to aid in the support of common schools.

Mr. BISBEE said:

Mr. SPEAKER: In determining the questions of national economy that serve to build up the power and strengthen the national security, it is firmly established that education and its results, a high order of intelligence of the people, are essential to the prosperity and greatness of a State.

The general education of the people is, indeed, a wise national economy, as the small expenditure of national resources necessary to educate the people in the higher scale of individual efficiency is slight indeed compared to the returns therefrom and the larger gains to all conditions of society. The education of a nation is the distinguishing mark between a stagnant and a progressive people. To determine the best system of national education, in fact to determine what is a national education, has long exercised the minds of philosophers and deep-thinking men. It can never be a mere industrial education, relating to the science of agriculture and the economy of labor in all other industrial pursuits. It presents a broader and deeper signification, and embraces a wider field of human exertion. The ancients sought a solution of this difficult problem and the student is instructed and entertained by a review of the systems of the ancient republics. Greece presented two methods of national education in strong contrast with each other. In one the martial spirit of the people was trained by a stern Spartan system of military discipline and restraint. It was an all-pervading submission to all-constraining law which demanded a surrender of individual ideas. The historian informs us that the fall of Leonidas with his three hundred braves at Thermopylæ, in obedience to the laws, was the "crown and the flower of the life" of the city, which contained no men renowned for intellectual achievements. On the other hand, the Athenian method was the full and free development of the intellectual idea, and more than in any other land or period we behold the results of such intellectual culture operating upon the minds of the whole free population of a State.

These two systems, although directly opposite to each other, are capable of being united from the very nature of man, because of his higher intellectual nature, which education awakens into life and vigor, and of his lower impulses and desires, which must be governed and controlled and brought under subjection.

The Greeks transmitted to the Romans their system of education, yet the Romans never excelled as did the Greeks in the higher order of intellectual attainments as a class.

It is true the Roman education was made a branch of the civil service, and colleges and schools of learning were founded for the education of the higher classes of Roman society, but the learning thus obtained held no relation to the practical life of the nation. Rhetoric and oratory bloomed for awhile, but disappeared with the loss of free popular conventions, and nothing but the rude clangor of armed legions, born of Roman discipline and rule, is heard along the aisles of succeeding centuries, as military empire rose and fell upon the tide of time.

Through the dark ages succeeding the fall of the Roman Empire nearly all learning was confined to the monks, who treasured up within the cells of their monasteries the rich products of former ages of intellectual splendor and renown. The monastic schools at Fulda, Aachen, St. Gall, and other cities laid the foundation for the larger intellectual growth of succeeding ages. It is also true that from the court schools founded by Karl the Great at Paris, which became the nursery of the royal court of France, sprang the University of Paris, the progenitor of all other European universities except Bologna and Oxford. But these institutions did not reach the people in their beneficial results. They were class institutions, founded in the interest of the higher classes of society, and were not the means of popular education, and yet they were wonderfully patronized. The historian relates that at one time the University of Oxford was attended by forty thousand students. The history of education in England is full of interest to the student. During the middle ages the monastic schools were the only means of educating the children, the larger institutions being entirely devoted to the education of men who had obtained their majority.

Those schools were, however, limited in their number and branches of learning. The art of grammar, music, and arithmetic, and a slight sprinkling of Latin literature comprised them, and this status was maintained without change or improvement long after the revival of learning and the comprehensive study of the classics began. The Reformation marks an important era in popular education. This greatest of religious upheavals gave a mighty impetus toward the education of the people. Martin Luther demanded that the Bible should become the people's book, and that the new literature embraced in its new translation should be spread among the people. He also strongly advocated a general diffusion of knowledge among all classes of society. His appeals to the German cities for the establishment of schools for the general study of letters, and for the formation of libraries in the cities of all kinds of works as an adjunct to the school system, were among the most powerful of that great reformer. He held that the brightest gems and costliest jewels that a city could possess were its refined and cultured citizens.

The Reformation thus begun under John Calvin, in England, pushed its way through Switzerland, Germany, Holland, and France, and completely dominated Scotland to its ideas. It held that every community should be able to read and understand the Bible when placed within its hands. The natural results that flowed from this agitation were largely in the interest of popular education. Knox followed with his persistent advocacy for the establishment of English and Latin schools, and the advancement of the universities. Yet it was not until the present century that the question was seriously entertained in England of founding a permanent system of popular education, whereby the masses of the people might be reached and provided with the means of education, as well as the higher and middle classes.

In the year 1847 the British Parliament appropriated $500,000 for the foundation of a public-school system. This was the first money appropriation ever made in that interest, and it was the initiation of the present public-school system of Great Britain, which of late years only has been so established as to meet the wants of the whole people.

The system of American education, which of late years has attained such marvelous growth and power, was begun by the churches, and to the ecclesiastical element of American society belongs the honor of founding the highest order of its educational institutions. There are of course exceptions to this rule, and the University of Pennsylvania, founded through the influence of Benjamin Franklin, and the colleges and academies of the New England States fashioned after Harvard and Yale, are almost entirely independent of ecclesiastical control. Those, however, of the Western and Middle States are fostered and in a great measure supported by the church. The same may be said of the institutions of learning in the South, with a few notable exceptions, where the State has provided the charters and assumed control by legislative enactment. Generally speaking, however, it is an undisputed fact, that until a recent period of our history institutions of learning have been founded and controlled by ecclesiastical bodies, and not endowed by the State government.

With regard to popular education in the United States it may be said that the system dates far back in the beginning of our history. Among the colonies elementary schools were numerously established, imparting to all within their reach an elementary English education.

State education originated in New England, and gradually extended to other parts of the Union. Recently its progress has been swift, especially in the Southern States since the close of the late civil war. Nevertheless the system of national education in America is in its infancy, and may be said to be thus far but experimental. While the experiment has demonstrated the supreme importance of education to the happiness and prosperity of a free people, the nation itself has not accorded to the system that support which its importance demands. The first duty of a government toward its people is to secure their happiness, and when it fails to thus promote this primal good it departs from the object of its creation. As intelligence is the basis of true happiness for both the individual in his personal relations and the citizen in his political relations, it behooves the Government to exercise its fostering care in promoting the means of universal intelligence by a diffusion of knowledge among its people. This can only be attained by the establishment of schools for the nation's education. The question may be asked, What is a nation's education? It is not merely an acquaintance with books and forms; it is a system of education that develops the intellectual power of a man, that he may know and understand the ideas and relations that exist among men, and that prepares his mind to act with the mental freedom his own race has attained; that creates within him that spirit which is primarily essential in the proper exercise of whatever political power the Constitution of his country intrusts to his care and maintenance as a patriot and a friend of liberty; that confers upon him such instructions and special preparations for the vigorous and successful pursuit of any profession, calling, trade, or industry that falls to his lot in life. And where can the offspring of the poorer classes derive this knowledge save in the public schools established either by the State or National Government?

Mr. Speaker, I declare myself to be in favor of a broad and liberal system of education by the National Government where the States have failed to provide the means for this all-important condition of society. I believe that the Government of the United States possesses the power under the Constitution to appropriate and expend liberal sums of money in aid of this great system of national prosperity and security, for I believe that the preservation of this Government depends in a great measure upon the intelligence and enlightenment of its people.

When we consider the large immigration that is yearly pouring into our country and spreading over our vast domain from all parts of the Old World, and reflect that their offspring must be made acquainted with our institutions to fit them for the duties of American citizenship, how forcibly indeed does the necessity appear for the establishment of schools for national education.

I do not hold that the States should be released from any obligations that rest upon them to aid in the education of the people. Rather do I look upon it as one of the most sacred obligations ever imposed upon the sovereignty of a State to establish the means whereby the intelligence and culture of its people may be promoted. And I look with pride and admiration upon those great States of our Union which have provided the means for the liberal education of their citizens, made compulsory education a part of their institutions, and declared a certain amount of education to be essential to full citizenship. But no State should make educational qualifications for the exercise of the elective franchise until it has for some years furnished to its citizens the means for acquiring the requisite education.

I consider this question of education of the people to be of such overwhelming importance to both the citizen and the nation that I am prepared to advocate the doctrine that the General Government should educate the people wherever from ulterier causes they have been deprived of this inestimable privilege.

And when we come to consider the form of our Government, the character of its institutions, the enlarged liberty to the individual citizen, the absence of a great standing army to preserve the peace and aid in the execution of the laws; when we consider the fact that the laws themselves are made by the people and not by a monarch, and that to the intelligence, integrity, and love of country of the individual citizen is submitted, under our republican form of government, the maintenance of the laws of a State or community, how essential is it that the people should fully understand and appreciate the blessings of a free government which it is their highest duty to preserve and perpetuate. The execution by the citizen of a sovereign's will, expressed by his law or proclamation, requires but a low order of intelligence, but under our republican form of government a higher order of intelligence is required, as the law itself emanates from the people primarily.

This point has been well stated and elaborated in a speech delivered in the United States Senate by Senator BLAIR, of New Hampshire, upon the bill to aid in the establishment and temporary support of public schools:

There is no truth better established or more generally admitted than that the republican form of government cannot exist unless the people are competent to govern themselves. The contrary doctrine would be an absurdity, a contradiction of terms. What is the republican form of government of the people by the people? But how can the people govern, how exercise sovereignty, except they have the knowledge requisite to that end? Sovereignty requires as much intelligence when exercised by the people as a whole as when exercised by a single individual; it requires more. The monarch governs according to his will, not necessarily with that broad intelligence demanded by the public good. Government for the people by the people implies that degree of popular intelligence which will enable the masses of men to comprehend the principles and to direct the administration of government in such a way as to promote the general welfare. Republican government therefore requires a higher degree of intelligence on the part of the sovereign than any other form. That sovereign is the whole body of the people. How, then, can the republican form of government exist and continue to exist unless from generation to generation the citizen sovereigns are educated?

I hold, Mr. Speaker, that the General Government, under the power granted by the Constitution of the United States, possesses the right of judiciously expending a part of its revenue collected from the people in the great interest of educating the people.

There may be those upon this floor who will declare in favor of State sovereignty in this particular, as they have in some others of vital importance.

While I am willing to accord to the States all the rights which the Constitution guarantees to their sovereignty as independent States, I am unwilling to draw the line between the national and the State jurisdictions in this vital matter, as I have been in others of political moment.

While I disclaim any intention of advocating a centralized form of government, which sooner or later would absorb the powers of the States, I do claim for the National Government all the powers and rights guaranteed by the Constitution, either express or implied, and which have been either settled by the decisions of the highest courts of the land or by the arbitrament of the sword. Among these delegated rights is that of self-preservation, and as ignorance is the father of crime and education and intelligence is the mother of virtue and order, it is clearly the right and duty of the Government to instruct the ignorant, to prevent crime and maintain its own existence. No greater crime was ever committed than that which struck the parricidal blow at the life of the nation and left the South blackened and wasted by the fires of war and her soil red with fraternal blood, and the whole land, like Rachel, mourning its dead.

I have often said, and I now here declare it to be my belief, that had the Southern population been as well educated at that time as at no distant day it will be, had the colleges, seminaries, and free schools that existed in other portions of our country existed in that section, there would have been no rebellion, no war, no revolution. The educated masses would have known and understood too well the power of the Government and the sentiment of mankind to have entered so rashly and unsuccessfully as they did into a bloody internecine strife for the perpetuation of an institution which had been doomed to early and irreparable destruction. Upon the question of self-defense Senator BLAIR very clearly states the proposition:

The right of self-defense, which is the right of self-preservation, is the right to live and to be. The right of the people to be at all implies and includes the right to constitute and maintain the state—that is to say, government—and to prescribe its form, for human existence is impossible without government. The governing power must know how to govern or it cannot govern. Can a man do that which he knows not how to do? The people have distributed the functions of government between the national and the sectional or the State authorities, and have retained in themselves the initial exercise of all power through the ballot. The ballot is the republican form of government, both in the nation and in the State.

Intelligence is necessary in the individual, who is the sovereign in the one as well as in the other. The right and duty of the national portion of the Government to preserve itself, and of the individual to preserve it and to exert his sovereignty through its forms perpetually, are absolute. It is the right and duty of the whole to preserve the whole, and the right and duty of the whole to preserve the whole implies the preservation of all the parts by that whole, to the existence of which all the parts are necessary.

But the right to educate the child throughout the nation is the right to preserve the Government and the nation. That right cannot be curtailed. It is geographically coextensive with the jurisdiction of the Government itself, and self-preservation compels its exercise by the National Government whenever there is failure for any reason on the part of the parent and the State.

The bill now before the House, Mr. Speaker, as reported by the Committee on Education and Labor, proposes that for five years next after the passage of the act there shall be annually appropriated the sum of $10,000,000 to aid in the support of free common schools, which sum shall be known as the common-school fund; that the Secretary of the Treasury shall annually apportion this sum among the various States and Territories according to the number of their population of ten years of age and upward who cannot read and write, as determined by the Tenth Census of the United States. The bill further provides that before any State or Territory shall be entitled to receive its share of said fund it shall have provided by law for the free common-school education of all its children of school age, without distinction of color, for at least three months in each year, and the sum to be received by the said State or Territory shall be graduated according to the sum expended therein the previous year for common-school purposes. It also provides for the education of teachers in normal schools and teachers' institutes. It has also guarded against the misappropriation of the funds by any State or Territory as follows, to wit:

First. That it shall have applied all moneys by it previously received under the provisions of this act in accordance therewith.

Second. That it shall have caused to be made such reports to the Commissioner of Education concerning the condition of the schools in the same, on or before the 1st day of August in each year, as said Commissioner of Education, under the direction of the Secretary of the Interior, shall deem desirable; and shall especially report for each county as follows: The number of public schools of every grade; the whole number of days actually taught in each during the year preceding; the total amount received from State taxes and from local taxes and the total amount expended for educational purposes in the preceding year; the total amount expended for white and colored schools separately; the number of public-school buildings owned and hired, and the character, condition, and value of the same; the number of children, white and colored, male and female, in attendance on the public schools, and the length of attendance; the number of male and female teachers, white and colored, employed at the same time and at different times in the same year, with particulars as to qualifications of same; the number of school libraries and the number of volumes therein; the branches taught and the text-books used; the total amount of wages paid to teachers, male and female, white and colored.

SEC. 6 That the Commissioner of Education shall prepare forms of such blanks as shall facilitate the making of the reports herein provided for, and transmit the same to the State and Territorial authorities.

SEC. 7. That in such States or Territories as shall maintain separate schools for white and colored children the money so apportioned shall be divided according to the respective number of such white and colored children in such State or Territory.

SEC. 8. That no part of the money so received from the United States shall be expended in the purchase of real estate, the construction or repair of school buildings, or in paying the salary of any public officer not engaged in teaching.

SEC. 9. That in case any State or Territory shall misapply or misappropriate the money, or any part thereof, received under this act, or shall fail to comply with the conditions thereof or to report as herein prescribed, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the amount so misapplied or misappropriated shall have been replaced by such State or Territory and applied as herein required; and until such report shall have been made all money so retained and not paid to such State or Territory shall be kept separate in the Treasury until disposed of by Congress.

SEC. 10. That on or before the 1st day of September of each year the Commissioner of Education, under the direction of the Secretary of the Interior, shall certify to the governor of each State and Territory whether it is entitled to receive its apportionment under this act, and, if so entitled, the amount of such apportionment, and it thereupon shall be entitled to receive the same; but such certificate shall not be issued until all the requirements of this act referring to the duties of the officers of such State or Territory shall have been complied with.

SEC. 11. That the amount apportioned to any State or Territory and certified as herein provided shall be paid on or before October 1 of each year, upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States, to such officers as shall be by the laws of such State or Territory entitled to receive the same.

SEC. 12. That the Commissioner of Education shall annually report to Congress the information received by him from the reports of the school officers of the several States and Territories provided for herein, together with such recommendations as will in the judgment of the Commissioner subserve the purposes of this act.

SEC. 13. That there is hereby appropriated the sum of $10,000,000 for the year commencing September 1, 1882, which shall be apportioned as directed herein; and those States and Territories which have provided by law for the free common-school education of their children of school age, without distinction of color, shall be entitled to their apportionment of said sum, all other requirements precedent to the right to receive such apportionment being hereby waived for the year 1882.

SEC. 14. That any State signifying its desire that the amount allotted to it under the provisions of this act shall be appropriated in any other way for the promotion of common-school education, in its own borders or elsewhere, its allotment shall be paid to such State to be thus appropriated: *Provided*, That its Legislature shall have first considered the question of its appropriation to the general fund for use under the provisions of this act in States and Territories where the proportion of illiterate persons is more than 5 per cent. of the whole population.

It will be observed that the provisions of the foregoing bill are ample and complete to secure the faithful expenditure of the money appropriated by it. How necessary this appropriation is, in accordance with the terms and spirit of the bill, may be determined by the last census reports. That census shows there are 6,239,958 people of this country above the age of ten years who cannot write, nearly one-eighth of the entire population of the United States. It is fur-

ther shown that 4,715,395, or 75 per cent. of the entire amount, are in the recent slave States, which contain but 36.8 per cent. of the population of the country. In six of these States more than one-third of the population above the age of ten years are illiterate, while in the Territory of New Mexico one-half of them cannot write.

Of the white population of the country only 6.96 per cent. cannot write, while 47.7 per cent. of the colored population are in that condition. And yet the colored race has made wonderful strides in educational progress since the close of the war. Considering their abject state of ignorance during the days of slavery, their progress toward the acquirement of an education has been remarkable, as the figures of the census returns exhibit. It will be seen that since the close of the war 53.3 per cent. of the colored people have acquired an education sufficient to enable them to read and write.

With regard to the voters of the late slave-holding States, the following table furnished the committee by the Superintendent of the Census exhibits the extent of illiteracy:

States.	Total males of 21 years of age and upward.	Number of males 21 years and upward who cannot write.		
		White.	Colored.	Total.
Alabama	259, 884	24, 450	96, 408	120, 858
Arkansas	182, 977	21, 349	34, 300	55, 649
Delaware	38, 298	2, 955	3, 787	6, 742
Florida	61, 699	4, 706	19, 110	23, 816
Georgia	321, 438	28, 571	116, 516	145, 087
Kentucky	376, 221	54, 956	43, 177	98, 133
Louisiana	216, 787	16, 377	86, 555	102, 932
Maryland	232, 106	15, 152	30, 873	46, 025
Mississippi	238, 532	12, 473	99, 068	111, 541
Missouri	541, 207	40, 655	19, 028	59, 683
North Carolina	294, 740	44, 420	80, 282	124, 702
South Carolina	205, 789	13, 924	93, 010	106, 934
Tennessee	330, 305	46, 948	58, 601	105, 549
Texas	380, 476	33, 085	59, 669	92, 754
Virginia	334, 505	31, 474	100, 210	131, 684
West Virginia	139, 161	19, 055	3, 830	22, 885
Total	4, 154, 125	410, 550	944, 424	1, 354, 974

The following statement derived from the foregoing table shows the ratio of illiterate males of the age of twenty-one years and upward in the States named. There being but few foreigners in these States, nearly all of these persons are citizens of the United States, and voters. This statement was prepared by the Committee on Education and Labor of the House of Representatives:

Ratio of illiterate males twenty-one years of age and upward.

Alabama	46. 7	Mississippi	46. 7
Arkansas	30. 4	North Carolina	42. 3
Delaware	17. 6	South Carolina	51. 9
Florida	38. 6	Tennessee	31. 9
Georgia	45. 1	Virginia	39. 3
Kentucky	26. 0	West Virginia	16. 4
Louisiana	47. 4	Missouri	11. 0
Maryland	19. 4	Texas	24. 3

The average ratio of illiterate males of the ages named in the above States is 32.3.

Of the above illiterates 69.7 per cent. are colored, and 30.3 per cent. are whites.

In ten of the above-named States more than 30 per cent. of the voters are illiterate.

In six of them the illiterates are about 50 per cent.

In South Carolina 52 per cent. are illiterate.

The State of Alabama has 120,858 illiterate voters. Its popular vote in 1880 was 151,507.

The State of Georgia has 145,087 illiterate voters. Its popular vote in 1880 was 155,651.

The State of Mississippi has 111,541 illiterate voters. Its popular vote in 1880 was 117,078.

The State of Louisiana has 102,932 illiterate voters. Its popular vote in 1880 was 97,201.

While it is true that in many of the States not one-half of those entitled to vote actually did so, yet the wonderful nearness of the number of illiterates to the number of those who exercised the right of suffrage is startling.

The truism that no government which rests upon universal suffrage can long continue unless the suffragists are intelligent, in the light of the above facts presses itself upon our attention with renewed force. The words of James Madison, uttered in 1826, are a present warning: "A popular government without popular information or the means of acquiring it is but a prologue to a farce or tragedy, or both." Nearly half a million of the white and almost a million of the colored voters in the South cannot read the ballots which they cast. But thirteen years have elapsed since the latter class was given the ballot. At that time all of them were grossly ignorant not only of letters but also absolutely devoid of all knowledge of the rights and obligations of citizenship. During the last ten years the number of illiterates in the country has increased about four hundred thousand, though the percentage of illiteracy to the whole population has decreased nearly 2 per cent. It would, however, take forty years to dispel this illiteracy at this rate of diminution.

The Committee on Education and Labor, in their report to the House accompanying the bill in aid of common schools, state that the total amount raised by taxation and expended for the support of schools in all the States and Territories was $75,574,048. Of this amount only $9,266,126 was raised in the late slave-holding States. The amount per capita raised in the States and Territories was $2.09. If the South raised this year the same amount as in 1880 and to that there be added the amount they would receive from the bill before the House, they would still be compelled to raise more than two and one-third times as much as both these amounts in order to bring their per capita up to that of the Northern States.

Owing to the great mass of illiteracy in the South they need to expend much more than in the North, and yet there is a great barrier in the South in the way of educational progress from the great want of funds to support and maintain schools. In many sections the people are poor and entirely unable to support common schools for any adequate period of time. Such are entitled to the sympathy of all more favored people.

The wastes of war were such that a portion of the wealth of the South was swept away, and while her people are struggling to advance the cause of education their progress is impeded and in many cases their efforts rendered futile from the want of funds to push forward the great work. In most of these States they have been compelled to begin at the foundation to build up a proper school system, and they have found the work arduous and difficult from the causes indicated. They are also at greater expense from the fact that the school system is separated into schools for white and colored, and there is also a great want of trained and competent teachers. The report of the Committee on Education and Labor upon this point, as well as upon others, is wise and should command the attention of the House irrespective of party, as it will certainly command the attention of the country, inasmuch as this question, as I have already shown, underlies the very fabric of our free institutions. I desire to call the attention of the House to the following portion of that report:

The committee believe that the state of facts detailed shows an emergency with which the people where illiteracy so greatly exists cannot at this time successfully cope; that it is a matter of the greatest concern to the whole nation; that its effects are by no means confined to the limits within which illiteracy is so vast, but that it is a serious menace to the prosperity and safety of the Government itself. Your committee believe that the present state of things invites to social and political disorder, and in times of business depression might lead to infinite mischief and lasting disaster to property. General intelligence will avert such dangers, but general intelligence cannot be expected without sufficient schools, and they cannot be maintained at the present time without assistance from the General Government.

Your committee agree that that system of schools is best which leaves the raising and expenditure of funds for school purposes nearest to the districts or towns which are to expend them, subject to general laws and to a superior supervision, and that funds raised from sources outside and independent of those who expend them are not so well or judiciously expended as those arising from local taxation. But the present situation is abnormal. The needs are urgent and beyond the power of local or State authority to adequately deal with. Citizenship has been bestowed by national enactment, and the nation, in order to promote the general welfare of all, should add to citizenship the gift of instruction.

Having made 4,000,000 (now increased to 6,750,000) against lately enslaved people, a potent force in our political life, it is not only an imperative duty which the nation owes to itself but an act of justice to those of whom we require the duties of citizenship, that the means of education shall be placed within their reach. But in doing so local effort should be supplemented and not supplanted. We therefore do not recommend a national system of schools or of education. We propose to aid and encourage efforts already being made to assist those who are helping themselves, and we do that solely upon the ground that the local and State authorities are not at present able to properly deal with the subject. The committee thinks that as soon as the States have become able to support sufficient schools that all national aid should be withdrawn. It also believes that in five years such a change may have been wrought that no further need will exist for national aid.

In 1870 Congress passed a resolution to inquire into the state of education in the South. But not until the census of that year was published was the true condition of the Southern States and the country revealed. The House of Representatives, at the second session of the Forty-second Congress, passed a bill to create an educational fund from the proceeds of the sale of the public lands and to expend the interest upon the same for the education of the people. The bill did not pass the Senate. At the last session of the Forty-sixth Congress a similar bill passed the Senate but failed to be reached in the House. Opposition to the first bill was based upon a fear that in appropriating the proceeds of the public lands the interests of future settlers upon them might be injured, and also upon a belief by some that the bill was an interference by the General Government with the local concerns of the States.

The bill now reported has the unanimous support of the committee. It does not appropriate money from any special source; it does not make a perpetual fund; it is for temporary support only. It directs that $10,000,000 per annum shall be appropriated directly from the Treasury for five years and shall then cease. It is to be distributed to each State in that proportion which the illiteracy of each State and Territory bears to the total illiteracy of the country, as shown by the last census. (The amount due to each State is shown by a table hereto annexed.) It is to be paid to the proper officer of each State and to be expended by State officials under State laws. It is all to be used for support of common schools except 5 per cent. thereof, which may be used for the instruction of teachers in normal schools or otherwise. It must be divided proportionally between white and colored schools and pupils. None of the fund shall be used to build or repair school-houses or to purchase sites or pay the salary of any officials except teachers.

The conditions preceding the right of a State to receive its proportion are that it shall have provided by law a system of public schools.

That it shall have supported schools for at least three months during each preceding year, and shall have expended at least as great a sum of money as it receives.

That it shall also report yearly to the Commissioner of Education certain statistical information in regard to schools, so that Congress may know every year how the money has been expended, and may be informed as to the general state of education.

The late slave States will receive $7.556,773 out of the whole amount. It is believed that this sum will enable them to support schools for six months every year when added to the amount raised by State or local law, and in some of the States for a longer period. The Government will be at slight additional expense in distributing this sum, as it is to be distributed through the existing Bureau of Education.

Your committee think that the power of Congress to make this appropriation will not be questioned. From 1785 until now Congress has granted section 16 of every township in States containing public land to those States for school purposes. It has granted land for universities. And in granting land for agricultural colleges by the law of 1862, it attached conditions to the grant as to the kind of instruction to be given, and also required that certain reports should be made to Congress. It has also in several instances granted money, the net proceeds of lands, for school purposes.

The number of acres of land granted for schools, the sixteenth and thirty-sixth sections, and for universities and agricultural colleges, specifically is as stated by the Commissioner of the General Land Office, (47,431,718.) This is exclusive of grants of the proceeds of sales of lands which have in a few instances been given. At a dollar and a quarter per acre this is not a munificent sum.

These gifts, however, derive their value more from their recognition of the principle of national aid to public education than from their being commensurate with the needs of the people. These grants have been of great assistance to young and struggling States, and in some of them have been the foundation of successful and flourishing systems when supplemented, as they have been, by adequate local

taxation. None of the original thirteen States, or Maine, Vermont, Kentucky, or Tennessee, received any public lands for school purposes, except for agricultural colleges, under the act of 1862. Those States would receive under this bill $5,580,729 every year.

Your committee beg leave to suggest that the circumstances surrounding this subject indicate that if the Government is to extend aid at all it should do so at once. Very few children remain in the public schools after they are fourteen years of age. Year by year the great army of ignorant, illiterate citizens is increased from below, from the children of last year and the year before. That illiteracy degrades our citizenship. It retards our material progress. It weakens private and public morality. It threatens the stability of law and order. President Monroe's words are still pertinent: "Let us by all wise and constitutional measures promote intelligence among the people as the best means of preserving our liberties." Without the aid proposed by this bill illiteracy will not be perceptibly diminished for many years. In the meantime the perils arising from an ignorant ballot are ever present and threatening. It is the earnest conviction of your committee that the bill should at once become a law.

It is unnecessary, Mr. Speaker, to elaborate this question any further. It is of such vital force and overshowing importance to the interests of the whole country that it ought to have the careful attention of not only Congress but intelligent people everywhere. We all have a duty to perform to our common country, which among all nations of the earth is the nursery of free institutions. All that we have ever gained has been through the education and enlightenment of the people, and as the hope of the enslaved and benighted the world over rests upon the perpetuation of our own form of government, how important it is by every means in our power we should aid in the maintenance of a high standard of popular education.

What is the expenditure of this sum of money compared with the blessings that will flow therefrom? How many households will be brightened! And with what pride and joy shall we all look upon our country when intelligent and educated freemen shall compose our voting population. What we shall possess ourselves we shall maintain for mankind, and our institutions will grow stronger and grander as time rolls on. Generations of men may rise and fall, we who stand here to-day advocating this great cause may be gathered to our fathers—yea, the very Dome that rises above us may have crumbled into dust—but a free people, with their free institutions, will have survived the wasting wreck of time through the benign influences of education and culture.

All the sages of our country have advocated the adoption of a measure of this character and have been the friends of the common-school cause.

Washington and Jefferson and Madison, and the elder and younger Adams, and all the wise and great men of the past who have enrolled their names in American history have been earnest advocates of the common-school system. And when we look into the lives of nearly all the men of a later period who have achieved renown in the forum and in the field, and in the branches of material industry, we find their only alma mater to have been the common schools.

It has been the nursery of the men who have cut their way through all obstacles to fortune's summit. Sir Thomas More said:

If you suffer your people to be ill-educated and then punish them for those crimes which flow from ignorance, you first make thieves of the youth of your land and then punish them for being such.

But for—

Noble youth there is nothing so meet
As learning is, to know the good from ill;
To know the tongues and perfectly indite,
And of the laws to have a perfect skill;
Things to reform as right and justice will;
For honor is ordained for no cause
But to see right maintained by the laws.

Then, Mr. Speaker, let us perform our duty by the early passage of this bill, and by so doing we will have performed a duty to ourselves, our children, and our country; and no statute recorded in the archives of the nation will have reflected more honor upon us, as the representatives of the people, or from which shall flow perennially a greater stream of rich blessings in every section of our common country.

Illiteracy in the United States, (census of 1880.)

States and Territories.	Total population.	Total population who cannot read, ten years of age and over.	Percentage of total population who cannot read.	Total population who cannot write, ten years of age and over.	Percentage of total population who cannot write.	Total white population.	Total white population who cannot write, ten years of age and over.	Percentage of total white population who cannot write.	Total colored population.	Total colored population who cannot write, ten years of age and over.	Percentage of total colored population who cannot write.
The United States	50,155,783	4,923,451	9.82	6,239,958	12.44	43,402,970	3,019,080	6.96	6,752,813	3,220,878	47.70
Alabama	1,262,505	370,279	29.33	433,447	34.33	662,185	111,767	16.88	600,320	321,680	53.58
Arizona	40,440	5,496	13.59	5,842	14.45	35,160	4,824	13.72	5,280	1,018	19.28
Arkansas	802,525	153,229	19.09	202,015	25.17	591,531	98,542	16.66	210,994	103,473	49.04
California	864,694	48,583	5.62	53,430	6.18	667,181	26,090	3.40	97,513	27,340	28.04
Colorado	194,327	9,321	4.80	10,474	5.39	191,126	9,906	5.18	3,201	568	17.74
Connecticut	622,700	20,986	3.37	28,424	4.56	610,769	26,763	4.38	11,931	1,661	13.92
Dakota	135,177	3,094	2.29	4,821	3.57	133,147	4,157	3.13	2,030	664	32.71
Delaware	146,608	16,912	11.54	19,414	13.24	120,160	8,346	6.95	26,448	11,068	41.85
District of Columbia	177,624	21,541	12.13	25,778	14.51	118,006	3,988	3.38	59,618	21,790	36.55
Florida	269,493	70,219	26.06	80,183	29.75	142,605	19,763	13.86	126,888	60,420	47.62
Georgia	1,542,180	446,683	28.96	520,416	33.75	816,906	128,934	15.78	725,274	391,482	53.98
Idaho	32,610	1,384	4.24	1,778	5.45	29,013	784	2.70	3,597	994	27.63
Illinois	3,077,871	96,809	3.15	145,397	4.72	3,031,151	132,426	4.37	46,720	12,971	27.76
Indiana	1,978,301	70,008	3.54	110,761	5.60	1,938,798	100,398	5.18	39,503	10,363	26.23
Iowa	1,624,615	28,117	1.73	46,609	2.87	1,614,600	44,337	2.75	10,015	2,272	22.69
Kansas	996,096	25,503	2.56	39,476	3.96	952,155	24,888	2.61	43,941	14,588	33.20
Kentucky	1,648,690	258,186	15.66	348,392	21.13	1,377,179	214,497	15.58	271,511	133,895	49.31
Louisiana	939,946	297,312	31.63	318,380	33.87	454,954	58,951	12.96	484,992	259,429	53.49
Maine	648,936	18,181	2.80	22,170	3.42	646,852	21,758	3.36	2,084	412	19.77
Maryland	934,943	111,387	11.91	134,488	14.38	724,693	44,316	6.12	210,250	90,172	42.89
Massachusetts	1,783,085	75,635	4.24	92,980	5.21	1,763,782	90,658	5.14	19,303	2,322	12.03
Michigan	1,636,937	47,112	2.88	63,723	3.89	1,614,560	58,932	3.65	22,377	4,791	21.41
Minnesota	780,773	20,551	2.63	34,546	4.42	776,884	33,506	4.31	3,889	1,040	26.74
Mississippi	1,131,597	315,612	27.89	373,201	32.98	479,398	53,448	11.15	652,199	319,753	49.03
Missouri	2,168,380	138,818	6.40	208,754	9.63	2,022,826	152,510	7.54	145,554	56,244	38.64
Montana	39,159	1,530	3.91	1,707	4.36	35,385	631	1.78	3,774	1,076	28.51
Nebraska	452,402	7,830	1.73	11,528	2.55	449,764	10,926	2.43	2,638	602	22.82
Nevada	62,266	3,703	5.95	4,069	6.53	53,556	1,915	3.58	8,710	2,154	24.73
New Hampshire	346,991	11,982	3.45	14,302	4.12	346,229	14,208	4.10	762	94	12.34
New Jersey	1,131,116	39,136	3.46	53,249	4.71	1,092,017	44,049	4.03	39,099	9,200	23.53
New Mexico	119,565	52,994	44.32	57,156	47.80	108,721	49,597	45.62	10,844	7,559	69.71
New York	5,082,871	166,625	3.28	219,600	4.32	5,016,022	208,175	4.15	66,849	11,425	17.09
North Carolina	1,399,750	367,890	26.28	463,975	33.15	867,242	192,032	22.14	532,508	271,943	51.07
Ohio	3,198,062	86,754	2.71	131,847	4.12	3,117,920	115,491	3.70	80,142	16,356	20.41
Oregon	174,768	5,376	3.08	7,423	4.25	163,075	4,343	2.66	11,693	3,080	26.34
Pennsylvania	4,282,891	146,138	3.41	228,014	5.32	4,197,016	209,981	5.00	85,875	18,033	21.00
Rhode Island	276,531	17,456	6.31	24,793	8.97	269,939	23,544	8.72	6,592	1,249	18.95
South Carolina	995,577	321,780	32.32	369,848	37.15	391,105	59,777	15.28	604,472	310,071	51.30
Tennessee	1,542,359	394,385	19.09	410,722	26.63	1,138,831	216,227	18.99	403,528	194,495	48.20
Texas	1,591,749	256,223	16.10	316,432	19.88	1,197,237	123,912	10.35	394,512	192,520	48.80
Utah	143,963	4,851	3.37	8,826	6.13	142,423	8,137	5.71	1,540	689	44.74
Vermont	332,286	12,993	3.91	15,837	4.77	331,218	15,681	4.73	1,068	156	14.61
Virginia	1,512,565	360,495	23.83	430,352	28.45	880,858	114,692	13.02	631,707	315,660	49.97
Washington	75,116	3,191	4.25	3,889	5.18	67,199	1,429	2.13	7,917	2,460	31.07
West Virginia	618,457	52,041	8.41	85,376	13.80	592,537	75,237	12.70	25,920	10,139	39.12
Wisconsin	1,315,497	38,693	2.94	55,558	4.22	1,309,618	54,233	4.14	5,879	1,325	22.54
Wyoming	20,789	427	2.05	556	2.67	19,437	374	1.92	1,352	182	13.46

The above table, prepared at the request of Hon. H. W. BLAIR, chairman of the Senate Committee on Education, is respectfully submitted to the Superintendent of the Census, with the statement that while its figures are believed to be in most instances correct, they are entirely preliminary, and therefore subject to such changes as may result from the final revision.

HENRY RANDALL WAITE,
Special Agent Statistics of Education, Illiteracy, Libraries, Museums, and Religious Organizations.

Table showing the proportion which each State and Territory would receive of $10,000 000 *distributed upon the basis of illiteracy.*

States and Territories.	Population.	Proportion to each.
The United States	50,155,783	$10,000 000
Alabama	1,262,505	$964,631 40
Arkansas	802,525	323,744 14
California	864,694	85,625 56
Colorado	194,327	16,785 37
Connecticut	622,700	45,551 59
Delaware	146,608	31,112 39
Florida	269,493	128,499 27
Georgia	1,542,180	834,005 54
Illinois	3,077,871	233,009 57
Indiana	1,978,301	177,502 76
Iowa	1,624,615	74,694 42
Kansas	996,096	63,263 23
Kentucky	1,648,690	558,324 28
Louisiana	939,946	510,227 73
Maine	648,936	35,529 08
Maryland	934,943	215,527 09
Massachusetts	1,783,085	149,007 40
Michigan	1,636,937	102,120 87
Minnesota	780,773	55,362 55
Mississippi	1,131,597	598,082 58
Missouri	2,168,380	334,543 89
Nebraska	452,402	18,474 49
Nevada	62,266	6,520 88
New Hampshire	346,991	22,920 03
New Jersey	1,131,116	85,335 50
New York	5,082,871	351,925 45
North Carolina	1,399,750	743,554 70
Ohio	3,198,062	211,294 71
Oregon	174,768	11,895 91
Pennsylvania	4,282,891	365,409 53
Rhode Island	276,531	39,732 64
South Carolina	995,577	592,709 00
Tennessee	1,542,359	658,212 81
Texas	1,591,749	507,105 90
Vermont	332,286	25,379 98
Virginia	1,512,565	689,671 41
West Virginia	618,457	136,821 42
Wisconsin	1,315,497	89,035 85
Arizona	40,440	9,362 42
Dakota	135,177	7,726 01
District of Columbia	177,624	41,311 17
Idaho	32,610	2,849 38
Montana	39,159	2,735 59
New Mexico	119,565	91,596 77
Utah	143,963	14,144 32
Washington	75,116	6,232 41
Wyoming	20,789	891 03

Total expenditure for public schools, as shown by last census, for the year 1880.

Alabama	$465,724
Arizona	61,172
Arkansas	179,464
California	2,912,579
Colorado	423,527
Connecticut	1,381,052
Dakota	95,807
Delaware	169,303
District of Columbia	438,567
Florida	120,690
Georgia	642,090
Idaho	38,348
Illinois	7,467,660
Indiana	4,491,850
Iowa	4,914,689
Kansas	1,819,385
Kentucky	824,797
Louisiana	529,065
Maine	995,983
Maryland	1,291,741
Massachusetts	4,841,338
Michigan	2,661,541
Minnesota	1,564,194
Mississippi	691,080
Missouri	655,158
Montana	70,374
Nebraska	1,047,907
Nevada	144,244
New Hampshire	568,087
New Jersey	1,798,547
New Mexico	18,891
New York	9,952,653
North Carolina	360,985
Ohio	7,529,859
Oregon	311,752
Pennsylvania	7,243,967
Rhode Island	530,825
South Carolina	353,442
Tennessee	736,660
Texas	726,496
Utah	170,883
Vermont	446,216
Virginia	863,407
Washington	108,771
West Virginia	656,024
Wisconsin	2,228,660
Wyoming	28,594
United States	75,574,048

Nevada, the Land of Silver—Various Topics of General and Local Interest Discussed.

SPEECH

OF

HON. GEORGE W. CASSIDY,

OF NEVADA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, August 5, 1882,

On the bill (S. No. 911) to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Carson City, in the State of Nevada.

Mr. CASSIDY said:

Mr. SPEAKER: I must invoke the courtesy of the House while I ask to take from the Speaker's table for present consideration Senate bill No. 911, which provides for the construction of a public building at Carson City, the capital of my State. Carson is the permanent capital of Nevada, being made so by constitutional provision. It is not a large town, but it is permanent and growing.

Every argument that can be urged for the erection of a public building at any other State capital is equally applicable to this case. Indeed many stronger arguments may be advanced in behalf of this bill. I do not hesitate to say, sir, that it is the most meritorious of its class that has been brought forward here this session.

The whole State of Nevada comprises but a single district for judicial, revenue, land, and other Federal purposes. We have no building of the character contemplated in this bill in any part of the State. The Government is to-day paying over $3,000 per annum in rents for poor, unsafe, and unsuitable quarters for its officers in that State. Nor is there any safety from destruction by fire of the records of any of these departments. To replace the books and papers in a single department would cost more than the total sum asked for in this bill, to say nothing of the delay and confusion resulting to the public business.

It is the purpose of this bill to group together in one safe, fire-proof, commodious building at the capital the heads of all the Federal departments and bureaus in the State of Nevada. I submit to the practical judgment of the House, Mr. Speaker, that it would be true wisdom and economy on the part of the Government to make this appropriation, just such an exercise of pure business principles as any private business man would bring to bear under similar circumstances, thus guaranteeing safety and comfort in the administration of the Federal business in that State, saving more than $3,000 a year to the Treasury and contributing immeasurably to the general welfare in a patriotic sense by emphasizing constantly the dignity and grandeur of this great Government in an imposing edifice, everywhere good assets, and which should not be withheld from any State in this Union.

It may be thought that because our population is comparatively small there is no pressing necessity for this building. Allow me to disabuse the minds of gentlemen on that score. There is not a Federal court in America where so many important suits are litigated as in the United States courts in Nevada. The United States district court especially is kept in almost continuous session, and it is called upon to hear and determine many mining suits involving millions of dollars.

As some of you perhaps know, our State is almost exclusively a mining State. Substantially all of our mines are owned and worked by corporations. Most of these corporations have their headquarters in San Francisco. They are therefore "foreign corporations," and have the right under the law as it stands to-day (and it is an outrageous provision which permits it) to transfer all cases to which they may be a party to the United States courts. The moment one of these California companies comes in conflict with a citizen of Nevada that moment the case is taken to the United States district court at Carson, mainly with the view in many instances, I regret to say, of securing delay, harassing the poor litigant and multiplying his costs. This is the fault of the law, but as it is in the interest of the powerful corporations of the country we may never hope to see it corrected. As an evidence of the great volume of business of this character, let me say that there has been organized in San Francisco alone, first and last, more than ten thousand mining companies to carry on the business of mining in Nevada.

Why, sir, I have known the United States district court at Carson to be occupied more than three months in the hearing of a single important mining case, in which the legal fees alone amounted to more than $100,000 on a side. Expert witnesses on geology and kindred subjects are frequently placed on the stand from all parts of this country and Europe, whose fees range from $5,000 to $20,000 each, according to prominence in their profession and the light they may be able to throw upon the question at issue.

It is also pertinent to remark in this connection that our last United States district judge in Nevada, Judge E. W. Hillyer, a very able, upright, and conscientious jurist, who gave universal satisfaction, absolutely broke down and died under the great weight of his official duties. I only allude to these things to show that our court transacts a vast amount of important business and that there exists an imperative demand for a suitable and proper building in which to conduct it.

The same is true of all other United States officers in that State. In short, we have a United States circuit court, a United States district court, clerk, marshal; United States surveyor-general, with his corps of clerks, surveyors, and draughtsmen; a full complement of United States revenue officers, and the local post-office, all of which may be properly accommodated in a building such as is proposed by this bill, and in the mean time work a saving to the Government of $3,000 per annum. So much for the measure immediately under consideration.

And now, Mr. Speaker, with the indulgence of the House I propose to direct attention to some other matters of importance to the people and State which I have the honor to represent upon this floor. As I proceed I shall take occasion to correct some of the erroneous impressions which have grown up in the minds of our brethren of the East in regard to that new Commonwealth and its people. I am not unmindful, sir, that certain unscrupulous public prints, of metropolitan assumption, published in the eastern quarter of this Union, have iterated and reiterated that my State is steadily deteriorating in population and common political honesty. In this House also, in the earlier part of the present session, while the Congressional apportionment bill was under discussion, almost every speaker had some disparaging allusion to make to the insignificance of Nevada's population.

I have no fault to find with strictures of that character, because they involve no material departure from the real facts in the case. But when the good name and integrity of the people who have honored me with a seat in this body are assailed, it is manifestly proper in me to repel so gross a slander and hurl it back with such emphasis as every deliberate libel deserves. One speaker, the honorable gentleman from South Carolina, Mr. Tillman, now no longer of us, but for whose great ability we all conceived and felt the most profound admiration, went so far in his attack on political systems as to characterize my State as one of the "rotten boroughs of the West." I was moved to reply at the moment, and do so now, that Nevada was admitted into the Union to aid in suppressing the rebellion which his State inaugurated. That, Mr. Speaker, tells the whole story. It explains fully why we are of the great sisterhood of States. There never was any pretense on the part of our people or any one else that we possessed the requisite population entitling us to assume the grave responsibilities of statehood. We did not come in on that basis. We made no concealment of our numbers; neither did we attempt to augment them. Our status as to population was well understood.

We were admitted partly to give the party of the Union the aid of two additional members in the Senate and partly to exemplify a great living principle, namely, the indissolubleness of the American Union; to demonstrate to the world that while certain of the States were endeavoring to sever their connection with the Union others were willing to come in; that the Government could prosecute a great war to perpetuate its own existence and at the same time add new stars to its ensign; that the defiant strength and unconquerable patriotism of the Union were symbolized in the admission of the Silver State amid the throes of the greatest civil conflict known to history, attesting unanswerably, be it said to the imperishable honor and glory of the loyal hearts of the nation, that the Republic in the direst hour of that stupendous struggle was never for one moment despaired of.

History furnishes but few parallels of this defiant confidence in the ultimate success of a great cause under adverse circumstances. I recall at this moment but one, Rome, in the pride of a glorious renown, as the conquerer of the world, supplies an incident of unwavering confidence and matchless valor. With the imperial city beleaguered by a hostile foe, out through one of her gates marched re-enforcements for her armies of conquest in a distant land. Illustrations of such energy and iron will are rare; ours, in the admission of a new sovereignty in the very carnage of battle, being, in my judgment, the nearest approach to it. Indeed, sir, Nevada has been not inaptly termed the "battle-born State." Unquestionably she is the offspring of war. Called into being under such circumstances it might reasonably be expected that she would be regarded as the favored child of the Union. But such, I regret to say, has not been the case. The same liberal policy pursued by the Government toward other new States and Territories has never been extended to Nevada. As a State we have little to thank the Federal Government for. We have never received one dollar of this Government's bounty, if I except the bill recently passed, after a hard struggle, to audit certain war claims which had gone unrecognized and uncanceled in the main for twenty years. On the contrary, sir, the Government is legally and equitably indebted to my State and people in large sums which it never thinks of paying. In the very beginning, guided by that patriotic zeal which has ever characterized the people of Nevada, we assumed and paid a Territorial indebtedness, mostly due from the Government, amounting in round numbers to $300,000. We equipped and sent to the war several regiments of soldiers, and have at various times expended large sums in suppressing Indian hostilities on our borders. Private citizens of the State also have been compelled in simple self-defense to expend vast sums in the aggregate for the same purpose, not one dime of which has ever been returned to them, notwithstanding it is clearly the duty of the Government to protect the lives and property of its citizens in every part of the country against the incursions of the murderous savage.

Bills which I had the honor to introduce early in the session covering these questions in one form and another still await action either in committee or on the Calendar of this House. And yet millions are poured out like water for magnificent buildings, rivers, harbors, and other improvements, necessary or the reverse, throughout all of the older States of this Union. By what moral right are the revenues derived from my people expended in the improvement of a river in Michigan or the repair of a harbor in New York or South Carolina? Of course I know you do it under the grant in the Constitution which confers upon Congress the right to "regulate commerce."

But let me digress to say that it is an immense stretch when you seek under that grant to improve every creek in the land capable of floating a flatboat, many of them with both ends in the same State. The fathers did not mean to give you any such power as that. What they meant chiefly was that you should have authority to regulate the interchange of commodities between the States and with foreign countries. But the other construction has been sanctioned until time and precedent have thrown around the practice the sacredness of unwritten organic law. It is the old doctrine about which the Whig and Democratic parties used to differ so violently—Federal aid to internal improvements. President Polk vetoed a river and harbor improvement bill on Democratic principles.

But we have all changed since then; we have all become Whigs on the subject of internal improvements. We find now the strictest of strict construction Democrats voting millions in a river and harbor bill if their own sections be not omitted from its provisions. Necessary appropriations to remove the snags and improve the navigation of national water-ways are right and are to be favored, but the system has degenerated into a great abuse by including unimportant streams, for no higher reason in many instances than to help gentlemen back to Congress. The good in the system seems inseparable from the bad, and the bad is yearly growing worse, as is evidenced in the river and harbor bill of the present session, carrying nearly $20,000,000, as against $11,000,000 in its immediate predecessor.

The commendable feature underlying the whole system is the general idea that the improved navigation of the water-courses in some degree stimulates competition as against the railroads and thereby cheapens the cost of transportation. This is a wholesome end if accomplished, but there are large sections of this country situated so remote from the great navigable rivers that we do not share in any perceptible sense these benefits. The great interior region of the continent from which I hail is thus situated. We are wholly dependent on one line of railroad, with such rates for transportation as it may see proper to establish. If water-ways are to be constructed and improved as a means of competing with railroads, why not the Government construct other railroads where necessary to compete with those operated by individuals or corporations? There is certainly as much logic in the one proposition as the other, and but little warrant for either based on a proper exercise of any legitimate function of government. Or, better and more practical still, why not the Government take possession, on just and equitable terms, of the roads it has already aided so munificently in building and operate them for its own benefit and in the interest of the people?

Government resting upon the affections of the people, as under our free system, cannot afford to be partial. It must be just to all of its citizens and treat every section with equal fairness and consideration. It will not do, under our new policy of liberal encouragement to internal improvements, to lavish the revenues gathered from all of the States and sections on a few highly-favored communities who may have the strength in this House by reason of superiority of numbers and facility for combination to vote themselves the substance of all the rest. We of the Pacific coast have felt our isolation and helplessness in this regard, and I for one would vote to-morrow to admit into the Union all of the Western Territories, without regard to their politics, if they could all come in together, simply as a means of augmenting the power of the far West in the legislative branch of the Government.

And let me say to you that they will all be here before you know it. As well attempt to turn back Niagara's leaping torrent as to think of a pause in the resistless march of empire toward the setting sun. There is no such thing as retrogression in the mighty West. The best blood and energy of all your States are going there. And they will continue to go because of the better opportunities and greater possibilities of that unsurpassed region.

My State for some years has been experiencing a season of depression in its chief industry, mining for the precious metals. A Republican Congress dealt us a severe blow when it demonetized silver. The whole country in fact was prostrated by the shock, for it must not be forgotten that the panic and tramp period came with demonetization in 1873, and flush times and unexampled prosperity, including specie resumption, followed remonetization by a Democratic Congress, in 1878. Nevada's chief product was degraded to the level of pig-iron, and stagnation in all of our industries at once ensued.

We have scarcely recovered yet from the blow. Miners and mining men left the State to take up other pursuits. And still we have grown steadily if not rapidly in population. We were admitted to the Union by proclamation of President Lincoln in March, 1864, with a total population of 39,000. In 1870 we had 52,000, and in 1880, as shown by the census now in course of publication, a little over 62,000. Unquestionably these figures do not do us full justice. Our State is fourth in size of all the States of the Union. She is four hundred and twenty miles long and three hundred and sixty wide at her greatest

dimensions, and has an area of 112,090 square miles, equal to 71,737,600 acres, being larger by 10,178 square miles than the combined area of the States of New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, and New Jersey.

Indeed, if we add to the aggregate area of these nine flourishing States that of the Kingdom of Belgium we will have only 1,188 square miles more than is contained in the single State of Nevada. With a population scattered through the mountains and valleys of so vast a region, it may be readily understood that a correct census is next to impossible; and besides, the compensation allowed the enumerators of the Federal census was wholly inadequate in a country so sparsely settled, and when the cost of traveling and other necessary expenses are so much greater than in the older States. The supervisor writes me, and I know him to be a truthful man, that he lost $1,000 in the discharge of his duties. There can be no doubt, I think, that hundreds of miners and small parties of prospectors in the mountains were never seen by the supervisor or his deputies. There are always thousands of men isolated in this way who never vote even at our most exciting elections. A fair estimate therefore will fix our population in the neighborhood of 100,000; not as large as some of your Eastern Congressional districts, it is true, but quite as numerous in the matter of male adults. Males over the age of twenty-one largely preponderate in our population. On a full vote our voting strength may be set down at 25,000.

Since we have been arraigned and animadverted against for our insignificance, let us see how this compares with some of your districts here in the East. I commence with the first State on the list, Alabama, giving the returns as reported in the Congressional Directory, which may be accepted as good authority:

The first district of Alabama polled at the last election 17,800 votes; second district, 22,000; third district, 16,200; fourth district, 15,400; sixth district, 10,000; seventh district, 19,200.

The fourth district of Arkansas polled at the last election 16,400 votes.

The third district of Connecticut could muster but 22,000.

Georgia's average is not quite so good. In the first district they have 19,700 voters; in the second, 17,800; third, 10,300; fourth, 17,000; fifth, 19,000; sixth, 8,370; eighth, 11,148.

Louisiana also is a thin proposition. Here are the figures: first district, 15,700; second, 16,800; fourth, 14,000; fifth, 18,000; sixth, 12,200.

Maine, likewise, comes up a little behind, with only 16,800 in her second district, while in glorious Massachusetts the first, fourth, and ninth districts each exhibit a voting population of less than 23,000.

New Hampshire could scare up but about 16,000 in her third district.

The fifth, sixth, ninth, and other districts in the great State of New York show less than 22,000 votes. My friend COX comes here on less than 24,000.

Brother RANDALL, also, from the third Pennsylvania district, is able to make a showing of only about 23,000.

All of the Virginia districts range from 17,000 to 24,000, while in Tennessee the eighth, ninth, and tenth districts poll each less than 20,000.

Vermont comes up with 21,000 in the first district, 23,000 in the second, and 20,000 in the third.

Little Rhode Island falls far behind all of the rest, with 7,000 in the first, and but 15,000 in the second district.

Many other States and districts might be enumerated with approximately the same results. But enough have been cited to show that Nevada has not the smallest population in the world. Indeed, the examination proves that there are more than forty members occupying seats upon this floor who have behind them a smaller voting population than I represent. Therefore let it be distinctly stated and understood, once for all, that Nevada is quite as important and has quite as many rights on this floor as the general average of Congressional districts throughout the Union. We shall demand equal rights, equal privileges, and equal consideration whenever there are Federal favors to be disbursed. We care nothing about your offices.

A great rush for place under the Government is not a characteristic of the enterprising, self-reliant people of my State. There are but five men and one woman in all of the departments here accredited to the State of Nevada. On an equal division among the States, according to population, our quota would be upward of sixty. But let that go; we are used to this sort of treatment; we have for twenty years been getting the worst of everything in the way of Federal patronage and fostering care in about the same ratio. We contributed more to the sanitary fund during the war than any other equal number of citizens in any part of this country; and our contributions were made in gold and silver, which went further at that time than double the amount in depreciated paper. We also sustained the faith and credit of the nation in those dark days with the entire bullion product of our mines, enabling the Government to pay the foreign bondholder his interest in hard money, thus maintaining its credit abroad and otherwise aiding materially in bringing it safely through the great civil war to the haven of peace and needed recuperation.

All of these things we have done for you, and you have done practically nothing for us in return. We have neither rivers nor harbors in Nevada, and you have never voted a dollar to that State for any public improvement whatever, if I except the United States branch mint, which is run at a profit to the Government. You hesitate about giving us a paltry appropriation for a public building at the capital of the State, a matter directly related to the function of Government, when, as I have shown, it would be greatly to the pecuniary interest of the Government itself to do so.

In nineteen years we have paid into the Federal Treasury about $5,000,000 in internal revenue, and during the same time we have contributed a million more in payment for lands which were valueless to the Government until our operations made them valuable.

Comparatively not a dollar of this money has found its way back to our people, but has been absorbed in river and harbor improvements and the construction of elegant and costly custom-houses and magnificent post-office buildings in the older and more populous centers of the Eastern States. I protest that this is not fair treatment of the hardy pioneers of the frontier, who, braving all dangers and enduring every privation incident to subduing the wilderness, have added so largely and materially to the general welfare and common prosperity. I have here a table showing the mining products of the Pacific coast States and Territories, comprising gold, silver, and base bullion, from 1848 to 1881. It will be an interesting exhibit to many gentlemen in this House, and at the same time it will demonstrate the great importance of the mining industry in the West:

Mining product of the Pacific coast States and Territories, comprising gold, silver, and base bullion, from 1848 *to* 1881.

Year.	California.	Nevada.	Idaho.	Oregon and Washington.	Utah.	Arizona.	Total.
1852	$59,000,000	.....	.....	$500,000	.....	.....	$59,500,000
1853	68,000,000	.....	.....	500,000	.....	.....	68,500,000
1854	64,000,000	.....	.....	500,000	.....	.....	64,500,000
1855	59,000,000	.....	.....	600,000	.....	.....	59,600,000
1856	63,000,000	.....	.....	700,000	.....	.....	63,700,000
1857	61,000,000	.....	.....	600,000	.....	.....	61,600,000
1858	59,000,000	.....	.....	500,000	.....	.....	59,500,000
1859	59,000,000	$100,000	.....	700,000	.....	.....	59,800,000
1860	52,000,000	500,000	.....	1,500,000	.....	.....	54,000,000
1861	50,000,000	2,300,000	.....	2,000,000	.....	$100,000	54,400,000
1862	51,500,000	6,300,000	.....	2,200,000	.....	200,000	60,200,000
1863	50,000,000	12,500,000	$500,000	2,300,000	.....	150,000	65,450,000
1864	35,000,000	16,800,000	6,400,000	2,500,000	.....	150,000	60,850,000
1865	35,000,000	16,800,000	6,500,000	2,000,000	.....	200,000	60,500,000
1866	26,000,000	16,000,000	8,000,000	3,000,000	.....	200,000	53,200,000
1867	25,000,000	20,000,000	6,500,000	3,000,000	.....	300,000	54,800,000
1868	22,000,000	15,000,000	7,000,000	4,000,000	.....	500,000	48,500,000
1869	22,500,000	14,500,000	7,000,000	3,000,000	$200,000	1,000,000	48,200,000
1870	25,000,000	16,000,000	6,000,000	3,000,000	1,300,000	800,000	52,100,000
1871	20,000,000	22,500,000	5,000,000	2,500,000	3,000,000	800,000	53,800,000
1872	19,049,098	25,548,811	2,514,090	2,131,086	3,521,020	143,777	52,907,882
1873	18,025,722	35,254,507	2,343,654	1,585,784	4,906,337	47,778	62,163,782
1874	20,300,531	35,452,233	1,880,004	764,605	5,911,278	26,066	64,334,717
1875	17,753,151	40,478,369	1,554,902	1,246,978	5,687,494	109,093	66,829,987
1876	18,615,807	49,280,764	1,674,361	1,211,443	5,207,519	1,111,992	77,101,886
1877	18,174,716	51,580,290	1,832,495	1,284,223	8,113,755	2,388,622	83,374,101
1878	18,920,461	35,181,949	1,868,122	1,287,035	6,064,613	2,287,983	65,610,163
1879	19,190,973	21,997,714	2,081,300	1,123,297	5,468,879	1,942,403	51,804,566
1880	19,276,166	15,031,621	1,894,747	1,164,805	6,450,953	4,472,471	48,290,763
Total	1,075,306,625	469,106,258	70,543,675	47,399,256	55,831,848	16,930,185	1,735,117,847

The gold and silver product of California, from 1848 to 1852, amounted to $147,000,000.
The above table contains only the amount carried by express, and does not include that carried by mail or by private parties.

Every dollar of that vast sum represents indestructible wealth. If it costs $2 to get one from the mines, which is not true, mining, guided by ordinary prudence and experience being as safe and as legitimate as any other pursuit or business, the $2 going out among the people are not lost, and one more has been added to the wealth of the world. Herein lies the difference between mining and the other pursuits in which men engage. There can be no real wealth without production; all else is mere barter and exchange and interchange of something which already exists.

At the beginning of the session I remember to have heard the honorable gentleman from Kentucky, [Mr. CARLISLE,] in his great speech on the tariff talk about the "golden era" from 1850 to 1860, attributing the marvelous prosperity of that period to the system of tariff taxation which prevailed at that time. He drew a grand picture of the "golden era," but it occurred to me that he did not give due credit to the discovery and production of gold in California.

The gold and silver mines of the Pacific slope have created impulses that have advanced civilization in this country more than any of your high protective laws or free-trade theories. The arts have advanced, architecture has made new discoveries in applying its skill, manufacturers have been called upon to supply more people and with better garments, and the great mass of people have been immeasurably benefited.

Since the outpouring of the silver and gold from the mines of the West the people all over this land have in every way improved. Where one used to have the good things of life one hundred have them now. The whole plane of human comforts and enjoyments has been lifted up many degrees. The last thirty years have seen the world moved ahead in Christian civilization further than in any century before since history began, and all this, by a remarkable coincidence which gentlemen refuse to recognize, or, recognizing, refuse to acknowledge, bearing even date with the discovery of the precious metals on the Pacific coast.

In the face of these indisputable facts of history, Mr. Speaker, the war on silver continues, chiefly—let me qualify—by the Republican party. The President in his recent message to Congress said the coinage of standard dollars ought to cease, and his Secretary of the Treasury followed up with a similar recommendation. The President stated that $102,000,000 in standard dollars had been coined under the remonetization act of 1878 and that but $34,000,000 of them had found their way into circulation among the people. This would leave $68,000,000 in the Government vaults. Drawing it as mild as possible, this is a financial misstatement. We were not told that there were $66,000,000 of silver certificates in active circulation based on that assumed accumulation in the Treasury—every dollar covered by a silver certificate except $2,000,000. And so it is always with the enemies of silver; they do not meet the question fairly on its merits.

We have not had, sir, since 1873, when the opposition, led on by the bondholders and national banks, first began to manifest itself, a President or Secretary of the Treasury who has been willing to give silver a fair chance in the monetary race, but instead all have been intent on crippling and debasing it in every way possible. A very large majority of the Republican members of this House and the Senate also occupy an attitude of like hostility to this solid indestructible money of the people. Look at what you have been doing at the present session on this subject. See this innocent-looking little bill emanating from the distinguished gentleman from Maine, [Mr. DINGLEY,] and subsequently reported favorably by him from the Committee on Banking and Currency. It will be a good campaign document for my State. It will serve to show the people out there how Republicans stand on the silver question. Here it is:

That from and after the passage of this act, and until an international agreement on a coinage ratio for the use of silver in full legal-tender coinage shall be made by the leading commercial nations, or until the equivalency of bullion between the standard silver and gold coins of the United States in the markets of the world shall be otherwise secured, the issue of silver certificates authorized by the act of February 28, 1878, shall be suspended: *Provided*, That the silver certificates now outstanding may, from time to time, as paid into the Treasury, be reissued on the deposit of standard silver dollars.

SEC. 2. That from and after the passage of this act, and until an international agreement on a coinage ratio for the use of silver in full legal-tender coinage shall be made by the leading commercial nations, or until the equivalency of bullion value between the standard silver and gold coins of the United States in the markets of the world shall be otherwise secured, the Secretary of the Treasury shall cause to be coined only such number of the standard silver dollars authorized by the act of February 28, 1878, as may be required to supply the demand for actual circulation, in lieu of the minimum coinage provided by said act.

That bill is backed up by a favorable report signed by every Republican member of the committee but one, I believe, and is on the Calendar of this House, to be reached and considered in due time. The Democratic members of the committee, of course, have joined in a minority report against its passage. Under that bill, with an unfriendly Secretary of the Treasury, such as we are bound to have while the Republican party remains in power, silver would be once more practically demonetized and destroyed as a circulating medium. It is unnecessary to elucidate. The bill carries its own meaning on its face. No man can mistake it. Under a sham and false citation it seeks to strike down the silver interest of the country. Instead of the coinage of $2,000,000 per month as now authorized by law, the whole matter is to be left to the discretion of a Secretary of the Treasury whom everybody knows would not coin one dollar if given the power to prevent it. It is the grossest injustice that we are not permitted unlimited coinage under existing law, instead of being restricted to $2,000,000 per month. That is a concession which the friends of silver should not have made to the single-standard theorists, if it could have been avoided.

But the bill of Mr. DINGLEY'S committee has a good deal to say about "equivalency of bullion." Let us see how widely they differ from the facts in this regard. Fortunately I have the proof at hand; I am fortified with certain official circulars and utterances from the Treasury Department. Secretary Sherman thought the people would not take kindly to silver, and he undertook to establish that fact. He failed utterly and had to recant. This is the way he went about it:

TREASURY DEPARTMENT, SECRETARY'S OFFICE,
Washington, D. C., September 18, 1880.

Until further notice the United States assistant treasurer at New York will pay out at his counter standard silver dollars or silver certificates, in sums of $10 or any multiples thereof, in exchange for like amounts of gold coin or gold bullion deposited with him.

Upon the receipt by the Treasurer of the United States in this city of an original certificate of deposit issued by the United States assistant treasurer at New York, stating that there has been deposited with him gold coin or gold bullion in the sum of $10, or any multiple thereof, payment of a like amount in standard silver dollars or silver certificates at the counter of any United States assistant treasurer designated by the depositor will be ordered.

JOHN SHERMAN, *Secretary.*

Now, let us see, Mr. Speaker, the practical effect of this circular. It was allowed to stand only a little over one month. On the 1st day of November, 1880, six weeks later, the Treasurer of the United States, Hon. James Gilfillan, in his annual report to the Secretary, had this to say of the exchange by the people of gold for silver certificates:

The demand for silver certificates, under the circular of the Department, dated September 18, 1880, authorizing their exchange for gold coin or bullion, has been quite extensive at New Orleans, Saint Louis, Chicago, and Cincinnati, and there were paid out at these points during the month of October $3,485,000 in silver certificates for an equal amount of gold coin deposited in the sub-treasury at New York.

There you have it; 3,485,000 gold dollars exchanged for an equal number of standard silver dollars, or their representatives, at a single point, New York, in a fraction over one month; and yet the President and the Secretary of the Treasury, and Mr. DINGLEY and his committee, and a majority of the Republican party tell us that the people will not have anything to do with silver in any form, and that the coinage of standard dollars must be stopped until an "equivalency of bullion" is provided for! Humbuggery, pure and simple.

But let us follow the official record a little further. In his report to this House at the beginning of the present session the Secretary of the Treasury had to make this striking admission:

The Department has issued silver certificates at the several sub-treasury offices, upon a deposit of gold coin in like amount with the assistant treasurer at New York, and through this means certificates have been issued for nearly all the silver held by the Treasury. These certificates amount to about $66,000,000, and are now outstanding.

In what particular is a lack of "equivalency of bullion" apparent in these transactions? Sixty-six millions of gold for sixty-six millions of silver, dollar for dollar even up, and no grumbling; and the privilege of exchange confined to one place, New York, and not extended to the other great financial and commercial centers of the country. What would have been the effect had the privilege been made general? Simply that you would not have had silver enough to supply one-tenth of the demand. As it was, you converted about all you had into gold at a single sub-treasury. Discussing this aspect of the case the Treasurer of the Government in his annual report (page 421) says:

The effect of these operations, so far as the Treasury is concerned, is to convert its silver dollars into gold, for the issue of silver certificates transfers the ownership of the silver dollars, which they represent, from the Treasury to the public.

Of course it does; and as a result that whole pile of silver up in the Treasury yonder is owned by the people who hold the silver certificates and not by the Government. Those people paid gold for it, dollar for dollar, and have the first mortgage on it. The silver certificate recites on its face—it is its form—that it is payable at the Treasury on demand in silver. So the man who parts with his gold for a silver certificate knows that he must get back silver and not gold if he desires to reconvert it into specie. Thus we are justified in assuming that the great mass of people who in less than one year paid into the Treasury $66,000,000 in gold coin for $66,000,000 in silver certificates estimated the intrinsic value of a standard silver dollar quite as high as that of a gold dollar.

The case admits of no other logical deduction. Why, then, is it that gentlemen, especially on the other side of the House, are continually asserting that there is a marked difference in the value and purchasing power of these coins, when all of our experience since remonetization in 1878 shows the reverse to be true? If your vaults are overflowing to-day with gold, it is because you have purchased it with silver, or what is equivalent, silver certificates.

But I am not yet through with that Sherman circular of September 18, 1880. I have another extract from the report of the Treasurer showing its beneficial results:

Comparing the condition of the Treasury September 30, 1881, with its condition on the same day last year, the most striking changes are the increase in the gold coin and bullion and standard silver dollars on hand and in the silver certificates

outstanding. Deducting the gold certificates actually outstanding, the gold belonging to the Government on September 30, of the last four years was $112,602,622.20 in 1878, $154,987,371.29 in 1879, $128,160,085.77 in 1880, and $169,552,746.41 in 1881. In 1880 the gold ran down nearly $27,000,000, but this decrease was much more than overcome in 1881, when it increased more than $41,000,000, reaching the highest point ever attained. This increase was largely due to the sale for gold coin in New York under the circular of September 18, 1880, of exchange on the West and South, payable in silver certificates.

More gold brought into the Treasury for silver. The plan worked admirably. Everybody wanted to get rid of gold and take paper based on standard dollars for it.

Again, Treasurer Gilfillan says, (and it will be observed that his ideas are not altogether in harmony with those of his chief, the Secretary:)

The gross amount of gold and silver coin and bullion held by the Treasury, without regard to the obligations outstanding against it, has ranged from $163,969,444.70 in 1878 to $222,807,368.01 in 1879, $214,303,215.38 in 1880, and $269,706,998.76 in 1881. The increase within the last year has been $55,400,000, of which $39,150,000 is in the gold and $16,250,000 in the silver. The increase in the gold has been greater and in the silver less in the last year than in any year since the coinage of the standard silver dollar began.

Reasonably it was to have been supposed that any system which was found to make the obnoxious silver go and attract to the Treasury gold coin in such great abundance would be continued. But not so; the plan worked too well to suit the enemies of the money of the people, and the result was a second circular from the Treasury Department. This one came from Acting Secretary French, and it revoked the order under which gold and silver had become interchangeable. It is entitled Department Circular No. 108, and is as follows:

TREASURY DEPARTMENT, SECRETARY'S OFFICE,
Washington, D. C., November 1, 1881.

Until further notice the exchange of silver certificates for gold coin deposited at the office of the United States assistant treasurer at New York will be suspended, and Department's Circular No. 75, of September 18, 1880, is hereby modified accordingly.

H. F. FRENCH,
Acting Secretary.

Why this was done has never been explained, but evidently a change of policy had been resolved upon. It had been demonstrated in a remarkable manner, and in a remarkably brief period also, that silver and silver certificates were popular with the people, and something must be done to revive old prejudices and supply a pretext for hostile legislation. Hence we find the Secretary of the Treasury in his report to Congress hurling solid chunks of financial wisdom at us in this able style:

There need be no apprehension of a too limited paper circulation. The national banks are ready to issue their notes in such quantity as the laws of trade demand, and as security therefor the Government will hold an equivalent in its own bonds.

There we have it. The national banks must be allowed to furnish the money of the country. Two thousand soulless corporations must be permitted to assume the functions of the sovereign to the extent of issuing and controlling our currency, with the power to expand or contract it at will, which carries with it the further power of inflating or destroying all values with equal facility. The Secretary further adds:

The embarrassments which are certain to follow from the endeavor to maintain several standards of value, in the form of paper currency, are too obvious to need discussion.

It is recommended, therefore, that measures be taken for a repeal of the act requiring the issue of silver certificates, and the early retirement of them from circulation.

As is said elsewhere herein, the circulation of some sixty-six millions of silver certificates seems an inexpedient addition to the paper currency. They are made a legal tender for the purposes named, yet have for their basis about 88 per cent. only of their nominal value. There is no promise from the Government to make good the difference between their actual and nominal value.

In other words, the honorable Secretary assumes that the "fiat" of the Government is lacking in twelve of the one hundred cents in the standard dollar; that is if we concede, which we do not, that the intrinsic value of these coined dollars shall be regulated by the price of raw uncoined bullion in the London market. And just here, while I am on this point of competition with the foreign bullion market, let me show you how the system works in practical operation. I find the whole case stated and illustrated in an ably conducted little daily paper in my State, the Silver State, quite as well and more forcibly than I could hope to present it. The article is based on a recent slight advance authorized by the Director of the Mint in the price of silver bullion at the Carson mint, and is as follows:

Silver bullion has advanced another quarter of a cent an ounce in the London market, and the Treasury Department has graciously made a corresponding advance in the mint rate for bullion at Carson, making the price per ounce at present $1.13¾. English pig-iron can be delivered at any port on the Atlantic seaboard for $15 per ton, but the Government imposes a duty of about 50 per cent. of its value on that article, to protect the iron-miners of Pennsylvania, Ohio, and other States from English competition in the home market, while the same Government compels the silver-miners, whose enterprise in discovering and producing the precious metals enabled it to resume specie payment and added hundreds of millions to the wealth of the nation, to sell their bullion at the price fixed upon it by foreign merchants.

The Government also, with that impartiality for which the monopolies which it created and the rings which wax rich under the protection of those who are paid for conducting it honestly tell the people it is noted, appropriates to its own use, with the exception of what is stolen by mint officials, the difference between the price paid the miner for bullion and the value of that bullion when made into coin. That difference averages about 20 per cent., which is sufficient to enable mine owners, whose properties are now not more than paying expenses, or which are being worked at a loss, to declare handsome dividends. The miner who at present produces a silver bar which assays say $1,000 is compelled to sell it for $850 to the Government, which, as greedily as any monopoly that has been created and fostered by Congress, pockets the difference. People complain of railroad discrimination between persons and places and denounce it as outrageous, yet overlook the fact that it is no worse than the discrimination of the Government which protects the iron miners and manufacturers of the Atlantic States from foreign competition while virtually robbing the silver-miner of at least sixteen cents on every ounce of bullion that he produces; and, strange to say, right here in Nevada men whose success in business depends to a great extent on the prosperity of the mining interest for partisan reasons uphold the course of the Government.

That demonstrates most fully how the silver interest of this country is discriminated against by the Government and its officers under Republican rule and policy.

It is no greater sin, Mr. Speaker, to mine for gold and silver in the West than it is to delve for coal and iron in the mountains of Pennsylvania. In every conceivable aspect of the case ours is the higher industry of the two; it is better for the Government and better for mankind; it awakens hopes and possibilities that can never be experienced in the other, and finally it affords the chief if not only means by which a demand is created for the other. Our industry lies at the very base of your whole financial structure, without which there could be neither progress nor prosperity in any of the other manifold pursuits of life.

Under such circumstances rational minds might with reason expect the encouragement and fostering care of the Government to be extended to it and over it; but instead we find at least one of the great political parties of this country arrayed against it in almost solid phalanx and waging relentless war upon it at all seasons and out of season. They are not even endowed with that highest attribute of statesmanship, to be content with "letting well enough alone," as is forcibly illustrated by Mr. DINGLEY'S little bill to put an end to the coinage of standard dollars and the issuance of silver certificates. Millions of protection thrown around the pig-iron and Bessemer steel of Pennsylvania, and unfriendly legislation for the precious metals of the Pacific coast!

This is your policy, gentlemen of the majority, and you all know it. We had these silver dollars of 412½ grains, 900 fine, from 1792 down to 1873, almost a century, when you clandestinely destroyed them in the interest of the bondholders and national banks. They were good enough and served their purpose well enough for nearly one hundred years; everybody was satisfied with them and there had never been one word of complaint against their use from the great mass of the people in all of this long period—a long period even in the life of a nation.

And now let me say, Mr. Speaker, that it was this blow against silver, more than any other single cause, that swept the Republican party from power in 1876. The people would no longer trust you; you had betrayed and stabbed them in a vital part, and not the most frantic flaunting of the bloody shirt would stay the exodus from your party ranks. Then you fought remonetization all along the line and prevented us from obtaining unlimited coinage, which had been the rule from the very beginning of the Government. But it was accomplished in spite of the great majority of your party; the record shows that two-thirds of your members in either House voted against it.

We hear little more of the subject, save in the ceaseless warfare of unfriendly executive officers, until the people, lulled into fancied security, permit you once more to assume control over every department of the Government. This accomplished, and your undying hostility again instantly becomes apparent, as I have already shown in the attitude of the President, the Secretary of the Treasury, and by the introduction of the Dingley bill and the favorable report of the committee thereon. It is to be hoped that our Democratic friends all over the Union will make this issue prominent in the coming elections, for in my judgment the thinking, tax-paying people of this country will not tolerate long in power any political party which seeks to strike down the silver currency of the land.

Recurring again, Mr. Speaker, to the report of the Secretary of the Treasury we have the recommendation that all laws authorizing the coinage of silver and the issuance of silver certificates should be stricken from the statute-books; and he tells us that "the national banks are ready to issue their notes in such quantity as the laws of trade demand." Of course they are; and to give them greater latitude in this direction is precisely the reason why it is sought to drive silver from the field. And will some gentleman tell me wherein a national-bank note is better than a silver note? A national-bank note is the promise to pay of the corporation emitting it. Behind that is the Government bond on which it is based, which is but another promise to pay. No adequate specie reserve is required under the law.

The whole system rests exclusively on the faith and credit of the nation. It is our debts that we sell or loan to the banks, and it is on this kind of capital that they go into business, in the mean time reserving to themselves the right to draw from the Treasury semi-annually in gold coin the interest on the bonds they are required to deposit as security for their circulation. Where is the reason for this sort of thing? What private individual would be guilty of conducting his business on such a basis as this? Why the Government go into banking by proxy when it could as well carry on the business as principal, saving in the mean time millions annually in interest

and other profits which now go to enrich the banks at the expense of the people?

But what, Mr. Speaker, is to become of the national banks when your bonded debt shall have been extinguished? What will they bank on then? The life of your longest bond expires in twenty-six years. What sort of currency are we to have when that interesting period shall have been reached? That it will be reached, if we maintain our present peaceful relations with the nations of the earth, admits of no question. Indeed, we shall hardly have time to face about until the retirement of the bonded debt shall begin seriously to affect the national banks. The twenty years' extension granted by this Congress will not save them; for if there is any one sentiment more fixed than another in the minds of the great mass of the American people, it is that the public interest-bearing debt shall be discharged, every dollar of it, as rapidly as the resources of the country will permit.

The end is already in view; it is only twenty-six years off, and our revenues are ample and to spare to meet every liability.

But it need not be expected that the banks will surrender without a struggle. They are firmly ingrafted upon the country, and it has already been demonstrated that they are not without powerful friends and advocates, especially on the Republican side of the House, to urge the system as the wisest and best that has ever been devised. They will desire to maintain at least the semblance of a basis, interwoven and intermixed with the credit of the Government, and this must naturally force an issue to perpetuate and extend indefinitely a very considerable portion of the interest-bearing debt. This is one of the coming, yea, pending, issues on which political parties must take sides.

Whether the banks or the people will succeed remains to be seen. If the latter prevail, then the money of the future will be gold and gold certificates, silver and silver certificates, and Treasury notes issued direct by the Government, and not through the medium of private corporations, as now. The bills of the national banks are predicated wholly, as I have shown, on the good faith and credit of the nation, on the Government's ability to pay. A foreign war or other disturbance seriously affecting and reducing the revenues could have but one result, namely, to depreciate their value and imperil their usefulness as a medium of exchange.

No such contingency is possible in the case of silver or silver certificates. Granting all to be true that the most pronounced enemy of silver can say, and there is always eighty-eight cents of intrinsic value, to say nothing of the Government's "fiat" stamp on the full one hundred cents, behind every standard dollar or its paper representative. Not being, therefore, subject to violent fluctuations, I do not hesitate to say that our silver currency can be made the best and safest money in the world. But its sphere generally must be enlarged. If you will not abolish your one and two dollar greenbacks, which is the correct thing to do, then we must be permitted to provide for the issuance of silver certificates in like denominations. This will create a demand for a largely increased amount of the product of our mines, thereby stimulating and rendering more valuable and important the mining industry throughout the West.

It is one of Nevada's greatest wants, next to full, unlimited coinage, and you can help us and at the same time help the people in every section of the country by conceding so reasonable a demand. I have a bill pending here which covers the subject fully, and I have strong faith that the good judgment of this House will give it favorable consideration when it comes up for passage.

In this connection let me remind gentlemen on the other side that none of your predictions were realized with reference to the effect of remonetization in 1878. You all predicted that it would bring disaster and ruin upon the country; that the whole supply of European silver would be dumped on our home market; that all of our stock of gold would be driven abroad, and finally that the date of resumption would be deferred, if not rendered altogether impossible.

Now, sir, it is patent to everybody that not one of these gloomy prophecies came true. On the contrary, the very reverse of each and every one of them has transpired, showing at least that you are not to be trusted as prophets on the subject of national finance. Instead of receiving the silver of Europe we have been exporting silver; instead of driving all of our gold out of the country we have been attracting and absorbing the gold of European countries at a rate never before known in the history of this Government; and instead of resumption being delayed it was an accomplished fact in less than two years from the passage of the act restoring silver to its proper dignity among the money metals of the earth. You have therefore proven yourselves incompetent financial doctors and are not to be trusted with the patient again. This much in behalf of the predominant interest of my State, an interest alike of general and local importance, contributing as it does in a high degree to the welfare and prosperity of all your States and every section of our common country.

And now, Mr. Speaker, I must crave the further indulgence of the House while I allude as briefly as possible to some other matters affecting my State and its relations to the Government and the other States of the Union. Much more deserves to be said than can be presented in a speech of usual length. I feel it to be my duty, as it is my pleasure, to meet and refute every false impression that finds lodgment or credence anywhere regarding the real condition of those whose representative I am.

Admittedly our State is an anomaly in the matter of population, but I have already pointed out the leading consideration which brought us into the Union. Certainly we could not have entered without an invitation.

Possibly we were all mistaken in some sense—both the Government and the people of Nevada. The discovery of the world-renowned Comstock lode had been followed by an immense influx of people. We all thought that this population would be permanent and that other sections, known to possess vast mineral resources, would be peopled as rapidly. We constituted at that time the Territory of Nevada, the same having been created in 1861. No Western people take kindly to a Territorial government. You have a practice of sending out to govern them a lot of splinted and spavined politicians, strangers alike to the people and the interests and objects to be fostered and promoted. In our case you sent among us, to put it no stronger, a grossly incompetent Federal judiciary. Our mining titles were unsettled and suits involving hundreds of millions in the aggregate had to be litigated.

Some of the decisions which followed caused widespread dissatisfaction and indignation, and the court soon fell far below par in the popular esteem. Under this state of affairs an elective judiciary—a home judiciary of our own choosing—began to be agitated, and a little later a movement for a state government had crystallized into form. When the constitution had been prepared and submitted, many voted for its adoption as the surest means of ridding themselves of the obnoxious Federal judiciary. Thus it was that we came in, and, being in, we are here to stay.

But it is a mistaken idea, sir, that Nevada has ever been an incumbrance or a burden to the Federal Government. Notwithstanding we are a small community, we have always been able to discharge every obligation incumbent upon us as one of the sovereign States. We have never cost you one dollar; we are ahead of you on general account. I have not the exact figures at hand, but I have been making some pretty close and safe estimates. I figure that since a State we have paid into the Federal Treasury in the way of internal revenue and from other sources $6,000,000, and that our total mail service, never ample, United States courts, revenue officers, &c., have cost the Government less than $3,000,000, thus leaving the Government a net profit of $3,000,000.

This is not a large sum, I confess, but it is sufficient to serve my purpose in showing that Nevada has been more than self-sustaining. That is the sole purpose for which the estimate is brought forward, the manifold benefits and blessings other than financial proceeding from our membership in the great family of States being freely acknowledged. We are mutually dependent upon each other and we should all be mutually benefited by the compact. I am simply seeking to show that, small as we are, we are not costing the other members of the firm anything. How much more we have contributed to Pennsylvania and other Eastern manufacturing and protected States in the way of tariff exactions it would be difficult to determine, but the sum cannot fail to be immense, since we import everything we consume, from a lucifer match to a quartz-mill. We manufacture nothing within our borders for export save bullion.

As a State we are getting along quite comfortably. We have no bonded debt and owe no outside man in the world one dollar. Some of our State funds are indebted to other funds, but this is the extent of our liabilities. There are few of the great States of this Union that can say as much. I see the bonds of pretty much all of your States quoted daily in the Wall-street market. We have no debt to scale down and none to readjust. In this regard we may be a little out of fashion, but we prefer the old style. The finances of most of our municipal and county governments, also, are in a healthy, solvent condition.

Our people are strong-hearted, intelligent, and enterprising. The business of mining elevates, broadens, and strengthens all who engage in or come in contact with it. We acquire in ten thousand ways by practical experience all that the most profound scientist is able to gather from his books. Illiteracy, to the point of non reading and writing, is practically unknown to our population. The census show that out of our total population there are but 3,760 people who cannot read or write. Of this number we have 3,518 Chinamen. Deducting the Mongolians, we have left only two hundred and forty-two persons who are without education. No State in the Union can approach this record; it is unapproachable anywhere under the sun. There are six of the old States, each with a population fifteen times greater than ours, which do not maintain as many daily papers as sparsely-settled Nevada. I could go on indefinitely drawing the parallel, and always to our credit. Enough has been said to show that we are better than our traducers.

Politically, we are of the liberal and progressive school. Independence of party is a marked characteristic of the people. There has not been a straight ticket elected, State or county, of either party in twelve years. The great mass of voters are a reading, thinking people, and therefore capable of deciding for themselves. The motto of all parties is a free ballot, a full vote, and a fair count. While the prizes to be won are as alluring as elsewhere, we have never been troubled with "bosses" or "bossism." We have no political "bosses" in Nevada and want none. Our pure mountain air is not promotive of their growth. They flourish better in the blighting political malaria of the great States and cities of the East. We

cheerfully accord to you the proud distinction of a more thorough knowledge of the uses of the "machine" than we possess.

False rumors touching the integrity of our Senatorial elections have also found expression from time to time in the Eastern press. I do not hesitate to say, Mr. Speaker, that the Legislature of Nevada has been as free of improper influences in the performance of this important duty as the Legislature of any other State, East or West, and in my opinion a great deal more so.

Five men, to wit, Mr. Stewart, Mr. Nye, Mr. JONES, Mr. Sharon, and Mr. FAIR, have represented Nevada in the other Chamber since her admission as a State. Messrs. Stewart, Nye, and JONES were all re-elected. We have had in all eight elections of a Senator of the United States, and, as remarkable as it may appear, we have never had but one contest in the Legislature for this high office.

It is the rule with us for gentlemen to announce themselves as candidates in advance of the primary elections, when the person receiving the indorsement of a majority of his party, as reflected in the nomination of members for the Legislature, is given a clear field. The struggle is conducted wholly before the people, and when thus determined the Legislature has never failed in a single instance to execute the people's will as expressed at the ballot-box. Stewart and Nye were our first Senators, elected by a Legislature overwhelmingly Republican, and both without opposition within their party. Stewart was elected for the full term and Nye for four years. Senator Nye coming up for re-election at the expiration of his first term, met with stout opposition from Mr. De Long, both before the people and in the Legislature. There were some vague hints and suspicions of an improper use of money in the Legislature, but definite charges were not made and no investigation was ever ordered. Both contestants having been poor men, the presumption is fair that all intimations of corrupt means were greatly exaggerated.

Senator Stewart succeeded himself without opposition within his party. Senator JONES followed Senator Nye. The Legislature was Republican by a two-thirds majority on joint ballot, and he had no opponent in that party. In like manner Senator Sharon succeeded Senator Stewart, the latter not being a candidate for a third term. In all of these contests the Democrats had candidates of their own who were supported at the polls and by the Democratic members of the Legislature. Two years ago, for the first time in our history as a State, a Democratic Legislature was chosen and a Democratic Senator elected, in the person of Hon. JAMES G. FAIR, as the successor of Hon. William Sharon. The State for some years had been gradually undergoing a change politically, which, added to the personal magnetism and great popularity of Mr. FAIR with the people among whom he had resided continuously for nearly a quarter of a century, served to turn what otherwise might have been an ordinary victory into a sweeping triumph.

And now, Mr. Speaker, there is a fair and logical deduction to be drawn from this recital of historical facts. Seven out of the eight Senatorial elections were uncontested, while the eighth was between poor men, unable to corrupt any one, if disposed to do so, which I decline to believe. It is thus shown to the satisfaction of all fair men, let me hope, that there has never been occasion or motive for the corrupt use of money in the Senatorial elections of Nevada. Every imputation of this character, therefore, is a gross and palpable libel on the fair name of the State and its people, and as such I most emphatically characterize it.

The people of Nevada are brave and generous. They have not yet learned the small, frugal ways of the East. Money worship is not a trait peculiar to them. Every man is a millionaire in hope. It would require more money to sway an election in little Nevada than was paid in 1880 for the entire "mule" crop of big Indiana. But enough of politics and political subjects. When I shall have called attention to some of the pressing wants of my State I will have concluded about all I desired to say.

Mr. Speaker, if we exclude Alaska, about four-tenths, within a fraction of one-half, of the entire area of the United States is so arid that all agriculture is dependent upon irrigation. The vastness of this arid region may be the better understood when I say that it is greater than all that section lying east of the Mississippi River. It stretches away from about the one hundredth meridian, in Kansas, on the east to the Pacific Ocean on the west. It is bounded at the south by the Republic of Mexico and at the north by the British possessions. Practically the entire public domain remaining open to settlement and sale lies within the limits I have described. It follows logically, and goes without saying, that the Government itself is the party chiefly interested in the reclamation of these arid and now worthless lands. There can be no sale for them until reclaimed, or at least until their susceptibility of reclamation shall have been demonstrated.

It occurs to me, sir, that no higher or greater economic question can engage the attention of this or succeeding Congresses. The future expansion and growth of this country is directly dependent upon the solution of this problem. The time is near at hand when it must be met and undertaken, not in a general sense, but in a limited, experimental way.

Our system, imperceptibly perhaps, until we turn back and count the mile-stones, has undergone a radical change. National aid to internal improvements is now the fixed policy of this country. That policy will never be reversed, no matter what party may succeed to power. It is not a doctrine that will revolve backward, for the good and sufficient reason that a majority of the American people like it.

It is as permanently established as the other doctrine of protection to American industries to the extent of supplying all revenues necessary for the support of the Government, including liberal estimates for internal improvements. Political parties may differ on the degree, the amount, but in no other sense will there ever be a division of public sentiment in this country. The tendency of all this is to cause the citizen to lose sight of geographical lines and assume a closer and more direct relation to the General Government. The tendency in this direction cannot be mistaken. National legislation is now extended to a score of subjects, concerning which local regulation was deemed adequate before. We see it also in the increasing demands on the central authority for aid in all great enterprises, some of them of doubtful public utility, requiring the expenditure of large sums of money and the application of superior engineering skill.

For weal or for woe, ultimately, it is unquestionably the drift of the period, and underlying it all is the progressive spirit of the American people. I do not feel called upon to speculate as to the final result; that is not necessary in this connection. I find a well defined and well recognized policy in practice, and I deal with it as I find it. It is not to be condemned if its results are mutually beneficial to all of the people in every section of our common country. A failure to observe the essential element of reciprocity can alone bring it into popular disfavor. It is against this abuse of the system that I would warn gentlemen on both sides of the House, for both sides are equally committed to the doctrine, as witness the vote on the twenty million river and harbor bill.

I have already called attention to your neglect of the more remote sections of the West, but I cannot too strongly emphasize this just cause of complaint. Leaving out of the count the "Jumbo" river and harbor bill, as essential to commerce, which it is not in many of its features, we cannot appreciate the justice of an annual appropriation of a half million of dollars for the maintenance of the Signal Service Bureau, charged with the responsible duty of predicting rain-storms in the humid region east of the Mississippi, while we of the arid half of this Union are denied an insignificant sum with which to experiment for artesian water.

I have no hostility, Mr. Speaker, to the Signal Service, and only allude to it for purposes of illustration. We in the West desire no warning of the approaching rain-storm. We hail its coming with delight.

In like manner I might draw the line on the National Board of Health. It is important to you, but we have no use for it in the high altitudes of the interior of the continent. Epidemics and contagious diseases are practically unknown in the mountains of the West.

Our great need, Mr. Speaker, is more water. We ask to know where in the depths of the earth run the subterranean streams that may be brought to the surface for the fertilization of our lands. We desire to know where artesian waters may be found. We want the subject placed in the hands of scientific men who are competent to determine the geological structure and to point out the strata and locality best suited to artesian borings. We also desire a few practical experiments by the Government. A quarter of a million annually should be expended in these tests for a number of years. Our people will not buy your desert lands and incur the risk of obtaining water at an additional outlay of thousands of dollars. The Government is the interested party, and it must make the first experiments.

The ordinary Western settler cannot afford it if he would. The Government need not necessarily lose one dollar in these experiments. The improvement of its own property cannot fail in the end to inure to the benefit of the Treasury. One successful artesian well with the land adjacent will sell for enough to sink a dozen. The small sums hitherto appropriated have not had a fair chance. They were placed in incompetent hands, and expended at random without regard to the geological structure. The Geological Survey is the proper medium through which to make these all-important tests. I have no fear of the result when intrusted to competent hands. Every mountainous country is an artesian country. Pressure being essential to success, there must in the very nature of things be an elevated source for the underground streams. The springs that burst from the mountains are but artesian wells in miniature. They illustrate the principle better than it can be demonstrated in any other way.

Nevada is an elevated plateau 4,000 feet above the level of the sea, traversed by numerous chains of mountains, rising from 1,000 to 5,000 feet above the State level. The intervening valleys are the localities where artesian experiments are desirable. There can be no doubt of success in these valleys. The only question is one of depth. That is what we want demonstrated. The soil is known to be fruitful with the application of the necessary water; and let me say that crops raised by means of irrigation are the most reliable in the world. They are not dependent upon the seasons. We have within our borders more than 10,000,000 acres of land capable of cultivation with water to irrigate it. Our State is but a fair type of all the arid region which I have so hurriedly described. The capacity of that vast region to sustain the teeming millions who are destined to find homes in this country in the not remote future is a question that may well claim attention as one of the first and highest importance.

Mr. Speaker, the world is being peopled at a rate never approximated before. Nations are no longer decimated by war or pestilence. The improved appliances of modern warfare coupled with the advance of science in staying pestilential and contagious diseases combine to produce this result. Great issues are determined by a few decisive battles with the minimum of loss in human life. Our shores are attracting the thrifty emigrant from all lands. The arid region of the West must be prepared for his habitation. The mountainous portions of that region must also furnish your beef supply in the future. Grass-fed beef means cheap beef. Millions of acres there are never grazed for the lack of contiguous water.

A bullock fed on the nutritious bunch-grass of the mountains weighs 1,200 pounds, as against 800 pounds for the same character of animal grazed on the plains of Kansas or Texas; and both of these States, with the advent of railroads, are being rapidly brought under cultivation. Each gained four additional Representatives by the recent Congressional apportionment. The best beef in the world is produced on the mountains of our Western States and Territories. From Nevada we supply the San Francisco market and ship largely to Chicago and other eastern cities. To promote pasturage alone artesian wells are imperatively demanded. It is not deemed necessary to go into a discussion of the practicability of these wells. Their great utility has been known throughout the world for six thousand years.

In my State mining is the leading though not the only interest. Agriculture and stock-raising are also important industries. The latter may be greatly increased with the reclamation of our arid lands. We have enriched you to the extent of $300,000,000 in bullion. May be we bought our supplies from San Francisco, but San Francisco bought from the East, and in the end you got the lion's share. One-half of our entire product has been in gold; all of our bullion runs in about that ratio. Nevada will continue to produce for a great many years about $25,000,000 in equal parts, but we are coming to realize this fact: every ton of ore we extract impoverishes the State by just that much; ore does not reproduce. In this regard we differ from the wheat and corn producing States of the old Northwest.

Their wealth is permanent, while ours is transient, in a comparative sense. We realize, sir, that our State must be gradually transformed and greater attention and prominence given to the more permanent industries and pursuits attaching to a full development of our agricultural and pasturage resources. You can help us and at the same time help yourselves and the Government by creating a demand for the unoccupied public domain in our State. You can at least encourage our production of the precious metals by withholding hostile legislation; it is in your power to give the silver mines of Nevada an even chance with the iron mines of Pennsylvania. You can provide for the prompt payment of the just claims of our State and citizens. You can direct such public improvements as are not denied to other States; you can "regulate commerce" on the transportation lines of the country, thereby giving us cheaper supplies; and, finally, you can authorize the ceding back by California of four prosperous counties that were taken from us by the running of the line between our State and that. Morally and geographically we are entitled to all territory lying east of the summit of the Sierra Nevada Mountains. I merely allude now to these several measures of great local importance. I shall have occasion to discuss them more in detail as they come up for consideration.

And now, Mr. Speaker, with such national aid and encouragement as we are entitled to and have a right to expect the future of Nevada is not problematical. Water is to-day our greatest want. Give us the artesian experiments that I have demanded, and I can discern in the not distant future a thousand smiling valleys in our State, dotted over with emerald groves and fields of golden grain, homes of a contented people, with a still broader expanse devoted to grazing herds and prosperous stock-farms.

Land-Grant Railroads.

"Great estates destroy the spirit of patriotism in those who have everything and those who have nothing."—ST. PIERRE.

SPEECH

OF

HON. WILLIAM S. HOLMAN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 7, 1882.

The House, in Committee of the Whole, having under consideration the sundry civil appropriation bill—

Mr. HOLMAN said:

Mr. CHAIRMAN: This bill of "odds and ends," which can find no appropriate place in any of the regular bills providing for the Departments of Government, appropriates the unprecedented sum of $23,680,865.06 which might be reduced to $7,000,000 without impairing the efficiency of any Department. But there is a single item in the bill involving a comparatively small expenditure to which I wish to invite attention. That item reads as follows:

For surveying the public lands, $400,000.

The sum heretofore appropriated annually for that purpose has been $300,000. This increase might excite attention, but upon examination I find that a system has recently grown up under color of law enormously increasing the fund for the survey of the public land under this system. Persons desiring the survey of a township of public land deposit the money to cover the cost of the survey in any Government depository and receive a certificate for the same, and these certificates are assignable and are received in the land offices as cash in payment for public lands, and the funds deposited are applied to the survey of public lands. I learn from the last report of the Commissioner of the General Land Office that during the fiscal year 1881 the enormous sum of $1,804,166.47 was deposited under this system, which, added to the $300,000 regularly appropriated, made the sum of $2,104,166.47 available for the survey of the public lands.

Thus a double fraud is perpetrated on the Government; the one in opening up facilities for the excessive profits incident to the Government surveys, and the other furnishing opportunities for capitalists to monopolize at a nominal price large bodies of the most valuable of the public lands.

Now, sir, the Commissioner has called attention to this subject, and in his last report sets forth an order issued by him seeking to restrict this evil, the first paragraph of which is in these words:

To surveyors-general:

In order to prevent as far as possible the perpetration of frauds and fraudulent surveys, which have already assumed alarming proportions under the system of deposits by individuals, it is hereby ordered.

And the Commissioner proceeds to set forth rules seeking to counteract as far "as possible" these frauds, and the Commissioner recommends the repeal of the law under which these frauds are sheltered. These facts are known, I presume, by all the members of the House, and are especially within the knowledge of the Committee on Appropriations.

Mr. HISCOCK. I desire to ask the gentleman from Indiana whether it will interrupt him if I explain the provisions of the bill in regard to this matter.

Mr. HOLMAN. I intend to come to that in a moment, and I shall then be very glad to hear the explanation. After being thus informed of the existing evil by the Commissioner of the General Land Office, the Committee on Appropriations, after appropriating $400,000 by this bill for the survey of the public lands, instead of repealing the law which authorizes these frauds, add the following provision:

That no certificate issued for a deposit of money for the survey of lands under section 2403 of the Revised Statutes and the act approved March 3, 1879, amendatory thereof, shall be received in payment for lands except at the land office in which the lands surveyed for which the deposit was made are subject to entry, and not elsewhere; but this section shall not be held to impair or affect in any manner deposits and contracts made under the provisions of said act prior to the passage of this act.

I concede that last clause is right. If by the provisions incorporated in section 2403 of the Revised Statutes, and the amendatory act, making these certificates assignable, parties have become the holders of these certificates, rendering it still more convenient to reach your public domain, why of course the Government is bound by it and must submit to that extent to the wrong done. But I protest against the other proposition, and still more I protest against what is omitted—a repeal of the law authorizing the fraud.

What, then, is the effect of the provision? It is simply this, that the certificates of deposit shall only be received in payment for land in the land district in which the survey was made for which the money was deposited. Does that reach the evil? Does that put an end to or even limit those frauds? Not in the least. Some of these land districts exceed the territory of a great State, embracing many millions of acres, and all that the provision of the committee does is to limit the operations of these gentlemen who are surveying and monopolizing the most choice of your public lands to the district in which the deposit is made. I hardly think they would wish a larger field.

I would now be very glad to hear an explanation from my friend from New York [Mr. HISCOCK] why this extraordinary state of things is permitted; why this legislation which authorizes the issue of these certificates is not repealed by this bill in conformity with the recommendations of the Commissioner of the General Land Office.

Mr. HISCOCK. The explanation of the provision in the bill is this——

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. HOLMAN. For an explanation.

Mr. HISCOCK. It is not claimed that there has been any abuse in this deposit system until the certificates were made assignable and receivable for the amount carried upon their face in payment for public lands at any point or at any place. I do not understand that there is anything in the communication to which the gentleman refers that claims that there has been any fraud or irregularity in this matter, or that the system has worked otherwise than well up to the point when these certificates were made assignable, so that the

men making the deposits of money were not compelled to take the land when it was once surveyed, but were given the option of selling the certificates and assigning them to other people to be located where they pleased. These certificates were made assignable in 1881, I think.

Mr. HOLMAN. It was in 1879.

Mr. HISCOCK. They were made assignable in 1879. It is claimed that since then the abuse has grown up of depositing money for which certificates were issued, for the sole purpose of furnishing business to the surveyors, and that therein consists the abuse. After full consultation with the Land Office we have repealed the assignability of these certificates.

Mr. HOLMAN. Whereabouts is that?

Mr. HISCOCK. To the extent that they must be located by whoever holds them in the district of the land office in which the deposit was made.

Mr. ATKINS. And not in the township, as heretofore.

Mr. HISCOCK. They were originally required to be located in the township.

Mr. HOLMAN. I think I understand the gentleman's position, and he will excuse me if I do not permit him to consume any more of my time. This explanation is entirely unsatisfactory, and will be found so by any gentleman who will examine the facts before the committee and the provisions of this bill; the clause I have read is the entire provision. The use of these certificates is not limited to the persons to whom they were issued. They are not limited at all, except that they shall be used in the land district where the deposit is made. It leaves the evil just exactly as it was. The statement of the Commissioner, in which he refers to the assignability of these certificates, is this:

> Applications for surveys are fraudulently prepared by or through the instigation and management of deputy surveyors, who, for the purpose of securing the contract for making the survey, either themselves or through friends advance the money for the deposit, thereafter sell and assign the certificates, and thus reimburse themselves and secure their profit from the surveying contracts.

And yet gentlemen must see that even if these certificates were not assignable the same evil, only slightly modified, would continue. What is most marked is that the Committee on Appropriations, and apparently with the concurrence of the Committee on Public Lands, permit this monstrous wrong to go on of the survey of these lands beyond the public wants for the purpose of speculation, for that is what it means, just that, nothing less.

I concede that the Commissioner of the Land Office complains of these frauds on account of the profitable surveying contracts thus obtained. That is not the main evil of which I complain. What I am condemning especially is——

Mr. ATKINS. Will the gentleman allow me one word?

Mr. HOLMAN. Let me finish my sentence. What I am condemning is that you allow the survey of these lands far beyond the demands of settlement; not so much that it enables the contractors who make the surveys to realize unreasonable profits, but for the other reason that is of much greater moment to the people of this country, that it enables men with capital to monopolize your public lands, and speculate on the natural rights of your laboring people.

Mr. HASKELL. How can they do that?

Mr. HOLMAN. By buying the land at a nominal price. And that applies no less in the States where the pre-emption law must be resorted to than in the States where the lands are subject to public sale and private entry. I am prepared to show that even under the pre-emption laws men of capital speculate in your public lands. I now yield for a moment to the gentleman from Tennessee.

Mr. ATKINS. I only wanted to state that I thought the criticism of the gentleman on the Committee on Appropriations was rather unjust, because if he had been a member of Congress for the last four years preceding this he would have known that efforts were made to cut down this very appropriation, and it had to be done in the face of the estimates, of the wishes of the Administration as expressed through its estimates, and the opposition of the Western members of Congress on this floor.

Mr. HOLMAN. Certainly. We saw that in the Forty-fourth Congress. The bill as it passed the House proposed such a reduction in the compensation for surveying the public lands as to remove all motive for fraud. The amendment of the Senate could not be entirely overcome; and the sum of $300,000 had to be appropriated. The pressure then was almost as great as it is now to reach the public lands and exhaust them; they are now and have been for years a rich field for dishonest speculation. But, Mr. Chairman, the evil of which I complain is only a part of a general system. I wish in a brief way to consider the subject more broadly. The act which passed Congress on the 20th of May, 1862, known as the "homestead law" was not only one of the wisest but one of the most humane laws ever enacted—I had the honor myself to vote for it and I feel an honorable pride in that vote. It was the first important law of civil government enacted by the great party which from that day to this has controlled this Government. It was the hope of the friends of that great measure that at a very early day all the public lands of the United States adapted to agriculture would be placed under its provisions, thus securing for all time the public domain for the benefit of the actual settler, the nation holding the lands only as a trustee for its landless people.

The Republican party in its early vigor pointed to this law with commendable pride not only as the fulfillment of a promise made to the people but as the evidence of the elevated statesmanship of its leaders. Andrew Johnson and other eminent representatives of Democratic principles had made a brave fight for the homestead law and failed. The Republican party had carried it through as its first measure of civil policy.

Thirty years ago in the first gathering of its elements the Republican party at Pittsburgh adopted this resolution:

> *Resolved*, That the public lands of the United States belong to the people, and should not be sold to individuals, nor granted to corporations, but should be held as a sacred trust for the benefit of the people, and should be granted in limited quantities, free of cost, to landless settlers.

It was greatly to the honor of that party and the eminent statesmen who organized its forces that ten years after the adoption of that resolution the party fulfilled its early promise by the enactment of the homestead law. It was an honorable beginning, but that great party twenty years ago, devoting for the coming ages the grand public domain of that day for homes for the landless and prosperous and happy firesides for all men who would assert the rights of labor, and that party of to-day, turning that bountiful gift of nature to mankind over to the grasping millionaire and the plundering spoilsman and using the powers of Government to drive off the laboring-man from the fields enriched by his labor and on which he was invited to enter by that very homestead law for the benefit of incorporated power, is the most striking and humiliating contrast known to the history of free government.

The facts which I shall present will show how tamely I have presented the case. The great parties which had controlled the Government for three-quarters of a century had husbanded the public lands with jealous solicitude; their policy at times seemed almost miserly. They did not underestimate the value of this great inheritance; they saw in the fertile and boundless fields of the West the strong bulwark of the republican institutions they were cherishing; they saw in those fields the safety of labor against the oppression of capitalized power; they felt and knew that while that refuge remained, while the strong arm and the brave heart of labor was sure of a freehold, a home, and a fireside against all the accidents of fortune the Republic was secure.

The monarchies which had held possession in North America, the English, the French, and the Spaniard, had granted to favorites large estates in land. And why not? Such is the instinct of monarchy. Our fathers hoarded the public lands to secure homes for the people. They did not enact a homestead law, for the public Treasury during a long period required the price, little more than nominal, charged for the public lands. It was no hardship, for there were no overgrown estates; and hence poverty was almost unknown. Under this policy the great States stretching westward from the Alleghanies to the Mississippi and still onward were settled; the general equality in wealth was maintained; no princely estates; no cry of labor for bread. Up to the time the Republican party came into power not an acre of land had been granted by Congress to a corporation; but the grants made by Congress to States for internal improvements and applied by the States to making of roads, canals, and railroads amount in the aggregate to 31,600,846 acres. This includes all of the grants made by Congress from the adoption of the Federal Constitution on the 17th day of September, 1787, to the 4th day of March, 1861, when the party now controlling public affairs came into power, covering a period of seventy-four years.

And here I present, sir, a table of the grants of public lands made by Congress since the Republican party came into power on the 4th day of March, 1861, covering a period of twenty-one years—not grants made to States for public purposes and subject to State control and State taxation, but made to corporations for the gain and profit of corporations which are even now almost, if not entirely, above either State or Federal control:

No. 1.—*Statement exhibiting land concessions by acts of Congress to corporations for railroad, canal, and military wagon-road purposes from March 4, 1861, to June 30, 1874.*

States.	Date of laws.	Name of road.	Number of acres in the grant.*
			Acres.
Arkansas	July 28, 1866	Cairo and Fulton	1,040,000.00
Do	July 28, 1866	Memphis and Little Rock	365,539.00
Do	July 28, 1866	Little Rock and Fort Smith	458,771.00
Do	July 4, 1866	Iron Mountain	864,000.00
Missouri	July 28, 1866	Cairo and Fulton	182,718.00
Do	July 4, 1866	Saint Louis and Iron Mountain.	640,000.00
Iowa	June 2, 1864	Burlington and Missouri River.	96,646.55
Do	June 2, 1864	Chicago, Rock Island and Pacific.	160,991.23
Do	Jan. 31, 1873	Act to quiet the title to certain lands in the State of Iowa.	1,298,739.00
Do	June 2, 1864	Cedar Rapids and Missouri River.	356,988.00
Do	May 12, 1864	McGregor and Missouri River.	1,536,000.00
Do	May 12, 1864	Sioux City and Saint Paul	524,800.00

Statement exhibiting land concessions, &c.—Continued.

States.	Date of laws.	Name of road.	Number of acres in the grant.*
			Acres.
Michigan	June 7, 1864	Grand Rapids and Indiana	531,200.00
Do	March 3, 1865	Bay de Noquet and Marquette	128,000.00
Do	July 5, 1862	Chicago and North Western	564,480.00
Do	March 3, 1865	do	
Wisconsin	May 5, 1864	West Wisconsin, formerly the La Crosse and Milwaukee.	
Do	March 3, 1873	Act to quiet the title to the lands of settlers claimed by West Wisconsin Railway Company.	1,305,600.00
Do	May 5, 1864	Saint Croix and Lake Superior and branch to Bayfield.	883,737.74
Do	May 5, 1864	Wisconsin Central	1,800,000.00
Minnesota	March 3, 1865	Saint Paul and Pacific Brainerd branch.	1,475,000.00
Do	March 3, 1871	Saint Vincent extension of Saint Paul and Pacific.	2,000,000.00
Do	May 5, 1864	Lake Superior and Mississippi.	920,000.00
Do	July 4, 1866	Southern Minnesota	735,000.00
Do	July 4, 1866	Hastings and Dakota	550,000.00
Kansas	March 3, 1863	Leavenworth, Lawrence and Galveston.	800,000.00
Do	March 3, 1863	Missouri, Kansas and Texas	1,520,000.00
Do	March 3, 1863	Atchison, Topeka and Santa Fé.	3,000,000.00
Do	July 23, 1866	Saint Joseph and Denver City.	1,700,000.00
Do	July 25, 1866	Missouri River, Fort Scott and Gulf.	2,350,000.00
Corporations	July 1, 1862	Union Pacific	12,000,000.00
Do	July 1, 1862	Kansas division	6,000,000.00
Do	July 1, 1862	Denver division	1,100,000.00
Do	July 1, 1862	Central branch Union Pacific	245,166.00
Do	July 1, 1862	Central Pacific	7,907,600.00
Do	July 1, 1862	Western Pacific	1,100,000.00
Do	July 25, 1866	Oregon branch	3,724,800.00
Do	July 1, 1862	Sioux City and Pacific	41,318.00
Do	July 2, 1864	Northern Pacific	48,215,040.00
Do	July 27, 1866	Southern Pacific	11,964,160.00
Do	July 27, 1866	Atlantic and Pacific	49,294,883.00
Do	May 4, 1870	Oregon Central	3,701,760.00
Do	March 3, 1871	Texas and Pacific	18,000,000.00
Do	March 3, 1871	New Orleans Pacific	903,218.00
Total number of acres granted to railroads			192,081,155.52
GRANTS FOR ROADS AND CANALS.			
Wisconsin	From 1863 to 1870	Wagon-roads	302,930.36
Michigan	From 1863 to 1870	Wagon-roads	221,013.35
Oregon	From 1864 to 1869	Wagon-roads	1,888,600.00
Wisconsin	April 10, 1866	Breakwater and Harbor Ship Canal.	200,000.00
Michigan	March 3, 1865	Portage Lake and Lake Superior Ship Canal.	200,000.00
Do	July 3, 1866	do	200,000.00
Do	July 6, 1866	Lac La Belle Ship Canal	100,000.00
			3,112,543.00

* Estimated.

RECAPITULATION.

Grants to railroad corporations	192,081,155.52
Grants for roads and canals	3,112,542.00
Total	195,193,697.52

Thus, while the old parties, Federalist, Democrat, and Whig, had carefully guarded the public land through a period of seventy-four years against the countless schemes of proposed and pretended development and improvement, through which the designing and the crafty sought to reach them, and through that long period granted 31,600,846 acres to States for internal improvements, the Republican party in a period of fourteen years gave to railroad corporations 192,081,155.52 acres. All of these grants, aggregating 192,081,155.52 acres, were made between the 4th day of March, 1861, and the 4th day of March, 1875, a period of fourteen years, for on the 4th day of March, 1875, the Democratic party came into the control of this House, and since then no grant has been made, renewed, or enlarged. And who can estimate the fatal injury inflicted by this system on the integrity of the public service? Each grant has its own peculiar history of national humiliation.

The exhaustion of the public land is not the only evil of this system of land grants. In the many struggles to renew, enlarge, and extend the grants, spectacles were presented on this floor which cannot be recalled without a sense of national humiliation and dishonor when great stockholders of the corporations holding these grants, members of this House, unblushingly attempted to vote in their own interest, and were arraigned before the bar of the House for the discreditable attempt. When the most fertile regions of the public domain had been reached and appropriated by these grants, and not till then, the minority of this House were able to check this corrupting policy. The time for the completion of these land-grant railroads has expired. The last grant, according to various laws creating the grants, expired on the 2d day of May, 1882. The time for the completion of the Northern Pacific Railroad, with its enormous grant of 48,215,040 acres, expired on the 4th day of July, 1879.

In all of these grants, except to the Northern Pacific, it is in substance provided that the corporations should complete a specified portion of their respective roads each year, receiving the lands accruing upon the completion of each section of twenty miles, and should complete their respective roads within a specified period, generally ten years, and upon failing to do so the lands remaining should "revert to the United States." In some of these acts the language is still more specific and declares that upon such failure the act shall be "null and void," and the remaining lands "shall revert to the United States." There is not the least ambiguity in the conditions to these grants, by which the corporation is entitled to a given number of sections of land on the completion of each section of twenty miles, and if there is a failure to complete the road within the period specified the remaining land "shall revert to the United States."

In the grants to the Northern Pacific Railroad Company the terms are different. The eighth section of the act is specific and unequivocal. It is as follows:

SEC. 8. *And be it further enacted*, That each and every grant, right, and privilege herein are so made and given to, and accepted by, said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: that the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1876.

There is no ambiguity in this language. Each and every grant, right, and privilege herein is "given to, accepted by," said company on the condition that the work shall be commenced within two years after the approval of the act, (July 12, 1864,) not less than fifty miles a year shall be completed after the second year, and the whole road shall be constructed, equipped, furnished, and completed by the 4th day of July, 1876. Then follows the most unmeaning jumble of words ever hid in the verbiage of an act of Congress, written as if the crafty lawyer who drew it wished to create an ambiguity on which a corporation might set up some pretense of a right not granted by the law. Here is this remarkable section:

SEC. 9. *And be it further enacted*, That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upward of one year, then, in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

If this corporation gains anything by this section it will only be when it is sufficiently powerful to order the interpretation of a law against the plainest dictates of common sense. It accepts the grant on the condition that its "whole road" shall be completed by the 4th day of July, 1876, and if it breaks its contract then the United States may do what is necessary "to insure a speedy completion of said road." Well, suppose this corporation forfeited its land grant by failing to complete its road by the 4th day of July, 1879, for the time was extended by the joint resolution of May 7, 1866, to that date, without any other change in the conditions, and Congress declared, as it rightfully might and should, the remaining lands forfeited to the United States, certainly the Government might complete the road if it thought proper and had the constitutional power, or might regrant the lands for that purpose; but does this ninth section confer a power or impose a duty on the United States? Does it mean that Congress cannot declare the forfeiture under the eighth section without providing for the completion of the road?

No, sir; it means simply that the United States might do exactly what it might have done if this ninth section had not been a part of the law. This corporation will have to be stronger than Congress or the Federal judiciary before it will be able to obtain a decision that the United States cannot declare the forfeiture under the eighth section until they assume the obligation to complete the road under the ninth section. Perhaps this corporation will have the effrontery to claim that under the ninth section if it forfeits the grant, then the United States are compelled to complete the road for its benefit. And yet this extraordinary claim would not be more startling than the claim that if the corporation forfeited its rights then the United States were bound to provide for the completion of the road for the benefit of the United States. But happily the last section of the act leaves the whole subject under the control of Congress. It provides:

SEC. 20. *And be it further enacted*, That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act.

The stump speech in favor of this imperial grant embodied in this last section, craftily framed as it is, will deceive no one; it has but

one meaning, and that is "that Congress may at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act." In view of the forfeiture which occurred of this grant on the 4th day of July, 1879, what rights have that corporation which the United States are bound either in law or equity to regard?

It might have been fairly presumed that, as those corporations were entitled to patents for the land as each successive section of the road was completed, the land remaining when the period for the final completion of each road expired would at once become a part of the public domain; but the Supreme Court holds otherwise, that the law vested in the corporation the right to the land, that the condition of forfeiture for failing to complete the road within the time specified was a "condition subsequent," and hence an act of Congress was necessary to declare the forfeiture and restore the land to the public domain. I present here a statement of the several grants which have been forfeited. The last of these grants, that to the Texas Pacific Railroad Company, expired on the 2d day of May, 1882:

No. 2.—*Land grants which have been forfeited by the failure of the corporations to complete their roads in conformity with law.*

Name of railroad.	States in which located.	Grant by act approved—	Grant to—	Alternate sections within—	With indemnity within—	Extended by act approved—	Estimated quantity of lands granted.
							Acres.
Gulf and Ship Island	Mississippi	Aug. 11, 1856	State	6 miles	15 miles		652, 800. 00
Alabama and Florida	Alabama and Fla.	May 17, 1856	States	6 miles	15 miles		419, 520. 00
Coosa and Tennessee	Alabama	June 3, 1856	State	6 miles	15 miles		132, 480. 00
Mobile and Girard	do	June 3, 1856	do	6 miles	15 miles		840, 880. 00
Coosa and Chattanooga	do	June 3, 1856	do	6 miles	15 miles		150, 000. 00
Alabama and Chattanooga, formerly Northeast and Southwest Alabama, and Wills Valley Railroads.	Alabama	June 3, 1856	State	6 miles	15 miles	Apr. 10, 1869	897, 990. 00
Pensacola and Georgia	Florida	May 17, 1856	do	6 miles	15 miles		1, 568, 729. 87
Florida, Atlantic, and Gulf Central	do	May 17, 1856	do	6 miles	15 miles		183, 153. 99
North Louisiana and Texas, formerly Vicksburgh, Shreveport and Texas Railroad.	Louisiana	June 3, 1856	do	6 miles	15 miles		610, 880. 00
New Orleans, Baton Rouge and Vicksburgh	do	Mar. 3, 1871	Company	20 miles	30 miles		3, 800, 000. 00
Saint Louis and Iron Mountain	Missouri	July 4, 1866	State	10 miles	20 miles		640, 000. 00
Little Rock and Fort Smith	Arkansas	Feb. 9, 1853	States	6 miles	15 miles		1, 009, 296. 34
	Missouri	July 28, 1866	do	10 miles	20 miles		
Detroit and Milwaukee	Michigan	June 3, 1856	State	6 miles	15 miles		355, 420. 00
Houghton and Ontonagon, formerly Marquette and Ontonagon.	do	June 3, 1856	do	6 miles	15 miles	June 18, 1864	552, 515. 24
		Mar. 3, 1865	do	10 miles	20 miles	May 20, 1868	
North Wisconsin, formerly Saint Croix and Lake Superior, and branch to Bayfield.	Wisconsin	June 3, 1856	do	6 miles	15 miles	May 5, 1864	1, 408, 455. 69
		May 5, 1864	do	10 miles	20 miles		
Wisconsin Central, formerly Portage, Winnebago and Superior.	do	May 5, 1864	do	10 miles	20 miles	Apr. 9, 1874	1, 800, 000. 00
Saint Paul and Pacific, Saint Vincent extension, formerly branch to Red River of the North.	Minnesota	Mar. 3, 1857	Territory	6 miles	15 miles	Mar. 3, 1873	2, 000, 000. 00
		Mar. 3, 1865	State	10 miles	20 miles	June 22, 1874	
Saint Paul and Pacific, Brainerd branch, formerly branch to Lake Superior.	do	July 12, 1862	do	6 miles	15 miles	Mar. 3, 1873	1, 475, 000. 00
		Mar. 3, 1865	do	10 miles	20 miles	June 22, 1874	
Hastings and Dakota	do	July 4, 1866	do	10 miles	20 miles		550, 000. 00
Oregon Central	Oregon	May 4, 1870	Company	20 miles	25 miles		1, 200, 000. 00
Atlantic and Pacific	Various	July 27, 1866	do	Various			42, 000, 000. 00
Texas Pacific	do	Mar. 3, 1871	do	do			18, 000, 000. 00
		June 22, 1874					
Northern Pacific	do	July 2, 1864	do	do			48, 215. 400. 00

Total number of acres embraced in these grants	128, 472, 161. 13
Length in miles of railroads as definitely located	12, 080. 00
Number of miles of railroad completed before expiration of grants	3, 151. 28

It will be seen that this statement embraces many of the earlier grants and three of the great grants made within the fourteen years, many of the older grants having been extended and greatly enlarged within the last eighteen years. These twenty-three grants embrace 128,472,161.13 acres. The aggregate length of the railroads for which these grants were made is 12,080 miles, and the number of miles completed when the grants expired was 3,151, so that a fraction over one-fourth of the roads was completed and the companies were entitled to only their proportion of the 128,472,161.13 acres when the forfeitures occurred, and in good faith and common honesty the rest of this enormous body of land reverted to the United States. Not a mile of some of these railroads has been constructed up to this day. The following table shows the number of miles which had been constructed by each of the great corporations above named when their grants expired, and the time of their expiration, including the Southern Pacific of California, which is not embraced in the foregoing table, but is embraced in the report of the Commissioner of the General Land Office made to the House on the 28th day of March, 1882, (House Executive Document No. 144, first session, Forty-seventh Congress:)

No. 3.—*Table of certain expired grants, &c.*

Name of railroad.	No. of acres in grant.	Length of road, in miles.	When grant expired.	Miles completed when grant expired.
Atlantic and Pacific	42, 000, 000	2, 426	July 4, 1878	125
Texas Pacific	18, 000, 000	1, 483	May 2, 1882	181
Northern Pacific	48, 215, 040	2, 270	July 4, 1879	531
Southern Pacific of California	5, 511, 264	522	July 4, 1878	125
Total	113, 726, 304	6, 701		962

Thus it will be seen that four of these corporations, which received grants of the public lands amounting in the aggregate to 113,726,304 acres, a territory five times as large as the State of Indiana and 10,000,000 acres more, for the construction of 6,701 miles of railroad, had completed only 962 miles of railroad when the grants expired, leaving over 96,000,000 acres of the grants now rightfully belonging to the public domain. But since the decision of the Supreme Court that these grants vest from the beginning in the corporations, and on the forfeiture of the grant an act of Congress is necessary to restore these lands to the public domain, the Departments of the Government have treated those grants as still existing, notwithstanding the forfeiture; and I present a table, condensed from the report of the Secretary of the Interior for 1880–'81, volume 2, page 318, which presents in detail the condition of a large number of these grants:

No. 4.—*Table showing the grants to certain corporations, lands sold, &c.*

Name of railroad company.	Date of original land-grant act.	Date of amendatory land-grant act.	Number of miles covered by grants.	Estimated number of acres granted.	Total sales of land.		Estimated quantity of acres of granted land remaining unsold.
					Acres.	Amount.	
Union Pacific, (main line)	July 1, 1862	July 2, 1864	1,038.68	12,000,000	1,568,438.62	$7,432,534 98	10,431,561.38
Kansas Division, (late Kansas Pacific)	July 1, 1862	July 2, 1864	638.6	6,000,000	1,433,953.32	4,266,589 32	4,566,046.68
Denver Division, (late Denver Pacific)	July 1, 1862	Mar. 3, 1869	106	1,100,000	164,604.78	732,067 71	935,395.22
Central Branch Union Pacific	July 1, 1862	July 2, 1864	100	245,166	70,287.53	327,425 41	174,784.70
Central Pacific, (east from Sacramento)	July 1, 1862	July 2, 1864	737.5	7,997,600			
Western Pacific	July 1, 1862	July 2, 1864	123.16	1,100,000	726,534.54	4,324,888 70	10,995,865.46
Oregon Branch	July 25, 1866		291	3,724,800			
Sioux City and Pacific	July 1, 1862	July 2, 1864	101.77	41,318.23	41,318.23	200,000 00	
Northern Pacific	July 2, 1864	May 31, 1870	2,317	42,000,000	2,593,983.18	$9,089,453 99	39,406,016.82
Southern Pacific	July 27, 1866	Mar. 3, 1871	934.70	11,964,160	279,623,40	1,999,396 06	11,684,536.60
Missouri Pacific	June 10, 1852		37	1,161,235.07	553,873.95	1,461,855 73	607,361.12
Saint Louis and San Francisco	June 10, 1852		203				
Atlantic and Pacific	July 27, 1866		1,755.70	49,244,803.26	220,259.20	623,369 04	49,024,544.06
Burlington and Missouri River	July 2, 1864		190.5	2,441,600	1,041,525.74	6,836,329 11	1,400,074.26
Cedar Rapids and Missouri River	May 15, 1856	June 2, 1864	271.6	1,298,730			1,298,730
Hannibal and Saint Joseph	June 10, 1852		206.41	781,944.83	512,998.74	4,802,448 89	268,946.09
Saint Joseph and Western	July 23, 1866		227	1,700,000			1,700,000
Oregon and California	July 25, 1866		200	3,840,000	82,072.55	175,650 37	3,757,927.45
Oregon Central	May 4, 1870		47.5	100,000			100,000
Saint Louis, Iron Mountain and Southern	Feb. 9, 1853	{July 4, 1866} {July 28, 1866}	514	4,106,647.30	264,802.35	$1,129,873 99	3,841,844.95
Memphis and Little Rock	Feb. 9, 1853	July 28, 1866	133	804,185.80			804,185.80
Little Rock and Fort Smith	Feb. 9, 1853	July 28, 1866	165.16	1,009,296.34			1,009,296.34
Missouri, Kansas and Texas	Mar. 3, 1863	{July 1, 1864} {July 26, 1866}	183.2	1,520,000	435,554.07	1,604,014 97	1,084,445.93
Kansas City, Lawrence and Southern	Mar. 3, 1863		143.22	800,000	199,759.58	597,166 88	600,240.42
Atchison, Topeka and Santa Fé	Mar. 3, 1863		470.58	3,005,870	993,675.79	5,802,985 98	2,012,194.21
Chicago, Burlington and Quincy	May 15, 1856	June 2, 1864	279	948,643	283,014.52	3,430,572 05	665,628.48
Chicago, Rock Island and Pacific	May 15, 1856	June 2, 1864	317	1,261,181	371,854	2,944,374 00	889,327
Chicago, Milwaukee and Saint Paul	Mar. 3, 1857	{May 12, 1864} {July 4, 1866}	335	2,727,403	148,857		2,580,546
Southern Minnesota	July 4, 1866		167.05	735,000			735,000
Chicago, Saint Paul, Minneapolis and Omaha	June 3, 1856	May 5, 1864	177.5	999,983.38	252,752.73 / 77,374.81	307,654 68	669,855.84
Saint Paul and Sioux City	Mar. 3, 1857	May 12, 1864	121.27	1,199,849.07	324,543.70	2,099,387 87	875,305.37
Sioux City and Saint Paul	May 12, 1864		122.35	551,148.57	232,127.35	1,506,135 66	319,021.22
North Wisconsin	June 3, 1856	May 5, 1864	42.5	1,408,452.69			1,408,452.69
Iowa Falls and Sioux City	May 15, 1856	June 2, 1864	183.69	1,226,163.05	314,275.41	2,098,994 25	361,419.68
Dubuque and Sioux City	May 15, 1856	June 2, 1864	142.89				550,467.96
Wisconsin Central	May 5, 1864		256.37	1,800,000	76,734.30	400,204 99	1,723,265.80
Winona and Saint Peter	Mar. 3, 1857	Mar. 3, 1865	323.22	1,852,989	557,574.98	1,045,801 58	1,295,414.02
Saint Paul, Minneapolis and Manitoba	Mar. 3, 1857	{July 12, 1862} {Mar. 3, 1865} {Mar. 3, 1871}	387	4,723,638.95	458,865	3,651,641 00	4,264,773.95
Saint Paul and Duluth	May 5, 1864	July 13, 1866	156	920,000	28,964	106,462 00	891,035.11
Stillwater and Saint Paul	Mar. 3, 1857	Mar. 3, 1865	13		12,862.01	60,386 34	52,251.63
Saint Paul, Stillwater and Taylor Falls	Mar. 3, 1857		18		9,028.73	47,813 06	35,217.74
Vicksburgh, Shreveport and Pacific	June 3, 1856	{Forfeited by act of July 15, 1870.}	93	610,880			610,880
Morgan's Louisiana and Texas	June 3, 1856		80	967,840			967,840
Total			14,351.12	179,922,528.54	14,310,204.16	68,905,479 31	164,512,334.38

This table presents matter well worthy of consideration. While the Government with seeming eagerness is getting rid of what remains of the public land, and during the last fiscal year disposed of 10,893,397 acres and received in cash $3,534,550, yet these corporations with their immense land grants, the larger portion of which in quantity were made in 1862-'64-'66—and although the Union Pacific and its great branches were completed more than thirteen years ago and thus became the absolute owner of its grant—have only sold off 14,310,204 acres and realized therefrom $68,995,479.31, and according to this table they still hold in reserve 164,512,334 acres of their grants.

Yes, sir, those corporations are patiently waiting until the United States shall exhaust all that remains of the public lands adapted to agriculture, for then their monopoly is complete and every laboring and landless man in the United States is at their mercy. But it will be seen that even the larger portion of the lands sold are sold to the members of these corporations at the price of a fraction under $5 per acre, still to be held for speculation. It is therefore not at all surprising that an irresistible pressure is brought to bear upon Congress to exhaust the public lands, that 21,788,011 acres should have been surveyed last year (a territory larger than the State of Indiana) and brought within the reach of monopolizing speculators. The pressure of these corporations is felt by every department of the Government, and the extent of their hold upon the public lands cannot be learned with certainty from the public records.

Whoever, sir, shall carefully examine the foregoing tables taken from the official records will be startled by the discrepancies. In table No. 2 the grant to the Atlantic and Pacific is stated at 42,000,000; in table No. 4 at 49,244,803. In the report of the Commissioner of the General Land Office before mentioned, of March 28, 1882, the grant to the Southern Pacific of California is estimated at 5,511,264; no such grant appears in table No. 2. In table No. 4, the grant to the Northern Pacific is put down at 42,000,000 and in table No. 2 at 47,000,000, and many others equally startling. I suppose that in such enormous grants a few million acres more or less is considered a matter of no moment. Some of these statements seem to come from the Commissioner of the General Land Office and some from the Auditor of Railroad Accounts. The estimates are vague and will be still more so in the future, as will appear, but the uncertainty will not reduce the grants.

There is no branch of the public service so poorly understood as those corporate grants; there is no field in which corruption can riot so secure, and no officers of the Government so beset by temptations as those connected with these grants. Contests are constantly arising between these corporations and the settlers on the public lands, but when in these contests, whether before the courts or the Departments, and I may add before Congress, have these corporations failed?

By disingenuous provisions in the grants and the "art of definition" these corporations are enabled to select their "indemnity land" over a vast region of country, the Northern Pacific in places to the extent of full one hundred miles in width. These "indemnity lands" are withdrawn from the public domain at the same time the lands within the limits of the grant are withdrawn, and settlers over a vast region of country enter upon their homesteads at their peril. J. W. Le Barnes, one of the law clerks of the General Land Office, testified before the Senate Committee on Public Lands recently touching the rights of settlers in answer to questions as follows. Senator BLAIR submitted the questions:

Question. These are cases where men who have made their improvements in good faith have been ousted from their property by the railroad companies without compensation?

Answer. Yes, sir; or by the Land Department for the benefit of the railroad companies.

Q. Has it been the custom of the railroad company, or those who obtain these improved lands by virtue of this construction of the law making grants to them, to compensate the ousted parties for their improvements?

A. I have never heard that railroad companies compensated settlers for their improvements on lands decided by the Department to belong to the railroads. There have been many classes of cases in which the railroad companies have obtained land in this way.

This witness further testified as follows:

The decisions have been irregular. Sometimes they were one way and sometimes the other, but they have very generally been against the settler.

Q. What other instance of hardships to settlers do you recall?

A. Referring to the general principle that homestead entries segregate the land so that it cannot be taken by any other form of disposal, I may mention a decision by the Secretary in 1879, known as the Kniskern case, (6 Copp., 50,) which is one of the classes of cases in which the principle stated is not applied in contests between settlers and railroad grants. In this case a soldier's homestead entry had been made on a tract of land in Minnesota, under the act of 1864, (R. S., sec. 2294,) which permitted soldiers in actual service to make their affidavits of intention to claim the land before a commanding officer. Thousands of soldiers availed themselves of this privilege, hoping perhaps to return from the field and have a farm to go to, or in any event to provide a home for family or parents. They did not always return. Their families could not always move out on the wild land. So that in most instances the required residence and improvement was wanting, and the entries were canceled in due course of time.

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While existing on the records, however, such entries operated to reserve the land under the general rules of law applicable to all homestead entries. The public knew no difference between these soldiers' homestead entries and homestead entries of any other class. Neither did the Department until 1879. Then it was held, in the Kniskern decision, that the soldier's entry in that particular case was *prima facie* invalid in its inception, and therefore that it did not operate to except the land from a railroad grant. All the lands that had been covered by these entries had been re-entered by other persons after the homestead entry had been canceled. The soldier's entry was a homestead claim, and homestead claims as well as rights were excepted from the grants. For fifteen years settlers had been educated by practice and precedent to believe that second entries made after the cancellation of the first would be respected. They knew that neither themselves nor others could legally go on the land until the former entry had been adjudged invalid. They did not know that railroad companies had rights that citizens did not possess.

* * * * * * *

The final renewal by Congress of the grant for the Saint Paul and Pacific extension lines (now the Western and the Saint Paul, Minneapolis, and Manitoba Railroads) (18 Stat., 203) was made upon the express condition that the rights of actual settlers and their grantees, who, on June 22, 1874, were residing on the formerly granted lands, or who otherwise had legal rights in any of such lands, should "be saved and secured to such settlers, or such other persons, in all respects the same as if said lands had never been granted to aid in the construction of the said lines of railroad." This grant had twice before been forfeited and renewed. A change of route had been authorized, and the original grant had been increased from six to ten sections per mile. The condition affixed to the last renewal was followed by another condition that any company taking the benefit of the act should, before acquiring any rights under it, file an acceptance, under seal, of the condition above recited. This acceptance was never filed. The Department thereupon held the act inoperative, and rejected the claims of settlers who had settled in good faith on the formerly granted lands prior to June 22, 1874.

But it does not appear to have regarded the rights of the railroad companies to have been in any wise impaired thereby, as 136,000 acres of public land have been certified or patented to one of these companies, and 500,000 acres to the other, since the inoperative act was passed. The Department in terms declared the act inoperative for any purpose, but practically the act appears to have been inoperative only as to the settlers whose rights were protected by it while remaining in full force and effect as to the corporations that acquired no right under it. The further claims of these companies to an additional amount of land, aggregating 1,800,000 acres beyond the amount already received, also continues to be recognized as valid on the ground that the effect of forfeiture by legislative resumption and control of granted property, and a new disposal of it upon special conditions, can be avoided by the failure of the grantee to accept the conditions upon which the renewal of his forfeited right depends.

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Leandro Serrano with his family settled on land in California in 1835, before the acquisition of the territory by the United States. The tract was a part of a rancho, which, after the Mexican cession, was claimed by Serrano under a former grant. The grant failed. Serrano died. His widow continued to reside on the land. The township was not surveyed until 1874. In 1877 Mrs. Serrano applied to enter the land under the pre-emption law. In 1879 (6 Copp., 93) her application was rejected, and the land was awarded to the Southern Pacific Railroad Company, the line of whose road had been run in 1875 past the land occupied by her. At that time Mrs. Serrano had lived on the land for forty years. The grant to the company could legally take no land not "free from pre-emption or other claims or rights." Such were the terms of the granting act. But it was held that as Mrs. Serrano had not filed the formal notice of her claim under the pre-emption laws within three months after the survey of the township she had forfeited her claim.

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It frequently occurs that a settler, not a native-born citizen of the United States, has neglected to declare his intention to become a citizen before applying to make entry under the settlement laws. This innocently happens in many instances from a reliance on a father's supposed naturalization, which cannot afterward be proven. But from whatever cause the neglect arises, it has not until recently been held that the absence of proof of declaration at date of filing a pre-emption or homestead claim invalidated the claim if citizenship was acquired before the entry was perfected. Now it does; and the effect of the more recent ruling, which was made in a railroad case, has been to destroy an equitable construction of the law that had been recognized for a long term of years, in the practice of the Department, as founded on judicial precedents.

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The doctrine that a railroad grant is an adverse claim to lands excepted from the grant is illustrated in a still more recent case of the same character, where no grant had ever taken effect. Samuel H. Bratton settled on land in California in 1870. He continued so to reside, and placed valuable improvements on the land. He was qualified to make an entry under the settlement laws, and he complied with all the requirements in respect to residence, improvement, and cultivation. The land was unsurveyed. In 1871, after Bratton's settlement was established, the grant to the Pacific and Texas Railroad Company was made. A map showing a preliminary line, as it is called, was soon after filed in the General Land Office, and a withdrawal of lands for a distance of thirty miles on each side of this inchoate line was ordered for the benefit of the grant.

Upon the survey of the township embracing Bratton's settlement, which was in December, 1880, his land was found to be in an odd-numbered section within the limits of the withdrawal.

Immediately upon the filing of the township plat in the local land office Bratton appeared and made homestead entry of the land. A few months later he made final proof and received final certificate. The case was recently reached in the General Land Office, when Mr. Bratton's entry was declared illegal. It was admitted that his proofs were satisfactory, and it was held that if he had filed a pre-emption declaratory statement before he made the homestead entry he might the next moment have changed that filing to a homestead entry and thus have saved his land. But failure to do this was fatal. The land belonged to the railroad company. And this decision was rendered in the face of the following facts:

First. A controlling decision that the preliminary filing of the pre-emption declaratory statement was unnecessary.

Second. That Bratton's settlement antedated both the grant and the withdrawal.

Third. That the grant to the Texas and Pacific Railroad Company expressly excepted lands that were "occupied" at date of definite location.

Fourth. That there had never been any definite location of the line of this road.

Fifth. That no road had ever been constructed.

Sixth. That the time within which the road might have been legally located and constructed had expired, and there had been no renewal of the grant by Congress.

* * * * * * * *

Q. Can you give any idea of the extent of the operation of this thing upon the settlers?

A. From April, 1879, to August, 1881, or a period of two years and a half, I suppose there must have been at least two or three hundred cases decided in that way, and perhaps very many hundred cases were so decided previous to the decision of the Supreme Court.

Q. These are cases where men who have made their improvements in good faith have been ousted from their property by the railroad companies without compensation?

A. Yes, sir; or by the Land Department for the benefit of the railroad companies.

Q. Has it been the custom of the railroad company, or those who obtain these improved lands by virtue of this construction of the law making grants to them, to compensate the ousted parties for their improvements?

A. I have never heard that railroad companies compensated settlers for their improvements on lands decided by the Department to belong to the railroads. There have been many classes of cases in which the railroad companies have obtained land in this way.

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The award of land to railroad companies when no claim has been made by the companies is an incident to the exceptional practice of the office in favor of railroads that does not exist in respect to any other class of grants. In the case of school-land grants, for example, the office acts upon the facts of record and the law applicable thereto in adjudicating settlement claims on the school sections, notifying the State of its decisions, when the State may appeal if it so desires. A contest between the State and settler is never assumed, but must be instituted in fact if the State desires to contest. But in the case of railroad grants settlement claims are treated as contests.

The settler is required to especially notify the railroad company of his application to enter or to make proof. Notice by publication, which in all other cases of settlement proof is notice to the world, is not sufficient notice to a railroad. If the company does not appear, or does not in fact desire to contest, it makes no difference. It is regarded as a contestant in any event, and the strict rules governing contests is applied to the settler, who, I have reason to believe, in very many cases, even where the settlement claim would appear to be irrefutable, is driven by practices of the office and the terms and requirements of official letters, as well as by delays and appeals, into compounding with the railroad by purchasing from the company the land to which he has an apparent right under the law.

The witness testified of land received in excess of grants:

The following are some examples of this character:

The Cedar Rapids and Missouri River Railroad is a completed road under the grants available for its construction. The total length of the road as certified by the governor of the State is 271.6 miles. The grant embraced the public lands within three alternate sections per mile on each side of the road, or, in other words, it comprehended six sections of land or so much of six sections as may have been liable to the grant for each mile of the road.

Leaving out of question all elements which diminished the volume of the grant, it will be seen that 271.6 miles multiplied by six sections per mile gives 1,629.6 sections, which at 640 acres per section makes a total of 1,042,944 acres as the extreme possible area that could physically have been embraced in the grant. The amount of land actually certified or patented under this grant to the present date is 1,141,690.76 acres, or an absolute excess of 108,490.77 acres over and above the greatest possible amount with which the company could be credited under any circumstances. And of this excess 1,197.24 acres were patented during the year ending June 30, 1881.

* * * * * * *

A superficial estimate shows that the overlapping limits of conflicting roads alone diminish this grant by not less than 25 per cent., and therefore that the excess of lands thus conveyed by the United States in this case over the amount entitled to be received is upward of 300,000 acres. If an accurate adjustment should ever be made I think the actual excess would be found much greater.

The Sioux City and Saint Paul Railroad Company of Iowa is credited with fifty-six and one-sixth miles of constructed road. The grant was for ten sections per mile, or a nominal total of 359,520 acres, without taking into account the exceptions and deductions incident to the grant.

The amount of land actually certified or patented to the State under this grant is 407,910.21 acres, or a known excess over the possibilities of the grant of 48,390.21 acres.

It is estimated that the volume of the grant was diminished not less than 37,000 acres, possibly not less than 100,000 acres, more by reason alone of overlapping grants.

The Saint Paul and Sioux City Railroad Company of Minnesota is credited in the Land Office reports with a total granted area of 1,010,000 acres, reduced by partial estimates for necessary reductions to 850,000 acres. Amount patented or certified, 1,200,358 acres, or a known excess over possible maximum of 190,358 acres, and a known excess over a liberal estimate to the road of 350,358 acres, of which 33,218.91 acres have been patented since 1875.

The total computed area of the grant for the first division of the Saint Paul and Pacific Railroad in Minnesota is 1,248,638.95 acres. Total amount certified or patented, 1,251,046.14 acres, or an excess over all of 2,407.27 acres; 2,597.26 acres were patented in 1880. The legal and actual reductions to which this grant is subject do not appear ever to have been considered.

In the same manner and under similar conditions the Iowa Falls and Sioux City Railroad Company in Iowa is credited with a total nominal area of 1,226,163.15 acres. Amount certified or patented, 1,252,025.41, or an excess over all, not computing reductions, of 25,861.36 acres; 100,929.70 acres have been patented to this company since 1875.

The Winona and Saint Peter Railroad Company is credited with a total nominal area of 1,410,000 acres. Estimated area actually inuring to the grant 710,000 acres. The amount of land certified or patented up to June 30, 1881, on account of this grant was 1,668,007 acres, or an excess over the amount of land included within the geographical limits of the grant of 258,007 acres, and an excess over the estimated amount the road would be likely to receive of 958,007 acres; 2,929.52 acres were patented to this company in 1879. So it appears that in the few cases here given 1,493,513 acres had been patented to these companies in excess of their grants. The witness further testifies as follows touching the withholding of lands for these corporations:

Q. Does anything else occur to you to state in connection with the subject of railroads?

A. In all the classes of cases I have mentioned where the roads have received actually or probably more than they were entitled to receive, as also where the roads have not been constructed or only in part, the lands, remaining out of those originally reserved for the benefit of the grants, are still held in reservation. Settlements are excluded from these lands. Where the rights of prior settlers are

denied by the rulings of the Department, or where applications to enter are made by new settlers, the parties are compelled to treat with the corporations for the possession of their old homes or the acquirements of new ones, although the legal rights of the corporations under the grants may have long since been satisfied, or have ceased by limitation.

The grant for the Gulf and Ship Island Railroad of Mississippi was made in 1856. It expired by limitation in 1866. There is no known corporation in existence. No road has been built and no lands applied for. But all the public lands of the United States within alternate sections, for a breadth of thirty miles on the line of the originally projected road, and for a total length of one hundred and seventy miles, embracing whatever public lands there may be within a territorial area of 1,600,000 acres, were withdrawn from settlement and entry in 1860, and have ever since been held in reservation.

* * * * * * *

There are a large number of other roads where lands have been held in reservation for periods ranging from ten to twenty-five years where the rights of the States or of the corporations have been satisfied, or forfeited, or extinguished, or where rights were never acquired under the granting acts.

The existing withdrawals for the Northern Pacific Company cover an area of from eighty to one hundred miles in width, over a line of unconstructed road thirteen hundred miles in length, a large proportion of which has not been definitely located. The original withdrawals for this road were made in 1870, 1871, 1872, and 1873. Later withdrawals have been made on changed lines of location.

The Atlantic and Pacific Railroad, with fourteen hundred miles of unconstructed road has, in addition to its withdrawal of a belt one hundred miles in width through the Territories of New Mexico and Arizona, a withdrawal of sixty miles in width along the line of the Southern Pacific coast in California.

The Southern Pacific Railroad Company has a like withdrawal overlapping the coast withdrawal for the Atlantic and Pacific road. The respective grants are computed as of the same date by departmental construction, and although the lands embraced in one grant were excluded from the other by the terms of the granting act, no difficulty appears to be found in awarding to the Southern Pacific Company the lands embraced in the withdrawal for the Atlantic and Pacific. But an objection is found to the recognition of the rights of settlers on the same lands. Practically the withdrawal for one company is regarded as invalid as against the claim of another company, while it is held in full force and effect as against the settlers

Lands within the limits of the withdrawals for both the Southern Pacific and Atlantic and Pacific across the State of California, aggregating one hundred and twenty miles in width, where no road has been built, and none is being constructed, are still retained in reservation. The withdrawals for the Southern Pacific were made in 1867 and 1871, and for the Atlantic and Pacific in 1872.

The California and Oregon and Oregon and California Railroads are not completed. The grant was to be null and void upon failure to complete construction as required by law, and all lands then unpatented were to revert to the United States. The grants have expired, but the withdrawn lands remain in reservation. Original withdrawals from 1867 to 1871.

The grant for the New Orleans, Baton Rouge and Vicksburgh Railroad was made in 1871. Expired by limitation in 1876. No road ever constructed under this grant. Line of road not definitely located. Total length of proposed road three hundred miles. Lands withdrawn in 1871–'73 on a preliminary line and still retained in reservation.

The Texas and Pacific Railroad grant is similarly situated; no road constructed; line not definitely located; lands withdrawn in 1871 from El Paso, in Texas, to Pacific Ocean, sixty miles in width, and still in reservation. I give the foregoing as examples and not as a complete list.

* * * * * * * *

The railroads that received subsidies in bonds, such as those embraced in the Union and Central Pacific systems, and where the roads are completed and the lands earned by construction have not generally applied for or received the quantity of land to which they are entitled. Much complaint is made on this account. Some years ago Congress passed an act requiring all railroad companies to pay the cost of surveying and conveyancing before patents should be issued. The complaint is that advantage is taken of this act to let the legal title remain in the United States until the lands are sold and fully paid for, the companies thus avoiding the payment of State and county taxes on all the land to which their right to receive the legal title has been acquired, and by a mortgage sustained by the Supreme Court as in the nature of a disposal they avoid the provisions of the granting act requiring the lands to be sold to settlers after three years from construction at $1.25 per acre, and at the same time actually sell the lands at the corporation price and receive interest on deferred payments, and in some cases lease the land and receive the rents.

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The grant for the Saint Louis and Iron Mountain Railroad of Missouri was made in 1866; expired in 1871. Road not built under the grant, but grant abandoned by company for a different location. Lands still in reservation, and so held since 1870, for 20 miles on each side of the originally proposed line.

The grant for the North Louisiana and Texas Railroad expired in 1866. No road officially reported; 94 miles reported unofficially; 353,211 acres of land certified or patented in advance of construction, or over 300,000 acres more than would have accrued for length of road actually built. Lands withdrawn in 1857 along a line 160 miles in length; 12 miles in width being within granted and 18 miles in width in indemnity limits. Remaining lands still held in reservation.

* * * * * * *

A withdrawal of lands was made in 1862 for the Leavenworth, Pawnee and Western Railroad Company of Kansas.

A provision in the granting act (12 Stat., p. 493, sec. 12) required an acceptance of the act by the company, under seal, to be filed in the Interior Department. This must have been done before the act could become operative. It was a condition precedent to the taking effect of the act. It was not done. A map of location was also to be filed. An old Territorial map, with pencil lines drawn through it, was deposited before any survey of the line had been made or other act performed to indicate an actual and responsible selection of the line of route. Under this state of facts the withdrawal mentioned was made. Nothing more was ever done by this company, which constructed no road, and did not definitely locate any line, and whose actual corporate existence is a matter of some doubt. In 1866 (14 Stat., 79) the Union Pacific Railroad Company, eastern division, which had been authorized to construct this road, was required to designate the general route of the road and to file a map within a certain date.

The company did so, and a new withdrawal of lands was made under the act of 1866. Then all questions affecting the status of the lands inuring to the grant were settled, not on the basis of the proper designation of the line of route under the act of 1866, and the definitive withdrawal made under that act, but on the basis of the premature and irregular withdrawal of 1862 made on a line that never existed, and under an act that did not go into effect. The claims of all settlers who settled between 1862 and 1866 on lands withdrawn in 1862, where the lands afterward fell within the withdrawal of 1866, were rejected in favor of the company, whose rights were not acquired until 1866. Meanwhile, lands in the alternate even-numbered sections, within the limits of the old withdrawal, were held to have been increased in price to $2.50 per acre, and were disposed of accordingly. These proceedings affected and determined the titles and price of lands for a breadth of forty miles across the entire length of the State of Kansas.

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A former Attorney-General had said that where there was doubt then certainty existed, since what was doubtful was not granted. The modern rule appears to be that where there is doubt then certainty exists, because what is doubtful is granted. The difference in the two rules as applied to the allowance of indemnity for losses occurring before grant is a difference of more than half the volume of the grants to States and of a considerable percentage of the volume of the grants to corporations, the grants being thus constructively enlarged to this extent beyond the Congressional limit. It is, besides, a difference of one or two hundred million dollars to settlers who buy these lands of the railroad companies. If the rule of the Supreme Court were followed by the Department, more than four-fifths of all the railroad and similar grants could at once be closed up, the remaining lands restored to settlement, and the titles to any unsold lands heretofore improvidently conveyed to the railroads in excess of the legal volume of their actual grants be recovered by the United States.

* * * * * * *

Under the statutory provision requiring a map of definite location to be filed before any lands could be reserved the rights of settlers who settled before such map was filed, and in default of the filing of the map, before actual selection of the land for the company after the construction of the road, were protected in their settlements. Under the rulings of this office these rights were not recognized, but the lands and improvements of such settlers were decreed to the railroad. These proceedings went on until the lands taken from the settlers had aided in swelling the grant far beyond its maximum limits. Cases of this kind have been decided in this manner down to the present time, and others are still pending.

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Q. Where lands are awarded to railroad companies in the way you have mentioned in your testimony do the companies receive money from the settlers for the sake of quieting the settlers' title?

A. Yes, sir; I have heard of settlers paying as much as $50 an acre for land awarded to the railroads in this way.

Q. Have the laws generally been literally construed in favor of the railroads?

A. Yes, sir. The principle of law applicable to public grants—that they ought to be construed strictly against the grantees—has not been observed, although the exceptions to the grant are very strictly ruled against.

Q. That is to say, that the grants have been construed very liberally to the grantee and against the settler?

A. Yes, sir.

Whoever will carefully read even these brief extracts I have made from the voluminous testimony of this thoroughly informed gentleman, whose long connection with the General Land Office has made him the master of the subject, will see how feeble the citizen seeking a home on the public land even now is, in a contest with one of these corporations. He asks but a quarter section of land to improve and beautify by his labor a shelter and a fireside for his wife and children, but corporate power with its ill-gotten millions of the public lands hedges him in on every side. He moves with uncertainty; if any interpretation that power can force upon law can deprive him of his homestead and the fruit of his labor, he is certain to meet it when after five years of toil he demands his patent under the homestead law. In giving the foregoing extracts I have not followed the course of the evidence, but have selected passages from the different subjects considered.

So, sir, under this system the citizen is at the mercy of the corporation. Even a patent is no protection. We are told in the testimony of this accomplished witness that patents for land in Iowa at the demand of a land-grant corporation have been called in and canceled. Who that saw a few years ago a venerable citizen of that State almost deprived of his reason by the injustice he had suffered in common with hundreds of others of his fellow-citizens of that State, holding in his trembling hand a patent for a homestead, issued to him under the great seal of the nation, and demanding that you make good the patent for the land from which he had been driven by one of your favored land-grant corporations, the Des Moines Valley Railroad Company, and did not deep down in his heart curse this infamous system? The lands which the Government had actually patented to this old man and his neighbors, fertilized by their labor, was literally stolen from them under a shameless act of Congress for the benefit of a land-grant corporation, and to this day you have made no redress for the flagrant wrong.

And so, Mr. Chairman, even at this early day the fruits of this land-grant railroad system begin to ripen in all their bitterness. Citizens, after years of labor on their homesteads under the shelter of your homestead laws, driven out of their once cheerful homes and from fields fertilized by the sweat of their patient labor; soldiers who upheld the banner of the Union on many a field of death, by craft and subtlety deprived of their rights in the public domain; millions of acres of fertile lands, by facile, adroit decisions, secured to these corporations, even in excess of their grants, at the expense of *bona fide* settlers—millions of acres of land by heartless monopoly placed forever beyond the reach of landless and laboring men, the entire public domain permeated in every direction by grants the laws creating which are full of subtle and disingenuous provisions framed for dishonest advantage, while the combined power of these corporations, with more than kingly wealth, with lands sufficient to form more than eight great States within their grasp, a munificent gift of Congress from the rightful inheritance of labor, is molding the policy which will secure obedience to their commands, while the unshorn fields which once invited the labor of the landless now have written upon them the accursed word, monopoly—not free lands for freemen, with the plow in the hands of the owner, but landlords and tenants, great estates and shivering poverty. No man who feels as a man is wont to feel can contemplate the fruits of this system, its disingenuous methods, its corrupting practices, its arrogant and unblushing assertion of dishonest claims as against the just rights of the feeble, and the subserviency of official authority to its demands, without blushing for his country.

And here, Mr. Chairman, we stand at the close of this prolonged

session. Matters of trivial concern have occupied this great body. The greatest question before the American people cannot even obtain a hearing. Has the shadow of these great corporations fallen also upon this Capitol? Does the spirit that rendered these grants possible still stand in the way of abrogating them to the full extent of the right?

But what other results could have been hoped for? The great party which organized these corporations and gave them the lands which belonged to the people have learned to lean upon them for support. A party whose main support is corporate power is not likely to speak in the interest of labor. If these forfeited lands are ever brought within the reach of the landless it will not be by the party which made these grants. If the people of this country wish to assert their rights against the domination of corporate power, they must change the administration of their affairs. The continuance of the Republican party in the ascendency means the ascendency of powerful monopolies and that this generation shall see the utter and complete exhaustion of the public lands, and with the public domain, sir, goes the last hope of labor and the strongest pillar on which this Republic rests.

Sir, is there any parallel to this record? Thirty years ago, in the first gathering of its elements at Pittsburgh, the party in power resolved that the public lands should not be sold to individuals or granted to corporations, but should be held as a "sacred trust" to secure homes for "landless settlers."

Twenty years ago the same party, on its first advent into power, passed the homestead law and dedicated these public lands to the landless for free homes for freemen, yet within a period of fourteen years the same party gave to corporations 192,081,155.52 acres of these lands, authorized them to select the most fertile of these lands almost without limit, and have so administered the laws making these grants that by artful interpretations these grants are so enlarged that the agricultural lands are almost exhausted, and in a very few years the monopoly of lands by great corporations will be complete.

And now, when many of these corporations have, after repeated extension of the time for completing their railroads, finally forfeited a large portion of their grants, and only an act of Congress, the justice of which no man can question, is necessary to restore more than 96,000,000 acres of these lands to the people, a territory larger than the great States of Ohio, Indiana, and Illinois combined, that act cannot be obtained. And more than that, in this House as organized even the poor privilege of considering the subject cannot be secured.

And why were not these railroads completed within the time named in the respective grants? The answer is obvious. These corporations have waited until our ever-growing population, pouring in teeming multitudes westward and southwestward into the new States and Territories, have by their labor in countless fields developed the value of these great grants reserved from settlement and made them the foundation for the bonds which are to construct the roads. The time for the completion of the Northern Pacific road was twice extended before it forfeited its grant on the 4th day of July, 1879. The cost of constructing this road of 2,270 miles, as reported by the Auditor of Railroad Accounts, will be $75,000,000, and this corporation holds its land grant of 48,215,040 acres in the fairest portion of the great West—land enough to complete its imperial railroad estate and leave princely estates to the railroad kings besides!

And yet in due course of time this road would have been built and paid for by the men who would have owned it, and the curse of land monopoly would not have been written on the face of these fair fields. It is said that the gentleman from Kentucky [Mr. KNOTT] and his associates, the minority of the Judiciary Committee, will report in favor of restoring to the people the unearned and forfeited millions of this grant, but if they do they will get no hearing in this House.

And so, sir, the party which passed the homestead law has not only granted to these corporations this vast body of the public lands but has invested these corporations with such imperial powers that they defy your Government and hold these forfeited lands in defiance of the public will; and yet these lands, to the extent of more than 96,000,000 acres, in equity, justice, law, and common honesty, belong to the people of the United States.

In this state of affairs is it at all surprising that a leading public journal of the Pacific Coast should indignantly say that—

> There is nothing in the history of any civilized nation so monstrous, so stupid, so infamous as the legislation which has turned over these more than imperial gifts of land to the absolute ownership of a few bloodless, soulless, aspiring and brutal corporations. It is a direct bid for the establishment and perpetuation of a landed aristocracy in the United States as much more powerful than that of Ireland as France is larger than Belgium, and as much more able to defy the Government as an American Congress, restricted by a written Constitution, is less able to cope with such a combination as the British Parliament, which may make and mend the unwritten Constitution of the empire at its will. If Congress fails to restore this 83,674,478 acres of clearly forfeited land to the public domain, it will be guilty of a neglect of duty that must plant the seed and at some future day—not so far off, either—bear the fruits of a social and political revolution compared with which the late civil war was but a trifling episode.—*San Francisco Chronicle*, May 10, 1882.

The San Francisco Chronicle puts the number of acres forfeited lower than I do, but I am confident my figures are not above the actual amount. This system is not only monopolizing the public land, organizing an intolerable landed aristocracy, robbing the laboring-man who settles in good faith on the public lands of the fruits of his labor, fostering corporations which invade all departments of government and decide their own claims, but now, as a natural result, compel a resort to the public Treasury to remedy countless wrongs which their insatiable cupidity and extortions create. To illustrate this danger I call attention to Senate bill No. 1492, which has passed the Senate and now lies on the Speaker's table ready for action. The Senate report states that on the 23d day of July, 1866, there were granted lands to the Denver and Saint Joseph Railroad Company in alternate sections to a width of twenty miles and indemnity lands. The company remained quiet from 1866 to March 28, 1870, and then filed a map of the location of their road. On the 15th of April, 1870, the Secretary of the Interior withdrew the lands from settlement for the twenty-miles width, but in the mean time and up to April 15, 1870, the country had rapidly filled with settlers, entries had been made and patents issued by the United States to the settlers. In the language of the report:

> The lands were sold and resold; pre-emptors, settlers, and owners improved the same, in many cases with valuable buildings, fences, add orchards, and paying taxes thereon, increasing the value in some cases to $20 and $25 per acre.

And the first notice that these settlers had that the patents issued by the United States were no protection against a claim of a railroad company was the bringing of suits against them in the Federal court, promptly followed by a decision that the lands were embraced by the grant to the corporation, and the settlers were turned out of the possession of lands improved by ten years of their labor, and this bill and report propose that there shall be paid out of the public Treasury $2.50 per acre to each settler thus turned out of possession.

If this Government shall attempt to remedy all of the injustice which this infamous system will inflict; if the Government shall make reparation for every act of robbery by the corporations it has organized and enriched, can any man tell how many millions annually will come from the public Treasury? And can any honorable man read even this brief narrative of one of the countless acts of fraud, dishonesty, and extortion constantly occurring under this system without uttering an indignant protest against it?

I admit that for the present there seems to be no remedy for the monstrous wrong that has been done, but the evil would be in some degree palliated by the exercise of the power which Congress unquestionably has of declaring the forfeiture of the vast body of land now within its reach.

Here are more than 96,000,000 acres of this land wrongfully withheld from the public domain, granted without consideration to a few corporations; these corporations hold these lands by the same questionable methods which secured them from Congress. The grants are now owned by a few men whose only method in affairs is the employment of wealth. There is no question of the right of Congress to declare the forfeiture of these lands to the extent of these 96,000,000 acres. This monstrous outrage on human rights can be remedied. These men will still hold and monopolize over 100,000,000 acres, but these 96,000,000 can be reclaimed rightfully without even a question as to the justice of the act; that much at least, wrested from the jaws of monopoly and dishonor, can be secured for free homes for free men.

On the 16th day of January, 1882, I introduced House bill No. 2878, to declare these grants where the corporations failed within the time specified in the grants to fulfill the conditions forfeited and restoring the lands to the public domain, and on the 9th day of the same month I introduced House bill No. 2752, to secure the remaining public lands adapted to agriculture to actual settlers under the homestead laws. These bills were referred to the Committee on Public Lands. On the 6th day of February, 1882, my colleague [Mr. COBB] introduced House bill No. 3606, to declare the forfeiture of these lands and restore them to the public domain. This bill was referred to the Judiciary Committee. Other bills have been introduced. More than six months have elapsed and the Committee on Public Lands is as silent as death on these vital measures. The majority of the Judiciary Committee report ambiguously, but apparently in favor of letting the Northern Pacific alone, and by implication reaffirming in part a grant long since dead in the State of Michigan. We are assured that the minority of that committee will assert the just claims of the people in unambiguous terms.

I know it is customary to quiet the fears of our people by referring to the large figures of our public lands in the Commissioner's report, but if you deduct the 369,529,600 acres of the ice fields of Alaska, the Rocky Mountains, and the Sierras, and the vast arid and sterile plains which skirt those mountains, all of which are embraced in the computation of the public lands, and deduct over 200,000,000 acres in all of land grants yet to be filled—deduct all these and see how the figures shrivel and how little is left.

There are still in this House two members who were in the Congress which passed the homestead law and voted for its passage—the gentleman from New York, then from Ohio, [Mr. COX,] and myself. My friend from New York and myself at least have stood by that law from the beginning. Not an acre has been taken from the laboring-men of this country by his vote or mine nor an acre given to a corporation. Every bill giving these vast millions to the favorites of Congress has at least met our earnest resistance.

But the grants have been made, the public domain has been largely exhausted, and monopolizing corporations have been organized with imperial powers which defy the Government itself; motives and methods of corruption unknown until this policy was inaugurated threaten our free institutions; vast estates have been created by act of Congress, and the free outlet of labor from the power of capital is rapidly closing. The shadow of a new power rests upon this Capitol and the Departments. It may be that for the time the people of this country will not fully appreciate the injury done to their institutions, but sooner or later anathemas deep and bitter will fall from the lips of poverty and wretchedness on these measures, which under the perfidious mask of progress and development will enrich the few but deprive multitudes of men and their wives and children of happy and prosperous homes.

Public Building at Monroe, Louisiana.

REMARKS
OF
HON. J. FLOYD KING,
OF LOUISIANA,
IN THE HOUSE OF REPRESENTATIVES,

Monday, July 31, 1882,

On the bill providing for a public building at Monroe, Louisiana.

Mr. KING said:

Mr. SPEAKER: I desire to correct a statement in the RECORD. On the 5th of the present month my colleague, Mr. ELLIS, on the motion of my colleague, Mr. BLANCHARD, "to suspend the rules and take from the Speaker's table the bill (S. No. 750) providing for the erection of a public building at Shreveport, Louisiana, and to pass the same," used the following words:

> Now, Monroe has a large and commodious court-house which can be used for the Federal court, the State court not using it more than four months in the year, while the State district court and the supreme court, sitting in Shreveport, occupy its court-house nearly the entire year.

When this statement was being made I was busily engaged considering matters relating to the measure for the improvement of the Mississippi River, in which all here from my State and section feel most deeply concerned, and it escaped my notice at the time.

Now, I know my friend did not intend it, but he is mistaken, and stated what is not the fact. There is no such building in Monroe, and I feel assured he will himself duly make the correction necessary when I have rightly informed him.

Monroe is an important city in the district which I have the honor to represent; but there is not there a court-house of any kind belonging to the State, parish, or city in which the United States courts can be held except at great disadvantage and detriment to the public service. In the first session of the last Congress I introduced a bill to divide the State into two judicial districts—the eastern and western districts of Louisiana. This bill became a law a year ago on the 3d of March last.

It requires the courts of the western district (the United States circuit and district courts) to sit at four places, Opelousas, Alexandria, Shreveport, and Monroe. About the time I presented this bill I also introduced another for the erection of a public building at Monroe. My reasons for so doing were that there was no building in the city of Monroe adapted to the purposes of the United States courts, and, further, by reason of the fact that during the war of secession the Union forces burned the court-house at Monroe, a commodious and valuable edifice, which neither the State nor parish has since found it in its power to restore.

At the opening of the present Congress I reintroduced the last-mentioned bill, and it, with the petitions and papers relating to it, showing the necessity for this building, are yet in the keeping of the committee having such matters in charge. I hope for a favorable report from the committee at an early day, as I feel that the situation justly and urgently demands it.

When the bill comes before the House, which it will do, I know my colleague will give it his support, and I shall rely also upon the distinguished Representative from Michigan, [Mr. BURROWS,] looking then as favorably upon the claims of Monroe as expressed in his remarks on the above-mentioned occasions.

But, Mr. Speaker, I hope that my gifted colleague, ever ready to support with his eloquence and energy every measure for the good of his State and of the country, when he again has occasion to allude to interests of the district represented by myself, if he be not entirely certain of the correctness of his knowledge on the subject, will come to me first to set him right.

Sir, I approve of public works of this nature. They are not only of great utility and economy to the Government but serve to build up the waste places in our Southern land.

Adjudication of Private Claims.

SPEECH
OF
HON. OSSIAN RAY,
OF NEW HAMPSHIRE,
IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 22, 1882.

The House having under consideration H. R. No. 684, to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government—

Mr. RAY said:

Mr. SPEAKER: I dare say the members of this House generally know that section 1059 of the Revised Statutes authorizes the House or the Senate, without the concurrence of the other, to send any claim to the Court of Claims for adjudication. This section provides that—

> The Court of Claims shall have jurisdiction to hear and determine the following matters: first, all claims founded upon any law of Congress or upon any regulation of an Executive Department, or upon any contract expressed or implied with the Government of the United States, and all claims which may be referred to it by either House of Congress.

But one trouble with us here is the House seems reluctant to avail itself of the benefit of the last clause of this statute. We still insist on requiring the concurrence of the Senate, and *vice versa*, before a private claim can go to the Court of Claims for determination. We go on legislating in regard to private claims in the ancient way, so far as we legislate at all, like the Dutchman who persisted in going to mill carrying a stone in one end of his grain bag and his grain in the other, just as his grandfather had done, notwithstanding it was explained to him that a bushel of grain, instead of the stone, would balance the grist just as well and save him the trouble of going to mill so often.

Only last private-bill day your Committee on Claims tried in vain to send a claim to the Court of Claims by a resolution of the House alone, pursuant to the last clause of the statute just quoted, but to a majority of the House it appeared to be a proceeding so novel in its character that, although nearly everybody favored the relief proposed, still the House insisted on sending the resolution to the Senate for concurrence, where it may or may not pass. If the claim alluded to fails to receive consideration in the Senate or should be rejected there by ever so small a majority, our work here is practically lost, and the adjudication of the claim, either favorably or adversely, is thereby indefinitely postponed; whereas if the House had exercised its clear and undoubted authority to send it to the Court of Claims, under a resolution of the House alone, as the Committee on Claims reported, instead of a joint resolution, as the House finally voted, the claim might have been docketed already in the Court of Claims and at this moment be in process of adjudication and settlement.

Why is this hesitation and reluctance on the part of the House to avail itself of a plain provision of the statute which has been in force for years, and the evident purpose of which was to enable either House of Congress alone to refer any private claim to that court? In my judgment, the story of the Dutchman's grist is strongly in point. If the House will only faithfully avail itself of the plain provisions of existing laws, whereby private claims are referable to the Court of Claims through its own separate and independent action, we may by so doing relieve our Private Calendars to a considerable extent in that way, and enable the House to devote the time thereby saved to the consideration of business of a public or more general character. We shall also relieve some of our hardest worked committees of much thankless and unsatisfactory labor; and, what is better yet, shall obtain a judicial investigation of such claims by a court of judges appointed for and skilled in that special kind of work, before whom both claimants and the Government may be heard by counsel and where all witnesses may be subjected to the valuable test of cross-examination, and where also a complete record not only of the claim itself but also of all the proofs, both of a documentary character, as well as coming from witnesses, are carefully preserved for future use, and to which reference may be had at any time.

Of course a rule of procedure or of judgment must be prescribed for the guidance of that court whenever we send a claim there over which it has no jurisdiction under existing laws. The duty required of the court in regard to any particular claim sent there should be carefully and specifically provided for in the act or bill of reference.

I am heartily in favor of the provisions of the bill introduced by my colleague of the Committee on Claims [Mr. BOWMAN] and reported by him from that committee, which is now before the House. This bill is short; its provisions are plain and simple; it creates no new court or officer; and if adopted its effect will be to enable the House to relieve its committees and itself from the investigation of more than one-half the claims usually pending here for consideration and action.

The first section is:

Be it enacted, &c., That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Con-

gress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded with under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

This section enables any committee of the House, without waiting for the action of the House itself—pursuant to the existing law—the ear of which it is often difficult to obtain on account of other business having priority of consideration as a matter of right, to send any claim to the Court of Claims for the investigation and determination of the facts upon which it is based. As before suggested, the House under existing law can do so, but the advantage of this section is, that it enables the majority of any committee charged with its investigation to cause the claim, with the vouchers, papers, proofs, and documents relating to it, to be transmitted to the Court of Claims, to be there proceeded with under such rules and regulations as that court may adopt.

The second section of the Bowman bill is as follows:

SEC. 2. That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such Department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded with under such rules as the court may adopt. When the facts and conclusions of law shall have been found the court shall not enter judgment thereon, but shall report its findings and opinions to the Department by which it was transmitted, for its guidance and action.

This is substantially the law already, but under the provisions of the statutes now in force the court is bound to render a judgment whenever a claim is sent to the Court of Claims by order of the head of an Executive Department, the same as in a suit begun in the usual way in that court. This section will enable such head of a Department to transmit a claim to that court for the purpose of ascertaining the facts and conclusions of law touching its merits.

It also provides that the Court of Claims in cases arising under it may not enter judgment, but shall report its findings and opinions to the Department from which they were sent. A favorable finding and conclusion under this section by the court might be adopted, and the claim paid, provided such payment is authorized by law, otherwise the head of such Department would transmit the finding to Congress, with a suitable recommendation for payment or otherwise, as the facts found and conclusions of law arrived at warrant. The benefit of this section is that the investigation of claims which are often presented to the various Executive Departments of the Government when Congress is not in session, and which by reason of the *ex parte* character of any investigation a Department may make—often partial and unsatisfactory, both in character and result—may be proceeded with at all times as in the due and proper course of legal proceedings, with the aid of opposing counsel, whether Congress is in session or adjourned.

The third section of the bill is:

SEC. 3. That the Attorney-General, or his assistants under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counter-claims, offsets, defenses for fraud practiced or attempted to be practiced by claimants and other defenses in like manner as he is now required to defend the United States in said court.

The chief good of this section is that the proceeding at once becomes a suit in which both the rights of claimants and the interests of the United States are watched and protected by the appearance of counsel on both sides. It enables the Government also to interpose any defense, counter-claims, or set-off which may be just and equitable. And by the last clause of the first section it is provided that the court shall not enter judgment, but shall report back the facts found to the committee, or to the House, from which the case was transmitted, for further consideration and final action. This proceeding is analogous to the hearing before and report of an auditor or referee or the special verdict of a jury setting forth the facts, and submitting them to the court for the rendition of a proper judgment, which obtains largely in all parts of the country and under every system of jurisprudence.

SEC. 4. That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

This section provides, that in the trial of cases arising under the bill no person shall be excluded as a witness because he or she is a party to or interested in the same. It is, in my judgment, a wise provision. Sections 1079 and 1080 of the Revised Statutes of the United States, which forbid the use of the testimony of a claimant or any person interested, except at the instance of the Government, in cases where the Court of Claims now has jurisdiction under existing laws, ought to be repealed. Everybody but the claimant and other parties interested with him, or those from whom he derived his claim, are allowed to testify already. They are excluded simply on the ground of interest.

The doctrine of excluding witnesses from testifying because they happen to be pecuniarily interested in the subject-matter of a claim or suit has become obsolete. In most if not all of the States no witness is at the present time excluded or excused from testifying by reason of his interest in a cause or on account of being a party to the same. This rule obtains in both the Federal and State courts. Even in criminal causes, both in the Federal courts and in the courts of all or nearly all of the States of the Union, respondents are allowed to testify as witnesses in their own behalf. It has come to be regarded as a valuable means of ascertaining the truth of a criminal charge against a respondent that he be allowed, if he will do so, to give his own account of his connection or want of connection with the charge on account of which he has been indicted. Only in the Court of Claims is a party excluded. This relic of by-gone days should be repealed *in toto*, not only as to cases arising under the provisions of the bill now before the House but in all cases which come before the Court of Claims, and parties interested be allowed to testify the same as other witnesses.

The fifth section of the bill is as follows:

SEC. 5. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

I regard this section as one of the most valuable contained in the act. Under the present practice the same claim is sometimes the subject of a dozen different investigations before the various committees of the House and Senate in successive Congresses. New bills are introduced Congress after Congress, new hearings had before the committees of each successive Congress, and sometimes the claim is pending for twenty-five and even fifty years before final action. This bill contemplates one thorough and complete judicial investigation, and by section 5 a claim, if not finally acted upon at the session upon which the Court of Claims reports its findings of the facts and conclusions of law, is continued from session to session and from Congress to Congress until final action may be had.

A claim presented here, complicated in its character, involving difficult questions of law and fact, by a majority vote of the committee before whom it is pending may be sent to the Court of Claims, and thereupon the Attorney-General, or any of his assistants by his direction, must appear for the defense and protection of the interest of the United States.

The claimant can put in such proofs and have such witnesses examined as he chooses; likewise the Government. Any evidence which the claimant does not offer may be adduced by the United States and become a part of the record. Each side has the benefit of counsel to present the matter to the court, and then the facts are found by an eminent, skilled, and disinterested tribunal, and embodied in a report to be submitted to Congress, printed and distributed, and the subject-matter thereof continued from Congress to Congress until final action is taken. If, touching any matter thus reported back to Congress from the Court of Claims, any member questions or doubts the correctness of the finding, a reference to the record filed and preserved in the Court of Claims will show at once the entire testimony upon which the court based its findings. No judgment in claims embraced under the provisions of this bill is rendered by the Court of Claims but the payment and satisfaction of the claims or the rejection and denial of relief is awarded by Congress, no matter whether the claim was referred to the court by a committee or by either House, or whether it was transmitted from an Executive Department.

There are many valuable provisions contained in the bill reported by the Select Committee on Reform in the Civil Service, the substance of which was introduced by the gentleman from Tennessee, [Mr. HOUSE,] and which has been offered as a substitute for this bill. So in regard to the Edmunds bill, so called, introduced here by the honorable gentleman from Wisconsin, [Mr. BRAGG;] but I trust that neither of these bills will be adopted as a substitute for the one proposed by the Committee on Claims. Both those bills, the House bill and the Edmunds bill, are more comprehensive in their character, and sections of each probably might be adopted with advantage by way of amendment to the present jurisdiction and course of procedure in the Court of Claims. The Bragg or Edmunds bill is objectionable in my mind on account of the second section requiring a claimant to petition the Department of Justice and to obtain leave by indorsement thereof from the Attorney-General before being allowed to begin a suit against the United States. I think no claimant ought to be required to ask leave of anybody to bring a suit against the Government any more than against any other person. In such matters the Government should stand on the same footing as individuals in all respects.

The provisions of the third section of the Edmunds or Bragg bill, allowing a suit to be begun in the United States circuit court of the district in which the claimant resides, is a good one. Claims less than five or ten thousand dollars in amount which may now be sued in the Court of Claims in Washington should be allowed to be prosecuted in the United States circuit court of the district where the claimant resides. Claims of larger amount are of sufficient importance probably, so that the claimant might be required, as now, to proceed in the Court of Claims here. I would give a claimant the option of commencing his action in the Court of Claims or in the United States circuit court of the district in which he resides so far as claims less than five or ten thousand dollars in amount are concerned; that is to say, give the circuit courts of the United States and the Court of Claims concurrent jurisdiction up to five or ten thousand dollars, as the judgment of the House shall decide.

Section 707 of the Revised Statutes, allowing an appeal to the Supreme Court from the Court of Claims by the Government in all cases, but not allowing a claimant to appeal unless the amount in controversy exceeds $3,000, is unjust and ought to be modified. Claimants should have the same rights and privileges before the court in all respects as the United States. Both the Government and the citizens should be equal before the law. Of course in any bill enlarging or extending the jurisdiction of the Court of Claims, the claims of persons disloyal during the late civil war should be excluded. I assume that no committee of the present House would send a disloyal claimant to the Court of Claims under any circumstances. I take it that this Congress, at least, would reject such a claim, even if it had been sent to the Court of Claims from the House or from a committee and a favorable finding had been reported back from that court. Just war claims due to loyal claimants ought to be promptly adjudicated and as promptly paid. Such as have not been adjusted ought to have every reasonable facility provided for their adjudication and settlement as soon as may be. We are seventeen years from the close of the rebellion. Just claims growing out of that war ought to have been paid long ago. Congress, however, should retain full control over unadjusted war claims in order to arrest the payment of any such claim to a person whose disloyalty may have been overlooked or not discovered in the Court of Claims. I can see no objection under the laws now in force to sending war claims, so called, to the Court of Claims for adjustment by vote of the House. Nor do I see any objection to enabling a committee, or the head of an Executive Department, as proposed by this bill, to send such claims to the Court of Claims to be investigated and the facts relating thereto reported back to Congress for final action like other claims embraced within its provisions.

The amendments proposed by the gentleman from Indiana [Mr. HOLMAN] are the following:

SEC. —. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

SEC. — In any case for a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact, and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

They are unobjectionable and I think unnecessary. Sections 1072, 1073, and 1074 of the Revised Statutes already make ample provision, as it seems to me, against the allowance of the claims of persons disloyal to the Government during the late civil war. The proviso at the end of the fourth clause of section 1059 is in these words:

Provided also, That the jurisdiction of the Court of Claims shall not extend to any claims against the United States growing out of the destruction or appropriation of or damage to property by the Army or Navy engaged in the suppression of the rebellion.

Therefore I contend that while these amendments do no harm, and are right enough in principle, still all their essential provisions have long been the law of the land. I want to assure the gentleman from Indiana [Mr. HOLMAN] and his Democratic associates on this floor no fear need be entertained that a disloyal claimant will have the privilege of going before the Court of Claims while the Republican party control the committees of this body, much less, if by fraud, accident, or mistake such a claimant through the action of some committee obtains a hearing before the Court of Claims, would the Republican majority of this body ever vote to pay such claimant a single dollar; and I do not think the prospect of a Democratic majority in the House of Representatives is so brilliant or imminent in the near future that my friend need be particular to require the additional safeguards proposed by his amendments on that account, especially when the same thing in substance has already been enacted in the Revised Statutes.

It is a fact that in Italy, Germany, France, and England private citizens are allowed to prosecute their claims against the government before a judicial tribunal, and have such claims investigated and adjudicated against the government or the crown with the same facility as against individuals. From a printed volume of the reports on alien claims in the second session of the Forty-third Congress, a book filled with valuable information upon this question, I find on page 74 that—

According to the laws of France, an action may be brought against the state by a private individual either before the civil or administrative tribunals, according to the nature of the case. If the state is sentenced to pay a sum of money, such sum is taken from the budget of expenditures, and as it is the duty of the legislative branch to vote the budget, it follows that the legislative branch really provides for the payment.

From the same volume the law and practice of Germany with respect to private claims against the government are said to be:

In the procedure where claims against the Government come up before the administration or judicial tribunals for investigation, and in the procuring of evidence in such procedure, the same rules obtain, in general, as in the consideration, determination, and deciding of such claims when presented against other parties. In exceptional cases only are directions to be found prescribing a particular feature of the procedure in the case of a claim against the empire.

In the report to the Secretary of State, Mr. Fish, from General Schenck, our minister to England at that time, contained in the same volume, I find:

With respect to claims made against the crown, the common-law method of obtaining possession or restitution of real or personal estate has, for the most part, been by petition of right, a form of proceeding dating from the time of Edward the First; but in 1860 an act of Parliament was passed (23 and 24 Vic., C. 34) by which provision was made for assimilating as nearly as may be the proceedings on petitions of right to the course of practice and procedure in actions and suits between subject and subject, &c.

At the time of the publication of the volume to which I have referred it had not been settled in England whether the petition of right would lie for breach of contract or to recover money claimed by way of debt or damage or for any other object except specified chattels or land. Since that time, however, the question has been determined in the case of Thomas against The Queen, reported in the tenth volume of the Queen's Bench Law Reports, where it was decided that the petition of right will lie for a breach of contract resulting in unliquidated damages. So that our country, Mr. Speaker, is a long way behind the Old World monarchies and governments in not providing suitable tribunals wherein our citizens may bring to the bar of judgment their own Government, with whom they have dealt, for breach of contract, or against which they have just claims sounding in tort for damages.

The Government can always sue the citizen upon any lawful demand. It pays no interest without a special agreement or law to that effect, nor in any case are exemplary damages recoverable against it. I contend, therefore, that Congress ought forthwith to enlarge the jurisdiction of the Court of Claims as this bill provides, or else enable our citizens to prosecute their private claims against the Government in the different circuit courts of the United States. In respect to a large class of claims which come before Congress upon bill or petition, our committees can determine, if this bill becomes a law, whether such a case exists that the party ought to be required to go before the Court of Claims and establish the facts bearing upon his claim after the manner of other cases there prosecuted. Experience shows that by sending private claims to that court the winnowing process of a regular trial of their merits by opposing counsel, cross-examination of witnesses, &c., clears them up wonderfully. There is no real ground for supposing unjust claims will be allowed to any considerable extent or amount.

The following table of the aggregate amounts claimed and recovered in the Court of Claims from December 1, 1867, to December 1, 1880, shows that the interests of the Government have been carefully guarded by those representing it before the court as well as by the court itself:

December term—	Aggregate claimed.	Aggregate recovered.
1867	$2,848,140 26	$810,628 38
1868	3,335,803 24	1,228,643 31
1869	6,073,163 55	953,597 27
1870	5,981,314 84	1,224,757 20
1871	3,716,724 69	2,354,852 18
1872	7,079,608 29	3,884,973 06
1873	6,274,157 41	2,418,510 85
1874	9,064,061 85	2,997,374 23
1875	6,065,513 53	1,138,678 58
1876	6,848,492 46	251,728 89
1877	3,622,624 34	256,267 31
1878	13,939,912 08	1,017,182 32
1879	1,681,732 80	331,332 86
1880	3,784,279 86	902,614 54
Total	80,315,529 20	19,770,540 98

In conclusion, the following remarks in relation to the Court of Claims by Hon. Charles O'Connor, the well known and eminent New York lawyer, in an argument reported in a volume recently published entitled Great Speeches by Great Lawyers, seem peculiarly appropriate:

The court itself is the first-born of a new judicial era. As a judicial tribunal it is not only new in the instance, it is also new in principle. So far as concerns the power of courts to afford redress, it has heretofore been fundamental that the sovereign can do no wrong. This court was erected as a practical negative upon that vicious maxim. Henceforth our Government repudiates the arrogant assumption, and consents to meet at the bar of enlightened justice every rightful claimant, how lowly soever his condition may be.

Prior to the institution of this court, all rights as against the nation were imperfect in the legal sense of the term; every duty of the nation was a duty of imperfect obligation. There was no judicial power capable of declaring either; no private person possessed the means of enforcing the one or coercing the other. But effectual progress has been made toward giving form and method to the administration of justice between the nation and the individual. This court enables the latter to obtain an authoritative recognition of his rights. No more is needed; for in no case can a state, after such recognition, withhold payment and yet retain its place in the great family of civilized nations.

The ordinary jurisdiction of the court bears a strong resemblance to the narrow cognizance at common law; but its extraordinary jurisdiction over all claims which may be referred to it by either House of Congress extends its power to the utmost limits attainable by juridical science in its fullest development. In this aspect its dignity and importance as a governmental institution cannot be too highly appreciated. As a means by which rightful claims against the Government may be

readily established, and those not founded in justice promptly driven from the portals of Congress, it must exercise a most healthful influence.

But we are authorized to look higher than the mere convenience of suitors and the dispatch of public business. Enlightened patriotism will contemplate other and more important consequences. Caprice can no longer control. Here equity, morality, honor, and good conscience must be practically applied to the determination of claims, and the actual authority of these principles over governmental action ascertained, declared, and illustrated in permanent and abiding forms. As step by step in successive decisions you shall have ascertained the duties of government toward the citizen, fixed their precise limits upon sound principles, and armed the claimant with means of securing their enforcement, a code will grow up giving effect to many rights not heretofore practically acknowledged.

In it will be found enshrined for the admiration of succeeding ages an honorable portraiture of our national morality and a full vindication of the eulogium recently pronounced upon our people by the highest authority in the parent state. "Jurisprudence," says Lord Campbell, in The Queen *vs.* Millis, "is the department of human knowledge to which our brothers in the United States of America have chiefly devoted themselves, and in which they have chiefly excelled."

Are vituperation and a paltry success in securing Federal offices the sole and sufficient tests of national statesmanship?—A mental query for Hon. J. D. WHITE, of Kentucky.

REMARKS

OF

HON. ALBERT S. WILLIS,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 6, 1882.

The Committee of the Whole on the state of the Union having under consideration the sundry civil appropriation bill—

Mr. WILLIS said:

Mr. CHAIRMAN: I move *pro forma* to strike out the last word. During my five years' service upon this floor I have not felt called upon to trespass on the time of the House for any personal explanation or defense. There has fortunately been no necessity for it. No gentleman on either side until yesterday has ever seen fit either directly or indirectly to make any remark or statement which called for a reply of a personal character.

COURTESY TO AN ABSENT COLLEAGUE.

It was reserved for a member [Mr. WHITE] who since our first acquaintance has always been somewhat profuse in his expressions of friendship, and one, too, whom I regret to say is from my own State, to interrupt, to mar this proper and pleasant experience, and to compel me for once at least to follow his bad example by referring to matters which are of a quasi-private nature, and which certainly have not the remotest bearing upon any question now or hereafter to be under discussion upon this floor.

Mr. HISCOCK. If the gentleman will allow me a single suggestion——

Mr. WILLIS. I anticipate the suggestion of the honorable gentleman in charge of the bill, and I say to him that I prefer to proceed now, and that I will be as brief as possible.

Yesterday, Mr. Chairman, in the progress of debate upon this bill, although formally notified by my friend from Illinois [Mr. TOWNSHEND] that I was temporarily at one of the Departments, my colleague [Mr. WHITE] saw fit, going out of his way in the discussion upon the bill now pending, to refer to a circumstance connected with my election to this Congress; and not content with that, but pursuing a course usual with him, to ask that certain newspaper comments made at the time upon that circumstance should be incorporated in his remarks. He has withheld those remarks for revision, which with him means that he wants more time to put his venom into them.

I cannot, therefore, read his exact words; but I will state only the substance as given to me by the stenographic reporter. The substance of those editorials was a charge against me of personal dishonor, stating that I was unfit to represent the Democracy of the fifth district of Kentucky on this floor.

THE HEAD AND FRONT OF MY OFFENDING.

The ground of that charge, the only ground (and I challenge my colleague or any one else here or elsewhere to state any other ground) was that a controversy between myself and Hon. William B. Hoke, a brother Democrat of my district, in regard to our candidacy for Congress, had been settled by lot. Now, if there is a single incident connected with my private or political life, except that one fact that my last contest for Congress was settled by lot, I challenge here and now its production. If my colleague in that vast lumber-room of his mind, where he seems to keep stored away, labeled and ready for future use, the stale slanders, the dead and decayed charges, the exploded malice of the past—if he can find even there another circumstance which he thinks is against my personal or private character, I call upon him now to produce it.

On that single, solitary fact, then, he saw proper, not only on yesterday, but upon to-day, a few minutes ago, to violate the rules by interjecting an allusion which, though intended to excite a laugh, was singularly unsuccessful in the accomplishment of its object.

A SENSIBLE WAY TO SETTLE CONTESTS AMONG FRIENDS.

Now, sir, what was that which was settled by lot? It was this: Judge Hoke and myself——

Mr. WHITE. Will my colleague allow me to interrupt him?

Mr. WILLIS. Not now; I will allow my colleague when I am through.

The CHAIRMAN. The gentleman declines to yield the floor.

Mr. WILLIS. When I have concluded what I have to say, I am perfectly willing he shall be heard for an hour if the House shall desire it.

Judge Hoke and myself had been for fifteen years intimate personal friends. Our friends were mutual. A contest had arisen between us, and in order to settle that contest without further unfriendly feeling, at his suggestion we met and determined by lot which of us should be the candidate, the Democracy of that district having a majority of some 7,000. Now, then, that was the whole of it.

THE LAW.

Is my colleague well enough acquainted with the laws of his own State to know that that method of settling contests is authorized by the statutes of Kentucky? Does he know that the constitution of his State also recognizes and authorizes such a mode of settlement? Section 6 of article 4 of the constitution of Kentucky reads as follows:

The judges [of the court of appeals] at the first term of the court succeeding their election shall determine by lot the length of time which each shall serve; and at the expiration of the service of each an election in the proper district shall take place to fill the vacancy. The judge having the shortest time to serve shall be styled the chief-justice of Kentucky.

In chapter 33, article 5, of the general statutes are the following sections:

SEC. 4. If two or more persons shall be found to have received the highest and an equal number of votes for the same office, so that the election cannot be determined among the candidates by a plurality of votes, it shall be determined by lot, in such manner as the board [for examining returns] may direct, and in the presence of not less than three other persons.

With reference to electors of President:

SEC. 5. * * * But if none is elected, then the board shall determine the election by lot between those having the highest and equal number of votes.

Does he know enough of the laws of his country to know that in two-thirds of the States of the Union contested elections, even after the people by a vote have become a party to them, have been settled in the same way?

Mr. WHITE. Will my colleague allow me to have the law read?

Mr. WILLIS. I decline to yield just now.

A MEMBER OF THE ELECTORAL COMMISSION DETERMINED "BY LOT."

Does he know, Mr. Chairman, that even the electoral commission, one of the most important judicial bodies that ever sat in any country, as a part of the unwritten history of this land, was determined by lot? What I mean to say is, that on this floor five members were to be selected. Two gentlemen, Mr. TUCKER and Mr. Hunton, both of Virginia, were contending candidates before their Democratic friends for the honor of being on that commission. One only from the same State could be selected. It was a friendly contest, and they wanted to determine in a friendly way. They met in yonder committee-room, and as the Hon. BENJAMIN H. HILL, then a member of this House, who had been selected as umpire, refused to act, they placed the names in a hat, and a page, blindfolded, drew therefrom the name of one of those two gentlemen, whose judgment, differing from the other for aught we know, might have decided the right of the Presidency of the United States.

Mr. ARMFIELD. Joshua divided the land of Canaan among the Israelites by lot.

Mr. WILLIS. I am coming to my friend's scriptural allusion in a little while. My worthy colleague is perhaps as ignorant of that part of the history of the country as he appears to be of the statutes of his own State.

The CHAIRMAN. The gentleman's time has expired.

Mr. ATKINS. I will take the floor and yield to the gentleman from Kentucky.

Mr. WILLIS. I am obliged to my friend from Tennessee.

THE GOSPEL—"THE LOT CAUSETH CONTENTIONS TO CEASE."

Now, the gentleman claims to be a biblical student; and in this very Bible in which he claims to have studied so well, although not judiciously, judging by his behavior here, I find in Proverbs—I will give him the chapter and verse—chapter xix, verse 18—and I will take that as a text, if you please, for my remarks in this connection:

The lot causeth contentions to cease.

To read further, as my friend the gentleman from North Carolina [Mr. ARMFIELD] has suggested, we find that among the Hebrews the land of Canaan was divided by lot.

Does the gentleman know that one of the twelve apostles was selected by lot. I will refer him, if he does not know it, to the Acts, first chapter and twenty-sixth verse:

And they gave forth their lots; and their lot fell upon Matthias; and he was numbered with the eleven apostles.

Now, sir, with all of this legal and biblical authority before me I ask if it was not in order and not entirely proper for me to settle a political controversy with an opponent by lot, without being subjected to unkind and unjust criticism?

"LET THE DEAD PAST BURY ITS DEAD."

Mr. Chairman, I regret that my action in this regard should have been referred to now and here. I regret it not because of the fact itself, for I would under similar circumstances do the same thing. I regret it, however, because it necessitates an explanation which takes the time of the House without profit to any one, and especially because it seeks to revive memories which are and of right ought to be long since forgotten. I express my own feelings, and I believe I express the feelings of all connected with my late convass, when I say that all unkind memories, if any existed, were put aside with the occasion that gave rise to them. I am not, sir, I hope, to be found like the blind bat clinging to the rotten boughs of the past, or like the owl hiding in the caverns of the dead, but, with the permission of the honorable gentleman from New York, [Mr. ROBINSON,] who has charge of that bird upon this floor, I would prefer, like the eagle, to go forward and upward, ignoring the past and looking only to the brighter prospects which the future may present.

The CHAIRMAN. Debate has been exhausted on the pending amendment.

Mr. WILLIS. I withdraw the amendment.

Mr. McMILLIN. I renew the amendment and yield the time to the gentleman from Kentucky.

Mr. VALENTINE. To that I object.

The CHAIRMAN. The gentleman has the right to yield the floor.

Mr. VALENTINE. I think we have had enough of these personal explanations and these statements of personal grievances, and this is not the time for it. Let us go on with the consideration of this bill, and then if the gentleman wants to make his personal explanation he will be able to have an hour or more, if he wants it.

The CHAIRMAN. The Chair does not think the objection will lie against the right of the gentleman to yield the floor. The gentleman from Kentucky is recognized.

FACTS WHICH "POINT THE MORAL" IF THEY DO NOT "ADORN THE TALE."

Mr. WILLIS. Now, sir, let it be borne in mind that my colleague resides several hundred miles from my district, that no political considerations influenced him to allude to my canvass, as we have a Democratic majority of over 7,000, and even his reckless imagination would not suggest the hope of carrying the district for his party; let it be further remembered that my constituents indorsed my action by an overwhelming majority, a vote lacking only 275 of being equal to the combined vote of my two competitors; when to these is added the further fact that my colleague has professed always the most cordial personal friendship, what words can exaggerate the hypocrisy and small malice of this attempt to attack and injure my record? He has done what I venture to say no man in my district, whether a personal or political enemy, ever thought of doing—he has cut out these editorials written nearly two years ago during an exciting canvass, and has had them hid away in his desk until, availing himself of my momentary absence, he obtained leave, the House not knowing their nature, to print them as a part of his "five-minute speech."

If this attempt to smirch my reputation was limited to this floor, where my colleague and his peculiar methods are known, it would have been entirely harmless, although still utterly unjustifiable. The position, however, which he temporarily holds enables him, although by an abuse of its privileges, to place in the permanent record of the proceedings of Congress, to be carried where he and I are unknown, these newspaper comments, born as they were of the passion of the hour, and except for his effort now entirely forgotten and unheeded by any of the parties concerned. These comments were, as he well knew, based upon the single fact which I have stated, that is, that myself and Democratic competitor determined by lot the issue of our candidacy. He himself will not now, sitting in calm judgment upon that act, characterize it in the language of these two newspapers. His silence assures me that he does not and will not do so; and yet after the lapse of nearly two years he, a Representative of the American Congress, goes out of his course to call attention to this incident of my canvass, and having no charge himself which could be submitted or adjudged sufficient among honorable men, he skulks behind the charges and insinuations and epithets of others, and others, too, whose names even are unknown to him. And this he has done without the slightest excuse or provocation, either personal or political. For petty and reckless meanness I will challenge my colleague, even from the abundant material which his previous acts afford, to present a parallel to this.

"RUNNING A MUCK AT ALL CREATION."

Sir, when I recall my colleague's previous conduct, and I need go no further than the proceedings of this Congress, I am not surprised at this personal attack. It is entirely in keeping with the ideas of propriety which seem to control his legislative action. From the beginning to the end of his Congressional career he has been treading the peaceful paths of war. Far and wide his poisoned arrows have flown, and though they have all fallen harmless at the feet of their intended victims, it was not that he so desired or expected. The heart that inspired was strong with malice and bitterness; it was the brain that directed and the arm that wielded whose weakness baffled their purpose. If opportunity for attack has not been afforded him, he has, as in this instance, made an opportunity for himself. No character has been too pure, no amenities or privileges of legislative life have been too sacred to guard against his open slanders and stealthy insinuations. Neither age, nor high official station, nor previous good conduct, nor the sanctities of private life have furnished protection against his causeless and unmanly assaults. Party ties as well as personal friendship have been trampled under his feet. Like some wild Malay he seems to be "running a muck at all creation."

Sir, from the abundant facts furnished by the record I shall select four or five specimens which will more than justify every statement I have made.

"ACHILLES'S WRATH"—COLONEL G. C. WHARTON ITS FIRST VICTIM (?).

The very first official act of my worthy colleague was the introduction of a resolution requiring the Attorney-General to "furnish information relative to the conduct of Federal officers in Kentucky." Now, sir, that resolution upon its face would seem to have been drawn in the interest of the public and in the performance of some high official duty. Perhaps it was. I will not undertake to judge any man's motives. Those he answers for to a higher power. But I will state here some facts that are known in Kentucky, and known to all the Representatives of Kentucky upon this floor. In the light of these facts let his conduct be judged.

In the year 1874, by methods which, if the newspapers are to be credited, were not strictly in the line of "civil-service reform," but which I will not imitate his bad example by recalling, my colleague was elected to the Congress of the United States, a calamity that repeated itself in 1880, but which—and here I voice the sentiments, I believe, of nine-tenths of the people of Kentucky, Republicans and Democrats alike—will never occur again. In the Forty-fourth Congress my colleague was here; at the same time Colonel Gabriel C. Wharton held the position of district attorney for the State of Kentucky. Colonel Wharton had served gallantly in the Federal Army, and when his partner, General B. H. Bristow, was made Solicitor-General, he was appointed to the place thus made vacant. That position he held for ten consecutive years, and finally, with the good will and esteem of all our citizens, voluntarily resigned, the only *bona fide* resignation that has ever occurred among Federal office-holders in our State. Now, it seems—and I give this upon the authority of Colonel Wharton, and I believe every word he says—that during his official service, some eight years ago, Mr. WHITE, then just elected to Congress, and therefore with a pardonable sense of his power and innate greatness, wrote him a letter requesting that he (Wharton) should release from fine and imprisonment certain clients of the new-fledged Congressman who had been arrested, proved guilty, and convicted of that little diversion not uncommon among his supporters, and known to the country as "moonshining." Colonel Wharton, having the fear of the law rather than of the Congressman before his eyes, declined the unique request, and from that hour until now he has been pursued by an "avenging Nemesis" in the person of my amiable colleague, who, as we all daily see, can "smile and smile and still be"—an enemy.

The resolution I have cited was in part aimed at Colonel Wharton, who is as honest and as honorable a gentleman as there is in the State of Kentucky. Not only that, but in one of his numerous "personal explanations" my colleague, knowing that Colonel Wharton, because of his long familiarity with the revenue laws, had been employed by the distillers of Kentucky as their counsel in Washington, and knowing that while holding that position he could not, without detriment to the interests of the clients whom it was his sworn duty to protect, engage in a controversy with him, bravely denounced him on this floor as a lobbyist and a corrupt man—upon this floor, where his victim was not allowed either to act or speak. If these facts are true, and they rest upon the evidence of honorable gentlemen, I submit that my colleague, in the introduction of this resolution, while illustrating the peculiar phase of his legislative character upon which I am now commenting, was seeking to make this House the instrument of personal revenge and private grievances.

But who else has he fixed his fangs upon? Rather, Mr. Chairman, ought I not to ask who has escaped his wrath, real or simulated? And I refer to these cases as explanatory of his attack upon me, and as showing how reckless his course in this regard has been. Need I recall the numerous scenes he has precipitated upon this House, when the interposition of the arresting officer has been suggested, if not actually invoked?

HON. W. D. KELLEY—A PATHETIC AND MEMORABLE SCENE.

Need I remind gentlemen around me of that pathetic and memorable occasion, when the venerable father of the House, Hon. W. D. KELLEY, who, irrespective of party feeling or differences, has enjoyed the confidence and esteem of the country for a quarter of a century, was goaded to the last point of endurance by the repeated charges and insinuations which my colleague without warrant had hurled against him as chairman of the Ways and Means Committee? Can we ever forget the touching allusion to his family, his children, to whom as his chief legacy he desired to leave a name free from reproach or suspicion of dishonor? Can any one on this floor fail to denounce the attack or the series of attacks upon Mr. KELLEY as anything less than legislative parricide? And what will the members of this House think when I inform them that my colleague, in a pamphlet which seems to be a full collection of his many eloquent speeches, motions to adjourn, &c., has added an appendix contain-

ing another fling at his venerable foe, based upon a transaction alleged to have occurred fifteen years ago!

JUSTICE JOHN M. HARLAN PAYS THE PENALTY FOR "DESERTION."

What other victim has this Achilles of peace dragged at his chariot wheels? Is no respect to be shown upon this floor for the highest court of our land? It seems not, if my colleague's views are to prevail. Justice John M. Harlan, because forsooth he does not recognize in Hon. J. D. WHITE the Moses who is to lead his party in Kentucky out of the wilderness—Justice Harlan must be sent down to posterity, as far as this CONGRESSIONAL RECORD can do it, which, fortunately for him and perhaps for all of us, is not very far, as a "trickster" who "deserted us"—I presume the "us" means J. D.—"in the hour of our greatest danger." As Justice Harlan was a brave and gallant soldier during the war, and as my colleague was then valiantly at home catching mountain minnows and making that elaborate and wonderful "preparation" for the duties of statesmanship which is so graphically and modestly epitomized in the Congressional Directory, "the hour of our greatest danger" must have been "during the piping times of peace."

HON. G. B. RAUM, COMMISSIONER OF INTERNAL REVENUE, COMPLIMENTED BY AN ATTACK.

But, Mr. Chairman, not only have the halls of legislation, the Supreme Bench, and the circles of private life furnished their quota for malice and vilification, but one of the great Executive Departments has been formally and repeatedly arraigned at that bar, and its chief, General Green B. Raum, charged with high crimes and misdemeanors which if committed should and would bring his official head promptly to the block. Although controlling one of the most important Departments of the Government, although over a thousand millions of dollars and more have passed through his hands, yet for some cause, which if time is given me to-day I may unravel, he has fallen under the displeasure of this august power, to whom station, rank, and honors are but as the playthings of an hour. General Raum has been charged with the grave crime of bribery and corruption.

SCATTERING SHOTS FROM A POP-GUN.

Shall I enumerate others? Here in these pamphlet records of our "Kentucky statesman" I find charges not only against the present but the late Speaker of this House. Here, too, among the beneficiaries of his wrath I find Colonel R. M. Kelly, the present pension agent for Kentucky and the able and accomplished editor of the Louisville Commercial, the leading Republican daily of our State, who is called a "trimmer," whatever direful thing that may be. Colonel Kelly's offense lies in his failure upon all occasions to herald Hon. J. D. WHITE as the "leading Republican statesman of Kentucky." Here is Colonel William Cassius Goodloe, late minister to Belgium from the United States, a "sore-head," and although heretofore "a very prominent man in the State of Kentucky," yet as he "differs with him (WHITE) in politics" he must "hang his political harp upon the willows" and cease to hope. And here, too, is the "chairman of the Republican Congressional committee," (Mr. HUBBELL,)—*et tu, Brute!*—who is told that "his threats to defeat my election will not disturb me." I wish I had the time and this were the occasion to analyze this statement. Can it be possible that aid was sent to my colleague in his last contest? If so, will he tell a suffering party how much it cost? Can it be possible that these "assessments" that are now being collected are now to be turned against our own men, and "WHITE" men at that? If so, then indeed ought we to do away with them and have at once some first-class "voluntary contributions."

HON. GEORGE M. ADAMS THE NEXT REPRESENTATIVE FROM THE TENTH DISTRICT OF KENTUCKY.

Hon. George M. Adams, ex-Clerk and ex-member of this House, although not on "speaking terms" with my colleague, is spoken to by him in this harangue from which I have been quoting. At the distance of 1,000 miles this politician hunter can fire a safe if not a bold and accurate shot. Can it be that the "coming event" in his Congressional district, the election of that tried statesman and generous-hearted gentleman [Colonel Adams] to the position formerly honored by him on this floor, and now temporarily held by the gentleman, is already "casting its shadow before?"

ANOTHER SAD RESULT OF CÆSAREAN MEAT AND BAD DIGESTION.

But, sir, not these and others whom I could name of both parties and of "all ages, sexes, and conditions in life," but even ex-President Hayes is characterized in one of the gentleman's speeches as the "imbecile from Ohio." Thus the lowest to the highest in the land have supplied scalps to dangle at the belt of this brave warrior, this "big Injun" from the rocky cliffs of "old Kaintuck," known among his people by the suggestive title of "Heapee-Workee-with-the-Jaws."

THE COMBAT THICKENS AND WIDENS—COMMITTEES, CORPORATIONS, AND EVEN COMMONWEALTHS THREATENED AND DISMAYED.

Sir, no "pent-up Utica," no mere individualities or single objects confine the powers of my colleague's wrath. Committees, cities, bodies of men, parties—his own as well as others—and whole communities have been in turn besmirched upon this floor with his abusive denunciations. Need I remind you, sir, of his numerous attacks upon the leading committees of this House. What foundation had he for the insinuation, or rather the direct charge, that the Ways and Means Committee of this House had been influenced by improper motives in passing the bill for the indefinite extension of the bonded period? What sufficient foundation had he for the charge so glibly made that "in the city of Lexington," the second city of his State, and, as he knows, one of the most refined and cultivated cities in the world, a little Athens, forever immortalized as the home of the great Commoner of the West, our peerless Henry Clay—why should he charge that "at the August election last year the most unscrupulous, the most unjustifiable, the most damnable"—how these epithets roll like glittering beads from a broken string—"system of bulldozing that has ever been attempted in any part of this Union was attempted in that city." Now, is there a gentleman here who recognizes in this strained and highflown rhetoric even the semblance to truth? That there were some disturbances is, I doubt not, true, as it was true in Boston, in Philadelphia, or in the quietest and most orderly little "village of the plain." But no such "blood and thunder" scenes as these ever did or ever will, I undertake to say, occur as long as it remains what it now is, the seat of the arts and sciences, the home of literature and religion.

IS HON. J. D. WHITE A REPRESENTATIVE OF KENTUCKY?

Not content with the glory he had achieved by assailing the fair name of one city in his State, my colleague seemed to have attained the climax of his desires and possibilities as a defamer when a few weeks subsequently an opportunity presented itself, or rather when he was able to force an opportunity, to attack the honor and integrity of the whole State. It is well known, and the gentleman will not plead ignorance of the fact, that Kentucky has never repudiated or scaled her debt to the extent of a single mill. When, therefore, the honorable gentleman from Virginia, [Mr. PAUL,] in vindicating the action of his own State by comparing it with the other States of the Union, declared upon this floor that Kentucky was also a repudiating State, what was my colleague's reply? Did he, as one of her chosen Representatives indignantly deny the allegation of his Readjuster friend as to Kentucky? Did he stand here defending the honor and guarding the sacred interests of the proud old Commonwealth whose commission he bears? On the contrary, he forced himself into the debate, not to hurl back the slander but to fasten it deeper upon her, insisting, although repeatedly called to order, that his State had repudiated her debt and dishonored herself as charged by the gentleman from Virginia. And when pressed to say in what way, he alleged that several counties had refused to pay their railroad bonds and were litigating their liability in the courts. I was not surprised that one of his party friends, [Mr. CAMP,] when he heard this, promptly exclaimed: "O, that is not repudiation!"

Well may Kentucky bow her head in shame and indignation when one of her own Representatives (?) holds her up before the whole American people as an object of scorn, distrust, and contempt.

The CHAIRMAN. The time of the gentleman has expired. Debate has been exhausted upon the pending amendment.

Mr. MCMILLIN. I withdraw the amendment.

Mr. VALENTINE. I object.

The CHAIRMAN. Any gentleman has the right to object to the withdrawal of an amendment.

Mr. WILLIS. I ask to be permitted to go on for a few minutes longer.

The CHAIRMAN. Is there objection to the gentleman from Kentucky proceeding?

Objection was made.

Mr. BROWNE. I understand objection has been made to the gentleman proceeding.

The CHAIRMAN. The gentleman from Kentucky has concluded his remarks.

Mr. WILLIS. No, sir; he has scarcely begun them.

Mr. BROWNE. I am compelled to object.

Mr. WILLIS. I ask this House, having been attacked in my absence, having the right under the rule to rise to a question of privilege, which I did not exercise after consultation with the Speaker of the House, and having now been permitted to begin what I intended to say—I ask in common fairness that I shall not be cut off in this abrupt way.

The CHAIRMAN. The gentleman has had fifteen minutes. If he desires to make a request that the Committee of the Whole extend his time, the Chair will submit it.

Mr. HISCOCK. With all deference to the gentleman from Kentucky, and intending to be entirely courteous, I wish him to indicate what time he wants.

Mr. WILLIS. I shall be satisfied if I get ten minutes. I have some things to state here which I could not, under the rules, print.

Mr. BROWNE. I have listened patiently and with pleasure to the gentleman's explanation of the charge which seems to have been made against him by his colleague. Having finished that explanation he now proceeds to attack his colleague, which, as a matter of course, calls for a reply and a personal explanation by the gentleman from Kentucky, [Mr. WHITE.] Now, I say to the gentleman, and I say to all kindly and frankly, I am tired of this business. [Applause.] We have had these matinees every day for a week, and I object to turning the Congress of the United States into a bear-garden, if the gentleman will allow me the expression.

Mr. WILLIS. The gentleman ought to have been here yesterday when his cub had the floor.

Mr. BROWNE. I shall make the same objection to one gentleman proceeding in this kind of remark as I would to another.

The CHAIRMAN. Objection is made to the gentleman proceeding. The Chair will remark to the gentleman from Kentucky, if he has a question of privilege to present, that is to be heard in the House and not in committee. The committee has yielded by unanimous consent fifteen minutes to the gentleman; but objection is now made to his proceeding further.

Mr. WILLIS. I ask for ten minutes more.

Mr. THOMPSON, of Kentucky. I rise to renew the amendment.

The CHAIRMAN. The amendment is pending.

Mr. THOMPSON, of Kentucky. I ask a vote on it. What is the amendment?

The CHAIRMAN. The *pro forma* amendment is to strike out the last word.

Mr. McMILLIN. I was the party, I believe, who offered the amendment, and I withdraw it.

The CHAIRMAN. Objection has been made to its withdrawal, and the objection being insisted on it must be put to a vote.

The question being taken, the *pro forma* amendment was not agreed to.

Mr. THOMPSON, of Kentucky. I move to amend the paragraph by striking out the last two words, and I yield my time to my colleague, [Mr. WILLIS.]

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

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. In stating the question of order I wish to say, if this discussion is to continue I want it to be by unanimous consent, and that that unanimous consent shall extend also to the other gentleman from Kentucky, [Mr. WHITE.] My question of order is, that no member can speak twice here to an amendment until all others have spoken. The rule contemplates a five-minute debate, and it cannot be evaded so as to allow a speech to run for an hour or two hours or six hours by gentlemen being recognized and yielding to one gentleman so that he can continue the discussion beyond the time provided by the rule. I make the point of order that it is not competent for the gentleman from Kentucky [Mr. THOMPSON] to yield the five minutes to his colleague, [Mr. WILLIS,] who has already occupied fifteen minutes.

The CHAIRMAN. But this is a different amendment. It is to strike out the last two words.

Mr. BROWNE. I notify the gentleman from Kentucky [Mr. WILLIS] that unless he speaks to the amendment I shall rise to the question of order.

Mr. TOWNSEND, of Ohio. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSEND, of Ohio. What question is now pending before the committee?

The CHAIRMAN. The proposition to strike out the last two words of the pending paragraph.

Mr. TOWNSEND, of Ohio. I had the idea that a personal explanation was going on.

The CHAIRMAN. On that amendment the Chair recognized the gentleman from Kentucky, [Mr. THOMPSON.] That gentleman yields to his colleague, [Mr. WILLIS,] and objection is made under the rule to discussing other things than the amendment.

Mr. THOMPSON, of Kentucky. Let my colleague discuss it in his own way.

Mr. WILLIS. I ask that the words proposed to be stricken out may be read, so that I may discuss them.

The Clerk read as follows:

Strike out these words: "thousand dollars."

Mr. WILLIS. I will address myself to that amendment. I regret very much indeed, Mr. Chairman, to be compelled by indirection or by direction to trespass upon an impatient committee. When interrupted I was commenting upon the official acts of my colleague during the present session. I was calling attention——

Mr. BROWNE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE. First, I insist that the gentleman has no right to rise to a personal explanation in the Committee of the Whole.

Secondly, if he has risen to discuss the amendment he must confine himself to the amendment. I do this with entire kindness to the gentleman; I will make the same objection to anybody else.

Mr. ATHERTON. You did not do it yesterday when a much worse case arose.

Mr. BROWNE. And I did not do it when the gentleman from Kentucky opened the ball two or three days ago.

Mr. WILLIS. I did not open any ball; nor do I want to dance at anybody else's ball.

The CHAIRMAN. The question is upon the point of order.

Mr. THOMPSON, of Kentucky. I do not see how the gentleman from Indiana [Mr. BROWNE] can rise at the present point and endeavor to hamper the gentleman from Kentucky [Mr. WILLIS] in the remarks he is going to make. He cannot tell what connection there is between what the gentleman is going to say and the pending amendment until he has said it. He has not yet expressed a single idea on the amendment which is to strike out the two words "thousand dollars."

Mr. WILLIS. I am coming to that gradually.

Mr. THOMPSON, of Kentucky. He had merely reached the point of saying that there was some connection between that amendment and what he intended to say and had said, when the gentleman from Indiana [Mr. BROWNE] interrupted him. Now, I insist that when a gentleman rises here to discuss an amendment, there is no man in this House, chairman or member——

Mr. HISCOCK. I wish——

Mr. THOMPSON, of Kentucky. I do not yield.

Mr. HISCOCK. I desire to make a suggestion.

Mr. THOMPSON, of Kentucky. I do not yield.

Mr. HISCOCK. The gentleman will allow me to make a suggestion.

Mr. THOMPSON, of Kentucky. Well, I will yield for a suggestion.

Mr. HISCOCK. I understand that the gentleman from Kentucky [Mr. WILLIS] is entirely willing to be limited to ten minutes——

Mr. WILLIS. I am.

Mr. HISCOCK. And I ask the committee to give him that time.

The CHAIRMAN. The Chair will submit the suggestion to the committee.

Mr. THOMPSON, of Kentucky. With the understanding that our colleague [Mr. WHITE] has the same time to be heard.

Mr. BROWNE. I object, and insist upon my point of order.

The CHAIRMAN. The question is upon the point of order raised by the gentleman from Indiana, [Mr. BROWNE.] The Chair desires to call attention to the first paragraph of Rule XIV, which says:

When any member desires to speak or deliver any matter to the House he shall rise, * * * and on being recognized may address the House, * * * and shall confine himself to the question under debate, avoiding personalities.

The Chair calls the attention of the gentleman from Kentucky [Mr. WILLIS] to that rule, the application of which is insisted upon. Under that rule the gentleman has a right to speak for the remainder of his five minutes to the pending amendment, which is to strike out the last two words.

Mr. TOWNSHEND, of Illinois. Was not that rule applicable yesterday to the gentleman from Ohio, [Mr. BUTTERWORTH?]

The CHAIRMAN. The Chair desires to say to the gentleman from Illinois [Mr. TOWNSHEND] that the remarks of the gentleman from Ohio [Mr. BUTTERWORTH] were made in general debate, before the five-minute rule applied. The question now is under debate under the five-minute rule; and the gentleman from Kentucky [Mr. WILLIS] is recognized for the remainder of his five minutes to speak to "the question under debate."

Mr. WILLIS. I was speaking upon one branch of the pending amendment, and I will speak upon that mostly, the proposition to "strike out." Now, since the gentleman from Kentucky [Mr. WHITE] has been upon this floor, who has he been "striking out" at? The very first man, as I have shown, that he "struck" at was a gallant Federal soldier, the district attorney of my own district, Colonel Gabriel C. Wharton.

Mr. BROWNE. Now, Mr. Chairman——

Mr. WILLIS. I am on this "striking out" part; the gentleman certainly cannot make a point on that.

Mr. BROWNE. I appeal to the gentleman from Kentucky himself if he does not know that he is not discussing the pending amendment; if he does not know that? I ask if it is not due to members and to the Chair in perfect good faith to enforce the rules. I have no feeling in this matter; I simply desire——

The CHAIRMAN. The gentleman from Kentucky will proceed in order.

Mr. WILLIS. I say I was discussing this term "strike out." I say the gentleman from Kentucky [Mr. WHITE] "struck" at that gallant soldier——

Mr. BROWNE. I ask the Chair to rule whether or not the gentleman is now proceeding in order?

Mr. WILLIS. I believe I have the floor.

The CHAIRMAN. The Chair rules that the remarks last made by the gentleman from Kentucky are not upon the "question under debate, avoiding personality." If gentlemen insist upon it, the Chair will be compelled to so rule. And further than that, the five minutes' time of the gentleman has expired.

Mr. WILLIS. I am sure the Chair will not rule that the five minutes have expired in my time.

Mr. BROWNE. The only question is whether the gentleman from Kentucky or the rules of this House shall prevail.

Mr. WILLIS. There is no such question involved here. I have some remarks which under the rule I cannot print, and which I am compelled to deliver——

The CHAIRMAN. Does the gentleman ask leave to print the remainder of his remarks?

Mr. WILLIS. I have in my hand letters and documents regarding Federal appointments in Kentucky that affect the personal as well as the political character of the gentleman, and which are pertinent to the issue I am discussing. I did not intend to ask leave to print them——

The CHAIRMAN. The Chair must remark to the gentleman from Kentucky——

Mr. WHITE. I ask that he be permitted to print.

The CHAIRMAN. The gentleman will be in order. The Chair has

a right to state the situation of this debate and to settle the point of order. The Chair has felt it his duty to exercise great liberality in the conduct of the debate in Committee of the Whole when o bjection was not made; and he thinks that the allowance of twenty minutes for this discussion is extremely liberal. The question being now made, the Chair asks the gentleman from Kentucky to co-operate with him in the proper enforcement of the rules when a point of order is made.

Mr. WILLIS. I will not assume to hold the floor under the circumstances. I am exceedingly obliged to the Committee of the Whole for the courtesy of permitting me to speak, as I know it was not strictly in order at this time. I ask now that I may be permitted, whether in accordance with the rules or not, (and I say it frankly,) to print certain additional remarks which I desire to make in this connection.

The CHAIRMAN. The Chair will put that question. The gentleman from Kentucky asks leave to print the remainder of his remarks.

Mr. HARRIS, of Massachusetts, and others objected.

The CHAIRMAN. The question is now on the amendment to strike out the last two words.

Mr. THOMPSON, of Kentucky. I withdraw the *pro forma* amendment.

Claims of Loyal Citizens.

SPEECH

OF

HON. ANDREW G. CHAPMAN,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, August 2, 1882,

On the bill (H. R. No. 5899) to authorize the accounting officers of the Treasury to consider and pass upon certain claims now pending before them.

Mr. CHAPMAN said:

Mr. SPEAKER: The claims which this bill proposes to authorize the accounting officers of the Treasury to consider and pass upon are the few remaining cases on file in the Treasury Department growing out of the use and occupation of the real estate of loyal citizens, situated in loyal States, by the Government or its forces, where there was no express contract to pay rent, or for engineer stores belonging to such citizens taken and used by the Government. In 1817, March 3, (Revised Statutes, 236,) Congress passed this law:

All claims and demands whatever, by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Department of the Treasury.

While all authorities, Attorney-Generals and others, have declared that this law conferred no jurisdiction over claims for damages actual, unliquidated, or resultant, yet none have said it did not cover cases arising under implied contracts, and the accounting officers of the Treausury have uniformly exercised jurisdiction under it in cases under implied contract.

We have from the Third Auditor of the Treasury, in a communication accompanying the report on this bill, these words:

For many years the accounting officers have held that such powers existed, and in many cases have exercised it.

And a list of such cases, comprising only a portion of those in which such action has been taken since the war, is appended to the report accompanying this bill.

We are told in the official communication of the Third Auditor before referred to that for "six successive years Congress has expressly recognized such claims as within the province of the accounting officers to adjust."

Every year since the passage of the act of June 20, 1874, the Secretary of the Treasury has reported to Congress allowances of claims for barracks and quarters, in all of which reports many of the claims were based on implied contracts to pay by the Government, and in each of the six years Congress has appropriated the money to pay such allowances, "nor was it ever before suggested in Congress that the accounting officers had transcended their jurisdiction in entertaining, allowing, and reporting such claims." And it was not till the present session of Congress that we hear of any doubts expressed as to the power of the accounting officers to audit claims based on an implied contract to pay, after large sums of money have been paid by the Government in settlement of just such claims on the findings of the accounting officers.

But we learn from Comptroller Upton, in an official communication dated December 22, 1881, and addressed to Hon. G. G. VEST, a member of the present Congress, that—

There has been much conflict of opinion as to the power and authority of the accounting officers to audit claims of this kind, but during several years past it has been held that the Auditor and Comptroller are not authorized to approve a claim for the use and occupation of real estate in any case except where rent has become due by the terms of an express contract.

From this official communication we have the first information of any doubts or difficulties existing in the minds of the Comptroller or Assistant Secretary of the Treasury, and the whole subject is carefully reviewed by the Third Auditor of the Treasury in the claim of James H. Elgin, in which rent for the occupation of his land by the Government troops for several years is allowed, and so certified to the Second Comptroller October 14, 1880.

The reasoning of Comptroller Upton is about this: that as Congress thought it was necessary to enact laws conferring jurisdiction over special classes of cases, such as is conferred by sections 273 and 277 of the Revised Statutes, and sections 300 A and 300 B, act of July 4, 1864, relating to quartermasters' stores and commissary stores, then it was also necessary for Congress to enact laws conferring jurisdiction in these two special classes of cases, namely, claims for rent under implied contracts and claims for engineer stores.

Were this a new question, it might become us to test the force of this reasoning; but we learn from the communication of the Third Auditor accompanying the report on this bill that—

The accounting officers have uniformly held that where the United States have occupied the real estate of a citizen in a loyal State, without claim of title or right to confiscate, and under circumstances where an intention to make compensation ought to be presumed, an implied contract to pay a fair rent grows up. This doctrine has been maintained in an unbroken line of decisions reaching back to the beginning of the late war.

IMPLIED CONTRACT.

The Court of Claims (Johnson's case, 4 Court of Claims par. 250,) recognizes in strongest terms that it makes no difference whether the contract is express or implied, "that the rights of the citizen, the duties and obligations of the Government, and the jurisdiction of the tribunal," are all the same whether the contract be expressed or implied; "that when the Government has entered upon the realty of a citizen or his right of property being established, the Government should be deemed to have entered under an implied lease."

Under that authority, how can you doubt the power and duty of the accounting officers to entertain such claims of loyal citizens in loyal States? Congress declared by law February 21, 1867, expressly that no claim for occupation of real estate in the disloyal States should be entertained or settled.

Is not this an implied recognition of the duty and authority to settle such claims in loyal States? If not, where the necessity of the law? Is there anything in the nature of the use of real estate to make it different from the use of any other sort of private property? Do you mean to plead the statute of frauds on claimants and require all contracts for rent of land for over one year to be in writing? The court in the case before quoted lays down the rule "that the occupation of the real estate of a citizen for public purposes creates the relation of landlord and tenant under an implied lease," upon which rests the right and duty of the Government to pay rent, as the just compensation prescribed by the Constitution; and without some such limit there is no private property, but we are all only tenants at the sufferance of the Government. We learn further also from the Third Auditor of the Treasury:

The number of cases now pending in which the question might arise can safely be said cannot number more than a very few hundred, and the number of rent claims which have been allowed by the accounting officers where the possession of the real estate was not held under express contract have been very numerous. The accounting officers have never yet held that express contract was a necessary element to allowance.

Moreover from the Comptroller we learn that while he entertains doubts as to the jurisdiction of the accounting officers over these two classes of cases, yet the equities recommending them for consideration are equally as strong as of those more clearly in his opinion within the law. And he forcibly remarks that "while holding that these claims for engineer stores are not within the jurisdiction of the accounting officers" he is aware of the apparent inconsistency of making the question of pay depend upon the use to which the property is devoted, when either of two purposes may have been equally beneficial to the Government.

The same officer may have been acting as engineer and as quartermaster at the same time, and quantity of timber may have been seized by his orders and used, in part, for purposes of fortifications and in other part as quartermasters' stores.

The latter can be audited and allowed, while the former under his construction cannot be paid for. He thus concedes if the claims are proven they ought to be paid. I say were this a new question we might stop to consider the propriety of this legislation; but when a law has received a settled construction during a series of years, both by the legislative and executive departments, and the business arising under it has been nearly all disposed of, it would not be proper to disregard the settled practice under the law in disposing of the remnant of the business even if that construction were wrong. The whole amount of the claims now pending, in the language of the report, do not probably exceed $100,000.

By the long practice of the accounting officers, sanctioned by Congress, claimants have been invited to present their claims to this tribunal and file their proofs. It would certainly be wrong to dismiss these claims at this late day upon the suggestion for the first time that the accounting officers have not jurisdiction. Quoting again from the Third Auditor, he says:

The claimants should have a remedy, and doubts having been raised as to the power of the accounting officers in the premises, the proposed legislation appears to be wise and just.

Refuse this proposed legislation and you shut the door of justice in the very face of your own citizens. It is now too late for them to go elsewhere—they are met by the bar of limitations in any other tribunal. Turn a deaf ear to these honest claimants, the whole of whose claims would not absorb one-tenth part of the income of this Government for one single day, and you leave them entirely without remedy. If your accounting officers have been found faithful in adjudicating many of this class of claims, may they not be safely trusted to dispose of the few that remain?

By your invitation, conveyed in the very language of your law and the settled practice of your Treasury Department for years and years, sanctioned and confirmed without question by your annual bills of appropriation, your claimants, relying upon the justice of their Government, have filed their claims and proofs and patiently abided their time. A million of money, perhaps more, has been paid out in settlement of just such claims upon the adjudication of your Treasury Department. A few hundred more remain—aggregating in all not one-tenth part your daily revenue. Refuse to pass this bill and you will have this grand, magnificent Government, that can well afford to be not only just but liberal, saying to its overconfiding and overcredulous citizens, "We have misled you it is true; it is no fault of yours that you have confided in the very language of the law and the settled practice of the Government for years; but lest one fraudulent claim might possibly be paid, we will close the door of justice in your very face."

It is too late now for you to go elsewhere with your claims and your proofs. You cannot go to the Court of Claims, for we only allowed you six years from the origin of your claim to bring it in that court, (Revised Statutes, 1069,) and this grand Government, receiving upward of $1,000,000 per day, will make by this highway robbery the pitiful sum of $100,000. Can we, Mr. Speaker, afford to make it at that cost? We have high and holy authority for believing that ninety-nine guilty men should escape punishment rather than one innocent shall suffer. On a similar principle had you not better pay one fraudulent claim than deny justice to ninety-nine honest ones?

Mr. Speaker, in the trying hours of the bloody war through which we have but lately passed the Government passed laws establishing ready tribunals for the settlement of the claims of her loyal citizens for property taken for its armies, and even sent its own agents out to get up the proofs when there was an allegation of taking. Is she less sensitive now to the appeals of her citizens? Does she feel that the danger is passed, that the knife of the assassin is no longer at her throat, the torch of the incendiary no longer at her temple, and she can be bold and disregard the favor or the frowns of her citizens? The danger may be past, but the only safe foundation of this Government is in the love and the gratitude of its people. We are told—

> The devil was sick, the devil a monk would be;
> The devil was well, the devil a monk was he.

Let us not, I pray you, play that satanic part. Mr. Speaker, the Queen of England, in all her majesty, in all her might and power, can do no wrong. Sir, this mighty Government, with all its charter of almost boundless right and privilege freely accorded to it by the confiding hearts of a grateful and trusting people, has no more right than the majesty of England to wrong its humblest citizen, nor could it afford so to do if there were millions instead of a few thousand at stake. Let us pass this simple bill, most carefully guarded as it is in its terms, and do this little act of plainest and purest justice, not begrudgingly and sparingly, but cheerfully and freely, as becometh the representatives of a free and mighty people.

Naval Appropriations.

SPEECH

OF

HON. WILLIAM S. SHALLENBERGER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 28, 1882.

The House in Committee of the Whole on the state of the Union having under consideration the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes—

Mr. SHALLENBERGER said:

Mr. CHAIRMAN: I had not intended to say anything on this bill to-night, but as there seems to be some time not desired by others I will occupy it lest I may not have an opportunity to-morrow.

I think I see in this bill some very objectionable features which have not been specially referred to this afternoon, and to which I feel it my duty to call the attention of the committee. I shall not refer to the legislation proposed which affects the navy-yards and upon which so much has been said by gentlemen who have preceded me, as I have no special interest in these provisions of the bill and have given no particular attention to them. I wish first to call the attention of the committee to what I regard a very questionable change of existing laws regulating the course of instruction and the manner of appointments at the engineer school of the Naval Academy; and also wish to protest very earnestly against the radical reduction the bill proposes in the corps of engineer officers.

First, as to the change touching appointments and instructions. As is well known by most of the gentlemen around me, we have now what is universally regarded an admirable school of mechanical and marine engineering, which has stood the test of experience for the past sixteen years and has graduated with high honors some of the most talented young men to be found in the naval service of any government. The honorable gentleman in charge of this bill [Mr. ROBESON] assures me of his very high appreciation of the engineer corps of the Navy. No one upon this floor, I think, will suspect that he has any other motive than the best interests of the entire service to actuate him in suggesting the radical changes proposed by this bill. He has large experience also in dealing with these questions; and yet I must say, having given some little attention to this subject, that, as I understand it, this bill will very seriously imperil all that is of special merit in the present school of steam-engineering at Annapolis. Indeed I had almost said that it goes to the extent of abolishing one of the finest schools of its character in the world.

It is the one school under Government patronage to which admission is absolutely free to all, irrespective of political or pecuniary interests and upon competitive examination alone. A higher grade of students is thus unquestionably obtained, because maximum rather than minimum scholarship and qualifications are the basis of admission. However large the number of those applying for examination from all sections of the country, including usually several graduates of private technical schools, an average perhaps of one hundred and twenty-five or more each year, only twenty-five under existing law can be appointed, and they must show the highest average on rigid examination. The applications usually come from bright, ambitious young men who cannot secure political influence for an appointment as cadet-midshipman for various reasons. The standard is necessarily placed very high, as there is no difficulty in securing very bright candidates, and no limit to the qualifications, experience, and education of the applicants.

As a matter of fact the class which enters as cadet-engineers is of a higher grade of scholarship than the midshipmen who enter by Congressional appointment and who are required to reach simply the minimum standard. The instruction of the cadet-engineers for the first two years is the same as cadet-midshipmen; but the last two years are devoted exclusively to steam-engineering, the higher mathematics, iron-ship building, &c. The four years' course is a very exacting one for the cadet-engineers. It could not include more work, and were it to include any part of the course now pursued by the midshipmen during the last two years, something must necessarily be sacrificed of the present instruction, which specially fits them for the duties they expect to perform. Hence I cannot possibly see how a change can be made which will produce greater efficiency in the corps without increasing the number of years spent at the academy.

This bill proposes to merge in one the courses of instruction pursued by the midshipmen and the cadet-engineers. It proposes to abolish both the cadet-engineers and the cadet-midshipmen as distinct classes, and to enter hereafter but one class, to be called naval cadets, all to be appointed, as now provided by law, on recommendation of members of Congress. This effectually bars the door to many of the brightest young men of the country who may develop special genius for mechanical engineering but cannot obtain political influence. I regret therefore to see this competitive system which we have been so successfully testing entirely destroyed. The time has come, I think, when we might with advantage adopt it for all appointments, both at the academy at West Point and at Annapolis, under proper conditions.

I have long thought of suggesting a plan by which the present number admitted to both schools could be largely reduced by selection after competitive examination. I have thought that each Congressional district might have the privilege of nominating through its members of Congress or otherwise one cadet each year, who should be examined with the understanding that but one in four or one in six or one in eight from the number to which each State is thus entitled should be admitted, and they such as stand the highest and best examination. Where less than four or six Congressional districts are found in a State it might be arranged so as to admit one every second, third, or fourth year. The number of cadet-engineers to be admitted now is twenty-five each year. It could readily be reduced to twenty or less if the corps is too large.

I see no reason why a fixed and limited number of cadet-midshipmen or of West Point cadets might not be admitted each year out of a large number examined upon a system somewhat similar. I feel confident that if some such plan could be adopted, modified perhaps so as to confine competition within State limits, the rights of each State and of each Congressional district could be secured by permitting the nominations I have referred to, subject to the competitive examination, which would incite each Congressional district to put forward its best young man. Instead, therefore, of breaking up the present method of admitting cadet-engineers I desire to retain it and to extend the system, when practical, to all cadets. The proposition is to give the naval cadets proposed by this bill a uniform course of

instruction, so that after graduation, indeed after the two years' course at sea shall have been completed, they shall not know to which branch of the service they may be assigned, and certainly not be specially prepared for any particular branch of the service. They may be detailed as line officers, as engineers, as paymasters, as naval constructors; indeed, called to fill any staff position to which the academic board may assign them.

Now, it occurs to me as utterly impracticable without a special course of thorough training to fit all cadets equally well for all these positions, and very unwise to consume valuable time in studies which cannot secure proficiency in the service to which they shall be severally called. If it be said that some special instruction will at a subsequent time be given the cadets who may be assigned to the engineer corps, then the same distinction which now exists will be preserved, without the advantages at present arising from the fact that cadet-engineers are fitted for their profession in a large degree when they enter, because they know the future which awaits them.

These points are clearly brought out in the printed letter addressed to the gentleman from New Jersey by Hon. George S. Boutwell. It is not safe to risk, in my judgment, certainly not without the positive recommendation of the Secretary of the Navy and the engineer-in-chief, this radical change. The General of the Army, as I am informed, has recently said that this engineer school at Annapolis is the very best of its kind in the world. At the last examination out of six who are designated as "star graduates" five were cadet-engineers, and one of these received the highest marks ever given to any graduate at the academy. It cannot be suspected that this remarkable record on the part of the engineer corps is due to favoritism. While I think that the charge of favoritism will not lie against the academic board, I am free to suspect that all doubts upon that subject would resolve themselves in favor of the midshipmen.

The marked advantage possessed by the engineer corps is due, I think, to the system which selects for admission the best scholars in a very large number applying. To take proper charge of the intricate machinery, especially in vessels of war, requires constant watchfulness, thorough education, and much experience. To properly train young men to perform this work requires not weeks or months, but years. The time has passed for sailing men-of-war. While in times of peace canvas may be spread, yards and masts sent up and down as of old, the first sound of war would set aside such means of locomotion whose use in modern naval warfare would be ridiculous.

Our coming navy must be a steam-navy fitted with every modern mechanical appliance. Our future engineers must be taken from the most skillful young men of the land, and should have the most thorough technical education it is possible to give them. We cannot fall behind Great Britain in this respect when it is possible to excel her. We do not need a large army or a great naval establishment, but we do need, in my judgment, a very full complement of the very best officers, as a nucleus for volunteer forces in case of war—a skeleton army and a skeleton navy, which will necessarily involve a complement of officers apparently excessive. But as to the importance of highly-educated engineers, I quote from the London Times editorial, January 19, 1877, for which I am indebted to memorial of the corps of engineers addressed to Congress:

> Every one who wants to be informed of the condition of the navy, and to obtain an opinion on the value of any proposed changes in the design and management of our ships, takes counsel of the engineers among the foremost; and if the admiralty and Parliament would get from the service itself the most trustworthy views of naval policy, they must consent to make the fullest recognition of the value and importance of the functions of the engineers.

In the same issue of the London Times, Sir Edward J. Reed, the great naval architect of England and for many years the designer of the principal iron-clads and other naval vessels of that country, and at present a member of Parliament, thus writes concerning the responsibilities of naval engineers and what should be their position:

> Every war vessel is now a steamer, and some of our most powerful and valuable ships have not a sail upon them, but, on the contrary, are huge engines of war, animated and put into activity by steam, and steam alone. The main propelling engines are worked by steam; a separate steam-engine starts and stops them; steam ventilates the monster; steam weighs the anchor; steam steers her; steam pumps her out if she leaks; steam loads the gun; steam trains it; steam elevates or depresses it. The ship is a steam being, and the only man who understands it, can work it with safety, can control it efficiently, can use it, care for it, tend it, preserve it, repair it, renew it, is the engineer.

The necessity, therefore, exists not alone for a class of schooled and highly-educated officers, who shall be able to control the great power intrusted to them, but, it strikes me, the necessity is equally apparent of maintaining such number of officers as shall be fully equal to the increasing demands of the service. I therefore very seriously protest against the large reduction in the corps of engineer officers proposed by this bill. It is disproportionate to the reductions made in the line. As has been well said, "the Navy is top-heavy." The line officers are largely in excess of the number required to officer vessels at present in service or likely to be in service in the near future. But while it is true, as appears from the Naval Register, that the complement of line officers to each ship has very largely increased since 1864, when it might be supposed that our vessels were fully officered, it is equally true that the complement of engineer officers has remained substantially the same, and, in the judgment of the engineer-in-chief, the number is not greater at present than the service requires.

Hence, while I should not object to marked reductions in the number of officers of the line, I must protest against the proposed reduction to the number of one hundred in the corps of passed assistant and assistant engineers alone.

There are now allowed by law one hundred assistant and one hundred passed assistant engineers. If this bill should become a law the actual reduction of the number in the two grades would be sixty-three, as there are thirty-seven vacancies in the corps of assistant engineers to be filled by the promotion of graduated cadets now at sea completing their two years' sea service.

From the Naval Register of January 1, 1882, it will be seen that there are in the Navy seventy chief engineers, one hundred passed assistant engineers, and sixty-three assistant engineers—in all two hundred and thirty-three, and forty graduated cadet-engineers not yet promoted to assistants, making an entire force of two hundred and seventy-three. Of this number there are now at sea twenty-six chief engineers, fifty-three passed assistants, forty-two assistants, and forty cadet-engineers—in all one hundred and sixty-one. They are distributed among thirty-three regular naval steamers in commission five coast-surveying vessels, one arctic exploring vessel, and one Fish Commission vessel—in all forty, being an average of four engineers to each vessel, as will appear from the following table, which has been furnished me and which I incorporate with these remarks:

Name of ship.	Rate.	Chief engineers	Passed assistant engineers.	Assistant engineers.	Cadet-engineers.
Tennessee	First	1	2	3	3
Vandalia	Second	1	1	2	.....
Kearsarge	Third	1	1	3	.....
Yantic	Third	1	1	1	2
Enterprise	Third	1	1	2	1
Alliance	Third	1	1	2	1
Powhatan	Second	1	3	1	.....
Shenandoah	Second	1	2	2	.....
Brooklyn	Second	1	1	1	2
Marion	Third	1	1	3	.....
Lancaster	Second	1	2	1	2
Nipsic	Third	1	1	2	.....
Galena	Third	1	2	.....	2
Quinnebaug	Third	1	1	1	3
Pensacola	Second	1	2	1	2
Lackawanna	Second	1	1	1	2
Alaska	Second	1	2	.....	2
Wachusett	Third	1	1	1	2
Adams	Third	1	1	1	2
Essex	Third	1	1	1	2
Ranger	Third	1	1	2	2
Richmond	Second	1	2	2	*6
Swatara	Third	1	1	2	.....
Monocacy	Third	.....	1	1	2
Ashuelot	Third	.....	2	.....	2
Alert	Third	1	1	3	.....
Palos	Fourth	.....	1	.....	.....
Minnesota	First	.....	2	.....	.....
Michigan	Fourth	1	1	.....	.....
Despatch	Fourth	.....	3	.....	.....
Tallapoosa	Fourth	.....	3	2	.....
Alarm	Torpedo	.....	1	.....	.....
Jeannette	Arctic steamer	1	.....	.....	.....
Rodgers	Fourth	.....	1	.....	.....
Fish Hawk	Fish Commission	.....	.....	1	.....
Five Coast Survey vessels		.....	5	.....	.....
Totals	40 vessels	26	53	42	40

* A part of these were for distribution in the Asiatic squadron.

Chief engineers	26
Passed assistant engineers	53
Assistant engineers	42
Cadet-engineers	40
	40)161
	$4\frac{1}{40}$

It is highly necessary when a ship is under steam that there should be a competent, experienced engineer always on watch in addition to the chief or other engineer in charge. It would readily be seen therefore that the number now at sea is not larger than it should be for the safe and efficient management of our vessels and for proper reliefs on watch. The number of engineers actually at sea is just one in excess of the whole number proposed to be allowed in the Navy by the pending bill. The number at sea is larger in proportion than can be shown by any other corps. But it is well known that officers cannot remain at sea continuously.

It is, and always has been, customary to allow an officer a term of shore duty after each cruise; so that while he spends one-half of his life at sea he has the other half, or nearly so, with his family on shore. A corps of one hundred and sixty engineers, therefore, as proposed by this bill, would allow but eighty at sea, half the present force, which, as I have shown, the demand for skilled engineers will certainly increase rather than diminish. With our prospects as a manufacturing and maritime people we need to foster all tech-

nical schools now existing, both public and private. To supply the complement of engineer officers required for each vessel; to supply the several navy-yards; the Naval Academy with instructors; members of experimental and other boards; officers for special duty, and besides be able to detail twenty-five engineers for duty in colleges throughout the country, as allowed by law, will tax the Bureau of Steam-Engineering to the utmost; and unless it can be shown that the proposed reduction is recommended by the engineer-in-chief of the Navy, who is the head of the bureau and who is most especially interested in maintaining its efficiency, I affirm that the proposition should not be countenanced by Congress. My information leads me to think, Mr. Chairman, that instead of recommending this proposed reduction a strong and earnest protest from the engineer-in-chief has been sent to Congress. From 1868 to 1880 there was in vogue in the Navy what was called the "machinist system." This system dispensed with the services of all but one or two engineer officers on each vessel, and gave the running of the engines into the hands of men who had a certain practical knowledge and were appointed for three years or the cruise, but who were in no wise responsible men. After a short and, as I am informed, unsatisfactory experience the Department, in 1880, returned to the system of having educated engineer officers stand watch. The cadet-engineer system has made it possible for this to be done by supplying a sufficient number to complete the detail for each vessel. In a few years the retirements in the engineer corps from age alone will almost equal the number of graduates. In twenty years from now every chief engineer and two-thirds of the past assistants at present on the active list will be retired on account of age.

There is, therefore, no immediate necessity, and no apparent future necessity, of reducing the corps in the manner proposed. Of graduates the number at present only averages from eighteen to twenty each year; but if the number admitted is too large reduce it, and thus gradually reduce the number of graduates, and from them select enough to fill vacancies. That will do no injustice to the large class of talented educated men now in the service, and who, if compelled to wait from five to ten or perhaps fifteen years for any promotion, as will be the case under this bill, will certainly leave the service and the Government will lose the skill and experience for which it has paid, and which we have shown that it needs.

While, as I have said, the officers of the line may safely be retired and number in present grades reduced, as they are largely in excess of the requirements of the service, I also think that the wisest course would be to very gradually reduce the force. Thus can we protect officers who have rendered gallant service to the country in the recent past. I trust the gentleman in charge of this bill will himself see the propriety of retaining the present force of engineer officers, or nearly so, and also of providing for some special course of instruction for officers assigned to the engineer corps in case the two classes are to be graduated as naval cadets.

There are other features of this bill to which I should like to call attention if I felt that I could take the time. The proposition to abolish the grade of commodore, and providing for the possible retirement of all of them as rear-admirals at an increased pay of $500 a year in the event that they should feel grieved by the promotion over their heads of officers lower in rank as permitted by the bill is, to my mind, unnecessary and unwise. The power placed in the hands of a small board of admirals to confine promotions to a select few, most likely of their own personal friends, is a very dangerous provision, in my judgment, and to make a rear-admiral's commission the prize in a grand race open to all commodores and captains would prove a demoralizing feature I fear. I should prefer to rest the designation or selection in the hands of the President, if such a change from the present system of promotion by seniority is demanded.

In conclusion, Mr. Chairman, I will say that, as at present advised, I shall oppose a change of the method of appointment as well as of the course of instruction for the engineer officers at the academy. I shall oppose the radical reduction in the officers of the corps as proposed from 273 to 160, for which there is no valid plea of necessity, but, on the contrary, a protest from the Department. I oppose the increase of power given to the academic board and the creation of a small board of admirals in whom absolutely rests the power of confining appointments and promotions to a select circle of their friends. I wish to extend rather than abolish, as this bill does, the competitive system of admission to the military schools. I wish to tempt the brightest and best young men of the country to enter the Government service and to feel that they can do it if they have talent and pluck, irrespective of political, social, or pecuniary influences, by one open door at least, as now presented at Annapolis.

I trust that the bill will receive very careful consideration by members of the House, and will be glad if all legislation ingrafted upon this bill looking to a reorganization of the Navy can be eliminated from it and be reported at a future time by the Naval Committee. The practice of reporting important legislation upon an appropriation bill in the closing days of the session cannot, in my judgment, be commended, and if a resolute resistance were made to it we should probably be able to devise a system of rules which would give to the several important committees of the House other than Appropriations the opportunity to carefully mature, present, and pass all needful legislation on subjects over which they have jurisdiction.

Reduction of Internal-Revenue Taxation.

SPEECH

OF

HON. BENJAMIN WILSON,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, June 23, 1882.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 5538) to reduce internal-revenue taxation—

Mr. WILSON said:

Mr. CHAIRMAN: I shall detain the committee but a short time, as I rose more for the purpose of giving notice of one or two amendments I desire to offer in connection with the pending bill than anything else. I am in favor of the general features of this bill with the amendments which I have suggested and shall, at the proper time, propose for the action of the committee. On yesterday I gave notice that I would move to strike out the clause which relates to the tax upon the capital of the national banks. I am not in favor of exempting their capital from taxation, and principally for the reason that they derive a profit not only from the earnings of the banks but also from the interest upon the Government bonds upon which their operations are based.

With all deference to the distinguished gentleman from Pennsylvania, [Mr. KELLEY,] I do not think the case he cites of the banker is analogous to that of the farmer. We impose no direct tax upon the farmer, and we have no right to do so under the circumstances. He has no special privileges from the Government such as have been accorded to the national banks. The banker's operations are based upon the bonds of the Government, and the interest upon them is paid to the banks. The farmer has nothing of the kind in his favor, and I shall move to strike out the provision relieving the capital of the national banks in the first section of this bill.

I am, as I said yesterday, in favor of removing the taxes from deposits in banks, because, as I believe, that tax imposes an unequal burden upon the borrower, that class of energetic men who carry on the active business industries of the country. It works a hardship upon the poorer classes. It does not come from the man of wealth. This tax constitutes a portion of the expenses of the banks. The depositor pays no part of that expense. The borrower pays the whole of it. Now, sir, take the case that arises in almost all banks. The man of wealth makes a deposit; his money is put in the vaults of the bank for his accommodation and for its safe-keeping. The bank is taxed by the Government on the deposits thus made. The bank has the tax to pay, and in turn it must be repaid by its customers, its borrowers, and not its depositors. The man of wealth borrows nothing; he does not need to borrow; he is a depositor; he pays nothing on his deposits, while the total expense of the banking operations is necessarily imposed upon the borrowing class.

I see the operation of this in my own section; in an agricultural, a manufacturing, and a mining country section. The borrower who carries on the industries of the country, men who have to raise money by loans from the banks, are compelled to pay such rates of interest as will enable the banks to meet all their expenditures, and this interest charge is regulated to some extent by the expenditures.

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

Mr. WILSON. Certainly.

Mr. HOUSE. Does the gentleman believe that if the tax is taken off of deposits any bank in the United States will charge any less rate of interest?

Mr. WILSON. I do, sir.

Mr. HOUSE. Well, I do not.

Mr. WILSON. I am satisfied that it would be so.

Mr. HOUSE. The gentleman has greater faith than I have then.

Mr. WILSON. Why, Mr. Chairman, I am satisfied that I speak accurately when I state that it is the policy of the banks in my part of the country to reduce the rate of interest.

Now, you take the tax from deposits and check stamps and you will reduce the bank's expenses, and enable them to loan money at the rate of 6 per cent. interest, and I hope at a lower rate.

Before this bill shall be finally voted upon, I shall offer an amendment fixing the maximum rate of interest at 6 per cent. The banks are the creatures and Congress the creator; if Congress can create and tax or not tax, and supply its circulation, it can prescribe the rate of interest.

During the war we were compelled sometimes to pay 12 per cent., then 10 per cent., then down to 8 per cent., and now some of the banks loan at 6 per cent. Our business men, our agriculturists, and those engaged in mining and manufacturing are content to borrow at the rate of 6 per cent. interest. I now desire to have the following amendment read.

The Clerk read as follows:

And from and after the passage of this act no national banking association organized under the laws of the United States shall charge or receive any interest,

discount, or exchange exceeding the rate of 6 per cent. per annum for the loan of any money or in the purchase or discount of any note, bill, or other obligation; and any such banking association violating this provision shall forfeit the whole amount of interest, discount, or exchange so charged or received.

Mr. WILSON. I had occasion some time ago to examine the tax account of a national bank in my own town. Upon that examination I found the bank is charged with more than 3 per cent. taxation, national, State, county, and municipal.

If the Government continues to impose high taxation upon banks the result will be that the people must continue to pay high interest, and we cannot expect to be relieved in that regard until we in some way give proper relief.

Mr. Chairman, I desire to read the following letter as an expression of popular opinion upon this subject in the district which I have the honor to represent. It is signed by the distinguished Democratic governor of our State, and by other prominent, intelligent gentlemen of both political parties. Democrats and Republicans united in expressing the opinion that this bill should be passed:

WHEELING, WEST VIRGINIA, *June* 14, 1882.

SIR: The bill embodying the reduction of the tax on banks and bankers, and the abolition of the check stamp, seems to be laid aside and almost forgotten by Congress. The session is probably nearing its close, and this burden we have been suffering unjustly for years seems likely to remain unless our Representatives take some prompt action in the matter.

To one so well versed as yourself in all that pertains to the welfare of the country at large, and our State in particular, it would be useless to enumerate the advantages that would accrue from and the necessity that demands the repeal of these onerous duties.

Congress itself by refunding the Government debt at astonishingly low rates of interest has established the precedent for cheap money which now prevails among us, rendering the business of banking unprofitable. We would beg you to consider that this semi-annual duty on banks is virtually a tax on a large portion of your constituents. The removal of an oppressive tax on, say, fifteen hundred stockholders in this district could not fail to impress them with a sense of profound gratitude toward one who should apply his influence in this direction.

Allow us to ask that you urge this matter to a conclusion during this session of Congress.

And we remain, very respectfully,

BANK OF THE OHIO VALLEY,
By F. P. JEPSON, *Cashier*,
WM. A. ISETT, *President*,
W. B. SIMPSON, *Vice-President*,
J. A. MILLEN, *Director*.
THE EXCHANGE BANK OF WHEELING,
By JNO. J. JONES, *Cashier*,
SIMON HORKHEIMER, *Director*,
J. N. VANCE, *President*.
WM. L. HEARN.
THE BANK OF WHEELING,
By G. LAMB, *Cashier*.
COMMERCIAL BANK,
By S. P. HILDRETH, *Cashier*,
CHAS. H. BOOTH, *President*,
D. E. STALNAKER.
MARSHALL COUNTY BANK,
By J. W. GALLAHER, *Director*.
THE CITY BANK,
By R. CRANGLE.
PEOPLE'S BANK,
By GEO. W. ECKHART, JR., *Cashier*,
JOHN REID, *President*,
THOS. O. BRIENA, *Director*.
GEO. R. TINGLE.
NATIONAL BANK OF WEST VIRGINIA,
By JAS. MAXWELL, *Paying Teller*,
M. REILLY, *Director*.
THE GERMAN BANK OF WHEELING,
By L. J. BAYHO, *Cashier*,
C. D. HUBBARD, *President*.
J. B. JACKSON.
I. C. ALDERSON.

Hon. B. WILSON,
First District, West Virginia.

Now, Mr. Chairman, I desire to read the following letter from Colonel L. Haymond, the cashier of the national bank of my town:

CLARKSBURGH, WEST VIRGINIA, *January* 9, 1882.

DEAR SIR: I submit for your information, as you request, the following statement in regard to the taxation, &c., of this bank for the year 1881:

Capital stock	$100,000 00
Average deposits for 1881	111,570 67
Tax on deposits for 1881 to United States, ½ per cent.	557 84
Tax on circulation for 1881 to United States, 1 per cent	894 74
Tax, State, county, and corporation, for 1881	1,668 10
Total tax for 1881, (over 3 per cent.)	3,120 68

Very respectfully,

L. HAYMOND, *Cashier*.

Hon. B. WILSON, *Washington, D. C.*

In the same connection, Mr. Chairman, I desire to read the following letter from J. E. Sands, cashier of a national bank in an adjoining county. He discusses the question so fully and intelligently that I am sure his letter will be listened to with interest:

FIRST NATIONAL BANK,
Fairmont, West Virginia, February 13, 1882.

DEAR SIR: You will pardon me if this letter is of any sort of trouble to you, but as you will soon have the question of rechartering these banks before you I will venture to write you. In the first place, it seems to me if they are to be rechartered the entire field of circulation, except gold and silver, should be given to them, and sundry amendments should be made to the law governing them. We have legal tenders, silver certificates, national-bank notes, gold, and silver. Now, I say perfect the law, take off sundry taxes and restrictions, leave the field of paper circulation to the national banks and the gold and silver to the Government, or else do away with the national banks and let the Government in some way outside furnish the circulation necessary. This system of banking is doomed unless Congress will take off the war taxes and give a better bond than a 3 per cent. You will find that capital now in them will gradually go out, except in places where large lines of deposits are to be had. Comparatively speaking, there is but little capital in them now when you compare it with the private banks and "State chartered" banks. If it is to be perpetuated, take off the taxes, the two-cent stamps, and other sores; give us a chance. National banks in most places now cannot do a legitimate business and make any money for their stockholders. We have to pay United States, State, county, and town tax; pay $30 for examination, from $75 to $100 our share of expenses of redemption agency in Washington, express charges to and from said agency in Washington, making in all fully 3 per cent. upon our capital; then say 3 per cent. for expenses, and we are compelled to charge over 6 per cent. if you wish any dividend for your stockholders.

Then if they are to be rechartered there is one thing I do wish you would look after. I have before me two books of 1,600 pages, Decisions of Courts on National Bank Cases, most of them on the usury question, sections 5197, 5198.

The New York supreme court decides "that a party who pays more than legal interest can recover by action only twice the amount of the excess so charged." Other courts hold that if you charge more than legal rate the note never did and never could be made to carry any interest, and the party must recover twice the amount of all the interest he ever did pay. Others hold that it means only twice the amount of all the interest for two years. Now, how are we poor fellows to know, when all these wise men differ? Cannot you make this so plain that even the courts and lawyers cannot misinterpret? I begin to think if you can find anything else that will give us a good, sound currency we national banks may as well stand aside, unless you gentlemen in Congress will perfect the law making them.

I have the honor to be, yours truly,

J. E. SANDS.

Hon. BENJAMIN WILSON.

Mr. Chairman, I desire to call the attention of the House to the following extract taken from the Financial and Commercial Chronicle of New York, of date of June 24, 1882:

Take, for instance, as illustration, the effect excessive taxation alone has had in this city in curtailing banking facilities. Way back in 1857 the banking capital invested here was about $65,000,000, and the exchanges through the clearing-house were eight and one-third billions. In 1881 the capital was only about sixty-two millions with exchanges forty-eight and one-half billions. That is a decrease of nearly 5 per cent. in capital and an increase of 500 per cent. in work to be done by it. Even that statement, however, does not fully illustrate the disparity between the work and the capital to do it with, because this city is now more than ever the center of the country's commerce and of its vastly increased activities.

I hope, Mr. Chairman, that the prediction of my distinguished friend from Georgia [Mr. STEPHENS] and of the gentleman from Iowa [Mr. KASSON] will soon be realized, and that the day is not far distant when the prosperous condition of the country will enable Congress, with due regard to the rights of all the people, to abolish the entire system of internal revenue. It is repugnant to our form of government, has ever been distasteful to American statesmen. When the demands of the country required increased revenues it was found necessary to resort to it.

The tax on matches everybody of course desires stricken off. And our State banks, which have no aid from interest on Government bonds, should be put on the same footing or have equal advantages as far as may be with national banks. With the payment of our national debt national banks must go out of existence.

When we reach the section of the bill relating to the tax upon tobacco and cigars I desire to offer further amendments, with a view of giving our people the relief to which they are entitled. As I said, Mr. Chairman, I am in favor of the general features of this bill. It does not, however, go far enough. It does not give to the people relief from the excessive taxation which Congress can with great propriety give at this time. The Committee on Ways and Means have closed the door upon us, I think, too soon; nevertheless I am prepared to act, and to act now, on the pending bill, and to amend it as far as the demands of the country require that it should be amended.

Election Contest—Bisbee vs. Finley.

SPEECH
OF
HON. BENTON McMILLIN,
OF TENNESSEE,
IN THE HOUSE OF REPRESENTATIVES,
Thursday, June 1, 1882.

The House having under consideration the Florida contested-election case—

Mr. McMILLIN said:

Mr. SPEAKER: I would have much preferred that the important duty of making the closing argument in this case should be assigned to some member of the committee having it in charge. But I feel that very much of the labor that would ordinarily devolve upon me in closing it has been removed by the exhaustive and conclusive arguments made both by the gentleman from Pennsylvania [Mr. BELTZHOOVER] and the gentleman from Texas, [Mr. JONES,] who have addressed the House. Every presumption of law is in favor of the regularity and legality of the commission under which Judge Finley holds his seat. All the officers who received and counted the votes, and who issued the commission are presumed to have done their whole duty. And he who asserts the contrary must prove it by unquestionable evidence.

The contestee, Mr. Finley, comes here with a majority of 1,150 votes, stated in round numbers. He comes without the imputation of the slightest wrong upon him throughout the whole case; nor has there been a suggestion from any one of the least impropriety on his part in connection with it. He has the satisfaction of knowing that in all the bitterness of party rancor and of the conflict that has characterized the House for the last few days there is not a word that challenges his integrity, impeaches the purity of his motives, or casts the slightest reproach upon him in any respect. For myself, I would rather hold that proud position this record gives him than a seat on this floor obtained by unlawful means and held by no stronger right than partisan favoritism.

Sir, as stated before, we come with the presumption of law all in favor of the sitting member. As old as Kent, as old as Blackstone, as old as Coke, as far back in the dim past as the common law points, stands out the principle of law that he who occupies a position under the forms of law is presumed to be rightfully there.

Sir, the most casual observer cannot fail to see at a mere glance the difficulties that have stood in the way of a fair and dispassionate consideration of the election cases that are pending in this Congress. From the very beginning this side of the House have had difficulties to encounter which have seldom been thrown in the way of a minority in any Congress. There are 291 members. The election committee consists of fifteen members, yet, notwithstanding the fact that nearly one-half of the members of Congress are Democrats the Speaker saw fit in the organization of the committees to put only four Democrats upon the Elections Committee. It is not difficult to see the amount of labor that would be thrown upon them, in the first instance, and the disadvantages under which they would be placed when they constitute only about one-fourth of the committee, and we take into consideration the fact that there were twenty-two contests begun.

We have had some strange spectacles in connection with these election cases. In one of them—in the Utah case, between Campbell and Cannon—there were 19,925 votes polled, of which Cannon received 18,568. The election was held on the day required by law. There is no charge of any irregularity in the election. Both candidates were at the time of the election eligible to the office sought, and yet the committee reported and the House gravely decided that neither is entitled to the seat. And hence that Territory must go unrepresented.

Eighteen thousand votes were lawfully cast and no man elected according to the committee! We come next to the South Carolina case of Mackey *vs.* O'Connor. There Mr. O'Connor, the man who had been elected and obtained the certificate, died. The evidence had been taken in the case before his death. After O'Connor's death the contestant, Mr. Mackey, got possession of the evidence. He altered it in various particulars, recopied it, interlined it, burned up the original, and brought this doctored and forged testimony into the House as the foundation for his right to a seat, and this eleven-by-four committee reported that he is entitled to the seat. The minority properly held that no such outrage ought to be perpetrated on forged testimony, and refused to allow it to be done. Then, in violation of the rules of the House, and overriding all precedents, the rules were amended in a manner never before resorted to, the case rushed through, and the member seated on such evidence. The principle that he who comes into a court asking equity must come with clean hands was disregarded. The principle of law which requires the suppression of evidence that has been forged or altered was ignored, turpitude triumphed—

Justice halts and right begins to fail.

Sir, I stand here to-day to advocate every element of freedom of elections—freedom from bulldozing, freedom from ballot-box stuffing, freedom from official threatenings, and freedom from the use of money for purposes of corrupting the polls. While every species of improper influence on the elector and around the polls is to be deprecated, I do not hesitate to state that it is my honest conviction that the most corrupting influence now at work to prostitute the elective franchise in this country is inaugurated in and emanates from Washington and from those who are high in authority here. We hear it occasionally going forth to every part of the country that the President and the administration favor this man or that man's election. We hear continually whisperings in the political air that all the influence of the Administration will be lent to the election of one candidate or to the defeat of another.

The founders of our institutions had grave apprehensions that the ballot-box might be corrupted, but I suppose that neither Washington, Jefferson, Adams, Clay, Jackson, nor any other of the early Presidents ever dreamed that from the White House, from the Cabinet, from the Halls or members of Congress, from the sources of authority at the capital of the Republic, would be issued a quasi-proclamation that a certain candidate must be elected and a certain other defeated. If those sage and patriotic statesmen, long since dead, could revisit us they would behold with sadness the degeneracy which makes their successors capable of such practices, and that makes the sons of patriots submit to them.

There is a plain express statute of the United States against the assessment of officials for campaign purposes, and yet, in violation of law, in violation of political morals, and for the purpose of corrupting the ballot-box, these things are done at the very seat of the Government, by those who stand high in the counsels of the country. One hour they urge on the pack who have been brought from the kennel for the purpose of hounding down officials and taking their salaries; and the next, with grave countenances and Pharisaic phrases, they stand up and prate about "a free ballot and a fair count." They talk about "the shot-gun policy" and "tissue ballots" with the gravity of chaplains; when it is an undeniable fact that more corruption of elections is caused by the use of the money raised by forced contributions from Government officials than by all the shot-guns ever loaded and all the tissue ballots ever printed. It is time this "gnat-straining and camel-swallowing" should cease.

Mr. Speaker, that Representatives may see that the assessment of officers and employés of the Government by campaign committees is in violation of the spirit of the law, I read from the act of Congress approved August 15, 1876, section 6:

That all executive officers or employés of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from any other officer or employé of the Government any money or property or other thing of value for political purposes; and any such officer or employé who shall offend against the provisions of this section shall be at once discharged from the service of the United States, and he shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding $500.

Again, I read from section 1546 Revised Statutes of the United States, as follows:

No officer or employé of the Government shall require or request any workingman of any navy-yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinion, and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

Now, sir, with these laws in full force a committee of Congressmen from the other side of the Chamber has been organized to conduct the coming Congressional campaign. At the same time that they stand here clamoring about free and fair elections they are devising means by which the employés of the Government can be fleeced for campaign purposes; and every employé about this Capitol has received a notice that he is expected to make a contribution for campaign purposes, and the amount he is expected to give is specified in the notice, and is 2 per cent. of the salary he draws. We have a number of little pages employed in the hall who are so small that some of them are yet clad in knee-breeches. Upon their hard earnings widowed mothers or orphaned sisters depend for their daily bread. One would think that no set of Congressmen could be found so exacting as to take the bread from the mothers of these youngsters. Yet they have come within the range of the circulars of this committee. They have been notified that they are expected to contribute. It makes no difference whether the employé is tottering to the tomb or just escaping from the cradle, he is equally subject to the exactions of the committee. It makes no difference whether he is stout and able-bodied or whether in the service of the country he has lost an arm or a leg, he is expected to furnish his per cent. of salary drawn. I desire to insert here one of those love-letters from which the minutiæ of the process, together with the names of the committee, can be seen:

[Jay A. Hubbell, chairman; D. B. Henderson, secretary; executive committee—Hon. W. B. Allison, Hon. Eugene Hale, Hon. Nelson W. Aldrich, Hon. Frank Hiscock, Hon. George M. Robeson, Hon. William McKinley, jr., Hon. George R. Davis, Hon. Horatio G. Fisher, Hon. Horace F. Page, Hon. W. H. Calkins, Hon. Thomas Ryan, Hon. Wm. D. Washburn, Hon. L. C. Houk, Hon. R. T. Van Horn, Hon. Orlando Hubbs.]

HEADQUARTERS OF THE
REPUBLICAN CONGRESSIONAL COMMITTEE, 1882,
520 THIRTEENTH STREET, NORTHWEST,
Washington, D. C., May 15, 1882.

SIR: This committee is organized for the protection of the interests of the Republican party in each of the Congressional districts of the Union. In order that it may prepare, print, and circulate suitable documents illustrating the issues which distinguish the Republican party from any other, and may meet all proper expenses incident to the campaign, the committee feels authorized to apply to all citizens whose principles or interests are involved in the struggle. Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its fund a contribution, which, it is hoped, may not be less than $24. The committee is authorized to state that such voluntary contribution from persons employed in the service of the United States will not be objected to in any official quarter.

The labors of the committee will affect the result of the Presidential election in 1884 as well as the Congressional struggle; and it may therefore reasonably hope to have the sympathy and assistance of all who look with dread upon the possibility of the restoration of the Democratic party to the control of the Government.

Please make prompt and favorable response to this letter by bank check or draft, or postal money-order, payable to the order of JAY A. HUBBELL, acting treasurer, post-office lock-box 589, Washington, D. C.

By order of the committee.

D. B. HENDERSON, *Secretary.*

Sir, let us dissect this general order No. 1. You will observe that it is issued from "headquarters." It purports to call for a "voluntary contribution," and yet the contributor is notified the amount he is expected to "voluntarily contribute," and that amount is 2 per cent. of the unfortunate official's salary. Who ever heard of a beggar notifying the one from whom he begged how much he must give? Then this love letter goes on to tell the official victim that:

The labors of the committee will affect the result of the Presidential election of 1884 as well as the Congressional struggle, and it may therefore reasonably hope to have the sympathy and assistance of all who look with dread upon the possibility of the restoration of the Democratic party to the control of the Government.

Mr. Speaker, do you not suppose the patriotic pulse of a nine-year old page of this House beats with quickened "dread" when he, with the sapience of a full-fledged statesman, meditates "the possibility of the restoration of the Democratic party to the control of the Government?" Do you not admire the paternal anxiety of the "Republican Congressional Committee," as it gathers these pages together, "even as a hen gathereth her chickens under her wings," and starts its long fingers into their little pockets for 2 per cent. of the salary which would otherwise go to clothe mothers and feed sisters?

Again, sir, the victims are assured that "the committee is authorized to state such voluntary contributions from persons employed in the United States will not be objected to in any official quarter." If this is true it only proves that the scheme is deeply laid, and those high in authority sanction what is at least a violation of the spirit of the law.

The "order" ends by notifying them to "make prompt and favorable response."

Some of the employés of this Capitol lost one arm in battle, some one leg, one both arms, and one both legs. Still, so far as I have heard and believe, no exception has been made in their favor. They are on the roll of honorably discharged soldiers required by law to be kept. Yet their loss of limbs does not free them.

There cannot be any freedom of election when these practices are tolerated. To expect it is to expect to find pure water in the stream when the fountain is impure. The officer, without he has the manhood to resist and the means to resist, is no more free than the galley-slave who is chained to his oar. If these things are tolerated we will go on till the whole body politic becomes as Burke described the heart of Warren Hastings to be, "vitiated, corrupted, gangrened to the very core."

In old times, when things were called by their proper names, the robber placed his dagger at the traveler's breast and coolly said to him, "Your money or your life." But we live in the nineteenth century, when phraseology has been coined to suit the æsthetic taste of a venal age, and when it is fashionable to hide the horror of avarice and crime under smooth verbiage. So to-day we hear the not less reprehensible command given, "Your money or your office." How strong this appeal to a man whose children are to suffer when the salary of his office fails. What could be more potent to move a father than his own child's cry for bread? Is any method of controlling a man's vote more certain or more dastardly than this? It has the meanness of the shot-gun without its boldness.

Mr. Speaker, I shall not attempt to follow and answer one by one all the arguments made by gentlemen who have presented the case of the contestant, Mr. Bisbee. The report of the committee seeks to obliterate Mr. Finley's large majority and seat Mr. Bisbee by a majority of about 400 in an office to which he was never elected. It will be my purpose to attempt to show that more than 400—more than the majority claimed for Bisbee by the committee's report—cannot be legally counted for him or against Judge Finley. This done, the contestant must fail, whatever we do with the other counties and voting places not discussed minutely. A want of sufficient time to discuss the entire case forces me to this, and not the weakness of those parts of the case upon the discussion of which I do not enter.

Sir, Judge Finley comes duly accredited as a member of this Congress. He comes supported by all the presumptions of law.

The following is laid down in Brightley's Leading Cases on Elections:

> What has been done by the sworn agents of the law is always to be presumed rightly done; and those who seek to impeach the acts of these functionaries must not expect to be entertained, if, instead of bringing positive, tangible, and direct charges, they content themselves with general, argumentative, and theoretic imputations. (McCrary, sec. 343.)

What kind of evidence is brought forward to set aside this strong presumption of law? There is a class of evidence here, Mr. Speaker, that I regret to have even to comment upon in that way which I feel it deserves. But more of this hereafter. This is no effort to get rid of an incumbent by establishing fraud or improper conduct at a single voting place or even in a single county, but so strongly has the sitting member been intrenched by the justice of his cause that we find those who oppose him have been compelled to attack all along the line; hence their difficulties. They have had to attempt to blot out his majority by piecemeal. And after all has been done against him that untiring energy, unscrupulous and ignorant witnesses, and party bitterness could do, he stands as unscathed by foes, when his case is justly tried, as are the pyramids of Egypt by the lapse of ages.

How do they begin this contest? The record shows, on pages 197, 198, that the contestant's forty days prescribed by the act of Congress expired on the 14th day of March, 1881; that the contestee's counsel then and there entered his protest against the flagrant and presumptuous violation by the contestant of the act of Congress contained in section 107 of the Revised Statutes. Now, was the law complied with? You members of Congress, you who stand here by the hour and abuse all who would tear down the laws, will you be the first to violate and disregard them? When the contestant himself comes to respond in his own right I want him to feel that to him is continually pointed the inquiry, Did you comply with the law yourself?

Now, what is that law contained in section 107 Revised Statutes?

> In all contested-election cases the time allowed for taking testimony shall be ninety days.

And the testimony shall be taken in the following order:

> The contestant shall take testimony during the first forty days, the returned member during the succeeding forty days, and the contestant may take testimony in rebuttal only during the remaining ten days of said period.

How? "During the first forty days." The returned member during the second forty days, and the contestant may take testimony in rebuttal only during the remaining ten days of that period. Has the law been complied with? Have you taken the testimony within the time allowed by the law? No, sir; and this case rests mainly upon evidence taken *ex parte* after the expiration of the forty days for taking testimony in chief, the majority of which testimony was taken in the absence of the contestee, Mr. Finley.

Sir, I say in presence of the members of the Committee on Elections, and it will not be denied, that if that committee had thrown out or disregarded all the evidence taken in open, flagrant violation of this law, they never could have figured Judge Finley's majority down or Mr. Bisbee's up. You have claimed that Florida voters disregarded the law, and have based the report against Judge Finley upon that pretense. Are you going to disregard it yourselves while clamoring against others for doing so? The evidence in a majority of the counties was thus taken in violation of every principle of law, and when Judge Finley was not present to cross-examine.

Is it right, is it manly for those who clamor for the administration of law to turn round and ride rough-shod over it? I insist that it is not. It will not be denied that if you take out all such evidence and the report that is based upon it this contestant goes to the wall.

Mr. Speaker, I have stated that the evidence in this case was in the main taken *ex parte* and taken after the forty days allowed for the taking of evidence in chief had expired; and in many cases it was taken in counties where no evidence in chief had been taken in the first instance. Here are the counties in which this occurred: Brevard, Bradford, Columbia, Hamilton, Putnam, Orange, Saint John, Suwannee, and Volusia. In all these counties, in violation of law, the contestant was permitted to take evidence in chief after the expiration of his forty days and without leave of the committee; and when the contestee came up and sought an opportunity to throw out this evidence, the suppression of the evidence which the law demanded was refused. Yet the gentleman from Massachusetts boasts of the fairness that has characterized the action of the committee in this case. It is the fairness that is always given to a man who has injustice done him—no greater fairness; for injustice has been done by the admission of evidence which under a proper construction of the law could not have been admitted.

In response to the gentleman's [Mr. RANNEY] plea of fairness I would ask, is it fair to violate the law? Is it fair to permit the contestant to take evidence in the absence of the contestee and in violation of law and use it to oust him from his seat? What kind of fairness is that? If that is the gentleman's ideal of fairness I do not in the least envy him his judgment on what constitutes equity or fair dealing.

Mr. Speaker, I trust the House will bear with me while I take up Alachua County and show the injustice done Judge Finley by the report of the committee. We will consider Arredonda poll first:

> In 1880, the total vote returned from this poll for Presidential electors was 322, of which 172 were returned for the Democratic electors, and 150 for the Republican electors; for Representative in Congress the total vote returned in 1880 was 241, (81 less than for Presidential electors,) of which 172 were returned for contestee and 69 for contestant; and for the legislative ticket the total vote returned was 328, of which 172 were for the Democratic candidates and 156 for the Republican candidates; according to the returns, the Democratic vote had increased from 66 in 1878 to 172 in 1880, and the Republican vote correspondingly diminished.

The committee close their report in this poll with this remarkable declaration:

> Your committee decide that the contestant is entitled to have 260 votes counted for him at this poll, or 191 in addition to his returned vote; and as contestee has not proven any votes for himself, none can be counted for him.

And what are the grounds on which this poll is entirely rejected by the committee? They are the following:

> 1. That the ballot-box was purposely concealed from the public view by a passage-way erected to the polls.

Seven witnesses conclusively prove that it was not concealed nor any effort made to conceal it.

> 2. That the vacancy in the election board, occasioned by the absence of the Republican inspector, was illegally filled.

The following is a part of the testimony of Virgil George, (the father of Ephraim George,) who was chosen to serve as one of the election inspectors instead of Ephraim:

> Question. Were you at Arredonda at said election?
> Answer. I was.
> Q. Did you or not act in any official capacity at that election, and, if so, what?
> A. I did act as inspector, was elected inspector that morning.
> Q. Why was it that you acted as such inspector?
> A. I understood that the clerk had made a mistake when Ephram George, my son, was appointed inspector, as he had been absent from the county for two years previous to the election, and that I was the party intended to be appointed.
> Q. Are you and were you, at the time of said election, a Republican or Democrat?
> A. I am a Republican, and was at the time of said election.
> Q. Were you drunk or sober on that day?

A. I was sober.
Q. Was there not any objection made by any of the voters present to your acting as inspector?
A. None that I know of.
Q. Did you or not, while you were acting as inspector, feel anxious for the success of the Republican party, and did you not consider it to be your duty to watch and protect the interest of that party at said election?
A. Yes, sir; I did.
Q. Were you so watchful of that interest?
A. I was.
Q. Can you state whether or not said election was a peaceful and fair election, or otherwise?
A. It was a peaceful, fair, and square election, as far as I could see.

This witness is fully corroborated by the other witnesses. He served without complaint from those present, and his selection was entirely acquiesced in. The weight of the evidence is that he was the party whom the officer making the appointment intended to appoint.

The third objection is—

That a Republican watcher was not allowed in the voting-room.

The facts on this point are these: J. T. Walls made application to act as "watcher" after dark, but he was rejected, and properly rejected because he was one of the candidates who had been voted for at the election. But there was an honest and efficient Republican watcher in the person of Edward Sammons. So there is nothing in this charge.

4. That the officers of election used whisky, and that Virgil George, the Republican inspector, was drunk.

The evidence proves conclusively that while there was whisky on the ground there was no such use of it by those conducting the election—either Virgil George or any one else—as disqualified them for the proper discharge of their duties.

The following are the remaining grounds of rejection:

5. That the ballot-box was thrown under the table, or so handled in the poll-room as to indicate fraud.
6. That the ballot-box after the election was in the custody of the inspector, who had the key.
7. That the election board, in violation of the law, adjourned and went to supper before counting the vote.

I will treat all of them jointly, as the transactions are closely connected.

Mr. Speaker, it is thus charged that the poll was not regularly kept after the ballots were cast. Who swears it? Not a single witness. You are asked in violation of all law to presume fraud, a thing unheard of in any judicial or quasi-judicial tribunal. All law writers hold that it cannot be presumed.

What are the facts relative to these objections? After the poll had closed, as is the case, according to the observation of every member here, they were delayed for some time in getting up their tally-sheets; dusk came on; candles were lighted; the wind was about to blow out the candles; one man picked up the box and held it; that is the time the box was removed; and if you take the preponderance of evidence you will inevitably conclude the box was never thrown under a table, for three-fourths of the witnesses who were inside, both Republicans and Democrats, swear there was no table in the room. One witness describes what was there in a very clear and satisfactory way, stating that it was a small candle-stand, not much larger than the paper upon which he was then writing. But I do not care if it was thrown down there. It was in the sight of every officer and not tampered with. There is no law requiring it to be kept either on the floor or off the floor, on the table or under the table. I do not care if it had been dropped there. There was no witness who said the lid was ever raised or any improper thing occurred with it. No one swears that the box was out of sight of any of the Democratic or Republican officers for a moment.

But gentlemen make much noise because the officers went to supper. Now, I am not a believer in a doctrine that the law is of that strictness that it precludes eating or drinking, taking a draught of water or smoking your pipe, or anything like that, after you begin receiving the ballots in the morning until they are counted out in the evening. The evidence shows it would take until midnight to finish the canvass. They had been there all day closely confined; the room was ten feet one way by about twelve the other. And to say, when their labors were to continue six hours longer—having fasted from the early morning—that they were not permitted to get any refreshment, is to say what would be absurd. The laws are addressed to men of common sense. It is expected that they will be executed by sensible men in a sensible way. The object is to prevent any improper tampering with the box? Was that not done?

I refer to this minutely, because upon this county, as has been stated by the gentleman from Texas, hinges this entire case. If Bisbee fail in this county he fails in his case. If law and justice are administered he must fail in the county. Now what did they do when they got to the boarding-house where they took supper? They all went along together, Republicans and Democrats, all in sight of the ballot-box. Not only that, but 75 men who had voted were in sight and saw all that occurred as these men went to the boarding-house and after they were there. The windows and doors were open. Everybody that had a ticket to go to the dining-room went in there. The evidence shows that the key of the bollot-box was placed in the hands of one of the officials; that the box was held by another, one of them a Democrat, the other a Republican; that one held it while the other was eating, and that it was in sight all the time. When the first finished eating, he turned it over to a second, who held it till he ate. Now, to presume fraud under such a circumstance is to presume that lawlessness is the predominating feature of the human character, and that evidence is not to be relied on.

The gentleman from Massachusetts, whom I do not now see in his seat, [Mr. RANNEY,] said with a sneer that the laws of Florida are the strictest to be found in this country, and that they seemed to have been framed in anticipation of frauds.

A MEMBER. He did not sneer.

Mr. MCMILLAN. If he did not sneer then I take it back. [Laughter.] If he did not sneer he is in no better fix than if he did. If the law was so strict the presumption that no fraud was perpetrated is all the stronger, for the law presumes that every officer does his whole duty. Take his sneer out or keep it in; I do not care which.

What a wonderful discovery this is for a statesman of the nineteenth century. What a profound utterance from one who claims to be learned in the law and of judicial mind. Does he not know that every law framed from the first civilization of man to the present day was framed in anticipation of the fact that there would be an attempt to violate some right—to inflict some wrong? Does he not know that the very Decalogue which is his moral guide and mine was framed by Deity because Omniscience foresaw that there was a tendency in men's hearts toward wickedness and wrong? If this be so, how can it be urged as a suspicious circumstance against the people of Florida that they have enacted stringent laws to maintain the purity of the ballot-box? Gentlemen on that side of the Chamber have spoken of the election laws of Florida and South Carolina and other Southern States as if they were irregular and unjust laws. They seem to have forgotten that these laws were made by their own party when the carpet-bagger was abroad in those States and powerful.

Mr. Speaker, I was surprised to hear the gentleman from Massachusetts claim this case and seek to throw out the Arredonda poll upon the ground that there were fewer votes polled for Bisbee in that precinct in this election than had been polled for him two years ago. Is not the contestant in a strait, is not the committee in a strait, is not any party in a strait when he or it has to rely upon a pretext so flimsy as the foundation for throwing out votes? To paraphrase a little Young's Night Thoughts we might say:

> The spider's most attenuated thread
> Is cord, is cable,

compared to this argument.

What are the facts? There was war in the Republican camp, a war like that which we see in Pennsylvania to-day, and its fruits were brought forth. Who will come here from Pennsylvania in the next Congress and say that because my friend from Pennsylvania [Mr. BAYNE] comes back with a reduced majority, or does not come back at all [laughter] therefore there has been fraud in the election? If the gentleman should come with such a claim you would say he was casting a reproach upon his own intelligence and presuming upon the ignorance of Congress.

I have collated a few facts to show the fallacy of this position, I have gone back to some of the Congressional directories—those beautiful volumes which perpetuate the memories of men when they cannot be perpetuated in any other way. [Laughter.] I find that Hon. WILLIAM D. KELLEY, when a candidate for the Forty-fifth Congress, received 18,820 votes, but when running for the Forty-sixth Congress he received only 17,786 votes. Gentlemen of the committee, was there fraud there? If that rule will not hold good in one State it will not in another. I might make a similar comparison in the case of the vote of our distinguished Speaker, [Mr. KEIFER,] in his own State, or my friend from Pennsylvania, [Mr. O'NEILL,] or the gentleman from Massachusetts, [Mr. MOSS.] Was it ever dreamed that because a candidate's vote in one election was not so great as in a preceding election there must have been fraud? Never from the beginning of the Government till the year of grace 1882, when the Committee on Elections of the Forty-seventh Congress discovered this rule and founded the report in an election case upon it.

I have no doubt that my friend from Massachusetts [Mr. RANNEY] might feel the sands giving away under himself if he were to look around and see that here or there there had been a Republican who from some cause did not vote for him; but I suppose he would not accuse the election officers of his district with fraud on that account.

Sir, if this rule is adopted changes in Congress will be limited to the death of members. If a candidate increases his majority he is admitted under the law. If, on the contrary, his majority is diminished, this fact, according to the Elections Committee, would be evidence of fraud sufficient to turn his opponent out and put him in. There would be no getting rid of him.

Sir, under these seven pretexts the sworn returns made out jointly by Republican and Democratic officials are set aside, Judge Finley's majority and his votes swept from him, and Mr. Bisbee turned loose to poll by affidavits a vote he never got into the ballot-box. By this means they let slip "the dogs of (political) war," and we may look for sad "havoc" before the matter is ended.

In all my experience as a lawyer and legislator I have never seen a cloud of such witnesses introduced as the contestant has brought forward, 259 of the pretended voters of this polling place alone.

Nearly all of them could not read or write and hence show they could not have known with certainty who was on the ticket they voted. I pass by the fact that more than 100 of those who were brought to pull down the returns in one precinct only were of that class.

Mr. BAYNE. Will the gentleman permit me to make a suggestion?

Mr. McMILLIN. With pleasure, if it does not come out of my time.

The SPEAKER. It must come out of the gentleman's time.

Mr. BAYNE. I do not wish to interrupt the gentleman if it be not perfectly agreeable to him.

Mr. McMILLIN. Since the interruption would come out of my time and I am limited, I am forced reluctantly to decline. Were I unrestricted I would be much pleased to hear the gentleman from Pennsylvania and answer any questions.

What do the witnesses swear? The gentleman from Pennsylvania has already mentioned the evidence of one or two of them. I shall quote from others. The following is the testimony of twenty-five of these two hundred and fifty-nine swearers, leaving off the immaterial portions of their evidence:

Pompey Godfrey, page 92:

Question. Did you or not vote at the election held on the 2d of November last? And if you did, state when and where, what ticket, Democratic or Republican; and if you voted for a member of Congress, state for whom.

Answer. Yes; about 10 o'clock, at Arredonda; I voted the Republican ticket; I do not know who I voted for Congress; I voted the ticket Mr. Walls gave me.

George Wood, pages 92, 93:

Answer. I voted for Mr. Bisbee for Congress.
Question. Can you read?
A. I can read a little.
Q. Did you read your ticket?
A. Yes.
Q. Who did you vote for that day?
A. I voted for Mr. Bisbee, Mr. Walls, Mr. Trapp. The other mens I don't recollect at this present.
Q. Who else did you vote for for Congress?
A. I voted for some other gentleman, but can't remember the name at this time.
Q. Did you not vote for more than two for Congress?
A. Yes; but I don't remember the names.
Q. Did you not vote for Mr. Ledwith for Congress?
A. I disremember.
Q. Did you vote for President of the United States that day?
A. No, sir; I don't remember I voted for President.

William Stark, page 101:

Question. For whom did you vote as Congressman?
Answer. Mr. Bisbee.
Q. Can you read?
A. No.
Q. You did not read your ticket, then?
A. No.

Ned Lang, page 111:

Answer. I voted for Mr. Bisbee for Congress.
Question. Do you read?
A. Not much; very little.
Q. Can you read any?
A. Mighty little.
Q. Did you read your ticket?
A. No.
Q. Do you know what are the legal boundaries establishing election district No, 12, Arredonda?
A. No.

Mungen Davis, page 117:

Answer. I know I voted for Colonel Bisbee.
Question. Can you read?
A. No.
Q. Who did you vote for for President?
A. I don't know, sir.
Q. Who did you vote for for governor?
A. I don't know.
Q. Who did you vote for for the assembly?
A. I don't know.
Q. Who did you vote for for the State senate?
A. I don't know, sir.
Q. Who did you vote for for governor?
A. I don't know.
Q. Who did you vote for for the assembly?
A. I don't know.
Q. Who did you vote for for the State senate?
A. I don't know, sir.

William McClellan, page 118:

Answer. I voted for Mr. Bisbee.
Question. How long have you lived in No. 12?
A. About thirty years.
Q. Can you read?
A. No; not a bit.
Q. Who did you vote for for governor?
A. Bisbee.
Q. Who did you vote for for State senator?
A. I don't know anything about that.
Q. Who did you vote for for President?
A. I don't know anything about that. Mr. Bisbee is the only man I spoke of.

Joseph Williams, page 119:

Answer. I voted for Bisbee for Congress.
Question. Can you read?
A. No.
Q. Do you know who you voted for for governor?
A. No.
Q. Do you know who you voted for for President?
A. No.
Q. Do you know who you voted for for lieutenant-governor?
A. No.
Q. Do you know who you voted for for State senator?
A. No.
Q. Do you know who you voted for for members of the assembly?
A. No.
Q. Do you know any of the qualifications of a voter under the laws of Florida?
A. No; I do not.
Q. Do you know anything about the boundary lines of district No. 12, Arredonda; where they are?
A. No, sir; I don't.

Ned Brown, pages 121 and 122:

Answer. I voted for Mr. Bisbee for Congress.
Question. Were you a qualified voter to vote when you voted?
A. Yes.
Q. Do you know what the qualifications of a voter are under the laws of Florida?
A. No.
Q. Can you read?
A. No.
Q. Do you know who you voted for for governor?
A. I don't know any name but Bisbee.
Q. Do you know who you voted for for lieutenant-governor?
A. No; I don't know no one but Mr. Bisbee.
Q. Who did you vote for for President?
A. I don't know any one else but Mr. Bisbee.
Q. Who did you vote for for the State Legislature?
A. I just called on the man I know—Mr. Bisbee.
Q. Did you vote for Bisbee for governor?
A. To the best of my knowledge, I did. I got my ticket from Jake Dubose. He told me this is Dennis. I asked him what the ticket called for, and he said Walls and Dennis. That is all he said to me.

Amos Brown, page 123:

Answer. I voted for Mr. Bisbee for member of Congress.
Question. Can you read?
A. No.
Q. Who did you vote for for governor?
A. I do not know.
Q. Who did you vote for for lieutenant-governor?
A. I do not know.
Q. Who did you vote for for President?
A. I do not know.
Q. Who did you vote for for members of the State Legislature?
A. I do not know, sir.
Q. Do you know any of the qualifications of a voter under the laws of Florida?
A. In the State twelve months, in the county six. I do not know any more.

W. M. Brown, page 123:

Answer. I voted for Bisbee for Congress.
Question. Can you read?
A. No.
Q. Do you know who you voted for for governor?
A. No.
Q. Do you know who you voted for for lieutenant-governor?
A. No.
Q. Do you know who you voted for for members of the State Legislature?
A. I do not know.

Melville Haile, page 125:

Answer. I voted for Bisbee for Congress.
Question. Can you read?
A. No.
Q. Do you know who you voted for for governor?
A. No.
Q. Do you know who you voted for for lieutenant-governor?
A. No.
Q. Do you know who you voted for for President?
A. No.
Q. Do you know any of the qualifications of a voter under the laws of Florida; if so, what are they?
A. No.
Q. Do you know where the boundary lines of election district No. 12 are?
A. No.

Simon Bell, page 126:

Answer. I voted for Bisbee for Congress.
Question. Can you read?
A. No.
Q. Do you know who you voted for for governor?
A. No.
Q. Do you know who you voted for for President?
A. No,
Q. Do you know who you voted for for lieutenant-governor?
A. No; I do not know anything about it.
Q. Do you know who you voted for for members of the Assembly from your county?
A. No.
Q. Do you know where the boundary lines of election district No. 12 are?
A. No.
Q. Do you know anything about what the qualifications of a voter under the laws of Florida are?
A. No.

Major Mickels, page 127:

Answer. I voted for Mr. Bisbee for Congress.
Question. Can you read?
A. No.
Q. Do you know who you voted for for governor?
A. I do not know.
Q. Do you know who you voted for for lieutenant-governor?
A. No, sir.
Q. Do you know who you voted for for President?
A. No, sir.
Q. Do you know who you voted for for the State Legislature?
A. I do not.

Sam Campbell, page 127:

Answer. I voted for Colonel Bisbee for Congress.
Question. Can you read?
A. I can read a little print, but not to do much good.
Q. Did you read your ticket?
A. No, sir.
Q. Do you know who you voted for for President?
A. No, sir.

George Bezant, page 130:

Answer. I voted for Bisbee for Congress.
Question. Can you read?
A. No.
Q. Did you read your ticket?
A. No.
Q. Do you know who you voted for for governor?
A. No.
Q. Do you know who you voted for for lieutenant-governor?
A. No.
Q. Do you know who you voted for for the Legislature from your county?
A. No.
Q. Do you know who you voted for for President?
A. No.
Q. Do you know the boundary of election district No. 12?
A. No.

Bob Strappies, page 135:

Answer. I voted for Colonel Bisbee for member of Congress.
Question. Can you read?
A. No.
Q. Do you know who you voted for for President?
A. No.
Q. Do you know who you voted for for governor?
A. No.
Q. Do you know who you voted for for lieutenant-governor?
A. No.
Q. Do you know who you voted for for the State Legislature from your county?
A. No.
Q. Do you know any of the qualifications of a voter under the laws of the State of Florida?
A. No.
Q. Do you know where the boundary line of election district No. 12 is?
A. No.

Ben Blair, page 136:

Answer. I voted for Colonel Bisbee for Congress.
Question. Can you read?
A. Very little.
Q. Did you read your ticket?
A. Yes.
Q. What names did you read on it?
A. Mr. Garfield, Mr. Arthur, Colonel Bisbee, Josiah T. Walls, Judge Arnow, Mr. Trapp.
Q. Did you see all the names you say you did on your ticket?
A. I did.
Q. Do you know who you voted for for governor?
A. Mr. Conover.
Q. Do you know any of the qualifications of a voter under the laws of Florida?
A. A few of them.

Wilson Douglass, page 138:

Answer. I voted for Bisbee for Congress.
Question. Do you or not know the names of any other officers or candidates on your ticket?
A. No.
Q. Do you know what State and county Arredonda is in?
A. No.
Q. Can you read?
A. No.
Q. Do you not know who you voted for for President?
A. No.
Q. Do you not know who you voted for for governor?
A. I voted for Mr. Bisbee. That is all I voted for.
Q. Do you not know who you voted for for the State Legislature from your county?
A. No.
Q. Do you know any of the qualifications of a voter under the laws of Florida?
A. No.
Q. Do you know where the boundary line of precinct No. 12 is?
A. No.

Joe McRail, page 139:

Answer. I voted for Bisbee for Congress.
Question. Do you know what State and county Arredonda is in?
A. No.
Q. Do you know who you voted for for President?
A. No.
Q. Do you know who you voted for for governor?
A. No.
Q. Do you know who you voted for for lieutenant-governor?
A. No.
Q. Do you know who you voted for for State Legislature from your county?
A. No.
Q. Do you know any of the qualifications of a voter under the laws of Florida?
A. No.
Q. Do you know where election district No. 12 is?
A. No.

Robert Bullock, page 139:

Answer. I voted for Bisbee.
Question. Do you remember any other names on your ticket?
A. No.
Q. Do you not know who you voted for for governor?
A. No.
Q. Do you not know who you voted for for President?
A. Bisbee.
Q. Who did you vote for for lieutenant-governor?
A. I do not know.
Q. Do you know any of the qualifications of a voter under the laws of Florida?
A. No.
Q. Where is the boundary of election district No. 12, Arredonda?
A. I do not know.

Philip Jones, page 141:

Answer. I voted for Bisbee for Congress.
Question. Do you or not know the names of any other candidates on your ticket? If so, please state whom.
A. Yes; Conover, Garfield, I think he told me was on it, Josiah Walls. I do not know any more.
Q. Can you read?
A. No.
Q. What office was Walls a candidate for?
A. I disremember now. I heard them say he was on the ticket. I did not read it.
Q. Do you know what office Conover was a candidate for?
A. No, sir; I heard them say who he was, but I have forgotten all about it.
Q. Was Garfield's name on your ticket?
A. They tell me it was.
Q. What office was Garfield a candidate for?
A. I do not know.
Q. Do you know whether or not Bisbee's name was on your ticket as a candidate for governor?
A. They tell me his name was on there for governor.
Q. Do you know any of the qualifications of a voter under the laws of Florida?
A. No.
Q. Did you intend to vote for Bisbee for governor?
A. No, I intended to vote for him for a Senator.

Newton Alexander, page 143:

Answer. I voted for Bisbee for Congress.
Question. Can you read?
A. No.
Q. You do not know who you voted for for governor?
A. No.
Q. Do you know who you voted for for President?
A. No.
Q. Do you know who you voted for for the State Legislature from your county?
A. No.
Q. Do you know any of the qualifications of a voter under the laws of Florida?
A. No.

Charles Fisher, page 143:

Answer. I voted for Bisbee for Congress.
Question. Do you remember any other names on your ticket, and what offices they were running for?
A. Yes. Garfield for President, Conover for governor, Rush for the senate, Frank Dansy, Mose Simmons, Charles Thompson, and Dennis for the assembly, and that is all I remember.
Q. Can you read?
A. No.
Q. Was Garfield's name on your ticket?
A. Yes.
Q. Are you as certain that Garfield's name was on your ticket as you are that Bisbee's name was?
A. Yes.

Mr. Allen Montgomery, page 166:

Answer. I voted for Bisbee for Congress.
Question. Can you read?
A. No.
Q. Do you know any other names on your ticket except Bisbee's?
A. No.
Q. Do you know who you voted for for President?
A. Bisbee.
Q. Do you know any of the qualifications of a voter under the law of Florida?
A. No.
Q. Do you know what State and county Arredonda is in?
A. No.

Isaac Henry, pages 166, 167:

Answer. I voted for Mr. Bisbee for Congress.
Question. What do you mean by being a registered voter?
A. I mean to vote a right Republican ticket and to vote for Mr. Bisbee.
Q. That is what you understand as being a registered voter, is it?
A. Yes.
Q. Can you read?
A. A little, not much.
Q. Did you read your ticket?
A. Yes; I read some part of it.
Q. What names did you see on it?
A. I saw Mr. Bisbee's, Conover, and Walls, and I did not see any more.
Q. Did you vote for Conover for Congress?
A. Yes, sir.
Q. Do you know any of the qualifications of a voter under the law of Florida?
A. No.
Q. Who do you believe you voted for for Congress and who did you intend to vote for for Congress?
A. I intended to vote for Mr. Conover for Congress.
Q. What do you mean by "for Congress?"
A. Why, the head man of our State.
Q. What office did you vote for Mr. Bisbee for?
A. For governor.
Q. What do you mean by "for governor?"
A. Why, to rule our State.

Ben Agent, 173:

Answer. I voted for Mr. Bisbee or Bisevil.
Question. Can you read?
A. No.
Q. Do you know who you voted for for President?
A. I told you who I voted for; I voted the public ticket; I always vote that.
Q. Did you vote for the man whose name is mentioned above for President of the United States?
A. Yes.
Q. Do you know who you voted for for governor?
A. I do not know.
Q. Did you vote for Mr. Walls for Congress?
A. I do not know; I voted for Mr. Walls.
Q. You do not know, then, who you voted for for Congress, do you?
A. No.

John Clifton, page 178:

Answer. I voted for Bisbee for member of Congress.
Question. Can you read?
A. No.
Q. Do you know any other names on your ticket besides Bisbee's?
A. No.
Q. Do you know who you voted for for President?
A. No; I do not know any one I voted for but Bisbee.
Q. Do you know who you voted for for governor?
A. I do not know any one but Bisbee.
Q. Do you know any of the qualifications of a voter under the laws of Florida?
A. No.
Q. Did you vote for Bisbee for President?
A. Yes.
Q. Do you know how far the limits of election district No. 12 north, south, east, or west are from Arredonda polling place?
A. No.

Mr. Speaker, this is the kind of evidence upon which the sworn returns of election officers are to be set aside and votes counted. You will observe that on cross-examination Pompey Godfrey says, "I do not know how I voted for Congress." George Wood says he voted for Bisbee and others for Congress, which was impossible. Ned Lang says he did not read his ticket. William McClellan says he voted for Bisbee for Congress and governor both.

Ned Brown closes his testimony by saying that to the best of his knowledge he voted for Bisbee for governor. Robert Bullock says he voted for Bisbee for President. Phillip Jones says his intention was to vote for Bisbee for Senator. Isaac Henry says what he meant by being a registered voter was "to vote a right Republican ticket and to vote for Mr. Bisbee." He further says he intended to vote for Conover for Congress and Bisbee for governor. Benjamin Agent says he does not know for whom he voted for Congress. John Clifton says he voted for Bisbee for President.

The witnesses swear they do not know whom they voted for; but the committee are certain they voted for Bisbee. Remember, these are all counted for Bisbee by the committee.

And such swearing! Sir, I would as readily believe a man who swears to a wave on the ocean; or who, a month after it had fallen, identified a snow-flake in the avalanche and swore to it. Upon such evidence Judge Finley is deprived of 172 votes cast for him and Bisbee has 191 added to the vote returned for him, thus making a difference of 363 against Finley at this voting place alone.

Sir, I will now call attention to the Newnansville poll. That poll is assailed on the charge of fraud, and the contestant asks that the return be rejected, and that no vote shall be counted for either party except such as has been proven by testimony *aliunde*. The return gave to Bisbee 150 votes, and to Finley 146; a very close vote indeed. The House should bear in mind that all the evidence on which Judge Finley's vote was rejected at this voting place was taken in violation of law, after the expiration of the time for taking testimony, and hence cannot be looked to if we observe the law.

Now, what is the evidence on the subject? Edward Foster, a colored manager, appointed under the law, selected for the purpose, testifies that when the votes were counted the managers canvassed them with the utmost fairness and without regard to the political character of the votes, and that in the destruction of the overplus ballots which had been cast, they were drawn from the box by and with the consent of each inspector, and without any knowledge as to whether they were Democratic or Republican ballots, and that the destruction of said ballots was for the purpose only of making the tally-sheet of the voters correspond with the number of the ballots cast. He said that all was fairly done.

He is asked this question: "State whether or not any legal votes were rejected at the polls?" Now listen to his response, the response of a witness from a district thrown out by your committee. Recollect that it is a Republican who is testifying. He says: "They were not." "State whether or not the election precinct on said day was quiet, peaceable, and orderly?" "It was."

Valentine, a deputy marshal, one of contestant's witnesses, who was a political friend and supporter of contestant, swears, on page 26 of the record:

> Well, the votes were counted out, and then there was more votes in the ballot-box than there was names to balance with; then the votes was all put back into the ballot-box, and shaken together, and then they put their hand into the box and took out, I think, twenty-nine votes to make the number even on the list. I thought they tried to do it fair.
>
> This witness further testifies that there were several counts of the votes and several drawings from the ballot-box to make the number of ballots in the box correspond with the number of names on the poll list, as the law requires. He further testifies, on same page, 26 of record:
>
> "I do not know whether they (the ballots in excess) were Democratic or Republican; they were not looked at. As far as I could see, everything went right, excepting one man was objected voting, but they let him vote; that was all I see."
>
> In connection with this testimony we cite the law of Florida applicable to the subject, which provides:
>
> "As soon as the polls of an election shall be finally closed, the inspectors shall proceed to canvass the votes cast at said election, and the canvass shall be public and continued without adjournment until completed.
>
> "The votes shall be first counted; if the number of ballots shall exceed the number of persons who shall have voted, as may appear by the clerk's list, the ballots shall be replaced in the box and one of the inspectors shall publicly draw out and destroy unopened, so many of such ballots as shall be equal to such excess."

I say, in view of the evidence in this case, that the requirement of the law was observed in every instance. The committee, with all its vigilance, with all its ability, has been unable to show a single instance in which this provision of the law was violated.

And yet on account of the enforcement of this law they ask that the poll be thrown out and not counted. That is the kind of argument we encounter here; that is the case which we have presented to us. Here again Judge Finley is deprived of 146 votes cast for him. This return is destroyed upon the evidence of one clerk in the land office, notwithstanding the strong swearing of the Republican officers who conducted the election. In these two voting places alone I have traced 509 improperly counted against Judge Finley, or contrary to law rejected when they voted for him. Thus the entire majority claimed by the committee for Mr. Bisbee is swept away.

Mr. Speaker, although I do not conceive it essential to Mr. Finley's success in this contest that Brevard County should be counted for him, I will show briefly the outrage done him there. His majority was 148. This must be destroyed, and in pursuance of the general policy of getting rid of enough votes to seat the contestant we find that Judge Finley's majority there was suppressed and the county thrown out, and why? Because, say the committee, there had been no registration of the voters as required by law.

Sir, the gentleman from Pennsylvania [Mr. BELTZHOOVER] has stated so clearly the facts of the case in this county that I adopt his statement. He is a member of the committee. I have examined the evidence and find him to have presented the case with strict accuracy:

> What ground did they assume for throwing out the count? The ground that the voters were not legally registered. There was no doubt about their being residents; no doubt about their living there, being citizens of Brevard County, and having all the mandatory and imperative and substantial qualifications of voters. But the gentlemen contend that they were not registered. In this county, too, he took all the testimony himself out of time, without cross-examination, in the time that his testimony should have been taken in rebuttal. What did he do to show that the voters in Brevard County were not registered voters?
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> He went to the clerk's office, where the registration books of the county are kept. Did he call the clerk of the court, who has the custody of the registration books? No; that did not seem to suit him. He called a young deputy clerk, a Mr. McCrary, who had been in the office only two months. He asked him if there was any legal registration books in that office for Brevard County. The young man answered, and honestly I presume, "No, not to my knowledge." He next asked him, "Were the lists of electors returned to the clerk's office before the day of election?"
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> The deputy clerk said, "To the best of my knowledge, some were and some were not." And on such testimony as that Mr. Bisbee proposes to have you find, as the committee found, that the election in that county was illegal because the voters were not registered. And in order, as I presume he thought, to corroborate McCrary, he did not call the clerk of the court, who knew the facts, but he called the sheriff. What for? To show that in one of the precincts the sheriff had not delivered the proper election papers and list of voters.
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> By the way, the return from that precinct shows that Bisbee received 8 votes and Finley 9 votes. So you can utterly disregard that return, for it would make a difference of only 1 vote.
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> But that sheriff said something more. He said that he took the ballot-boxes and lists of registered voters and proper election papers to every precinct in that county, except that one. Now, that proves incontestably that he took the registration books and delivered them to the election board.
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> Now, what next do they prove? They put in a certified copy of the return and a certified copy of the county registration list. What for? The allegation had been made, and unfortunately for them they believed it, that more votes had been polled there than were on the poll lists. Now, the fact was otherwise. They put in this certified copy of the return of the vote, and it showed that there were more votes registered than there were polled.
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> What did the registration list show? In that certified copy of the registration list, over the signature of the clerk of the court and under his seal, it was stated that there was in his office a legal registration book for that county for that year. The certified copy of the return showed that the election was held and regular returns made from every precinct in the county, and that the vote was for Mr. Finley 222, and for Mr. Bisbee 74.
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> Now, I will admit, for the sake of this argument, what I do not believe is true, that it may be possible that there were no legal registration lists sent to every precinct in that county. But there was incontestably on file in the office of the clerk of the court a legal registration book containing all the registered voters for each precinct. The clerk of the court certifies: "This is a true and correct copy of the registration book now in this office."
>
> Therefore these voters were legal voters, and the record of their registration was on file in the office of the clerk of the court of Brevard County. That is proven clearly by the testimony of the contestant himself. In the discussion of the Curtin and Yocum case this very same point was raised. In that case it was decided, in conformity with the decision in the Wheelock case in Pennsylvania, that where a registration law is even mandatory, requiring that every voter shall be registered as a prerequisite to voting, if the voter is in fact registered, and the registration-book at the county seat shows it, then, even if there is no registration list at the polls, the voter is a legal voter because he has complied with his duty, and if the officers who are to furnish the precinct copies of the list fail to comply with their duty that does not disfranchise the voter.
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> Now, on that reasonable view of the law, the minority of this Committee find that this vote in Brevard County, honestly cast and in no way impeached, should be counted as cast and returned.

All the evidence as to this county was taken in violation of law and *ex parte*, without notice to Judge Finley, and should not have been considered.

Sir, in the other counties the wrong done Judge Finley is not less flagrant. Votes honestly and fairly cast for him are thrown out, and votes never cast are counted for his opponent, till we wonder in contemplating it whether justice can be expected in an election case. This case of wrong may become a precedent for other similar outrages hereafter. We would do well, therefore, to heed the admonition given by Junius in the dedication of his letters to the English nation:

> Let me exhort and conjure you never to suffer an invasion of your political constitution, however minute the instance may appear, to pass by without a determined persevering resistance. One precedent creates another. They soon accumulate, and constitute law. What yesterday was fact, to-day is doctrine. Examples are supposed to justify the most dangerous measures, and where they do not suit exactly the defect is supplied by analogy. Be assured that the laws which protect us in our civil rights grow out of the Constitution, and they must fall or flourish with it.

Sir, we boast of the superiority of our system of government and the freedom of the ballot in America. We should remember that of the 104,000 officers of the United States Government, less than three hundred are elected by the people directly, and less than four hundred are elected at all. Let us therefore be the more cautious when these come duly elected and properly accredited not to destroy or disregard their right.

Mr. Speaker, twenty-nine hundred years ago the ballot was used in Athens. The Greek *dicasts* voted by ballot in giving their verdicts. In voting they used sea-shells, or beans, or balls of stone, or metal, colored black for condemnation or white for acquittal.

The Romans used the ballot in voting more than two thousand years ago. In their elections if two candidates received the same number of ballots, the decision was made between them by drawing lots.

Although England originated the trial by jury, voting by ballot was not adopted there till 1872. McCauley and Grote advocated it, and it made steady progress, notwithstanding the wit and ridicule of Sydney Smith were turned against it. This great writer likened the ballot-box to a mouse-trap for catching Englishmen's votes. In Australia and other colonies of Great Britain the ballot is used.

In Germany all elections for the Reichstag are by ballot. Only registered voters can vote. The ballot must be on white paper, folded by the elector and dropped into a closed box.

In Italy members of the Chamber of Deputies are elected by ballot. The elections are held in public halls, and to which only qualified voters are admitted. Spain, Belgium, Switzerland, and Austria all have the ballot.

In the United States voting by ballot dates back to colonial times. Some of the constitutions adopted more than a century ago—as in New Jersey, North Carolina, and Pennsylvania—made voting by ballot obligatory, while some of the States have practiced *viva voce* voting.

Sir, are we going to tear down or nullify this ancient method of ascertaining the will of freemen in the very Capitol of the country? Will we destroy freedom while sitting beneath the statue of Freedom? What is the right to cast a vote worth if Congress diregards it and bars its doors against the Representative sent here by it? If I know my own heart there is no power, no political exigency, that could force me to violate right and unseat one duly elected and sent here. I trust the time will never come when I will refuse a seat to any man fairly elected, whether he come from the North or the South, the East or the West, no matter what his political faith or creed.

Sir, we should come manfully up and discharge our duty, no matter what consequences follow. Mr. Webster seldom spoke more beautifully or more truly than when he said

With consciences satisfied with discharge of duty no consequences can harm us. There is no evil that we cannot either face or fly from but the consequences of duty disregarded. A sense of duty pursues us ever. If we take to ourselves the wings of the morning and dwell in the uttermost part of the sea duty performed or duty violated is still with us for our happiness or our misery.

We say the darkness shall cover us in the darkness, as in the light our obligations are yet with us. We cannot escape from their power nor fly from their presence. They are with us in this life; will be with us at the close. And in that scene of inconceivable solemnity which lies yet further onward we shall still find ourselves surrounded by the consciousness of duty, to pain us wherever it has been violated, and to console us so far as God in His mercy may have given us grace to perform it.

Internal-Revenue Taxation.

SPEECH

OF

HON. WILLIAM H. HATCH,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 22, 1882.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 5538) to reduce internal-revenue taxation—

Mr. HATCH said:

Mr. CHAIRMAN: I offered on yesterday an amendment to this bill, which is published in the RECORD of this morning, and which I desire to read as the foundation of the remarks that I propose now to make. It is to add to section 2 the following:

Provided, That no farmer or planter nor the executor or administrator of such farmer or planter, nor the guardian of any minor, shall be required to pay a special tax as a dealer in leaf tobacco, or as a retail dealer in leaf tobacco, for selling to consumers or others tobacco produced by said farmer or planter, or by said executor, administrator, or guardian, or received by either of them as rents from tenants who have produced the same on the land of the said farmer, planter, or minor, and all laws and parts of laws in conflict herewith are hereby repealed: *Provided*, That nothing herein shall be so construed as to authorize any such farmer, or planter, or executor, administrator, or guardian to sell tobacco by peddling the same, or to appoint or employ others to sell tobacco for him, without the payment of the special tax.

The law which I propose to repeal by this amendment is a proviso contained in the sixth clause of section 3244 of the Revised Statutes. I will explain to the committee the difference under this law between a dealer in leaf tobacco, who pays a licensed tax of $25 per annum, and a retail dealer in leaf tobacco, who is required to pay for his license a tax of $500 per annum. I read from the law:

Dealers in leaf tobacco, except retail dealers in leaf tobacco, as hereinafter defined, shall pay $25. Every person shall be regarded as a dealer in leaf tobacco, whose business it is, for himself or on commission, to sell, or offer for sale, or consign for sale on commission, leaf tobacco; and payment of a special tax as dealer in tobacco, manufacturer of tobacco, manufacturer of cigars, or any other special tax, shall not exempt any person dealing in leaf tobacco from the payment of the special tax therefor hereby required. But no farmer or planter shall be required to pay a special tax as a dealer in leaf tobacco, for selling tobacco of his own production, or tobacco received by him as rent from tenants who have produced the same on his land.

And then comes this special proviso:

Provided, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf tobacco at retail directly to consumers, or who sells or assigns, consigns, transfers, or disposes of to persons other than those who have paid a special tax as leaf dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf tobacco for export.

I call the special attention of gentlemen of the committee who are at all interested in the subject to this definition in the law of a dealer in leaf tobacco under the $25 license. The law says:

Dealers in leaf tobacco shall sell only to other dealers who have paid a special tax as such, and to manufacturers of tobacco, snuff, or cigars, and to such persons as are known to be purchasers of leaf tobacco for export.

That is to say, any person taking out this license as a dealer in leaf tobacco can sell leaf tobacco only to some other licensed dealer or to a manufacturer of tobacco or cigars, or to an exporter of tobacco. In other words, it is simply for the benefit of the commission merchant. It restricts his sales alone to other persons holding a like license from the Government. Nor can he sell a pound of tobacco to an unlicensed dealer. But mark the provisions of the law fixing a tax upon the men licensed to sell in the open market:

Seventh. Retail dealers in leaf tobacco shall each pay $500, and if their annual sales exceed $1,000, shall each pay in addition thereto 50 cents for every dollar in excess of $1,000 of their sales. Every person shall be regarded as a retail dealer in leaf tobacco whose business it is to sell leaf tobacco in quantities less than an original hogshead, case, or bale; or who sells directly to consumers or to persons other than dealers in leaf tobacco, who have paid a special tax as such; or to manufacturers of tobacco, snuff, or cigars who have paid a special tax; or to persons who purchase in original packages for export. Retail dealers in leaf tobacco shall also keep a book, and enter therein daily their purchases and sales, in a form and manner to be prescribed by the Commissioner of Internal Revenue, which book shall be open at all times for the inspection of any revenue officer.

Now, Mr. Chairman, this seventh clause of section 3244 of the Revised Statutes is simply a legislative fraud. It attempts to cover up the fraudulent action of the men who induced Congress to put it upon the statute-book It never was intended for the benefit of any class of men in the United States dealing in leaf tobacco. Without having the manliness to say so in the law, these persons who procured this legislation intended simply to prevent, to prohibit absolutely, the farmer and planter, the grower of the crop, from selling it in the open market as he would any other product of the soil.

The law declares that any man who sells less than a hogshead, less than a bale of tobacco, and sells it to any other than a licensed dealer, is a retail dealer and shall pay $500 for that privilege, and if his annual sales exceed $1,000 shall pay in addition thereto 50 cents for every dollar in excess of $1,000.

Mr. WHITE. And it was made on purpose to benefit the manufacturer.

Mr. HATCH. It was made for that purpose, and it was a fraud when it was done. I have before me the report of the Commissioner of Internal Revenue for the fiscal year ending June 30, 1881, Executive Document No. 4, Forty-seventh Congress, first session. On page 38 of that document I find the number of the special tax-payers, and the Commissioner of Internal Revenue certifies that there are of retail dealers in leaf tobacco in the entire United States just five—one in the State of Arkansas, one in the State of Missouri, one in New York, one in South Carolina, and one in Tennessee. On page 118 of that report I find that the amount of revenue which the Government derived from that special tax, from the 1st of July, 1881, to October 31, 1881, was $583.34, and between the dates of July 1, 1880, and October 31, 1880, there was not one dollar received from this special tax. It was intended as a prohibition upon the farmer from selling under any circumstances to any person other than a licensed dealer a single pound of tobacco, and it has effectually served its ignominious purpose.

Mr. TURNER, of Kentucky. And yields little or no revenue.

Mr. HATCH. I have just stated the amount of revenue obtained. The chairman of the Committee on Ways and Means [Mr. KELLEY] proposes in the bill now under consideration, very generously, to reduce this tax on retail dealers in leaf tobacco from $500 to $250, and from 50 cents to 30 cents for each dollar on the amount of their annual sales in excess of $1,000. What a magnanimous concession to make to the great agricultural interests of the country in a bill which proposes to "reduce internal-revenue taxation!"

Now, if the Committee on Ways and Means understands this proposition at all—and I put it in that shape because I am justified by their past action in questioning their information upon any subject; and I do not take what the majority of the Committee on Ways and Means now say to this House as authority by any means, because they have already admitted to this House and to the country that they are incompetent and unwilling to deal with the greatest question that has ever been confided to them by the rules of this House—I say if they understand this question at all they must know that the reduction of this tax on retail dealers in leaf tobacco from $500 to $250 is simply keeping up the snare and the delusion and will bring no relief to the farmer and the planter. They must know that the law as thus amended would be as much of a prohibition as the law now in force. No member of the committee pretends that the proposed reduction of the special tax on the retail dealer in leaf tobacco would in the slightest degree affect the restrictions and burdens imposed by the law on the farmer and planter.

The majority of that committee are very prompt to respond to every demand of the manufacturers for relief from any tax or hardship of which they complain. They have already reported favorably to the House and passed "An act to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco."

The chairman of the committee reported favorably "A bill relating to exportation of tobacco, snuff, and cigars in bond free of tax to adjacent foreign territory," and recently asked the House for unanimous consent to consider and pass the same, when I interposed an objection. I do not complain that these several bills are not meritorious, but I do contend that in all the bills reported from that committee relating to tobacco, during the entire session, there is not one single word or sentence proposing to relieve the great laboring and farming classes of the country from a single burden now resting upon them under the law—not one. Hence my objection to those measures.

I hold in my hand a copy of a paper called the Tobacco Leaf, of March 11, 1882, which is recognized, I believe, by manufacturers throughout the United States as a valuable authority upon all questions affecting the tobacco trade. I find in this paper a letter dated Cincinnati, March 7, 1882, and signed by T. R. Spence, a prominent manufacturer of tobacco in Cincinnati. This letter is written to the manufacturers, urging them to combine their strength and power and influence in this country against the passage of any bill seeking to relieve the farmer of this burden and unjust discrimination. The writer, referring to the attempt made to pass, under a motion to suspend the rules, what he denominates the "free-leaf bill," on the 6th of March last, says:

> Should this demonstration of favor lead the committee to incorporate the bill into a revenue measure it would of course pass; but if they do not report it, then it will be in order for the friends of the bill to move it as an amendment to any revenue bill reported by the committee, when a bare majority vote will pass it. There is no reason to suppose that it will not relatively be equally strong in the Senate, as that body is now constituted, as in the House, and that if defeated, it can only be done by the combined and determined opposition of the whole tobacco interests of the country.
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> It seems almost unnecessary to illustrate to practical tobacco men the disaster which such a change of law would involve.
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> Already it is well known that the sale of manufactured and tax-paid tobacco is comparatively very small in tobacco-growing districts, owing to the fact that the consumption has gone to the natural leaf. These encroachments are serious, and will extend with the area of tobacco cultivation, in spite of all the existing restrictions of the law. What, then, may be expected, if these barriers be all removed, and the law practically say to consumers, use tax-paid or untaxed tobacco as you choose?
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> How long would it be before the small farmers and market gardeners in the vicinity of every city, town, and manufacturing center of the entire country would be cultivating their fields of tobacco to be sold along with their vegetables daily at every market-place and country store, tied up in neat and convenient packages for chewing and smoking, accompanied with printed directions for sweetening and preparation?
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> It is needless to intimate how cheap such tobacco could be sold, and the millions it would save annually to the laboring-men, farmers, and mechanics of the country, for the great bulk of the revenue of tobacco comes from that source.

He need not feel concerned about the action of the Committee on Ways and Ways "incorporating this bill into a revenue measure" because of the emphatic approval of the proposition by so large a vote of the House. That committee is a "law unto itself," and will not heed this or any other like "demonstration" by the House unless indorsed by the caucus of the majority.

Now, Mr. Chairman, I have resented in argument before the Ways and Means Committee and on the floor of this House the imputation coming from the manufacturers of tobacco throughout the United States, that the farmers of the country are asking to be relieved of this odious restriction with the view of becoming peddlers of tobacco. I deny it. I say there is not one chance in ten thousand that any farmer who raises tobacco wants to put it upon the market as a peddler. But in order to treat these manufacturers with perfect fairness, if they really have any fear that small farmers may engage to some extent in peddling tobacco directly to the consumers, and thereby interfere with the immense profits that the manufacturers are now making, I have, at the suggestion of the gentleman from Kentucky, [Mr. CARLISLE,] who is a member of the Ways and Means Committee, added to my amendment these words:

> *Provided*, That nothing herein shall be so construed as to authorize any such farmer or planter, or executor, administrator, or guardian, to sell tobacco by peddling the same, or to appoint or employ others to sell tobacco for him, without the payment of the special tax.

This precludes the farmer from selling his crop by or through an agent or any one employed by him for this purpose, and would effectually bar him from the privilege of selling the same "at every market-place and country store, tied up in neat and convenient packages for chewing and smoking."

Dr. Spence has a very erroneous estimate of the average Western farmer, and especially of those who live in the tobacco-growing sections of my own State; they do not desire, nor would they avail themselves of, any such privilege. I admit that they could make individual sales, even to consumers, but could not become peddlers themselves or appoint agents to sell for them.

Every member of the House when he comes to vote upon the amendment must do so with the explanation I have given staring him in the face, and with knowledge of the fact that the amendment, with the proviso, merely gives to the planter or farmer who raises a tobacco crop, large or small, the privilege of going into the open market and selling that tobacco as he would sell any other product grown upon his farm, to the highest bidder; and the moment the tobacco passes into the hands of the purchaser it becomes subject to the internal-revenue law, and to the regulations of the revenue department; so that the revenue which the Government now derives from this source will not be affected to the extent of a single dollar in the year.

But gentlemen ask "what is the necessity of this legislation?" I will answer. In the West there are many small growers of tobacco who grow less than a hogshead or bale, and who cannot afford to send it in small packages one or two hundred miles to a tobacco dealer to have it sold; there being but a limited number of licensed buyers they fix the price upon the small crops. Hence the farmer is either compelled to sell at the price they fix or his tobacco hangs in his barn and rots.

Mr. HOUSE. How does this bill affect the law of the Forty-sixth Congress on this subject?

Mr. HATCH. The law to which the gentleman refers allows dealers in leaf tobacco who buy only to the amount of 25,000 pounds to take out a license at $5; but such a dealer can only sell to another licensed dealer. That does not affect this question at all. The complaint which the farmer and the planter make to-day is that by the legislation of Congress they are restricted from going into the open market and selling the crop grown by their toil upon their own land as they would sell any other crop.

Mr. HOUSE. If the gentleman will allow me, the act of the Forty-sixth Congress, the act of June 16, 1880, allows country merchants or others to deal in leaf tobacco to the amount of 25,000 pounds by paying a license of $5 per annum. Any man who pays this tax may buy from the farmer the tobacco raised on his own farm. Now the point to which I wish to direct the gentleman's attention is, whether the bill before the House does not seek to repeal that privilege; does not by implication repeal that provision of the act of June 16, 1880?

Mr. HATCH. I will answer the gentleman. I have no doubt in the world that this bill does repeal that provision, not by implication, but by direct terms; for it says:

> That on and after the passage of this act, except as hereinafter provided, the taxes herein specified imposed by the internal-revenue laws now in force be, and the same are hereby, repealed.

Mr. HOUSE. Then this bill takes away from the small raisers of tobacco the poor privilege they have had under the act of June 16, 1880?

Mr. HATCH. Unquestionably; and the Ways and Means Committee, I take it, have never had their attention called to it. As I said a while ago, I do not believe they have examined this question. They have taken the reports of the managers of the convention of manufacturers which was held in Washington City a short while ago as authority on this subject. These manufacturers have combined to defeat the passage of the amendment I have offered. This Dr. Spence said, in closing the letter from which I read an extract:

> I do not believe the tobacco men will tamely submit to such an outrage, but that they will exhibit their spirit and manhood by fighting against it to the bitter end.

It is the proposed repeal of this outrageous and infamous restriction which prohibits the farmer from selling his tobacco as he would sell his crop of corn or wheat, in the open market, for which I earnestly contend to-day. The gentlemen who oppose this amendment say that the repeal of this restriction will encourage the use of unmanufactured tobacco, and in that way will decrease the revenues of the Government. I do not believe it. I believe that in the tobacco belt of the United States, wherever tobacco can be grown at all, every man owning a piece of land, or who rents one and prefers to chew or smoke unmanufactured tobacco, now grows in his own garden or truck patch as much as he can use or consume at home. All over my section of the State of Missouri, and all over the West so far as I have any personal knowledge, you will see these little patches of tobacco grown by the poorer classes and by the farmers, who prefer to raise their own tobacco rather than pay the price put upon manufactured tobacco. There are other persons who as a matter of choice and taste prefer to use the natural leaf, or unmanufactured tobacco. But suppose the amendment I have offered does have the effect stated; have we come to that point in the history of this country where the national Government must deny to a class of its citizens the privilege of smoking a home-made cigar or chewing a little green tobacco? Is there to be perpetuated such an inquisition as this simply because the granting of the privilege which I ask may take an infinitesimal sum from the magnificent profits made by the manufacturers of tobacco in the United States? The argument in favor of these restrictive laws is prompted by the same spirit and motives which seek to perpetuate the high protective import duties on many of the necessaries of life and which compel the masses of the American people to pay enormous and burdensome tribute into the coffers of the manufacturers. Looked at from another point of view, the attempt by legislation to force the poorer classes in the tobacco-growing sections to use only manufactured tobacco is as unjustifiable as would be an attempt to compel the poor man to use only imported brandy or champagne as a beverage, or to be denied even the necessaries of life unless he pays some tribute to favored manufacturers.

Mr. BUTTERWORTH. Will the gentleman permit me to ask him a question?

Mr. HATCH. With pleasure.

Mr. BUTTERWORTH. While the internal-revenue system remains are you in favor of permitting each man to brew his own ale and distill his own "potheen" or whisky?

Mr. HATCH. Is that the extent of the gentleman's question?

Mr. BUTTERWORTH. That is one, and it is in the same line suggested by my friend from Missouri.

Mr. HATCH. I think not, but I will answer it. I do not believe in the constitutionality of any law that prohibits the producer, the grower of a crop, from using it himself or in his family as he pleases. I am in favor of that Anglo-Saxon system of laws which recognizes the majesty of the proprietor, the head of the household, over his own home, his castle; and at the earliest practicable period I will favor the repeal of the entire internal-revenue system and shut out from that palace the miserable espionage of every single employé of the Federal Government from one end of the land to the other. [Applause.]

Mr. BUTTERWORTH. That is, you would break down the internal-revenue system.

Mr. HATCH. I would break down by repeal any system of taxation that destroys the principle I am contending for and encourages a detestable espionage over the sanctity of the domestic life of our people. [Applause.]

Mr. BUTTERWORTH. But that does not answer my question, which is, whether, while we continue the internal-revenue system, the gentleman would be willing to have that done which would practically defeat the collection of the taxes?

Mr. HATCH. If it will defeat the collection of internal-revenue taxes for the small farmers and producers of tobacco to sell the product of their own toil in the open market unrestrained by law, let the revenue to this extent go, and maintain the majesty and freedom of the citizen.

Mr. BUTTERWORTH. And raise the revenue on something else?

Mr. HATCH. Raise it on something else. But that is not this question. The farmer does not ask to become a manufacturer, and the gentleman's question is not in the line of my argument. The farmer does not manufacture tobacco, he produces it. He does not ask even the poor privilege of twisting it and then putting it under a fence corner and pressing it into shape, which has been declared to be a violation of this law. He only asks for the privilege of an American citizen, to go into the market and sell to the highest and best bidder what mother earth produces through his sweat and toil. That is all the privilege he is contending for. In this amendment he pledges the manufacturer that he will not become a peddler or manufacturer, nor will he permit any one to sell his tobacco for him. He only asks the privilege of taking it to the nearest market and selling it as other crops are sold.

In this connection I will read an extract from a letter which I have received from a large tobacco-grower in my district, living in in the county of Putnam. He writes me as follows:

> We are very much pleased to see that you are still working away at your tobacco bill, which is to relieve the producers from the revenue tax entirely. I speak for many thousands. If that is accomplished there will soon be a vast amount of tobacco raised here; but as it is now it is entirely stopped, and will remain so until the producer is free from tax and the monopoly of commission men and manufacturers is broken up.
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> At this time the manufacturers will not talk to a producer about buying his tobacco, but will tell him they can buy to a better advantage of the commission men. So they can, as they can get it at their own price. One manufacturer will not bid against another, as they can have it all their own way as soon as the producer puts his tobacco into the commission men's hands. Now, I would say, take no revenue off tobacco except to relieve the producer entirely, and tobacco will be cheaper to the consumer and a greater source of revenue. It is a matter of fact that many thousands are now on half rations, both in chewing and smoking, that is, those who have to buy, owing to the high price. The producer never realizes any of the high prices; all those that handle it make the easy money. I wish you success in your undertaking, and I am not alone. I have not seen a man yet but says he knows that this is one of the most unjust laws that was ever enacted.

That is a sample of a large number of letters that I have received from farmers living in the district I have the honor to represent, and fairly expresses their views upon this subject.

In conclusion I want to say a word or two about this bill. Its first proposition is to repeal the stamp tax on bank checks, drafts, orders, and vouchers. If the Ways and Means Committee will bring that proposition before this House as a separate and independent one I will very cheerfully vote for it. I have never believed in a stamp tax. I do not believe in any system of stamp taxes, and of all the war taxes left to-day upon the statute-book there is less fairness, justice, and equality in this two-cent check-stamp than any other I know of. As a plain illustration of it, the poor woman who works daily for her living and earns her little sum, which she hoards in the savings-bank, when she comes to buy a load of fuel in the winter and wishes to draw two or three dollars out of the bank has to put a two-cent stamp upon the check, while the great railroad king of this generation when he comes to buy a railroad and draws his check for $6,000,000 pays simply two cents, the same tax that the poor laboring-woman pays for her two or three dollars in the savings-bank. For that reason I would cheerfully vote for the repeal of this measure. But this is the only one in connection with this bank proposition that I will favor at this time. Now I have said that I did not have a great deal of confidence——

Mr. WILLIS. Will the gentleman allow me to ask him if he is opposed to the removal of the tax upon proprietary medicines? They are largely used by the laboring-men and the farmers.

Mr. HATCH. Well, that depends altogether upon whether it is coupled with something else. Standing by itself or in this connection I will not vote for it. I will not vote for the removal of any of the taxes embraced in this bill, except the repeal of the tax on matches, unless you begin at the right end of the line and relieve the laboring-men and farmers of the country at the same time that you relieve the manufacturers of proprietary and patent medicines, the bankers, and capitalists.

Mr. SPARKS. You do that by repealing the stamp tax on proprietary medicines.

Mr. HATCH. No, sir, not to any appreciable extent, if at all. The repeal of that tax simply inures to the benefit and profit of the proprietor and manufacturer, not to the consumer.

But I was going to say that I do not take everything that comes from the Ways and Means Committee as authority, and I wish to add just this much in conclusion: I had the honor of addressing a few remarks to this committee when the tariff-commission bill was before the House, and I expressed myself in rather plain language in regard to that bill, as well as in regard to the Ways and Means Committee for advocating it upon this floor. And I desire to say now, after the President has wrestled with the subject for several weeks, that not a single criticism which was made upon that bill from the beginning to the end of its consideration in the House has not been justified by subsequent developments. Take one of these page-boys before me, blindfold him, and start him out in search of nine members of this body to serve as tariff commissioners, and he would search in vain for nine men as ill-qualified in character, ability, and special fitness for the work of revising the tariff as are the men selected by the President out of two hundred applicants and after a month of Cabinet consultations.

Election Contest—Smith vs. Shelley.

SPEECH

OF

HON. AMBROSE A. RANNEY,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, July 20, 1882.

The House having under consideration the contested-election case of Smith *vs.* Shelley, from the fourth Congressional district of Alabama—

Mr. RANNEY said:

Mr. SPEAKER: Before proceeding to the discussion of this case I wish to advert to the fact that the contestant, Mr. Smith, died after the committee had agreed upon their report as it now appears before the House. Having found that he was elected and entitled to the seat which the contestee, Mr. Shelley, now holds, the committee were of the opinion that the legal effect of the death of Mr. Smith was to leave the seat vacant, and that it must be so declared. The resolutions proposed were then changed and framed upon that theory. Assuming that the finding of the committee is correct upon the main issue, I suppose no one will seriously controvert the other proposition, and I shall not therefore discuss that point. I am aware that some members upon this side of the House have been inclined, from personal considerations or motives of expediency, to allow this contest now to pass by and let the sitting member remain. But I insist that this would be a plain violation of the duty of the House if he was not elected. The House has no right to elect a member; that is the right of the electors of the district. Mr. Shelley has already been allowed to occupy a seat in this House during two terms of Congress when his right to the seat was contested, and this is the first time that any one has been able to get a report before the House for determination. Each prior contest was sent to a committee, and no report whatever was made. At each time grave charges were made against the election, similar to those made in this contest. It is now due to that district that this contest be decided, and let the legal consequences of that decision follow, whatever they may be.

I come, therefore, to the single question before the House: Was Mr. Smith elected to the Forty-seventh Congress? Upon the evidence and proofs found in the printed record it appears to me to be so plain as to be placed beyond the realm of dispute. Indeed, if gentlemen have read the record, with the reports, and become familiar with the facts, it seems to me that it might be considered a reflection upon their intelligence to assume that any further presentation or argument of the case is needed. But as all members have not probably been enabled for the want of time to thus familiarize themselves with the facts, I will proceed to present the case as fully as I may.

Contestee was awarded his certificate on a declared vote of 9,301 for himself, 6,650 for Mr. Smith, and 1,693 for one Mr. Stevens, a colored man, who ran or played the rôle of an assumed third candidate. This gave contestee an apparent majority of 958 over both the other candidates, and a plurality of 2,651 over Mr. Smith. How this result was achieved in a Republican district with an undoubted majority of from 15,000 to 18,000, when there is a free ballot and an honest count, is the interesting question which has been investigated in the present contest. Listen, and I will tell you. I have to say, generally, that it was achieved, first, by rejecting the returns, or for the want of proper returns, from fourteen precincts—seven in Dallas County, four in Lowndes County, and one each from the counties of Wilcox, Perry, and Hale—arising in some of them from the fault, mistake, or ignorance, of the inspectors, and in others occasioned by the wrongful conduct of the partisan friends of the contestee; secondly, by means of conspiracy and fraud. The contestant in his printed brief, filed for the use of the committee and the House, asserts:

The evidence taken by the contestant and submitted to the House contains proof of every species of outrage on the electors' rights known to the professional expert in election frauds; conspiracies to prevent elections being held where the Republican electors were greatly in the majority; robbery, burglary, and larceny of the ballot-box appear to have been committed; bribery of United States supervisors resorted to; stuffing ballot-boxes with ballots never cast; fraudulent count of ballots cast; false statement of election returns, are only some of the disreputable means resorted to in order to defeat contestant in the fourth Congressional district of Alabama.

The members must judge how far this claim is sustained in the case as I state it.

In the fourteen precincts from which there were no legal returns, the actual vote as cast at elections legally held was in the aggregate 4,029 for Mr. Smith and 282 for contestee. I lay Mr. Stevens aside, for he becomes of no account in the computations to be made on a question of plurality, and as in fact he seems to have received few, if any, votes in the precincts now being considered.

If the House count the vote as actually cast in these fourteen rejected precincts and correct the official count accordingly, this elects Mr. Smith by a plurality of 1,098 votes over Mr. Shelley, and without disturbing the returns made in the other precincts and counties.

This the committee have done upon satisfactory proof being made of the vote as actually cast by legal electors, under a rule of election law which will not be controverted by any member; it is the law of Alabama also:

It is the election that entitles the party to office, and if one is legally elected by receiving a majority of legal votes his right is not impaired by any omission or negligence of the managers subsequent to the election. (State *ex rel.* Spence *vs.* The Judge of the Ninth Judicia Circuit, 13 Ala. Rep., 805.)

Nor will a mistake by the managers of the election in counting the votes and declaring the result vitiate the election. Such a mistake may and should be corrected; the person receiving the highest number of votes becomes entitled to the office. (State *ex rel.* Thomas *vs.* Judge of the Circuit Court, 9 Ala. Rep., 338.)

In the report of the majority will be found references to the evidence and proofs by which the actual vote as cast is established, and I challenge the closest and most careful scrutiny of the same. I will not stop to show whether the returns were so defective as to justify their rejection in all cases by the county supervisors. I concede that point for the purposes of the argument. Most of them were defective and not in conformity to law, without doubt. Concede that they all were, and then it becomes simply and only a question of competency and sufficiency of proof.

In that view, as assertions and denials on either side are easy and unsatisfactory when standing alone, members will please see what the proofs are. They will find the evidence to be plenary in every instance, and without any substantial conflict or contradiction. The vote as proved accords with the report of the United States supervisors, made to the chief supervisor, when there was one made at all, as there was in most instances.

We do not need to use the supervisors' reports as substantial evidence. The competency of that class of evidence admits of some question, and is the subject of a division of opinion among members of the committee. They being in evidence and printed in the record, are referred to only as confirming or not the testimony of the witnesses called to prove the necessary facts. The vote as sworn to corresponds in most every instance with what was the well known state of the vote in each precinct in prior elections and as known to well-informed individuals.

After contestant had adduced proof deemed sufficient, and which, if not impeached or controlled by counter-evidence, appears to be adequate, to prove the issue in hand, contestee in no instance, as I now remember, has attempted to impeach or control the same by evidence of his own. He and his counsel and the author of the minority report have contented themselves with criticisms upon the testimony of contestant, attacks upon his witnesses because of their alleged ignorance and illiteracy, and with technical objections which are in my judgment, and in the judgment of the committee, unsound.

It would have been much more satisfactory if the contestee had adduced evidence on his own part to show, if he could, that what contestant's witnesses testified to was not true. If the vote as sworn to was untrue or improbable even, there was ample means of proof. For instance, in the seven precincts in Dallas County the Democratic vote sworn to ranged from 1 to 40. If more than that voted in either of the precincts it was easy to prove it.

It must be remembered that this is not a case, so far as regards the fourteen precincts now being considered, where the contestant is attempting to overthrow and control the returns of sworn officers of elections, as against presumptions of verity. The rule of law is quite different in such a case.

To come down to more detail. As to precinct Prairie Bluff, in Wilcox County, the rejection of the return was on such flimsy ground and the proof of the vote cast so clear that the author of the minority report concedes that that vote should be counted. If he concedes anything which is adverse to contestee, I will not dwell on it as needing any argument. The vote there was 335 for Smith and 24 for Mr. Shelley.

The seven precinct returns rejected in Dallas County were simply irregular and informal, some of them only because the inspectors or some of them signed by their mark, not being able to write. The vote is proved by the evidence of the inspectors, supervisors, and others, who were present at the polls, saw the ballots cast, counted and tallied, and knew personally whereof they testified. There are generally two or three witnesses to the main facts, and in one instance, where the Democratic United States supervisor acted, his report accords with that of the other officer of the kind.

The author of the minority report has made strictures upon the testimony of one Martin in Martin's precinct

He has singled this one out in an earnest search to find something to comment upon. Here the contestee has not attempted to prove the facts sworn to to be untrue, contenting himself with the contention that an inspector who could not read or write was unable to count ballots accurately. This inspector had the help of two other men who could read and write and who joined him in making the count. Nathan Stratten, a minister of the gospel, helped him. Now let every member read all the evidence of Messrs. Martin and Pettiway in direct and cross examination, compare the same with the United States supervisor's report and the imperfect return made by the inspectors, and see that they all agree, and with what scrupulous care and fidelity they discharged their duty, and that not a scintilla of evidence is adduced outside of it to discredit their evidence or affect the facts sworn to, when if it existed it was at hand and could be had, and he will find a verification of what I say as to the criticisms made as to this precinct. And if the proof as to that is an instance of the weakest, what shall be said of the others? I shall not go into the other proof as to the Dallas County precincts now referred to, as the same is uncontradicted and without conflict and does not require it, provided any faith can be placed in human testimony. I do not consider that there is any occasion for it, but shall allude hereafter to some general criticisms deemed captious.

If the elections in these seven precincts were conducted by illiterate officers the Democratic partisans of contestee were responsible for it, and defective returns were just what was schemed and planned for in a manifest conspiracy, designed either to prevent elections being held in most of the thirty-one precincts of Dallas County, or failing in that, to have them so held and the returns so made as to lead to the rejection of the returns. That charge is made by contestant in this case, and, to my mind, is proved by the evidence. Let us verify this charge. The first step was for the board of county supervisors, composed of the sheriff, probate judge, and clerk of the circuit court, (and which said board were to canvass the returns made from the precincts,) to appoint three inspectors for each polling precinct, under a legal obligation resting upon them by virtue of a statute to give the Republican party at least one of them.

The Republican organization asked to be allowed to suggest suitable persons for Republican inspectors. This request was declined. Two intelligent persons were appointed as Democratic inspectors. They were strong partisans. A supposed Republican was appointed for the third inspector. Save in two or three instances this third man was not known personally to the appointing power, but was suggested by somebody, but by whom the probate judge and the sheriff swear they do not know or remember. It is, however, a significant fact that they were all either doubtful Republicans or illiterate. This, whether designed or not, prepared the way and rendered probable what happened, and may be presumed to have been contemplated. What contestant charges as to the intention and design of such action may be given in his own language as printed in his brief:

The fact is that two sharp Bourbon Democratic managers and one ignorant negro, supposed to be a Republican, and who could neither read nor write, were selected to hold the precinct elections, the object being either to have no polls of election opened, a defective or false certificate of returns, or a false count of the ballots cast, as the surrounding circumstances appeared best suited to accomplish the desired end. If a false count of ballots cast appeared best, the "hocus-pocus" game was to be done on the ignorant negro, who could neither read nor write nor count by number or figures. If a false or defective certificate of ballots cast could best accomplish the fraud, the ignorant negro could not sign his name to the inspector's statement; the election law required such signature. If it was thought more prudent to open no polls of election, the two educated white Democratic inspectors failed to appear at the place where the polls were to be opened, and the ignorant negro man, supposed to be a Republican, (on account of his color,) is left alone to open polls and hold an election.

That there was a deep-laid conspiracy between the Bourbon Democratic managers to have no polls open and no election held in Dallas County is clear from the fact that at the State election held in August of the same year the sheriff, probate judge, and the clerk of the circuit court being candidates for office, and at which time they claim to have been elected, polls were open and elections held and returns made from every precinct in the county except two, and the return of votes from each precinct were all counted.

Let the House judge of this by what happened. When the day of election arrived the inspectors appointed from the Democratic party, and some of those appointed as supposed Republicans, did not appear at the polls and act as inspectors, but kept away altogether; or, if any one appeared, he refused to act. The result was that in most of the precincts the polls were not opened, and the vote of those precincts was lost entirely to Mr. Smith, as we do not and cannot legally compute the vote which would probably have been cast. In some few precincts where the Democrats were in a majority—three in number, I think—the Democratic inspectors did appear and hold an election, and the returns were counted by the board of county supervisors.

By the law of Alabama, in the absence of any inspector the rest of them may fill the vacancy; and if all are absent the electors present may choose a new board and proceed.

In most of the precincts in Dallas County the electors did not know enough of law or failed to choose other inspectors and to proceed with the election. Elections were held in a few precincts where the Democrats were in a majority, and the returns from them were counted, showing an aggregate majority as returned for contestee in those precincts of 536 over contestant.

It appears that the Democratic United States supervisors acted with like unanimity in Dallas County in not appearing and discharging their duty, in apparent concert with the inspectors. It appears also that the ballot-boxes and the necessary and usual instructions and blanks for poll lists and returns were not distributed so as to reach the polls in Republican precincts. The sheriff says he distributed them. But if he did it must have been to the officers of his own party, who retained them. In the seven precincts named, where contestant has proved the vote because of the rejection of the returns, the blanks did not come, and cigar-boxes had to be used for ballot-boxes.

The board of county canvassers rejected returns because not signed by the inspectors, and even when signed by their mark, when that was the probable and natural result of their action in appointing illiterate men, and which may fairly be presumed to have been intended at the outset. The sheriff, one of the board, joined in rejecting returns because they were informal and insufficient, when he is responsible for it, for the reason that he failed to furnish the necessary and usual written instructions and forms.

No statute enacted expressly that inspectors should be able to read and write. No penalty attached to the neglect of the sheriff to distribute the ballot-boxes and requisite blanks. It was no misdemeanor punishable by law for inspectors not to appear or to appear and refuse to act, although the statute imposed it as a duty. They could say, and perhaps did say, among themselves: "We will not go and act. If we do not appear, the law provides a mode of conducting an election in our absence. Now, we will keep away and see if those colored voters know enough to hold an election and make returns according to law; our party has not got any votes in twenty-eight precincts of Dallas County worth looking after. We will withhold the blanks and all written instructions, and leave the colored men to their own unaided resources." But when they conspired together for the end indicated, and thus involved the violation of a duty imposed by express statute, I submit that it was a criminal conspiracy.

Now, sir, I ask the gentlemen of the other side if they will aid in the accomplishment of such a conspiracy and take the fruits of it? The whole drift of what is said in the minority report lies in that direction, and if sustained will have that result. Look at it. See the kind of objections made and criticisms indulged in. They are based on the allegation that the electors and officers in the precincts in question were ignorant and did not do their duty; did not know enough to administer the requisite oath; were unable to read and count the ballots properly; could not write out the requisite poll lists and returns; did not preserve the ballots, but sent them in some cases to the county canvassers, (as the law once required in Alabama,) and therefore should not be believed as witnesses.

If there was ever a case where judges should not exact the strictest proof, this is that case. But here there is no occasion for the exercise of any favor in that regard, as the contestant could and did make strict, competent, and ample proof of the requisite facts. One oath administered was as follows:

I told them to raise their hand and say, you solemnly swear to go forth and do the best they could in this election, to discharge those duties.

It is said that hats were used in counting in one case, directory statutes not being literally complied with in some particulars; that it is not proved that the voters were legal electors.

The inspector, or the electors, knew enough of law to organize the polls and enable voters to cast their ballots. It appearing that a board of inspectors was duly appointed and sworn, and that they received the ballots offered, it is to be presumed under a rule of law well settled that the votes were legal until the contrary is shown, and there is no evidence to the contrary. Contestant did not prove the vote by producing the written ballot itself. That was not necessary, as the ballots were not preserved, and were not shown to be in existence intact when the evidence was taken, but the contrary appears in most cases.

I do not adopt the rule of law invoked as sound. Certainly the rule does not apply in this case, as the law relating to their preservation was not kept in many instances, and the statute at best is not such as to insure the safe keeping of the ballots intact.

It is objected that the voters were not called to prove how they voted. When returns are to be contested, and there is a conflict of evidence, the evidence of the voter is often important. It was so in Bisbee *vs.* Finley, where a false count and return by the inspectors was alleged and attempted to be proven. Not so here, where the thing to be proved is what was the vote as cast and counted in the absence of a return. In Bisbee *vs.* Finley the author of the minority report said the evidence of the voters did not amount to anything, and he disregarded the evidence of 259 of them, saying that the other kind of evidence was better and more reliable. Here the other kind of evidence is used, and the same gentleman now says that is good for nothing, and the voters should be called. So it goes with him—the same rule of law is sound at one time and unsound at another.

It will be seen that the vote of the seven precincts in Dallas County, as proved, is 2,158 for Mr. Smith and 54 for Mr. Shelley. Allowing this, and it reduces Shelley's majority to 547. Deduct from this the majority of 311 got in Prairie Bluff precinct, in Wilcox County, which was rejected on a frivolous pretext, and which the minority report concedes should be counted, and the majority is reduced to 236 only.

I now proceed to the other six of the fourteen rejected precincts, to which I now ask the attention of the House. Here the rejection arose from defective, or the want of, returns, which was the result of attempted and partly successful frauds.

In Hopewell precinct, Lowndes County, the vote of 116 for Mr. Smith and 17 for Mr. Shelley was not counted because of insufficient and defective returns. As this affects the majority by only 99 votes I will spend little time upon it. The evidence is reasonably satisfactory in the absence of all contradiction and counter-proof as to what the vote was. Contestee's evidence comes from two witnesses, and bears not on that issue but on the alleged tampering with the box after the count was made. His witnesses are implicated in the charge. They evade rather than meet the charge made upon them, and were not cross-examined because no opportunity was afforded. One of them, Sheriff Graves, was implicated in another transaction of the same kind, and was indicted soon after for the alleged offenses. At best it only tends to prove that the returns of the vote were not made by the inspectors, or were abstracted by somebody from the box before it reached the county canvassers. The objection made to this precinct is that only two inspectors acted. The Democrats declined to act, although present part of the time. Others were chosen, and the ballots were taken regularly and deposited, and a return made, but the box was tampered with by somebody afterward and the returns abstracted. The return, however, was irregular, as only two inspectors signed it. No Democrat would act, evidently for the purpose of destroying the poll or preventing a regular return, and we find that the vote cast should be counted.

As to Benton precinct, another of the fourteen precincts alluded to, I will simply repeat what I have inserted in my report, as covering all I have to say:

It appears that at the election in Benton, in the same county, the appointed Democratic inspectors present on the morning of the election refused to open the polls and hold an election, stating it was too late to open the polls. The hour of nine o'clock having arrived, the Republican colored electors present, seeing that no election was to be held, organized, under the election law of Alabama, and held the election, which resulted in having cast for the contestant 156 ballots. The appointed Democratic inspectors, who said it was too late, and said there would be "no election that day for Garfield or Hancock," then opened a second polling place and held an election, where 51 ballots were cast for contestee. The box from this second polling place was received by the county returning officer (the sheriff), and the box containing the 156 ballots cast for contestant was rejected by the sheriff and not counted by the board of county supervisors; the contents of the ballot-box are exhibited in the record.

We hold, as matter of law, that the sheriff should have received the ballot-box and permitted it to go before the board of county supervisors; and further, as matter of law, that after the first election polls were opened the second polls were not authorized and should not be recognized, and therefore the 156 ballots cast at the first polling place should be counted for contestant. The declination by the appointed inspectors terminated their authority, and the new appointees then alone had a right to act. The United States supervisors cannot be present where precincts are multiplied. It would be a dangerous power and may be used for the purposes of corruption.

As to another of the fourteen precincts alluded to I take the statement as made in the report and have only to repeat it:

At the election held at Pintlala precinct, in the county of Lowndes, it appears from the proof that after the electors had cast their ballots the closing hour had arrived, and the counting of the ballots cast should have commenced, a voter of the precinct appointed to act as one of the three inspectors previous to the election, an active supporter of the contestee, but who refused to act on the morning of the election, entered the polling room, having with him a satchel with a partition in the middle, in one side of which he had a cigar-box stuffed with false ballots, and took from the table the ballot-box, into which the voters during the election had cast their ballots, and placed it in the empty side of the satchel. In a few minutes a confederate, in a buggy, called him. He took from the satchel the fraudulent, stuffed box and placed it upon the table, closed the satchel containing the true ballot-box and ballots, and jumped into the buggy and left with his confederate. The false ballot-box reached the board of county supervisors, certified to by the election officers as a false and not the true box. From the proof made it is shown that at the time of the robbery of the true box there were in it 320 ballots cast for contestant, and 40 ballots cast for contestee.

The evidence as to this transaction is given quite fully in the report, and I will not stop to read it.

As a reason why the evidence is not controverted it is said that Holcombe is dead. But his son-in-law and confederate is not dead. He is not called. If the son-in-law allows the charge to stand uncontradicted it may safely be assumed as true.

All the minority can say about the Pintlala precinct, after some

flippant allusions and statements, is that there is some mystery about it. Now, as to Whitehall precinct. I read from the report:

At the election in Whitehall precinct, in the county of Lowndes, the uncontradicted testimony shows that there were cast for contestant 276 ballots, and for the contestee 14 ballots, and it also appears that the precinct returning officer took the ballot-box used for the purposes of the election to the sheriff, the county returning officer, who, being informed of the vote cast for each candidate at Whitehall precinct election, refused to receive or receipt for the box, because it was a pipe box that had been used for the purposes of the election. This county returning officer is a Democrat in politics, and an ardent supporter of the contestee, and after refusing to receive or receipt for the box he desired the precinct returning officer to put the box on a desk in his office, which was done. It is in proof that the ballot-box, when delivered to the precinct returning officer, had in it, properly secured, the whole number of ballots cast, 276 of which were cast for contestant and 14 were cast for contestee, and the list of voters who cast ballots at the election, which is exhibited in the record. When this ballot-box was before the board of county supervisors its appearance showed that it had been opened from the bottom, and by this means stuffed with fraudulent ballots instead of the true ballots cast by the electors. All of contestant's votes but 54 were abstracted with the returns, and 200 or 300 of ballots for Stevens stuffed in.

Now, wherever contestee could get any seeming or actual contradiction, he has got it apparently. The fairness of the minority as to this Whitehall precinct may be judged of by the way in which the evidence as to this last box is treated and attempted to be met. It recites this from McDuffie's testimony, as though that was all of it:

It is my opinion from examination and inquiries I have made that there was a fraud at Whitehall beat, and that it was done by the box being opened from the bottom and everything in it except 45 tickets with Smith's name upon them taken out, and these Stevens tickets put in.

But the witness says, preceding that, what their report omits:

The box produced before the board of supervisors from Whitehall beat was a wooden one, and a little larger than a cigar box, and about the shape of a cigar box; a little taller, I think. It had a hole in the cover over which was pasted a white slip of paper upon which was written, "Whitehall box," or "Whitehall beat."

There was in that box 45 ballots for Republican electors for President and Vice-President of the United States, and the name of James Q. Smith for Congress, and a lot of tickets, I should say from 200 to 300, with the names of Republican electors for President and Vice-President and the name of William J. Stevens for Representative in Congress. All of the Smith tickets had been folded and a hole near the center of them showing or looking as if they had been strung upon a string. None of the Stevens tickets had been folded nor had they any perforated mark upon them. From their appearance Smith's tickets looked as if they had been voted, and Stevens's tickets as though they had not been. In fact, in the shape in which they were they could not have been put through the hole in the ballot-box.

Mr. Duffie was twelve years a judge of probate, and of high standing. Couple this appearance of the box and contents as stated by him with the uncontested proof that the vote as counted and as the ballots stood when put into the box and carried to the sheriff's office was 276 for Mr. Smith, 14 for Mr. Shelley, and none for Stephens. Without first controlling or at least throwing doubt upon that evidence, and when it is not pretended that the box was tampered with before delivery to the sheriff, (Mr. Graves,) it is manifest that it was tampered with afterward and by somebody before it was given over to the board of county canvassers, of which Mr. Duffie was one.

Now, will the author of this minority report seriously contend that the evidence of Mr. Graves meets and refutes their charge as to the White Hall box? He cites it in his report as though it did. Mr. Graves swears about it this and nothing more:

Question. Did you receive any returns from said election from White Hall beat?

Answer. I receive a box purporting to be from said beat, not marked nor labeled, which I kept and delivered to the board of supervisors.

Q. State if you remember what were the contents of said box when it was opened by said board of supervisors.

A. It contained a lot of loose tickets and nothing else.

Q. Was any count made of the tickets by the board of supervisors?

A. There was no count made of said tickets by said board.

Mr. Graves contradicts no one in the points before stated, save so far as he would have us infer that the box was not tampered with after he got it. He says he "kept it and delivered it to the board of supervisors." Kept it where? Who had access to it meanwhile? He "kept and delivered the box." So he did. But how about the contents, Mr. Graves; were they changed meanwhile? Did you change them yourself? We suppose not, of course, but please state what opportunity any one else had to do it, in your office or elsewhere, if you did not?

The minority report erroneously states that Mr. Graves says he delivered the box *and contents* as he got them. Not so. His evidence is, or seems to be, carefully worded, so as to be true even if the contents had been tampered with and he did it or knew of it.

In Newbern precinct, Hale County, an election was held at which 398 ballots were cast for Smith and 103 for Shelley, but at the close of the voting, and before proceeding to count, another box with prepared contents was substituted for it by two Democrats and attempted to be used for the real one; but the fraud was discovered in season and the scheme abandoned, resulting in the vote not being returned or counted at all. The facts are given by Merritt House, a twenty years' resident of Newbern, a school-teacher, he being a United States supervisor. I will read his evidence:

When the polls were closed, the inspectors, Mr. Wyley Croom, Noah Huggins, wanted to take the ballot-box from the room in which we had held the election into an office outside of the room and building where we held the election; to this I objected, and insisted upon counting the ballots there. To this Mr. Croom said he would be d——d if he didn't do it. By this time it had got dark inside the room, and I said, "If you will go in there I will take the box and carry it along." Mr. Huggins says, "You put that box down, by God; Mr. Croom is the man to carry that box." I then put the box down; Mr. Croom then took the box up, put the papers—poll list—on top of the box; then we started from the front of the store to go out of the store at the back door, and before getting to the back door Mr. Croom and Mr. Huckleby, one of the clerks, went behind a hay-pile.

Robert Lee, the colored inspector, said, "What are you all going around there for? You know you can't get out there?" Mr. Croom said, "Oh, that is so;" and they then turned and came back and got to the right side of this hay, where there was a door and we could see, and Mr. Johnny Huckleby had the box. Robert Lee, the colored inspector says, "What are you doing with the box, Mr. Huckleby?" Mr. Huckleby said Merritt saw him pick the box up off the counter; witness is Merritt. I said, "No, sir; it was not you picked it up; it was Mr. Croom." To this there was no reply, and they then walked out into the next room. When we got into the next room I said, "I am not satisfied about this box." Mr. Huckleby tried to draw my attention on to another subject. Then we commenced counting, and counted a good many tickets. I then discovered that this was the wrong box. I had marked the box in the polling-room with a straight mark with my knife under the lock, and Bob Lee made a mark across my mark, and the one we had in there had no mark on it.

I then got up and said, "There are illegal tickets here. I thought something would be wrong was my reason for not wanting to come in here." I then went outdoors, and tried to go back into the room where we had been all day. I was told that the key was lost, and they wanted to know what I wanted to go in there for; I told them I wanted to go in there to get the right box; that the one they had counting tickets out of was an illegal box. Mr. Croom and Lewis Turpin let me go into the store-room in the front, and then I asked to go back to the hay-pile, and they would not let me go, saying that that was his private room; they then made me come out of the store. Noah Huggins, one of the inspectors, then threatened to shoot me, and I said, "Gentlemen, if I cannot count the right box I will go home," and then I left. This was about nine o'clock p. m.

In cross-examination he says further:

Question. State everything that was said by Inspector Croom or any one else when you insisted that the vote should be counted where it was cast; state fully.

Answer. Mr. Croom said he be damned if he was not agoing back in that shop or office to count the votes; I then said if he would go I would take the box; I then took it up to carry it out; Mr. Huggins, the other inspector, said, "You put that box down, by God; Mr. Croom is the one to carry that box." I then put it down.

Q. Did you all start toward that office at once?

A. We did.

Q. When you reached that hay-pile which side did you have to go on without going outside the store to reach the door going into the shop or office?

A. You had to go on the left side.

Q. When you passed that hay-pile you stated that Croom and Huckleby went behind it; did they not return as soon as they were informed they could not get through that door?

A. They did not; they hesitated awhile there and then came back.

Q. How long did they hesitate, and did any one besides Croom and Huckleby go on the left-hand side of that hay-pile?

A. They hesitated about three or four minutes; perhaps not so long, and it may have been a little longer; and no one else went on the left-hand side of the hay.

Q. What was the balance of the party doing all that time, and what comments were made about their going on that side of the hay-pile; by whom was it made and what was said?

A. The rest of the party stopped and waited till they came back. Bob Lee said to them, "What are you going that way for; don't you know that you can't go through that way?" Mr. Croom said, "Oh, yes; that's so." When they returned we saw Mr. Huckleby had the box instead of Mr. Croom, and Robert Lee said, "What are you doing with that box, Mr. Huckleby?" Huckleby says, "Merritt saw me pick up this box from the counter." I said, "No, sir; it was not you picked it up; it was Mr. Croom." Nothing else was said, and we went to the office.

Q. Is it not a fact that Mr. Croom handed Mr. Huckleby as soon as he took it off the table?

A. No, sir; he did not.

Q. Might he not given it to him before reaching that hay-pile without you observing it?

A. I don't think he could; Mr. Huckleby was behind Mr. Croom and I was by their side.

Q. Why should the fact that Mr. Huckleby had that box when he returned from behind the hay-pile excite any suspicion in your mind that anything was wrong?

A. Because I had picked it up as an officer and they refused to let me carry it, and Mr. Huckleby was only a clerk, and that was my reason.

Lavender, a ten years' resident of Newbern, a farmer, testified:

Question. Did you see anything about the time the election was closed tending to show to an unfair election on the part of the inspectors?

Answer. I did; I saw Dennis Starkie carrying a box on his shoulder across the street toward the polling room, and I saw him take out of this box another box and put it in the back part of the polling room, where there was a pile of hay.

All that is said against Mr. House is that he was unwilling, and did not answer about a collateral matter, a charge of bribery in the Alabama Legislature.

As I have given contestant's evidence quite fully it is but fair that I should give what or the purport of what contestee produces against it. Let us first see what he does not produce. The persons implicated, Croom and Huckleby, are not called and do not swear at all, and do not appear to relieve themselves of such a charge. They knew of the charge, because it was made at the time of the discovery, and being detected they abandoned and did not execute their nefarious attempt. This alone was a confession of the truth of the charge, and yet contestee, without calling these implicated parties, calls only Starkie, a colored Democrat, who says in substance that he carried a goods box over in the morning and not at night, and that there was no other box in it. But no one else explains about this box or undertakes to tell why or for what purpose that was sent over or whether it was ever used or where it was put when it got there.

Robert Lee, a Republican inspector, (colored,) by some indefinite testimony, does not swear, as the minority report states, that the box was not changed, but undertakes only to give some circumstances and facts from which contestee seeks to infer it, says he did not see more than one box there that day; if there was another he did not see it, and that he saw nothing wrong.

The only other testimony to contradict contestant's witnesses are Huggins and Herron, who only show that the box was not changed

so far as they knew. But all they say confirms more than it contradicts the affirmative evidence. I do not see how any fair-minded man can fail to find the facts as I have found them as to the Newbern precinct, in the absence of any contradiction by Mr. Croom and Huckleby, and on such counter-evidence as is adduced. All seem to agree that for some reason the count was abandoned at a certain point after it had begun, and after Mr. House, the supervisor, left. Why was it, unless the fraud had been detected and charged by House, as he says? He had only to watch; the inspectors were to do the counting and could have gone on without him just as well. After the detection they ceased action. The counting of the votes did not go on at any rate and there was no return. The proof as to what the vote cast was is the issue now, and that is not met, and is ample, and this is enough for present purposes.

As to Pope's precinct, in Perry County, which completes the fourteen precincts where regular returns were not made, the proof of the vote cast is not so plenary and is more circumstantial than I could wish; but as there is no contradiction or counter-evidence when there might have been if this was not true, and as a liberal allowance would not change the result, I leave it as stated in the report:

At the election in Pope's precinct, in the county of Perry, contestant shows, by the proof uncontradicted, that there were cast for him 300 ballots, and for the contestee 30 ballots; that after the election was over and the polls closed, and about the time the counting of the ballots cast should have commenced, one of the three inspectors said he was sick, left the polling room, and returned no more that day; the other inspectors, Democrats in politics and supporters of the contestee, refused to count the ballots for either candidate in the absence of the sick inspector, and forwarded the box and ballots uncounted to the board of county supervisors, who were not, under the election law of Alabama, authorized to count the ballots, and neither candidate had the benefit of the ballots cast for him.

Upon the facts as matter of law we hold that the two inspectors might have properly counted the ballots and have made a return of the result to the board of county supervisors in the absence of the sick inspector, but as this was not done, and as each candidate is by law entitled to every ballot for him cast, notwithstanding the omission of the precinct inspectors to count the ballots, it becomes the duty of the House of Representatives to ascertain from the evidence the true state of the vote, and the House cannot be estopped from considering the effect of the proof presented. (Norris *vs.* Hundley, Forty-second Congress; McCrary on Election Contests, page, 312; *ex parte* Ellyson, 20 Grat. Va., 10.)

Under the proof contestant is entitled to have counted 300 votes and the contestee to have counted 30 votes, being the number of ballots cast for each candidate at Pope's.

I will read one answer of the United States supervisor (Smith) as to this refusal to count and turning the box over without any returns.

Question. What time was it before they, the inspectors, made up their minds not to count the ballots; how many had they counted, and what did they do with them?

Answer. It was between ten and eleven o'clock before they finally concluded not to count the ballots. The inspectors had counted about 46 votes for Smith and 40 for Shelley, and I discovered that the clerk did not mark or tally a ticket for Smith, and I spoke to him about it, and he told me he was attending to that, and they then refused to count any more. The inspectors then put all the tickets back in the box and sealed it up and gave it to the returning officers to take to the sheriff.

It is said that contestant's evidence is contradicted by this evidence of Smith, because he says 40 votes had been counted for Shelley, while contestant's witnesses only gave him 30 in all; and that McDuffie estimates the Democratic vote higher than that as usually cast. This suggestion has little force, as Mr. Smith's evidence tends to show an attempted false count by the Democratic inspectors, and the evidence of McDuffie is not controlling.

I have thus gone over with the fourteen precincts to show the 1,098 majority for Mr. Smith, independently of all questions of fraud except so far as they have been involved in the inquiry to account for the irregularity or want of returns. All these alleged frauds were committed after the votes were cast and the polls closed. If not successful to the extent designed by the perpetrators, they served to defeat a proper return which led to contestee getting his certificate, and in any event leave the way open for proof of the vote cast.

I now proceed to Perry County, where frauds of a different class are proved. I will content myself with stating them succinctly, and not dwell on them:

The election in Marion precinct No. 1, in the county of Perry, was held by the inspectors appointed previous to the election, two of whom were supporters of the contestee, and the proof shows that at that precinct election contestant had cast for him 327 ballots, and the contestee had cast for him about 222 ballots, yet the election inspectors return contestant as having cast for him only 89 ballots, and the contestee as having cast for him 363 ballots, showing a false count against the contestant of 238 ballots, and a false count in favor of the contestee of 141 ballots.

At Cunningham's precinct, in the county of Perry, after the United States supervisor was ejected, there was no opportunity offered to scrutinize the manner of conducting the election inside the polling room, but it is claimed to be shown by proof, uncontradicted, that there were cast for contestant 315 ballots and for the contestee 40 ballots; yet the Democratic inspectors in the return made of the result count the contestee as having received 210 ballots, and the contestant as having received 135 ballots, showing a false count against contestant of 180 votes, and a false count in favor of the contestee of 170 votes. The proof, uncontradicted, shows a fraudulent and false count of the ballots cast.

The Democratic inspectors at Walthall's precinct, in the county of Perry, refused, as at Cunningham's, to permit the United States supervisor to enter the polling room, as provided by the election law of the United States, and therefore he was unable to scrutinize the manner of conducting the election, or to witness the count of the ballots cast for each candidate, so that each candidate for Congress should have the benefit of every ballot for him cast. The rejection of a United States supervisor, commissioned to be present, was not authorized by law. The proof shows that contestant had cast for him at Walthall's precinct 336 ballots, and for the contestee 34 ballots were cast; the inspectors return as the vote for contestant 150 ballots, and for the contestee they return 215 ballots, showing a fraudulent count against contestant of 186 ballots, and a fraudulent count in favor of contestee of 181 ballots.

At Hamburg precinct, in the county of Perry, an offer to bribe the United States supervisor appears to have been made by one of the election officers, and this failing, a fraudulent, false, and stuffed box was substituted for the ballot-box into which the electors had cast their ballots, and a return was made by the inspectors to correspond with the substituted box, as 207 for contestee and 88 for contestant.

The proof shows the number of ballots cast for each candidate to be 338 ballots for the contestant and 40 ballots for the contestee.

At Scott's precinct, in the county of Perry, the United States supervisor swears that one of the State inspectors gave him $35 as a consideration for changing ballots cast for contestant, by striking out contestant's name on the ballots and writing thereon contestee's name, which was done. The proof taken as to the election at Scott's precinct shows that contestant had cast for him 470 ballots, and that the contestee had cast for him 37 ballots, but when the precinct inspectors made their return contestant is credited with only 196 votes, while the contestee had counted for him 227 votes, showing a false count against contestant of 274 votes, and a false count in favor of the contestee of 190 votes.

Making the necessary allowances for the precincts named in Perry County and treated above, will add 1,128 more votes to that of Smith.

In Wilcox County, in the precincts of Bethel, Rosebud, and Canton, the returns were rejected for irregularity, &c. I have not gone through with them and the proof to see how large the majorities for Mr. Smith were, and add them, because it has not become necessary. In other precincts in Lowndes and Wilcox Counties there is evidence of fraud and fraudulent returns. All these the committee pass by without figuring out the enhanced vote which further investigation might give contestant. The case requires no close figuring, as Mr. Smith's majority was so overwhelmingly large as not to render it necessary. I have gone far enough to show a majority of over 2,000 votes at least. The House may stop at the majority of 1,098, which comes from counting the vote of precincts where proper returns were not made. This is proved, even if we make liberal allowances.

I have alluded to and answered as I have gone along most of the objections found in the minority report. Who this minority is I do not know. If it consists of any other member of the committee than the gentleman from Pennsylvania, [Mr. BELTZHOOVER,] who seems to father it, I have failed to discover him. It is signed by no one. It is drawn evidently as an attempted answer to the report of the majority after it was printed, in order to make the best show possible for contestee. But still let it be assumed that the other Democratic members of the committee constitute with him the minority, for that will be safe, whether they have ever examined the case and made up an opinion on it or not. At least I am willing to so assume for the purposes of the argument.

Mr. BELTZHOOVER. Do I understand the gentleman to say that there is no minority report?

Mr. RANNEY. I said there was one, which is signed by nobody.

Mr. BELTZHOOVER. I wish to say that the minority report was regularly presented and voted for by the Democrats present at the time—unfortunately only two were present—there being only four on the committee out of fifteen.

Mr. RANNEY. If the gentleman had heard what I said I think he would not disagree with it. I will and do assume that his Democratic associates did not and will not join in support of the majority report. I do not know that they ever voted against it, except that one of them voted once to make a quorum, saying he had not examined the case and reserved the right to do so afterward. He has not been heard from since. Let him speak for himself now.

I wish to treat the minority report with all fairness and respect. The case was so clear that the gentleman from Texas [Mr. JONES] and the gentleman from Virginia [Mr. PAUL] felt constrained to give their assent to the majority report, and with all respect to the minority, whoever they may be, I must say that I do not see how any unbiased man, how any fair-minded judge, could do otherwise.

The duplex majority report was drawn one part by Mr. THOMPSON and the other by myself, differing only in language and mode and fullness of treatment. Instead of being consolidated they were both sent in together. This much is due in explanation.

There is a general view of this case which I desire to advert to as affecting and furnishing a basis of probabilities, and as a part of history affecting this contest. I read from my report:

From the record testimony in the case, it appears the counties of Dallas, Lowndes, Hale, Wilcox, and Perry make up the fourth Congressional district of Alabama; that the electors of each of said counties are chiefly of the African race, and, as would seem, cast Republican ballots for their party candidates to the extent of from 95 to 97½ per cent. of their vote when permitted to do so; that the electors in each of said counties are largely Republican in politics, and in the district, the five counties combined, have a joint Republican majority of at least 15,000 votes; that the white electors in each county of the district chiefly cast Democratic ballots for their party candidates. (Record, Rapier's ev., pp. 151–155; McDuffie, 211–210; Record, pp. 169, 170.)

The evidence given upon some of the general facts stated above is a matter of opinion, it is true, but the same comes from men apparently well able to judge, and is not controverted by other evidence.

It has been stated, and is notorious as matter of history, as claimed by contestant, that when the Democratic party came into power in 1874 the work of reorganizing the Congressional districts was speedily commenced, the object being to make all the districts Democratic. After the most laborious and careful investigation of this matter it was found impossible to do so, and it was then considered best to put into one district all the large Republican counties adjoining each other, to be called the fourth Congressional district of Alabama. The acknowledged Republican majority in Dallas County was at the State election of 1874 4,957; in Hale County, 2,304; in Lowndes County, 2,953; in Wilcox County, 2,126; in Perry County, 2,606; making a clear Republican majority in the district of 14,946 votes.

At the Presidential election in 1876 Hayes, Republican, received a majority over Tilden, Democrat, of 9,446 votes; and in the same year, in the State election, Woodruff, Independent, receiving Republican support, had a majority over Houston, Democrat, for governor, of 9,115 votes. (Record, p. 170.)

In the Congressional election of the same year Rapier, running as the regular

Republican nominee, and Haralson, running as a bolting candidate, (both persons of the negro race,) the joint majority over Shelley, Democrat, was 6,256 votes. The census returns of 1880 show that there are now in the counties composing the district 135,881 persons of the negro race, and 32,855 white persons, disclosing a very large increase of the negro race, so that on a calculation it may be assumed that there is, in fact, now a majority of 18,000 negro Republican voters over white Democratic voters in the district. (Record, pp. 169, 170, 178.)

It cannot be said that contestee got many colored votes, for his whole vote was less than one-third of the electors in the district, and Mr. Stevens, the third candidate, got at best only 1,693, and was only nominally a candidate. The aggregate vote cast, as pretended, was some 13,000 less than the whole vote of the district, and this at a Presidential election.

There does not appear to have been violence or intimidation, or ballot-box stuffing, as a general rule, but an opportunity for a free ballot was offered when the poll was opened. There seems to have been a disposition to vote on the part of the colored electors when permitted to do so. One instance of their efforts in Dallas County may be mentioned:

The electors came before nine o'clock a. m., to the number of over or about 400 voters, for the purpose of voting, but were discouraged by being informed that an election in the absence of inspectors would be illegal. A delegation of them went several miles to seek legal advice, and after doing so came back and was about to open the polls, and was then informed that they could not do so, because the hour of nine o'clock a. m. had passed, and no election could be held or polls opened after that time; no poll-boxes were furnished or blanks for returns. They then organized, and a list of the names of voters in the precinct was taken, and an expression of preference from each as to his choice for Representative in Congress, and that 300 registered and expressed their choice as being Mr. Smith, while not one expressed a willingness to vote for Mr. Shelley.

We do not count these in our computation. There was no such division of sentiment as to distract the colored voters and dissuade them from voting. It is charged by contestant, with some apparent truth, that Mr. Stevens was the employé, the hireling for compensation, of the Democratic organization, to play the rôle of a nominee, and bolstered up by them to aid him in that rôle. At any rate he seems to have had but a scanty and weak support, and his candidacy fails wholly to account for the smallness of the colored vote. Mr. Shelley got apparently little more than the white vote, after allowing for the falsified returns and count shown in some quarters. It is not to be supposed that contestant has adduced proof of all the irregularities and frauds committed. He has proved some striking instances, and as none others are proved it would not be right to assume more to exist, significant as they may be of the existence of a want of political honesty in the district, and hard as it is to account for the loss of the Republican vote (13,000) on the returns made of the election. I will not travel outside of the case myself and indulge in wholesale charges against the people of the district or the State. I have no disposition or unkind feeling which would induce such a course.

The wonder has been how a Republican district, with so large a majority, and so made purposely, could be carried each election by the opposite party. Various excuses or reasons have been alleged for it; but this contest may possibly serve to solve the question in the minds of many or most.

I beg leave to introduce and read a statement of contestant in his brief. He was a native of the State, and speaks from apparent knowledge. Let it be understood that I do not indorse his assertions, for I have no knowledge outside of the contests from Alabama which I have examined. I give them as a part of the brief before the House:

It is a most notorious fact that fair elections and an honest count of ballots cast ceased in the fourth district after the year 1876. Bulldozing, intimidation of electors, tissue ballots, unfair elections, and a dishonest count of ballots cast became and is the rule. It is a most notorious fact that the statute laws of Alabama in reference to elections are especially enacted with a view to unfair elections, and although glaring frauds, boastingly perpetrated, smell rank and appear shocking to all fair-minded men of the Democratic party, and although the actors tell their election crimes in public streets and highways, "no guilty man has been punished." Persons of the negro race are chiefly the voters of Republican ballots in the fourth district of Alabama, and Bourbon sentiment runs counter to their right to vote at all, and when permitted to vote the vote is dishonestly counted, the Constitution and laws of the United States, Democratic and Republican political platforms "to the contrary notwithstanding."

Election officers do not respect their oath, nor fear legal punishment. The man who is most highly educated in the art of election frauds, and who can best discover and elegantly execute a new manner of defeating the electors' will, as intended to be declared at the ballot-box, is on the high road to Democratic promotion. The Bourbon Democrat who commits the most glaring outrage on the negro electors at a precinct election, the inspector at a precinct election who falsely counts the ballots cast by the negro electors, the supervisor of election returns who on the most flimsy pretext throws out the returns from a precinct election where the negro Republican vote greatly exceeds the white Democratic vote, is entitled to, and is most certain to have conferred upon him, the "star and garter" of political honor by his Bourbon Democratic leaders for gallant and meritorious conduct in the field of duty; and if any attempt be made to punish such offenders in the courts of the United States they are considered martyrs by a partisan press; county and district Democratic executive committees make collections in money for the expenses of a defense, while leading Democratic lawyers volunteer to proclaim the martyr's innocence.

The House will bear me witness that in discussing election cases I have in no instance gone outside the record of the case to assail anybody or any people, or to make political capital. I shall not do it now, and I come back to the case specifically in hand.

I only ask members of this House to couple these general facts and probabilities with the specific facts proved, and to which I have adverted with the evidence which proves them. I refer to the majority report, especially to my part of the same, as moderate, fair, and judicial, in tone and treatment. If I have seemed to argue the case here and now, it is only because I am called upon to maintain the report as against opposition and counter assertion on the other side, and a minority report such as we see here. When this case was reported to the full committee, I thought there was one more case in which there ought to be a unanimous report, and that if any member on the other side could justify himself in voting for contestee, I should despair of ever finding a case where he could be convinced that a member of his party should be unseated, provided he held a certificate.

The majority of the committee, in obedience to the evidence and the law, as they believed, have joined with the other side in deciding in favor of a Democratic member, in nine out of sixteen cases determined, have in one case decided against both parties, while six cases have been determined in favor of persons who happened to be Republicans or Greenbackers, and four cases remain undecided. The other side joined in the decision in favor of the contestee in Anderson *vs.* Reed, but the contestant there was not a Democrat.

Now, sir, I would not mention these facts did not the gentlemen on the other side, in every case which is decided adversely to their political interest, get up here and talk of partisanship, and treat it as impossible that a committee could report honestly and fairly against one of their partisan friends.

At the same time they decline even to take up and consider a case where a report adversely to one of their number is made. The country will judge what the motive and reason of this conduct is. All I care to say now is that here is a case where, in my opinion, there is no debatable ground. If my statement of facts is not verified or justified, let gentlemen get up here and show it by other than assertions and general fault-finding. They talk about men on this side voting without reading the record; let them read this record and the reports, meet us in discussion, and either show that the report is wrong or sustain it and do justice. They talk about following the law and the evidence. Here the evidence and the law are all one way, and not controverted. To vote in favor of contestee they must disregard the law and simply declare that they will believe no evidence which leads to unseating a Democrat from the South, especially if it is given by a colored man.

Before closing I wish to say in justice to the contestee that I do not mean to be understood as implicating him in any frauds proved or charged. From what I have seen and know of him I believe him to be an honorable man and a gentleman and above such things. Neither do I make any general charges against the people of Alabama as a whole. I have no disposition or inclination to do so. The truth is, a few bad men, partisans, take the management of these elections and manipulate the frauds, often while the better people outside know little of them. Fortunately bad men nominate and elect intelligent and good men generally in preference to those of their own ilk.

This House in adjudging these cases have nothing to do with the problem of negro suffrage. It exists in Alabama by virtue of the laws of Alabama. With those laws I have nothing to do. This great problem has got to be worked out. I have my views on that subject, but this is no time to discuss it. Notwithstanding the remarks which we heard yesterday in behalf of South Carolina about the Caucasian race and the barbarian negro, as he was called, while the colored man has the right of suffrage in Alabama equally with the white man, whether illiterate or learned, this House in judging of elections is bound to count his vote and give it its full effect in determining majorities. If what is proved in this case in regard to the state of things in the fourth district of Alabama is true, there is no such thing as a free ballot and an honest count for the colored man there. And it would not seem to be confined to that district, or State either, judging from other cases examined by the committee.

It may be true, and the time may come soon, unless this state of things ends, that Congress will have to pass acts to regulate Congressional elections, and provide a mode of conducting them. Disagreeable as the examination of these election cases has been to me, they have been highly instructive. They are very suggestive of what ought and must needs be done to preserve the purity of the ballot-box, unless the manhood and honor of the people and the dictates of patriotism suffice to cure existing evils.

The laws of Alabama regulating elections seem to be designed and may be well enough for honest men. They are severe in their penalties on fraudulent voters, but not so with the officers of elections. The law prescribes duties as to them, but either light or no penalties, and not such as to enforce obedience or inflict punishment for disobedience.

Mr. OATES. I desire to ask the gentleman from Massachusetts a question. Do I understand him to insist that if an inspector of elections in Alabama perpetrates a fraud in the conduct of an election he cannot be indicted under the State law?

Mr. RANNEY. I do not so state as to all frauds. There may be some kinds which the law does punish. There is no penalty if an inspector neglects to serve, as was done in this case.

Mr. OATES. If he does serve and commits a fraud, does the gentleman say there is no law to punish him for it?

Mr. RANNEY. For some frauds it does prescribe penalties. The gentleman should be more specific as to what kind of frauds he comprehends in his question.

I do not propose to go into an examination of the laws of Alabama. We have nothing to do with them, save so far as they relate to Congressional elections, and to see that elections were conducted in con-

formity therewith in all essential particulars. I am glad to know that fifteen or twenty of those who perpetrated frauds in the election now being considered have been indicted, but I believe it has been done in the United States courts, for violation of Federal laws. They are said to be in no danger in the State courts.

I beg leave to insert in my speech a memorial presented to the Legislature of Alabama, after the election of 1880, relating to the state of the laws and the fraudulent practices in that State, signed by a distinguished and honorable citizen of that State, that will throw more light on the general subject than I can perhaps. He is a man of great intelligence and knowledge, widely known, and is high authority. This memorial was acted upon near the end of the session in the house, which had but one Republican member, but a bill which passed failed in the senate, and the laws still stand unchanged. Not wishing to go outside of the limits of this case in my discussion, I commend to the perusal of the gentleman [Mr. OATES] and to the House the memorial of General Withers referred to, which I will not stop to read:

HONEST VOTERS.

To the Senate and House of Representatives
of the General Assembly of the State of Alabama:

By virtue of the constitutional guarantee of the right of petition, your memorialist most respectfully represents to your honorable body that he is a resident of Mobile, a native of Madison County, and continuously from his birth a citizen of this State; that as a citizen of the State he is entitled to exercise fully, freely, and safely all the rights and privileges guaranteed to that portion of the people recognized by the constitution of the State and the laws made in pursuance thereof; that for the proper exercise and enjoyment of the said rights and privileges it is the province of the law-making branch of the State government, by the necessary and proper legislation, to give to the said electors, and to your memorialist as one of that number, a reasonable assurance of the safe-keeping, correct counting, honest announcement of the result, and faithful official return of the said result of the ballots cast by them, and each of them severally and collectively; that without such reasonable assurance as aforesaid the elective franchise can but be esteemed of too little worth to draw off from their ordinary avocations to the annoyances of the hustings other than the aspirants for office and place, and their paid or expectant agents or assistants, unless a servile public sentiment, is, through cunningly devised methods, so brought to bear on the timid, quiet, peace-loving, and unaspiring portion of the electors as to force them to a concealment of their indifference or repugnance, and to the affectation of an interest and zeal in obeying the behests which they have not the manly courage to resist.

Your memorialist further respectfully represents to your honorable body that either from defect in the election laws of the State, or from defect in the so-called registration law, or from want of other necessary and proper safeguards and penal sections, elections in this county, and, as he is informed and believes, and so states, elections throughout the State have ceased to be considered by the electors as furnishing true and faithful expositions of their will as evidenced by the ballots actually cast or deposited by them. Not only so, but your memorialist regretfully makes known to your honorable body that from the declarations and depositions of well-known and reputable citizens and electors conviction beyond question of doubt has been forced upon him that fraudulent tamperings with the ballots cast have on divers occasions been made the means of changing the results of elections as rightly and rightfully decided by the electors.

And your memorialist further represents that such practices have, as is asserted and believed, become so habitual as to have seriously impaired if not wholly destroyed confidence in the possibility of any election, which is of sufficient importance to excite the interest of contest, being held and conducted and officially declared with that integrity which does or can give appreciable worth or value to the exercise of the elective franchise.

Your memorialist further respectfully represents to your honorable body that such fraudulent practices can have none other corrollary than bribery and perjury, and that when these crimes are justified, excused, or shielded from punishment, there can but prevail a vitiated and vicious public opinion, wholly incompatible with that reverence for law, and of those felt and acknowledged moral obligations which are the safeguards and life of the civilization of Christianity.

Your memorialist is anxiously intent in keeping within the strictest defined limit, legitimately circumscribing the secured right of petition; and therefore circumspectly abstains from officious suggestions of possible remedies for the evils complained of, or for guarding against those which may be apprehended from a radical change in the election laws and methods now maintained. Your memorialist is earnestly solicitous to be secured in those rights and privileges for the better security and maintenance of which Washington and Madison, Samuel and John Adams, Franklin and Hamilton united in causing it to be incorporated into the Constitution, that "the United States shall guarantee to every State in this Union a republican form of government;" and your memorialist, deeming it more befitting that he should first make appeal to those immediately invested with the power and authority to give him the proper relief when there is an invasion of his rights and privileges by any departure from or infraction of the spirit of representative democracy, as intended to be so established and perpetuated by the fathers, does now, therefore, respectfully present this complaint; and earnestly appeals to your honorable body for such relief and security in the premises, as to your wisdom may seem just and expedient. And, as in duty bound, your petitioner will ever pray, &c.

JONES M. WITHERS.

MOBILE, ALABAMA, *Saturday, February* 5, 1881.

No selfish motive, or other than a desire to promote the highest good of the State and country, can be justly alleged as the inspiration of this memorial. The author was not a candidate for office and was in no way connected with this or any other contested election which comes from that State. It was written after the elections were all over. He shows that he is convinced that the laws of Alabama are defective and operate in the interest of fraud, and that frauds had been rife in the past. I commend what he has to say to the deliberate consideration of all fair-minded men, as an answer to the query of the gentleman from Alabama [Mr. OATES] and otherwise. If what he says is true, and what the present case discloses is regarded, the principle of an elective government is ignored and grossly violated in the fourth district and elsewhere in the State. While suffrage is extended in name and form to the colored man, bad men conspire and succeed in practically depriving him of all substantial benefits of the same. "The right preservative of all rights—the right to a free ballot and an honest count," is not maintained as to him and is also denied in its integrity to the great mass of the people.

Rivers and Harbors.

SPEECH
OF
HON. MILTON G. URNER,
OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 25, 1882,

On the report of the committee of conference on the river and harbor bill.

Mr. URNER said:

Mr. SPEAKER: I desire to say a few words in support of the amendment added to this bill in the Senate, providing for "improving the Potomac River in the vicinity of Washington, with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats," &c. It has been contended that this amendment does not properly belong to a river and harbor bill, and that the legislation sought should be secured by a separate measure. I confess, Mr. Speaker, I would have preferred and had hoped that the bill for the reclamation of the flats, and the consequent improvement of the sanitary condition of Washington, would have been pushed to a successful issue; but it has not been, and we now find through the liberality of the Senate an amendment which promises partial relief, and I give it my earnest, unqualified support. Why should not the amendment referred to be upon this bill? The title of the bill reads:

An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

What does the amendment contemplate? It says:

Improving the Potomac River in the vicinity of Washington with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats, &c.

Is it not germane to the bill? From the remarks of gentlemen who have preceded me it would be supposed the sole object of this amendment is to raise the flats and improve the sanitary condition of the city. Does not the navigation of the Potomac need improving? Is not that part of the amendment in the interest of commerce? For years Congress has been appropriating money for dredging the Potomac. The mud that has been deposited in the channel of the river has been dredged out, and at the cost of much labor and expense floated down the river on rafts, and yet the channel has continued to become more shallow and navigation more and more obstructed. A distinguished Senator recently said in discussing this proposition:

I cannot understand why a proposition that relates to so great a river as the Potomac and to a port like the port of Washington is not one cognate and proper in the river and harbor bill. Why, sir, have we not here a harbor; have we not here a great river? We once had one of the most magnificent harbors at Washington City upon the whole Atlantic coast. Seventy years ago the water was deep enough for the whole navy of British men-of-war to float in sight of the Capitol of the country.

Forty years ago there were forty feet of water at the navy-yard, and there were twenty-four feet at Georgetown and at the bridge, and now we have not more than four or five feet of water there, and not more than fourteen feet of water at the navy-yard. Forty years ago the largest ships that ever carried the flag of our country across the sea could ride in safety there, and not more than two months since a gentleman's yacht went aground in the harbor. In the olden time Georgetown was a great commercial city; Alexandria was ahead of Baltimore as an importing and exporting city. Congress has neglected its navigation. It has allowed the river to fill up by the wash of the country above and by the sewage of this city, until now a fishing smack can scarcely go up this stream to Georgetown.

It has been the neglect of the Government that has destroyed the commerce of Georgetown and Alexandria. It has been the neglect of the Government that has destroyed the health of the city of Washington. In my judgment, since I have been in Congress not less than ten or twelve members of the House and Senate have died of the poisonous malaria inhaled from these swamps. I have been sick myself; I am sick to-day; and the poison comes from malaria brought in every day through the winds that bring us the air that flows over these deadly swamps of the river.

I think the city of Washington and the country generally owe my friend from North Carolina a debt of gratitude for pressing this measure with such persistency in the Committee on Commerce and before the Senate. I hope to see Congress take this river in hand, confine its waters into a channel, and let it scour itself out and make a harbor to a depth of water that shall again invite the largest ships that float up to this point. There is nothing to prevent this. Here is our navy-yard. We build ships here and have no water to float them out to sea. I hope to see the day when these flats will be entirely reclaimed, when the navigation will be opened up to commerce again, and when Alexandria shall be a city of importance as a commercial town, and when the health of this city shall be perfect, and when we shall have abundance of water. I am willing to vote any reasonable amount to accomplish that.

But some gentlemen seem to think there is no commerce here requiring a navigable river. Here they make a great mistake. There are few provisions in this bill of greater merit than this when we look at its commercial aspects alone. There are but three States in this Union—Pennsylvania, Illinois, and Ohio—that produce more coal than the State of Maryland, and every pound of coal produced by that State is furnished by the district I have the honor to represent. According to the recent census the production in 1880 was 2,136,160 tons. That coal must be transported to its eastern markets, and the Chesapeake and Ohio Canal is one of the principal means of transportation, having its western terminus at Cumberland, near the coal fields, and its eastern terminus at Georgetown. In 1874 Hon. A. P. Gorman, the able president of the canal, said in

a statement made to the Committee on Transportation Routes to the Seaboard of the Senate:

The annual tonnage of the Chesapeake and Onio Canal with its present imperfect connections from only a part of the Cumberland coal basin, and its entire exclusion from the trade of the southern or Piedmont end of the basin, is 1,000,000 tons.

If extended as proposed * * * it is safe to say that at least 3,000,000 tons of coal per annum alone would pass over this canal, at a reduction of not less than $2 per ton, thus saving to the consumers $6,000,000 per annum.

In the statement referred to President Gorman, now one of the Senators of my State, in a very clear and able manner shows the feasibility of the extension of the canal to the Ohio River as a great central water-line to unite the valley of the Mississippi with the Atlantic seaboard. When that extension is made the canal will be of much more importance as a means of transportation than at present.

I am indebted to the able and obliging treasurer of the canal company, Benjamin Fawcett, esq., for the following figures, showing the present trade of Georgetown by means of the canal:

The average coal trade of Georgetown for the past eight years is 728,143 tons. The whole tonnage for that time being 5,809,143 tons.

The average value of this coal on board ship at Georgetown would be about $4.50 per ton.

Annual value		$3,276,644
From the above sum the boatmen receive annually about	$725,000	
Canal Company for tolls	350,000	
For discharging at Georgetown	200,000	
Cumberland and Pennsylvania Railroad for transporting coal to Cumberland	300,000	
Miners for digging coal	475,000	
Incidental charges	250,000	
		2,300,000
Netting about $1.33 per ton to coal companies		976,644

Part of these figures are estimates, but the tons of coal shipped are the actual quantity manifested at Cumberland.

You will see the very large amount of money distributed yearly to a large and industrious class of people, amounting in the aggregate to very nearly two and one-half millions.

The average trade of Georgetown in wheat by canal alone for the past eight years is not less than 450,000 bushels; corn for same time, 215,000 bushels. The average yearly value of this trade is not less than $750,000. There is also quite a trade to Georgetown by canal in cement, wood, limestone, lumber, building and rough stone, amounting to a probable annual value of $250,000.

It appears from these figures that the annual trade delivered at Georgetown by canal alone exceeds four millions in value, and at times of high prices will reach much larger figures.

The wheat and corn trade of Georgetown is much greater than that by canal, probably three times as large, as they have a very large wagon trade besides importing large quantities by vessels from North and South.

The canal traverses a great, rich, populous agricultural country whose resources are almost incalculable. This Congress at its present session has authorized another railroad to enter the District of Columbia and have depot accommodations in the vicinity of the Georgetown Harbor, which will very greatly increase the trade and commerce of that port. And yet the channel of the river is suffered to fill up by the dirt and mud washed from the country above, and when Congress is asked to appropriate in a river and harbor bill for the improvement of the navigation of this great and historic river that flows right by the capital of the nation, we are told it should not be done, because while we are improving navigation and promoting commerce we are at the same time beautifying the capital and rendering it more healthful.

Gentlemen can vote without compunction for the improvement of "Buttermilk Channel," "Sheepshead Bay," "Marcus Hook," "Muskingum," "Waukegan," "Ahnapee," "Cheesequake's Creek," "Duck Creek," and all the other creeks and rivers "way down to the Suwanee River," but higgle and quibble when asked to vote for an appropriation for the great Potomac, because when they are regulating commerce they are at the same time promoting the general welfare.

I do not object to these items and shall vote for the bill as an entirety, although I have no doubt some of the items of appropriation might be dispensed with without detriment to the public good. But it is impossible to get a bill that will meet the approval of every individual member in all its details. As a whole I believe the bill a just one, and shall vote for it. I do not believe there is any bill before Congress that will be so promotive of the general welfare of the country as a river and harbor bill when judiciously drawn.

The general policy of opening the navigable streams of the country and giving the people cheap water transportation I heartily indorse. I believe in a generous system of internal improvements in the interests of commerce and the general welfare. These great works are national in their character and should receive national aid, and while being prosecuted give employment to multitudes of deserving laboring-men all over the country. But the items I referred to do not compare in importance with the proposition to improve the navigation of the Potomac right here at the capital.

By the improvement contemplated it is proposed that instead of carrying the mud obtained in dredging the river down below Alexandria, as heretofore, it shall be deposited upon the flats near by, thereby filling them up and reclaiming them and obtaining for public uses a large tract of valuable land.

I think I have shown that commercial interests are to be served by the improvement contemplated, but I would favor it independent of the commercial aspects of the question. I am glad I have not become afflicted with narrow views concerning the wants and demands of this District. I represent a constituency who are broad-minded and generous, and I have always tried to reflect their sentiments upon all public questions here. I recognize this city as the capital of a great nation numbering at present fifty millions of freemen and soon to be a hundred millions, and I would by wise and generous legislation so promote the public weal here that all the waste places should soon be reclaimed and made to blossom as the rose.

Washington should be, as I trust it is rapidly becoming, not only worthy of him whose name it bears, but the pride of every American as the most beautiful city of the world.

The gentleman from Georgia [Mr. BLOUNT] seems to think this city needs no sanitary improvement, and quotes some figures from the American Almanac for 1882 to show there are some American cities whose rates of mortality are greater than those of Washington. But he failed to tell us that by the book from which he quoted it appeared that in 1880, of thirty-three principal cities named, in nineteen of them the rate of mortality was less than in Washington.

In 1879, of thirty-two cities named, the rate of mortality was less than here in all except four. In 1878, of twenty-seven cities named, the rate of mortality was less than in this city in all except four; and in 1877, of thirty cities named, the rate of mortality was less in all of them, except three, than in Washington. It is not contended that all persons die who sojourn here, nor is it claimed that the capital of the country is the most unhealthful of all the cities of the land. Would gentlemen have it so before they will be willing to grant relief?

One thing is certain, and that is the flats are an eye-sore and disgrace to the city. They are a nuisance upon grounds belonging to the Government of the United States, and it is the duty of Congress to abate them. The people of the country expect it, and the citizens of this District demand, as they have a right to, that the United States, having exclusive legislative control here, shall not by the non-action of Congress maintain a nuisance. These flats are offensive to the sight, offensive to the smell, and by their foul, miasmatic emissions cause malaria and death.

But some gentlemen say we propose at the expense of the Government to improve private property. Certainly those who interpose this objection have not examined the question. The amendment makes it the duty of the Attorney-General to see that the rights of the Government are in all respects secured and protected. The only pretended claim of title to any portion of the land proposed to be reclaimed is that known as the "Kidwell Bottoms." I shall not attempt now a discussion of this claim, but shall embody in my remarks a letter and memorandum from the Commissioner of the General Land Office which give the history of the issuance of the patent under which a title is claimed adverse to that of the United States:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 18, 1882.

SIR: The patent to John L. Kidwell for the Kidwell Meadows, so called, containing 47.71 acres, lying south of the National Observatory, and extending from opposite Twentieth to Twenty-sixth street west, appears from the records of this office to have been issued under the provisions of the joint resolution of Congress of February 16, 1839, (5 Stats., 365.) The proceedings relative to this application and payment for and the survey and patenting of this tract were under regulations prescribed by the Secretary of the Treasury in August, 1839, for carrying said joint resolution into effect.

The joint resolution related to certain acts of the Legislature of Maryland respecting titles to vacant lands which were in force in the District of Columbia by virtue of the provisions of the act of Congress of February 27, 1801, (2 Stats., 103,) continuing in force the laws of the State of Maryland within that portion of the District ceded by said State to the United States.

The laws of Maryland prescribing the method of securing titles to vacant land, and which were operative in the District of Columbia as above recited, were, among others, the acts of November, 1781, chapter 20, and November, 1788, chapter 44. The act of 1881, "to appropriate certain lands to the use of the officers and soldiers of this State, and for the sale of vacant lands," was construed to mean that all lands within the State in Washington County westward of Fort Cumberland were appropriated to discharge the obligations of the State to officers and soldiers, and the residue after completing that engagement to the use of the public. (Kiltz's Land-Holder's Assistant, page 308.) The thirteenth section of the act of 1788 removed the limitations of the former act and made all vacant land in the State, as well westward of Fort Cumberland as elsewhere not affected by outstanding warrants, subject to be taken up in the usual manner by warrant at the price of three shillings and nine pence per acre. (*Ibid.*, 315.)

The warrants referred to were orders of survey to be issued on the order or "titling" of the Treasurer, and were restricted by the third section of the act of 1781 to vacant cultivable lands, the technical phrase being "warrants of vacant cultivation." (*Ibid.*, 309.)

The joint resolution of Congress of 1839 authorized certain officers therein named to perform the duties which had been required of State officers under Maryland laws, and empowered the Secretary of the Treasury to make the necessary regulations to carry the Maryland acts into effect. It was provided in the joint resolution that "any land which may have been ceded to or acquired by the United States for public purposes shall not be affected by said acts."

The Treasury regulations defined the proceedings necessary in obtaining titles to land under said joint resolution. Assuming that these laws and regulations authorized and provided the means of securing individual titles to islands, flats, and marshes in the Potomac River within or adjacent to the city of Washington, several applications for orders of survey were made from time to time, which were granted, but under which no surveys were executed. These orders provided that the land to be surveyed must be firm land not subject to tidal overflow. In some instances surveys were returned, but were rejected by the Commissioner of the General Land Office on the ground that the land was submerged by tidal flow, and was therefore not subject to survey and disposal under the Maryland acts and joint resolution of Congress. The application of Mr. Kidwell for a patent for the so-called "Kidwell's land," being the bar on the upper side of the Long Bridge, was rejected for this reason.

On September 10, 1867, Mr Kidwell applied for a warrant of survey for the tract known as "Kidwell's Meadows," and which was described in the application as

an island in the Potomac River, between Washington City channel and the swash channel, commencing nearly opposite Fifteenth street west and extending to a point where D street north strikes the canal or river. The order of survey was issued September 12, 1867, and its execution was made subject to the usual provision that the land to be surveyed should be "firm land and not subject to tidal overflow." The survey was returned by the county surveyor October 19, 1867. An examination of this survey was deemed necessary, and Mr. S. J. Dallas, principal clerk of surveys in the General Land Office, was designated as examiner-general for this purpose. Mr. Dallas made the examination, and on February 28, 1868, reported to the Commissioner of the General Land Office that he found the premises to be under the ice in the Potomac River, presenting no appearance of land, but submerged and subject to tidal overflow, and "of course not fit for 'vacant cultivation,' as required by the third section of the act of 1781." He also found that the survey had been "returned in total disregard of the law and of the instructions embodied in the warrant of survey." The survey was accordingly rejected.

On October 17 and 24, 1869, a re-examination was made at the request of Mr. John Wilson, attorney for Kidwell, and upon this re-examination the examiner-general rescinded his former opinion and approved the plat of survey. In this re-examination, made under more favorable conditions than the examination in the original instance, he found the "Kidwell Meadows" to be from three and a half to four feet above low water, and from a foot to a foot and a half above ordinary high water, as near as he could judge, owing to the density and vigorous growth of wild rice and other weeds which impede a clear view of all parts of the meadows. He did not think the land fit to produce successful crops of corn, but thought it susceptible of producing fodder and affording pasture for cattle.

Upon the re-examination and the approval of the plat of survey by the examiner-general, patent was issued to Mr. Kidwell December 6, 1869. The amount paid for this tract was $23.86, or fifty cents per acre.

In reference to this patent, and to similar applications, Mr. Commissioner Drummond, in a letter to Mr. A. R. Shepherd, dated January 22, 1873, said: "All applications made since I assumed charge of the Land Office in February, 1871, have been refused for the following reasons:

"1. Because the land was subject to every-day's overflow by tide-water, and therefore not in a condition to be surveyed.

"2. Because I thought that the disposition of the land was not clearly authorized by law.

"3. Because I did not deem it proper to dispose of lands situated in the immediate vicinity of Washington, at a nominal sum, to private parties who could hold and use them so as to impede and obstruct harbor improvements, unless the law clearly and imperatively made it my duty to do so."

The foregoing statement comprises the facts of record in this office relative to the patent issued to John L. Kidwell for the "Kidwell Meadows," so called.

The brief time I have for the consideration of the subject does not permit me to express an opinion upon the legal points involved in the case.

Very respectfully,

N. C. McFARLAND, *Commissioner.*

Hon. M. W. RANSOM, *United States Senate.*

MEMORANDUM.

The title of the United States to the bed of the Potomac River through the District of Columbia was derived from the cession of jurisdiction by the State of Maryland.

The United States has such title to the soil under the navigable waters of the Potomac River within the District, and to the islands, flats, bars, and marshes in said river, as the State of Maryland had.

The alienation of the sovereign title to the shores of navigable waters and the soil under them, or the disposal of the flats, bars, and marshes within such waters, was not authorized by the general land acts of the State of Maryland.

The laws of Maryland providing for the disposal of vacant lands, and which were adopted by Congress for the District of Columbia, authorized the disposal only of lands of a certain defined character.

The United States could dispose only of such lands within the District under those laws as the State of Maryland could have disposed of prior to the cession under those laws.

If the tract now in question could not have been disposed of by the State of Maryland under the act of 1781, it could not legally have been disposed of by the United States under the joint resolution of Congress of 1839.

The land that could have been disposed of under the general land acts of Maryland was land suitable for occupation and cultivation. It was not land that by the accumulations and hardening of future years might become suitable for cultivation, but land actually cultivable. The term "vacant cultivation" as authoritatively construed, implied unappropriated land that could be cultivated.

If the "Kidwell Meadow" was in 1869 a strip of marsh in the Potomac River, subject to overflow by tide-water, it was not cultivable land authorized to be disposed of by the Maryland acts and the joint resolution of 1839.

If the land was not of the character authorized to be surveyed by said laws, and the instructions issued thereunder, that is to say, if it was not "firm land and not subject to tidal overflow," its survey in 1867 was illegal and the approval of said survey in 1869 was without authority.

The public land laws of the United States are not operative in the District of Columbia, and the disposal of land, the property of the United States therein, can only be made by special authority of Congress. Patents for lands in said District cannot issue without express provision of law.

If the patent to Kidwell was not for land authorized to be disposed of by the Maryland acts and the joint resolution of 1839, its issue was without authority.

The land must also have been vacant, unappropriated land. The Maryland acts contemplated only the disposal of lands of such character. It was further provided in the joint resolution that "any land which may have been ceded to, or acquired by, the United States for public purposes shall not be affected by said acts."

The Potomac River in its course through the District is appropriated to the public uses of navigation. The alienation of the title of the United States to the flats, bars, and marshes therein would impair those uses by impeding harbor improvements and interfering with the removal of obstructions.

The United States is the proprietor of the land adjoining the Kidwell Meadows, so called, having acquired the same for the uses of the Naval Observatory and other public purposes.

The land in question is of alluvial formation. If in 1869 it had been raised above low-water mark by gradual accretion, it had become attached to the adjoining property through riparian rights, and would for that reason have been taken out of the class of lands subject to the operation of the Maryland acts and the joint resolution, first, because the title to the adjoining property had passed from the State of Maryland to private proprietors prior to the cession, and, second, because of the public uses to which the adjoining property had been dedicated by the United States.

The segregation of such land and its disposal at private sale would have required special authority of Congress, without which an attempted sale by the executive officers of the United States would be void.

The patent to Kidwell can be sustained only on the following propositions:

First. That the land was firm cultivable land in 1869.

Second. That it was above high-water mark at that date and not subject to tidal overflow.

Third. That it was unappropriated to any public purpose.

Fourth. That it was separated from the mainland by a navigable channel, and was an island in fact and not an accretion to the mainland.

Fifth. That it was without the municipal jurisdiction of the city of Washington.

Sixth. That the acts of Maryland and the joint resolution of 1839 contemplated the disposal to private persons of the islands, flats, bars, and marshes in the harbor of Washington.

Unless each and all of the foregoing conditions are met the patent to Kidwell was issued without proper authority.

But whether said patent was issued without authority, or whether it is voidable by reason of fraud or mistake, or whether it conveys a valid title to the land, are questions that can of course only be determined by the courts.

In conclusion, Mr. Speaker, whether we look at this question from a commercial or a sanitary point of view it alike challenges our earnest support. There is no provision in the bill of greater merit. There are many items in the bill for the improvement of places of such obscurity that the average member of Congress is only reminded of their existence when he reads their names in the river and harbor bill, and in whose improvement only one member and his constituents have any considerable direct interest. But when we improve the capital of the nation we improve that in which all the people of this broad land have a common interest, and I trust a common pride. Let us then not be parsimonious in our dealings with this District and this city. Let us make Washington, this "only child of the nation," as its founders intended it should be, not only a place of national convenience but of national pride.

Smalls vs. Tillman.

SPEECH

OF

HON. JAMES F. BRIGGS,

OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 19, 1882.

The House having under consideration the contested-election case from South Carolina—

Mr. BRIGGS said:

Mr. SPEAKER: I do not expect, in the limited time allotted me, to cover the whole field of debate. This contest comes from the fifth district of the State of South Carolina. That district is composed of six counties, namely: Colleton, Beaufort, Barnwell, Edgefield, Aiken, and Hampton. The evidence in this case is embraced in this volume which I hold in my hand, of nearly 800 pages, which I have thoroughly examined from beginning to end, to enable me to reach a correct conclusion upon this question. That examination discloses a series of election frauds and outrages of the most frightful character.

There is no complaint made in relation to the county of Beaufort, but as to the other five counties in many instances the county canvassers and the precinct managers paid no regard whatever to the provisions of the State laws and trampled under foot the laws of the United States relating to the duties of supervisors of elections. I hold in my hand a list embracing some twenty precincts where these laws of the United States were utterly disregarded, and where these officers by violence and intimidation were prevented from the performance of their duties. The fourth section of article 1 of the Constitution is as follows:

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Under this grant of power the Congress of the United States has enacted what are known as the election laws, providing in certain instances for the appointment of supervisors of elections. These laws were invoked in this Congressional district, and supervisors were appointed to perform the duties prescribed by law at the several precincts therein. These officers were there for the purpose of securing an honest and a fair election of a member of this House. They were in fact the eyes and ears of this House, to see and hear and note all the transactions that occurred from the opening of the polls until the votes cast were counted and returned, and having been prevented from the performance of those duties by the means before alluded to and which I will hereafter more fully describe, I claim that it is the duty of this House to take the ground, in this case and in all other cases of contested elections, that in any precinct, whether it be in the North or in the South, where the authority of this law is defied and these officers prevented from the performance of the duties therein prescribed, the vote of such precinct shall be treated as fraudulent and illegal and ought not to be counted.

I have not time, sir, to go through with the evidence as to all of these precincts in detail, but I will state briefly that this condition of things existed in many of the precincts of the five counties to which I have alluded. The evidence contained in this record is clear, explicit, and uncontradicted, and I desire to call your attention to a few precincts where these frauds were practiced, and in doing so I

prefer to let the witnesses describe the same in their own language rather than to embody them in my own.

HAMPTON COUNTY.

As to Brunson precinct, in Hampton County, the United States supervisor, E. A. Brobham, testified as follows:

Question. Where were you on the 2d day of November last?
Answer. At Brunson election poll; acted as United States supervisor of election.
Q. Was the election quiet and orderly?
A. It was not. On the evening previous to the day of election several crowds of mounted red-shirters rode into the town of Brunson. Directly after dark they gathered around the depot of the Port Royal and Augusta Railway. They whooped and yelled, hurrahed for Hancock, and cursed Garfield. They fired off guns and exploded powder under an anvil, which explosion sounded like a cannon, and was heard many miles from here. They kept up this shooting all night, and until near sunrise the next morning. I went to the poll at about daylight, and found a great many Democrats there, many of whom seemed to be under the influence of whisky, and seeming to have taken charge of the poll. It seemed to be the purpose of the Democrats to make as much show of violence and force as possible, but not to hurt any one; but when they got their men drunk for the purpose, they could not control them. They knew that the Republicans, having been run over with horses, beaten with sticks, and shot with pistols at this poll on election day in 1878, would be afraid to come to this poll if there was any disturbance about it. They kept threatening to come to my house, which is about one hundred and fifty or two hundred yards from the depot, "and break in on me."
A prominent Democrat sent a colored man to my house with a message to me, saying that I had better go away from home; that those men at the depot had just agreed to come to my house after me, and that if they found me there they would injure or kill me. Two other Democrats came to my house, a few minutes after, and advised me to leave. I told them that I would go, but my family was here. I had no where to take them and would stay with them if I got killed. Shortly after this a crowd came; called to my gate, and said that they wanted to see me. I refused to go out and they left. A few minutes later another crowd came. They came in my yard and knocked at my bed-room window, insisting that I should get up, that they wanted to see me. I refused to get up. They talked to each other a while, and left. I heard one say "Let's go in;" another said "No." After the poll opened the Democrats whom I found there early in the morning kept up a good deal of noise, appearing to be drunk, and behaved very disorderly.
The poll was held in a back room of an old store. The voters had to pass through this old store to get to poll. This old store was full of this disorderly crowd of Democrats nearly all day. No voter was allowed to enter without their consent. Whenever a Republican would appear to the door for entrance they would crowd into the door, yell and jeer at him, and very often they would hold sticks across the door and would not allow the Republican to enter. In several instances Captain John H. Lightsey had to order the door cleared before the Republicans could get in. These blocking the door were mostly by members of Captain Lightsey's red-shirt cavalry company. Captain Lightsey testifies that he came to the poll directly after midnight, and I think he brought his company with him.
After the Republican voter got into the room the Democrats would ask him all sorts of questions, thereby detaining him, worrying him so that several turned and went out and did not vote at all. I noticed one Republican who tried to press through and get to speak to the managers. As he got to the box several Democrats caught and tried to pull him back; he held on to something and they commenced beating him on his head with clubs, and he turned and ran out. They would not allow more than one Republican to enter at the time, and it required considerable nerve to go in to the poll under the circumstances. Several Republicans turned back at the door, and some who entered was so worried that they came out before they got a chance to vote, and never returned.
Q. Was the election fair?
A. It was not; it was as unfair as it could possibly be. The commissioners and managers of election were all Democrats. I, as chairman of the Republican party, applied to the county election commissioner for one Republican on each board of three managers, but did not get one appointed. The Democrats voted two and more tickets folded together, thereby stuffing the box so that a very large excess had to be drawn out and destroyed, which gave them a chance to destroy nearly all the Republican ballots. After throwing out all the ballots that they were certain had been voted inside other ballots, they had 588 ballots against 350 names on the poll list.

As to Beach Branch, in Hampton County, Frank Saxson testified follows:

Question. Where were you on the day of the last general election?
Answer. At Beach Branch poll.
Q. What was your official position at Beach Branch, if any, on that day?
A. A United States supervisor of election.
Q. Was the election peaceful and quiet?
A. No.
Q. Was you allowed to discharge your duty as supervisor peacefully and quietly without hinderance or obstruction?
A. No.
Q. State in what manner, then, you were prevented from doing so?
A. The managers of the election refused to allow me to act as supervisor without going first to a trial-justice and be sworn.
Q. Had you been sworn; and, if so, before whom?
A. Yes; before E. A. Brabham.
Q. And you say you did not act as supervisor?
A. No.
Q. Did you go into the house where the poll was kept?
A. Yes; but when I told them that I had been sworn already, and that I would not go to the trial-justice to be sworn again, they ordered me out of the house.
Q. Did you make any attempt to remain in the building?
A. Yes; I did not go out until I saw that they were going to put me out by force.
Q. Who were the managers of election?
A. Richard Johnson, John Griner, and Dr. W. T. Breland.
Q. How did you know that they would put you out?
A. They said they would do it if I did not go out. Mr. Johnson said that if I was allowed to act as supervisor he would not act as manager, and they stopped the election, and seemed to be in the act of preparing to put me out. I was afraid that if I did not go out they would hurt me.
Q. Was any Republican ballots cast at that poll on that day?
A. No.

As to Stafford's Cross-Roads, in Hampton County, Benjamin E. Taylor testified as follows:

Question. State your residence.
Answer. Stafford's Cross-Roads.
Q. Your occupation?
A. Am farmer.
Q. Where were you day of last election?
A. Stafford's Cross-Roads.
Q. Did you hold any public position?
A. I was supervisor.
Q. Did you meet with any trouble in your duty?
A. Yes; the box was opened, and I was there to examine and see it was opened decently.
Q. Was you inside the building?
A. Was not.
Q. Why was you not inside?
A. Poll was opened in a gin-house that belonged to C. H. Wilcox; place was in charge of Henry Holcome, the manager, and one had poll list; went inside house with the box and set it there and closed the door by putting box in door, thus preventing my going inside.

As to Lawtonville, in the county of Hampton, it is impossible to obtain the testimony of Edmund Glover, the supervisor at that poll, as he has not been seen since the day of election, and to-day he probably sleeps in an unknown and an unmarked grave. The testimony of Erasmus Black, who was an eye-witness of what occurred there, describes what he saw, and I will let him speak for Glover:

Question. Do you know the name of that supervisor?
Answer. Edmund Glover.
Q. Do you know whether or not he remained in the room all day from six o'clock a. m. till six o'clock p. m.?
A. No; he remained there till the row commenced—four o'clock in the evening.
Q. Do you know whether or not he returned after coming out of the room at four o'clock?
A. No; I saw two of the Democrats leading him down. The Democrats were dressed in red shirts. I saw them leading him down the steps.
Q. How do you know that he did not return?
A. After they led him down the steps he went across the field and took to the swamps to save his life.
Q. Did this number of Republicans that you say were there vote?
A. Yes, sir; they were voting until the row commenced.
Q. Did Glover live in Lawtonville precinct before the election?
A. Yes.
Q. What was he doing there?
A. He was teaching a public school.
Q. Do you know that he lives at the same place?
A. He does not live there now.
Q. Do you know what has become of him?
A. No.

COLLETON COUNTY.

As to Snider's Cross-Roads, in Colleton County, Thomas L. Martin testified as follows:

Question. Where do you live; in what county, and where were you on the 2d day of November last?
Answer. I live in Walterborough, Colleton County; was at Snider's Cross-Roads on the 2d day of November last.
Q. Was the polls opened at the usual hour?
A. I don't think it was. I staid about a quarter of a mile from the polls, and started at a quarter after five, and when I got there the managers had voted twenty-one persons.
Q. Then by your time the polls must have been opened about six o'clock?
A. Yes.
Q. You were the Republican supervisor, were you not?
A. Yes, sir.
Q. Did the managers swear the voters at that poll?
A. They did not.
Q. Was there much disorder at the polls, and were there threats made against the Republicans?
A. There was a great deal of disorder all day long caused by drunkenness. As to threats, they remarked that they could kill a Radical as easily as they could drink water; and they also threatened to throw me out, and did lay their hands upon me.
Q. Were you prevented from keeping a poll list there that day?
A. I was.
Q. Did you try to keep a poll list?
A. I did.

As to Smoke's Cross-Roads, in Colleton County, Thomas C. Smith testified as follows:

Question. Where do you live; in what county, and where were you on the 2d day of November last?
Answer. I live in Walterborough, Colleton County; was at Smoke's Cross-Roads on the 2d day of November last.
Q. What time did you go there; how long did you remain; and, if you left, why did you leave?
A. I got there half past five o'clock a. m., and left about three o'clock p. m. I left in fear of my life from violent threats that were used against me as supervisor, claiming that I had no right there, saying that I was only there to interfere with their election and have men reported to the United States court.
Q. Were these threats made by the supporters of Tillman and the Democratic ticket, or by Republicans?
A. They were made by the supporters of Tillman—the Democratic candidate.
Q. Were the managers Republicans or Democrats?
A. Democrats.
Q. Then you do not know of your own knowledge the number of votes legally cast at that poll?
A. No, sir.
Q. In consequence therefore of the violence and threats made there, were you or were you not prevented from keeping a proper poll list, and from acting and performing your duty as United States supervisor?
A. I was.

As to Carter's Ford, in Colleton County, P. S. Robinson testified as follows:

Question. Were you not the Republican supervisor at that poll?
Answer. I was.
Q. Were you able to keep a poll list and keep the names of all the voters at that precinct?
A. I was not.
Q. Did you or any Republican have access to the box for half an hour after the closing of the polls at the count?
A. I did not.
Q. Then no Republican had an opportunity to see the box immediately after the closing of the polls?
A. They did not.
Q. Do you know whether David Walker, Christopher Carrol, Stephen McMillin voted that day at Carter's Ford?
A. I do not, of my own knowledge.

Q. Do you know of any other irregularities that day committed by the managers of election? If so, state them.
A. There were men to my own knowledge who voted stuffed tickets.
Q. Were these men Democrats or Republicans?
A. Democrats.

As to Maple Cane, Colleton County, W. W. Tromer testified as follows:

Question. Where do you live, in what county, and where were you on the 2d day of November last?
Answer. I live in George's Township, Colleton County, and was at George's Station on 2d day November last.
Q. At what time did you arrive at George's Station, and where did you go to find the poll?
A. I arrived here at four o'clock a. m., and came to the town hall, where the voting was held in 1878.
Q. You were the Republican supervisor, were you not?
A. I was.
Q. Did any of the officers of election come to that place; and, if so, who were they?
A. They did; George Rump, one of the managers, and S. E. Parler, supervisor of the Democrats.
Q. Do you know whether or not the manager brought a box with him?
A. George Rump had something under his coat, and came in the door and said, "Move out of the way." I took it to be a ballot-box; unable to say if it was or not.
Q. Did you at any time demand of the manager the opening of the polls; and, if so, at what time?
A. I did, at six o'clock a. m.
Q. What did he say?
A. He said that he could not open it without the rest of the managers were there; he stated that he was not the chairman.
Q. Was the polls opened at that place; if not, how far from that place?
A. About a half a mile from that place.
Q. How long was it after six o'clock before you knew where the polls were opened?
A. By my watch it was a quarter after six a. m.
Q. Did you leave the town hall and go where the polls were opened?
A. I did immediately.
Q. When you arrived there how many votes did the managers claim to have received?
A. Seventy-five.
Q. Did you ask to see the ballot-box and the names on the poll list?
A. I did, but the managers refused to allow me to see them.
Q. Then they refused either to give you the names on the poll list or to see the ballot-box?
A. They did.
Q. Is this a Republican or Democratic poll; and if a Republican poll, by what majority is it generally carried?
A. Yes; about 400 Republican.
Q. By what majority, if any, did the Democrats claim to have carried this poll?
A. I think about 360.
Q. Do you believe that the ballot-box was stuffed before you arrived at the polls?
A. I do, sir.
Q. If the box had not been stuffed by Democratic ballots, and the votes properly canvassed, by how many majority would the Republicans have carried this poll?
A. They would have carried from 350 to 400 majority.
Q. Were there more ballots in the box even at the closing of the polls than there were names on the poll list?
A. There were.
Q. Did the Democratic managers destroy any of the Republican ballots?
A. They did.

EDGEFIELD COUNTY.

As to Johnson's Store, Edgefield County, Willis Gomillion testified as follows:

My name is Willis Gomillion; age, 22; occupation, farmer; and live in Edgefield.
Question. Were you in Edgefield on the 2d day of November last?
Answer. Yes.
Q. Were you at any particular precinct; and, if so, in what capacity?
A. At Johnson's precinct, as a supervisor for the Republican party.
Q. Did you discharge your duty as supervisor?
A. Yes; until about 2.30 p. m.
Q. Why did you not continue to act?
A. I was seized by a red-shirter, who said to me, "God damn you, go down from here." There being no protection for me, I went down and did not return, because I was afraid to do so.
Q. Afraid of what?
A. I was afraid that the Democrats would hurt me. After I went down and got about thirty or forty yards I was overtaken by the same gentleman and two others, who requested me to stop and told me to come back and go with them. I asked them where; they said, "On our side." I declined. About that time I was surrounded by red-shirters; I don't know how many. Some of them said that they would assure me that I would not be hurt—"Come and go back." I then discovered or saw Anthony Miles lying dead a few steps off, and I thought that I had better get away.
Q. How came he dead?
A. He was shot by some one just above his eye with a ball.

As to Edgefield Court-House, Edgefield County, Jesse Jones testified as follows:

Question. State your age, residence, and occupation.
Answer. I am twenty-eight years of age; reside in Edgefield Court-House, and am a farmer.
Q. Were you in Edgefield polling precinct on the day of the last election; if so, in what capacity?
A. I was, as United States supervisor.
Q. Did you serve?
A. Yes, sir.
Q. At what time did the poll open?
A. At six o'clock a. m.
Q. Did you see the box opened prior to the voting?
A. I did.
Q. Was anything in it?
A. There was not.
Q. Where was the box placed?
A. Inside of the court-house, in the court-room, within the railing, about fifteen feet from the door; there is a passage-way about four feet long from the porch door to the court-room door.
Q. How wide is the porch?
A. About four or five feet wide.
Q. When the poll opened, how many people, and to what parties did they belong, who were inside in the polling place, other than the managers, clerk, and supervisors?
A. When the poll opened there were no others inside the rail; but about twenty or twenty-five in the room; all Democrats.
Q. At what time did you arrive at the poll?
A. About half past four o'clock.
Q. Were any persons in the court-house then, on that floor?
A. Yes, sir.
Q. Do you know how many, and who they were?
A. I suppose about one hundred were in there; all Democrats.
Q. When the poll opened were there any persons in the room where the box was in uniforms of any kind, or with arms of any description?
A. There was, Democrats with red shirts; I suppose about ten or fifteen with arms, and about forty or fifty with red shirts on; some had double-barrel shot-guns, some pistols.
Q. Were any persons within the rail with uniforms?
A. No, sir.
Q. Were any persons within the rail who had arms?
A. There were arms inside the rail, leaning in the prisoners' box, about a foot from the ballot-box.
Q. What kind were they, and to whom did they belong?
A. There were three double-barrel shot-guns; I cannot say who they belonged to.
Q. How long did these guns remain there?
A. I suppose about two or three hours.
Q. Who removed them?
A. I saw some gentlemen come in and take them out.
Q. Do you know who caused their removal?
A. It was caused by some man who drew a pistol on the street raising a row; they were taken out by parties who were in the room.
Q. Were the parties who took them out election officers?
A. Yes, sir.
Q. What officers were they?
A. The Democratic supervisor.
Q. Do you know if either of these guns belonged to or was in custody of either of the managers, or the clerk?
A. I cannot say.
Q. How many doors between the porch and the ballot-box?
A. Two.
Q. Were these doors kept open all day?
A. The outside door was a double door, each of which was about a foot and a half wide, only one side of which was open; the other side was closed; the inside one was a gate to the railing, which was kept open.
Q. Did you keep a poll list?
A. No, sir.
Q. Why not?
A. I did not think it was safe for me to do so.
Q. Why did you think it unsafe?
A. Because if they saw me keeping a poll list. I don't think they would have allowed me to stay there at all, as I was told by Democrats that if I attempted to make a report I would not be allowed to act as supervisor.

As to Mount Willing, Edgefield County, George Valentine testified as follows:

Question. Were you at Mount Willing on the day of the last election?
Answer. Yes, sir; I was there.
Q. In what capacity?
A. As United States supervisor.
Q. What time did you get to the poll?
A. The sun was a quarter of an hour high.
Q. Was the poll opened when you arrived?
A. Yes, sir.
Q. Were there many people about the poll then?
A. Yes, sir.
Q. Democrats or Republicans?
A. There was some of both.
Q. Was everything quiet then?
A. Yes, sir.
Q. Did the managers tell you how long the poll had been opened, or how many people had voted?
A. No, sir.
Q. Did you keep a poll list?
A. No, sir.
Q. Was that door free?
A. The red shirts stood around the door with clubs and pistols keeping the crowd back, and letting them come in six at a time.
Q. Was any discrimination made between the voters in admitting them?
A. The Republicans were kept back and the Democrats admitted.
Q. Were any Democrats kept back?
A. Every now and then if a crowd of Democrats tried to get in and if the house was full they would keep them back.
Q. Were many persons inside the house during the day?
A. Yes, sir.
Q. To what political party did these persons belong?
A. The Democratic party.
Q. Were any Republicans there?
A. None but myself, except when they came in to vote.
Q. Did any attempt to remain in the house after voting?
A. No, sir.
Q. Were the managers Republicans or Democrats?
A. All Democrats.
Q. Did you remain all day?
A. No, sir.
Q. Why not?
A. When the row took place I got out.
Q. What time was this?
A. Between two and three o'clock.
Q. What caused the row?
A. There came up a crowd of Democrats and commenced beating the colored people with clubs and sticks, and one pistol was fired; after the first pistol was fired there was a great deal of shooting, and the colored people ran home.
Q. Did all the colored people go away?
A. There was about a dozen staid around there until sundown, knocking around.
Q. How many went away at the time you did?
A. About one hundred and eighty or one hundred and ninety.
Q. Why did you not remain?
A. Because I was afraid they were going to kill me.
Q. Did you go away or did you leave before or after the firing?
A. I went at the time of the firing.

As to Cheatham's Store, Edgefield County, Bristow Yeldell testified as follows:

Q. Were you at Cheatham's Store precinct at the last election?
A. Yes, sir.

Q. In what capacity?
A. As United States supervisor.
Q. Were you present when the polls opened?
A. I was.
Q. Did you act as supervisor that day?
A. No, sir.
Q. Did you see the box opened by the managers before the voting commenced?
A. I did not.
Q. Why not?
A. Because the Democrats were fighting a sham battle on the piazza, and I was afraid to go to the box.
Q. Did you go into the poll at all?
A. I did not.
Q. Being supervisor, why did you not?
A. I was objected to coming in by one of the managers.
Q. Did you stay at the poll all day?
A. I did not.
Q. Did you see the votes counted?
A. I did not.
Q. How many people were at the poll when it opened?
A. About one hundred Republicans and about twenty-five or thirty Democrats.
Q. Did the polls open at six o'clock?
A. They did not.
Q. What time did they open?
A. About quarter after seven o'clock.
Q. How long after sunrise?
A. About one hour and a quarter.
Q. Was there any one present wearing uniforms?
A. Yes, sir.
Q. To what political party did they belong?
A. The Democratic party.
Q. Did any of these men have arms?
A. Yes, sir.
Q. About how many?
A. About twenty.
Q. Who were the parties that were having the sham fight on the piazza; those with red shirts or without?
A. Those with red shirts and those without.
Q. In this fight were any arms used?
A. Yes, sir.
Q. If so, how, and what?
A. They had pistols and clubs, and brandished them at each other, striking on a box and making a great noise.
Q. Why did you leave the poll?
A. A Democrat demanded my commission and I handed it to him, and he returned it, saying he be damned if I should supervise there that day.

As to Meeting Street precinct, Edgefield County, William T. Tillman testified as follows:

Question. Were you at Meeting Street polling precinct at the last election?
Answer. I was.
Q. In what capacity?
A. I was a United States supervisor of elections.
Q. Were you present when the poll opened?
A. I was.
Q. What hour did it open?
A. About six o'clock.
Q. Did you see the box opened?
A. No, sir.
Q. Did you act as supervisor?
A. No, sir.
Q. Why not?
A. I was prevented by the Democrats; they struck me with a stick and asked me what was my business there; I told them I was United States supervisor. One said, "What does the United States know about you?" He said then, "God damn you, you will smell hell here before night." While waiting for the poll to open, a Democrat snatched my hat off and hung it up. I put it on; he snatched it off again, saying, "I hung it up; let it stay, or the first thing you know your head will be hanging there." He went out of the room and returned with a club, apparently a piece of fence-rail, and struck me twice with it, and I retreated under the stairway, and he then struck me over the head. The clerk asked me to come outside with him. I did so, and while there the poll opened. A Democrat snatched my papers from me, and I saw them no more.
Q. How many Democrats were around the poll at that time?
A. About forty or forty-five.
Q. About how many Republicans?
A. There were none.
Q. Were any of the Democrats in red shirts?
A. Yes, sir.
Q. Many of them?
A. All except three or four.
Q. Any of them have arms?
A. Yes, sir; there was about twenty-five or thirty pistols that I saw.
Q. See any guns?
A. No, sir.
Q. Did you hear any threats besides those you related?
A. No, sir.
Q. Did you vote?
A. Yes, sir.
Q. Do you know of any Republicans going to that poll and could not vote?
A. When my papers were taken away I was struck three times over the head, and being advised afterward by friendly Democrats to leave, I did so. I returned twice, but receiving abuse from the same man, I left the poll; about a mile away I met about one hundred and seventy-five or one hundred and eighty Republicans. I told them of my treatment. We went to the poll and found it surrounded by red-shirters, and the Republicans finding that the Republican supervisor was not permitted to act, would not vote and left the poll.

As to Red Hill precinct, Edgefield County, Anderson Carter testified as follows:

Anderson Carter, a witness of legal age, produced by contestant, after due notice to contestee, deposes as follows to questions propounded to him:
Question. State your age, residence, and occupation.
Answer. Thirty years old; reside in Wise Township; occupation, wheelwright.
Q. Were you at Red Hill polling precinct on the day of last election?
A. I was there as a United States supervisor.
Q. What time did you get there?
A. Quarter before six in the morning.
Q. What time did the polls open?
A. I could not tell what time they opened; I was not there.
Q. Was the polls opened at six o'clock?
A. No, sir.
Q. How long did you remain there?
A. Until half past six.
Q. What caused you to go away?
A. Mr. Ben. Glanton, one of the managers, told me I could not serve without my having my oath with me. I then showed Mr. Glanton my commission. A party of white men came up. One of them snatched my paper from me and tore one up, and said, "God damn, if you don't like it you need not take it." Others said, "You had better leave, and that mighty quick, and not let me see you here any more to-day; if you do I will put a light-hole through you." I then left.

AIKEN COUNTY.

As to Creed's Store, Aiken County, Alexander Williams testified as follows:

Question. Where were you on the 2d day of November last?
Answer. At Creed's Store.
Q. What position did you hold, if any, on that day?
A. United States supervisor.
Q. What were the duties of supervisor?
A. To keep a list of those who voted, and to look over the conduct of the election, if I understand it.
(The above question objected to.)
Q. Did you keep a list?
A. I did.
Q. What time did you arrive at the poll?
A. Between four and five a. m.
Q. Do you know the law as regards the opening and closing of the polls?
(Also objected to.)
A. I do. The law says that the poll must be opened at six a. m. and be closed at six p. m.
Q. Did you discharge the duties of supervisor to the closing of the polls?
A. I did not.
Q. Why?
A. About five o'clock p. m. the Democrats begun shooting at and knocking some colored men, and then came running in the house where I was. I asked one of the managers if it was safe for me to stay there. He said, no; he thought it was best for me to get out of the way. The crowd came in saying, "Kill the d—d niggers, for they have no business here; run them out." I then squeezed through the crowd and got out. Mr. Kreps, the manager who advised me to leave, was, when I left, walking about in the room where the box was with a double barrel gun under his arm.

As to Kneece's Mill, Aiken County, Peter Waggiels testified as follows:

Question. Were you present at Kneece's Mill on the day of the last general election; and, if so, in what capacity?
Answer. I was at Kneece's Mill as a United States supervisor.
Q. Were you present at six o'clock in the morning?
A. I was.
Q. Was the poll opened at six o'clock?
A. A little after six; about ten or fifteen minutes after six, as near as I can recollect.
Q. Did the managers open the box and show you the inside of it?
A. Yes, sir; on my demand they did.
Q. Did the managers keep a poll list?
A. They did.
Q. Did you keep a poll list?
A. Yes, sir.
Q. Did the Democratic supervisor keep a poll list?
A. He did not.
Q. Were you present when the poll closed?
A. I was not.
Q. Why not?
A. I was prevented.
Q. Prevented how?
A. My poll list was taken away, and I was driven from the poll.
Q. What time in the day did this happen?
A. About twenty minutes to four.

As to Low Town, Wells's precinct, Aiken County, J. P. Spells testified as follows:

Question. Were you at Low Town, Wells's precinct, at the last general election?
Answer. Yes, sir.
Q. At what time did you get there?
A. I got there I suppose at or after six o'clock.
Q. Were you present when the poll opened?
A. Yes, sir; I got there as they were coming up to the poll with the ballot-box.
Q. Did they open the box before the voting commenced?
A. Yes, sir; they opened the box publicly.
Q. Did you remain all day at the poll?
A. No, sir.
Q. What time did you leave?
A. About the hour of nine.
Q. Why did you leave?
A. Well, sir, the violence that was used there; there came a crowd of men from Silverton, and as they came up they rushed in among the Republican voters which were at the poll at the time, charging amongst them with their horses, and shooting amongst them with their guns, and knocking some down; that time the men broke for the swamp, this red-shirt crowd followed them to the swamp. Two colored voters that took tickets to vote, as they were coming up to put them in the box two white fellows snatched the tickets from them. This crowd came back and asked what negro fellows were they at the poll; some said to the others, "It is the Radical supervisor; let's take him out and kill him." One said, "So do." Another in the same crowd said, "Don't do that." They said, "Yes, let's kill him; jerk him out."
They then commenced advancing to the house. At the time George Taylor, he said, "What is your name?" I said, "J. P. Spell." He said, "You have authority to come to this poll, but if you want to save your life I will guard you through this crowd so they will not kill you." Another man came up and said, "My name is Hans Johnson." He said, "Walk between the two and I will take you up to my house, and I will convey you off from the poll, and will show you where you can make your escape, and then you can make your escape back to Aiken in the night." I did so. As I was coming off I met a crowd of Republican voters that had been assaulted by the same crowd, and one opened his bosom and showed me a big gash in his bosom. That was the reason I could not stay there from morning to night, from their advancing upon me in the house and from threats.
Q. Was Mr. Taylor and Johnson Democrats?
A. Yes, sir.

As to Jordan's Mill, Aiken County, L. W. James testified as follows:

Question. Where were you on the 2d day of November last?
Answer. At Jordan's Mill.
Q. In what capacity, if any?

A. United States supervisor.
Q. Did you discharge your duty as such without any hinderance?
A. No; the managers objected to my being in the room where the poll was opened, and I went out. After this they allowed me to go into the room.
Q. How did your poll list agree with that of the other supervisors and the managers' poll list?
A. The other supervisors' and the managers' poll list was 12 ahead of mine at 12 o'clock; at the close of the poll my list was 321, and theirs was 348, as near as I can remember.
Q. Were you threatened on that day?
A. Yes; by the clerk of the board of managers. When we compared our poll list I disputed the correctness of his, and he drew his knife, and after some threats by him on account of my disputing his list I agreed to put 12 names on my list to make it agree with his. During the afternoon I discovered one of the managers putting tickets in the box under the arm of another, and saw the clerk at the same time writing down names on the poll list. I then found how the 12 names got on the managers' poll list in the morning that I did not have on mine.
Q. How did the managers' list compare with the ballots in the box?
A. There was an excess of 21 or 22 ballots in the box.

BARNWELL COUNTY.

As to Buford's Bridge, Barnwell County, F. A. Blackwood testified as follows:

Question. Were you at Buford's Bridge on the day of the last general election?
Answer. I was.
Q. What capacity?
A. United States supervisor.
Q. What time did you get to the poll?
A. Between eight and nine o'clock.
Q. Where was the ballot placed?
A. In the room of the Masonic Hall.
Q. How was the voting conducted?
A. I remained there but a short time, and very few voted then.
Q. Why did you go away?
A. Because the chairman of the board said that he would not recognize me as supervisor, and so few were allowed to vote I did not see any reason to remain.

As to Elko, Barnwell County, E. J. Snetten testified as follows:

My name is E. J. Snetten; age, 59; residence, Blackville; occupation, minister of the Gospel.
Question. Were you at Elko precinct on the day of the last election?
Answer. I was, as United States supervisor.
Q. Were the managers Republicans?
A. No; they were all Democrats.
Q. Did you remain at your post all day?
A. I did not. At the opening of the poll I requested to enter the house where the poll was, but was refused admission by one of the managers, who said that the managers were all honest, and said that I must go into that pen; I went into the pen and started to keep a poll list. Soon after some came up to vote and whispered their names; when I asked them for their names the managers told them not to give their names, as I had no right to take them. This happened a great many times, and I was unable to get the names of voters; these were Democratic voters. There was a great deal of cursing and loud noise by the Democrats; one Dimond made many threats and cursed me, saying that some boys would be up here to-day to see into those big eyes. Many of them were under the influence of whisky; there was a man standing beside me who brandished a large revolver, and I thought that he was going to shoot me. I heard some yelling, and a crowd of about twenty-five men rode up with red shirts on, and this man said, "Here are the boys that will see in Snetten's big eyes;" they dismounted and crowded the poll, and the pen in which I was was torn apart, and fearing personal injury I took my things and left the poll.
Q. Were you afraid to stay there?
A. I really was; it would not have been safe.
Q. What time was this?
A. About 8.45 a. m.
Q. How many Republicans had voted at that time?
A. Not more than 3, I think.
Q. How many Democrats?
A. About 40 or 50.
Q. Why more Democrats than Republicans?
A. The Democrats were making so much noise that the Republicans were afraid to go up to the poll to vote.
Q. Was the election free and fair at that poll?
A. No.
Q. About how many Republicans were present at that time?
A. Thirty or forty.
Q. Why did not more Republicans vote?
A. They were subjected to such harassing questions and so much trouble that they could not vote, and they went away without voting; I went away from the poll because I was satisfied that it was not free and fair, and because of the treatment I received.
Q. Did the managers give you every facility for discharging your duty as supervisor?
A. They did not; but obstructed and hindered me from doing so.
Q. Did the Democratic supervisor keep a poll-list?
A. He did not.

Such, in brief, is the account given by the officers of a great Republic of fifty million people, whose special duty was to preserve the purity of the ballot, of the treatment they received at the hands of the officers and citizens of this Congressional district; and I call the attention of the American people to this evidence that they may see how the statutes of the country are defied and the officers of the Government obstructed in the performance of their duties.

There is another remarkable feature connected with this election contest, to which I will briefly allude, that to my mind furnishes unanswerable and overwhelming evidence that the grossest frauds must have been perpetrated in the interest of the Democracy at this election.

In the county of Aiken the census of 1880—the year when this election was held—shows that the white males of twenty-one years of age and upward, including native-born and foreign, whether naturalized or not I do not know, were 2,873; colored males of the same age, 3,112; making an aggregate of 5,985 white and colored, native-born and foreign, of voting age. The vote, as certified by the secretary of state in his return, and upon that return the contestee's credentials were based, gives the vote for Mr. Tillman as 4,980 and of Mr. Smalls 1,467, making an aggregate of 6,447 claimed to have been cast at that election, showing an excess of votes over the voting population in that county of 462; and the evidence in this case shows conclusively that 414 citizens were deprived of the right of suffrage by means to which I will hereafter allude, which, added to the excess of 462, would increase the vote to 876 above the voting population of the county.

Another remarkable feature deducible from these figures is that if Mr. Tillman received the vote which was credited to him in the State canvass he must have received the votes of every white male voter in the county and 2,107 colored votes in addition.

The evidence in this record shows what every intelligent man in the country knows, that the colored people vote the Republican ticket. They regard that party as the party that gave them their freedom and bestowed upon them the rights of citizenship, and when left to vote as they choose, unawed by fear, they are faithful to the Republican party as they were faithful to the Union cause during the late war, and the persecutions and the outrages that have been visited upon them since their emancipation have driven them together more closely and increased their devotion and loyalty to that party.

In the county of Edgefield the voting population according to the census returns was as follows: White males, twenty-one years of age and over, 3,553; colored, 5,648; a total of 9,201. The vote, as counted by the State board, for Mr. Tillman was 6,467, for Mr. Smalls, 1,046; a total of 7,513, or 1,688 less than the voting population. But the evidence in this case proves beyond a question that in the county of Edgefield, in the various precincts, 3,020 legal voters were deprived of the right of suffrage by intimidation and violence. This, if added to the vote counted, would show the excess of votes over voters to be 1,332.

Mr. ATHERTON. Will the gentleman tell me one of those precincts to which he refers?

Mr. BRIGGS. I am speaking of Edgefield County. The excesses are scattered all and if through it, the gentleman is familiar with the record he knows to what precincts I refer without questioning me, because they all appear in the record.

Now, if Mr. Tillman's vote is correctly stated at 6,467 he must have received in addition to the votes of every white male voter in the county the votes of 2,914 colored voters, a proposition which no man in his senses will believe.

In the county of Colleton the voting population by the census of 1880 was: white males, 2,706; colored, 5,173; total, 7,879. By the return of votes Mr. Tillman received 3,475 votes in this county and Mr. Smalls 2,776; a total of 6,251, or 1,628 less than the entire voting population. The record discloses that many voters were disfranchised, 618 cast in Jacksonville precinct not counted, 276 in Horsepen precinct, 700 in Summerville, and in other precincts hundreds were deprived of the right to vote, the exact number of which cannot be accurately ascertained, but a number sufficiently large which if added to the vote counted would show that the vote far exceeds the voting population of the county. A comparison of these figures alone shows that for Mr. Tillman to have received the vote counted and certified for him he must have received the entire white vote and 769 colored.

In Barnwell County the census of 1880 gives the voting population: white, 3,131; colored, 4,775; total, 7,906. The return of votes for this county were as follows: Tillman, 5,423; Smalls, 2,444; total, 7,867; lacking only 39 votes of the entire voting population of the county; while the evidence in this case shows that there were beyond all controversy 1,148 voters who were deprived of the right of suffrage, which, added to the vote as counted, would show an excess of votes over voters in this county of 1,117. If Mr. Tillman's vote is correctly stated in the returns from this county he must have received the entire white vote of the county besides 2,391 votes from the colored voters.

In Hampton County, by the census of 1880, the white males over twenty-five years of age were 1,381; colored, 2,447; total 3,828. The vote as returned by the secretary of state was: for Tillman, 2,590; Smalls, 1,575; total, 4,165, showing an excess of votes over voters in the county of 337; and the record evidence in this case shows that in this county hundreds of colored men were deprived of the right of suffrage. If the vote for Mr. Tillman was properly returned and counted he must have received in addition to the entire white vote 1,209 votes from the colored voters.

The census shows the aggregate voting population in these five counties to be as follows: White, 13,644; colored, 21,155; total, 34,799. The vote as returned by the State board and counted was 37,622, and the voters who were deprived of the right to vote in these five counties, and the votes not counted in precincts where they were cast, are 4,525, showing an excess of votes over voters on the returns as made of 7,348. In these five counties the white voters were 13,644, Mr. Tillman's vote 22,935, and if Mr. Tillman received the vote with which he has been credited he must have received the votes of 9,291 colored voters.

It is unnecessary for me to dwell upon these statistics; they speak for themselves. No eloquence or rhetoric can add force or weight to their story. They must be sufficient to convince any fair-minded man that the vote returned for Mr. Tillman from these five counties and upon which his credentials were based was the result of frauds of the most stupendous character.

The election law of South Carolina in force at the time of this election was quite ample in its provisions, easily understood, and, if strictly followed by the officers of election, furnished every facility for detecting frauds and correcting errors if any were committed. It provided for a State board of canvassers, consisting of certain State officers; a board of three commissioners of elections for each county in the State, who were to be appointed by the governor, and a board of three managers for each election precinct, to be appointed by the county commissioners. The precinct managers were authorized to employ a clerk, who was required by law to keep a poll list containing the names of all persons who voted in the precinct. At the close of each election the precinct managers and their clerk are commanded to immediately proceed to open the box, count the ballots, and continue such count without adjournment until the same is completed, and make and sign such a statement thereof as the nature of the election shall require. If in counting two or more like ballots shall be found folded together only one shall be counted, the other destroyed, but if they bear different names they shall both be destroyed and not counted. If the ballots in the box exceed the names on the poll list, they shall be returned to the box, mixed together, and one of the managers or clerk, without seeing the ballots, shall draw from the box and immediately destroy as many ballots as those in the box exceed the names upon the poll list.

Within three days thereafter the chairman or one of the board, to be designated in writing by said board, shall deliver to the county commissioners of elections the poll list, the box containing the ballots, and a written statement of the result of the election in the precinct. The county commissioners of elections shall meet at the county seat, organize their board on the Tuesday next following the election, and proceed to canvass the statements of the several boards of managers. They shall make such statement thereof as the nature of the election shall require, within ten days after their organization, and shall make separate statements of the whole number of votes given in such county for Representative to Congress, a copy of which shall be transmitted to the governor, secretary of state, and the comptroller-general. Immediately after the final adjournment of the county board the chairman thereof shall forward, addressed to the governor and secretary of state, by a messenger, the returns, poll lists, and any protests and all papers pertaining to such election.

From this statement of the law how plain and simple are its provisions and how easily can they all be carried out by the precinct and county officers. With the poll lists, returns, and votes, how surely can all frauds be detected and errors corrected. By a comparison of the number of votes cast with the names on the poll list errors in the count will be discovered and incorrect returns from precinct officers can be corrected. If it is claimed illegal votes were cast by persons not entitled to vote, or that fictitious names were fraudulently placed upon the list to correspond with ballots stuffed into the box, the poll list, containing the names of the voters, furnish the witnesses by whom these frauds may be discovered. The preservation of these papers are of vital importance in detecting errors and in the investigation of frauds committed by precinct managers or by the county commissioners. Without the poll lists, returns, and ballots, no matter what mistakes have been made or what frauds have been committed, they are beyond the reach of discovery and correction.

In this contest when the secretary of state was called upon for copies of the election returns and poll lists for this district he replied that there were no poll lists or precinct returns of votes cast at that election sent to his office from the counties of Edgefield, Barnwell, and Colleton.

Why were not these papers sent, filed, and preserved, and why did these officers neglect this plain and important duty? If these papers were in existence to-day they would furnish evidence conclusive and overwhelming of the fairness and legality of the election in this district, and thus vindicate the election officers, or they would establish beyond question the truth of the charges of frauds and rascalities and identify and expose to public view the officers by whom they were perpetrated. The plain and imperative provisions of the law required those papers to be made and forwarded, and a faithful discharge of official duty demanded a strict compliance with its provisions.

I can conceive of no object or purpose for this neglect unless it was to cover up and conceal the frauds which had been committed and prevent their discovery by the suppression or destruction of this important evidence. The mass of testimony in this case proves beyond a doubt that in these three counties illegal votes in great numbers were cast, polls were not opened in several precincts, votes cast for the contestant in other precincts were not counted, intimidation and violence prevented great numbers from exercising the right of suffrage, frauds of the grossest character were committed, and the returns from these three counties were tainted and polluted thereby. How shall the legal votes in these counties be ascertained and determined? How shall the vote be corrected, the taint removed, and the frauds eliminated? It is impossible without this record evidence—votes, poll lists, and returns which the law required to be made and preserved for such purpose. Those papers never having been made, or, if made, never forwarded and filed, or, if forwarded and filed, since suppressed and destroyed, it is impossible to correct the errors and frauds which entered into the vote of these three counties.

Under the well-settled principles of election law, and in accordance with a long line of well-established legal precedents, the Committee on Elections would have been amply justified in throwing out the entire vote of these three counties and leaving the vote as returned from the other three to determine the election, which would have seated Mr. Smalls, the contestant, by a majority of over a thousand votes. This would have been an easy, short, and legal way to have settled this contest. But the Committee on Elections, whose duties during the present session have been of the most laborious character, apparently anxious to avoid even the appearance of injustice, have given the contestee the benefit of every doubt and have only corrected errors in the votes of several precincts, thrown out the votes in others, and rejected the entire vote of Edgefield County; and their findings of fact in every instance is justified by the overwhelming evidence on file in this case, and the principles of law by which they have been governed are too well settled to be questioned or denied.

I desire now to inquire into the details of this case for the purpose of bringing before the American people some of the striking features of the election in this district to illustrate still further the methods of administering the State and national election laws and to sustain the action and findings of the committee.

The following certificate from the secretary of state contains a statement of the vote in this district as returned to that officer, and upon this statement of the vote a certificate of election was issued to the sitting member:

Fifth Congressional district.

Counties.	Names of candidates.		
	George D. Tillman.	Robert Smalls.	Scattering.
Colleton	3,475	2,776	.....
Beaufort	391	5,978	2
Barnwell	5,422	2,445	.....
Edgefield	6,467	1,046	.....
Aiken	4,980	1,467	.....
Hampton	2,590	1,575	.....
Totals	23,325	15,287	2

STATE OF SOUTH CAROLINA, *Office of Secretary of State:*

I, R. M. Sims, secretary of state, do hereby certify that the above is a true copy of the vote for Congress in the fifth Congressional district in said State, as returned by the county board of canvassers for the counties composing the fifth Congressional district, and which returns are now of record in this office.

Witness my hand and the seal of State, at Columbia, this 16th day of February, A. D. 1881.

[SEAL.] R. M. SIMS, *Secretary of State.*

The contestant sets forth in his notice of contest sixteen reasons therefor. They are too long to be recited here and their recital is unnecessary; they may be summed up in substance as follows: He claims that he received a much larger number of votes than were counted for him by the precinct managers; that legal votes counted for him by the precinct managers were thrown out and not counted by the county commissioners; that a large number of illegal votes were counted for the contestee; that ballots returned were counted for the contestee that should have been rejected; that by reason of threats, violence, intimidation, and other unlawful means great numbers of Republicans were prevented from voting for him, and that these outrages were of so gross a character that no legal or fair election was held in some of the precincts and the vote from those precincts should be rejected.

Let me now examine, briefly, the evidence in this case in connection with the report of the Committee on Elections and see how far it sustains the charges of the contestant and justifies the findings of the committee.

COLLETON COUNTY.

The committee made the following corrections in the vote of this county. The vote of the county is certified for—

Contestee	3,475
For contestant	2,776
Adding Jacksonborough	618
Adding Horse Pen	276
Adding Walterborough	90
Contestant	3,760
Deducting Walterborough, 90—	
Contestee	3,385
Contestant's majority	375

In this county, in the vicinity of Jacksonborough, three large precincts, namely, Adam's Run, Ashepoo, and Bennett's Point, were abolished, and the Democratic precinct managers, without notice and in neglect of a duty imposed by law, failed to open the polls at Gloversville, thus concentrating the voters of that place and the three

abolished precincts at the poll in Jacksonborough. Under the law in this State county commissioners of election are required to provide the managers a ballot-box for each precinct. There are two sizes in use in the county, and the board sent to the managers of Jacksonborough the smaller box, which was insufficient in capacity for the voters assembled. At one p. m. this box became full and the managers refused to receive any more votes. At the time the voting ceased over one hundred Republicans stood around the polls eager to vote, and many others were on their way. They lost, by the negligence of county and precinct officials, the right to vote, and were literally disfranchised. When this box was closed it contained 618 votes. It was returned to the county board and they refused to count the votes and rejected the poll.

By their action in providing the small box and the managers in refusing to receive votes after the box was full, and the county board rejecting the vote, that number of votes was lost to the contestant. The county board in this instance should have counted those votes. Their duties under the law as to votes for members of Congress are simply ministerial. This is apparent from the language of the statute, and the supreme court of South Carolina recently so decided. In rejecting this poll the county board exceeded their powers and usurped and exercised judicial functions; whether done in ignorance of their duty, or fraudulently, it is immaterial. Under the law the vote should be counted, and the committee are correct in so deciding.

HORSE PEN PRECINCT.

The Congressional vote of this precinct was not counted, but rejected by the county commissioners. Their duties being ministerial, this action was unauthorized and illegal. The committee, therefore, properly counted this vote.

WALTERBOROUGH PRECINCT.

The manner in which the election in this precinct was conducted was irregular and unfair. At the close of the polls the votes in the box exceeded the number of names on the poll list 141; the box was full and not capable of holding the ballots after being thoroughly stirred, and was set in a basket and the excess drawn from the basket. The manager who drew out the excess passed the ballots deliberately through his hands, and in this way one ballot was easily distinguishable from the other, and in the process of drawing out the excess Mr. Smalls lost from 90 to 110 legal votes, and the same number of illegal votes were given to Mr. Tillman. To correct this error or fraud, whatever you may choose to call it, the committee have deducted 90 votes, the smallest number, from the contestee, and added the same to the vote of the contestant. With this and the other corrections the vote in Colleton County would stand as I have before stated. It must not be understood that these errors to which I have specifically alluded cover all the irregularities. In addition to them the evidence shows frauds, violations of law, intimidation of voters, and interference with the United States supervisors, which would have justified the rejection of other precincts if not of the entire vote of the county.

Of the occurrences at Snider's Cross-Roads, Smoke's Cross-Roads, and Carter's Ford, I have already spoken. At Maple Cane 26 fraudulent votes were found in the box and the Democratic officials in drawing out the excess drew out 25 Republican and 1 Democratic vote, thus giving to the contestee an advantage of 50 votes to which he was not entitled. At Bell's Cross-Roads the box had been stuffed; the ballots exceeded the names on the poll list, and in drawing out the excess Mr. Smalls lost 31 legal votes and Mr. Tillman gained 31 illegal votes, making a loss of 62 to Mr. Smalls. At Summerville precinct the Democratic officers failed to open the poll, and thus occurred a loss of 700 votes to Mr. Smalls. At Gloversville the poll was not opened, and resulted in a loss of 400 votes to Mr. Smalls. No good reason was or can be assigned for the failure to open these polls.

From all the testimony in this record it clearly appears that the conduct of the officers in this county was reprehensible in the extreme. From the failure to open the polls at some precincts and prematurely closing others, from the excess of votes over voters and the dishonest methods of drawing out the excess, the loss to the contestant must have been at least 1,400 votes.

BARNWELL COUNTY.

The changes made in this county from the vote as returned and counted by the State board are as follows:

	Contestee.	Contestant.
Total vote of Barnwell County	5,422	2,445
Deduct Allendale	700	36
Deduct votes illegally drawn—Ferril's Store	22	.....
	4,700	2,409
Add vote not counted—Ferril's Store	.....	22
		2,431

Let us examine the votes in regard to the election in these precincts. Allendale is a strong Republican precinct. The vote counted and returned was 700 for Tillman, 36 for Smalls. The evidence shows that a large number of Republicans assembled with the Republican tickets in their hands, variously estimated from three hundred to five hundred. Two hundred and fifty, being all members of one Republican club, were there together for the purpose of voting. A crowd of Democrats, some of them armed and clothed in red shirts, kept at the door and on the piazza, thus obstructing the passage to the voting place. If a colored man attempted to enter he was asked what ticket he intended to vote, and if he would reply, "The Republican ticket," he was boldly told he could not vote that ticket there. He was pushed from the piazza, spat upon, beaten, and knocked down by these men who had possession of the passage-way to the polls.

In the early part of the day assurances were given that the colored men could vote after twelve o'clock, but they met with the same obstructions and the same brutal treatment after that hour as before. The United States supervisor attempted to keep a poll list; it was impossible to keep it accurately, and he abandoned it about one p. m. He was requested to sign the poll list and return that night by the Democrats, but refused to do so. A crowd of Democrats visited his house about one o'clock on that night and demanded that he should get up and sign the list, but he refused; then they cursed, threatened to break down his door, and shot around his house, alarming his family. The next night these same things were repeated, and he concluded, for his own safety, it was advisable for him to leave, and he did so, remaining away several weeks. The evidence as to this precinct shows, beyond contradiction, that a fair and honest vote did not take place, and the poll should be rejected.

At Ferrill's Store, when the votes were counted, there were found to be in the box 22 votes in excess of the names upon the poll list, and in drawing out the excess the manager was not blindfolded but looked into the box and drew out 22 Republican votes. The officers at this precinct were all Democrats, and, from the evidence, the fraudulent votes were Democratic votes. To purify this poll and to correct the frauds perpetrated in drawing out the excess, 22 votes should be taken from the contestee and the same number added to the contestant.

Having called attention to the corrections made by the committee in this county I desire to refer to some other matters to illustrate the methods and spirit of the Democracy. This county was the theater of the Ellenton riot, which shocked the American people by its atrocities in 1876, and the colored people are still haunted by its memories and live in constant fear of its repetition. So strong and intense is this feeling that they hardly dare act, speak, or think as independent freemen. It pervades to a greater or less extent the precincts of Robbins, Millitts, Mixon's Mills, Allendale, Baldock, Barker's Mills, Williston, Elko, and Buford's Bridge. At Barker's Mills and Mixon's Mills the two political parties are about of equal strength; all the others named are strong Republican precincts.

At the election in 1880 this condition of the colored people seems to have been thoroughly understood. For several nights prior to the election the red-shirted Democracy rode around through many of the precincts, making the night hideous with their hellish orgies, firing guns and pistols, knocking at the cabins of the colored men, and making threats of various kinds, for the purpose of preventing them from voting the Republican ticket. Colored men on the way to the polls at Red Oak precinct, within half a mile of that place, were met by eighteen armed men, who shot among them or over them, and the colored men fled in different directions, some of them sleeping in the woods for several nights. The night before they visited the house of Mr. Gifford and broke down the door, and threatened, if he went ten steps from his house, they would shoot him as they had Simon P. Coke. By such threats as these the neighborhood was greatly alarmed, and many of the voters dared not attempt to exercise the right of suffrage.

At Graham's the train from Augusta brought down a crowd of Democrats armed with pistols, cursing and yelling; all voted, one of them three or four times. At Elko, on the day of election, the red-shirted Democracy were out in great numbers, armed with pistols, and the Healing Springs Democratic club came, yelling and cursing as they came up. The object of these demonstrations was to alarm the colored voters, and it succeeded, as but few voted, and the statement of Mr. Nixon, one of the Democratic managers, that there would be "d——d few Republican votes polled there that day," proved to be literally true. At Baldock the red-shirters were out Thursday, Friday, and Saturday nights prior to the election, riding up and down, cursing, and discharging guns and pistols, openly proclaiming that they were "going to keep the d——d Republicans away from the polls and give them hell."

On Saturday night before the election they left a coffin, cut from pasteboard, at the house of Mr. Gill, the United States supervisor, which had the following persuasive inscription upon it:

Alex. Gill, if you don't quit your ways and join the Democracy you shall be in clay in a few days.

Some fifteen or twenty Republicans were not permitted to vote by the managers on the ground that they were minors, when the evidence shows they were not. The managers of election and the precinct clerk belonged to the red-shirted Democracy and had on their uniforms when officiating at the polls.

At Barker's Mills 350 Republicans were not allowed to vote. Democrats in red shirts, armed with clubs and pistols, barred the way and prevented them, and these colored voters were publicly informed

that if they would vote the Democratic ticket they could do so, but would not be allowed to vote the other. Democrats on the steps, blocking the way to the polls, declared, "By God, you shan't vote unless you vote the Democratic ticket, as we are voting." Others, in red shirts, prevented the Republicans from coming within the yard, saying they would "be d——d if the negroes should vote."

At Buford's Bridge the Republicans were intimidated by Democrats clothed in red shirts, armed with pistols, clubs, knives, and hatchets. Three hundred and thirty-five Republicans could not vote, and their names were all taken down and appear in Exhibit B. It was openly proclaimed by Democrats that the "d——d Republicans should not vote" there; that this was the "white man's country, and negroes should not vote in it."

I have thus given a brief record of the proceedings in this historic county of Barnwell, made memorable by the bloody atrocities of Ellenton, and submit the record to the careful consideration of the American people.

HAMPTON COUNTY.

In the vote of Hampton County the committee make the following corrections in the vote as counted by the State board:

Corrected vote of contestee.

The vote is stated		2,500
Deduct Brunson	336	
Deduct Early Branch	316	
Deduct Beach Branch	120	
Deduct Lawtonville	340	
Deduct Barnesville	459	
		1,571
		1,019
Contestant	1,575	
Deduct Brunson	19	
Deduct Early Branch	87	
Deduct Beach Branch		
Deduct Lawtonville	174	
Deduct Barnesville	129	
	409	
		1,166
Smalls's majority		147

Let us see if there are just grounds for the rejection of the votes in the precincts above named.

BRUNSON PRECINCT.

At this precinct the poll was held in the back room of an old store, to reach which the voters had to pass through the front store. The day before election a crowd of armed red-shirted Democrats came into the town, and during the entire night they whooped and yelled, discharged pistols and guns, and exploded powder under an anvil.

In the morning the drunken crowd occupied the front store, controlled the entrance to the polls, and would not allow Republicans to enter. The box contained, one voter says 200, another 250 votes in excess of the names upon the poll list. The whole proceeding at the polls was characterized by threats and intimidation of the most disgraceful kind, and no honest man would permit it to be counted.

EARLY BRANCH.

To this precinct a crowd of drunken Democrats came in the forenoon, riding around during the day between Early Branch and Peeple's poll, threatening and beating Republican voters, creating disturbances, discharging pistols, repeating and stuffing the ballot-box.

BEACH BRANCH.

I have already called attention to the treatment of the United States supervisor at this poll. Not a single Republican was permitted to vote; the Republican tickets were taken away from a party of Republicans by armed Democrats clothed in red shirts, by methods that would constitute highway robbery in any civilized community, and, for fear of doing injustice to the parties engaged in this transaction, I will let one of the victims tell his story, and in this he is fully corroborated by his associates:

Wilson McTeer, being duly sworn, deposes and says:

By Mr. COLLINS, counsel for contestant:

Question. State your name, age, occupation, and residence.

Answer. My name is Wilson McTeer; age, 40 next February; I am a farmer, and live on my own place of forty acres near Beach Branch.

Q. How long have you been living there?

A. All my life.

Q. Where were you on the 2d of November, the day of the last general election?

A. Beach Branch poll.

Q. What time of day did you go there?

A. About five o'clock in the morning.

Q. Did you go alone?

A. No.

Q. Who went with you?

A. The Beach Branch Club, of which I am a member, and a part of the Matthews Bluff Club.

Q. What did you do when you got to the poll?

A. We waited till about seven o'clock, and when we found that there were no Republican tickets there, Frank Saxson, the president of our club, directed me to take three other men with me and go to Brunson in a hurry and tell Mr. Brabham, the Republican county chairman, to send him some tickets. I took Govan Brooks, Toney Moss, and Edmund Riley, and we went to Brunson and got a package of about 1,200 tickets from Mr. Brabham and started back to Beach Branch. We rode very fast. When we had got about three miles from Brunson, and at what is known as the Hammock place, John Glover, a Democrat, overtook us, and ran his horse by us and turned the horse across the road ahead of us and said, "Close up." Then eight other Democrats rode up to us with sticks and pistols in their hands and said, "Halt, you sons of bitches, and give us those tickets. If you don't give them up we will blow your d——d brains out."

Q. Did you give the tickets up?

A. I did not have the tickets myself, but they seized hold on me, and was searching my pockets for the tickets. While they were searching me for the tickets, one of them said, "There is the son of a bitch that has them." Then they went to Govan Brooks. One of them held a pistol to his breast and one held a club over his head while others put their hands into his pockets and took the tickets out.

Q. How were those Democrats dressed?

A. They were all dressed in red shirts except one, who wore a red beau.

Q. What did they say after they had taken the tickets?

A. They told us to go and not let them catch us back that way again or they would kill us.

LAWTONVILLE PRECINCT.

I have alluded to the treatment of the United States supervisor at this precinct, who, it is believed, was murdered by the Democracy. Some fifty drunken Democrats, clothed in red shirts, all armed, seemed to be the ruling spirits about this voting place, and they prevented an honest and a fair election. Their outrageous conduct could not be better described than in the sworn testimony of their victims:

Personally appeared before me, Ben. Sheppard, who, being duly sworn, deposes and says, to wit:

Question. What is your name, your age, your occupation, and where your place of residence?

Answer. Ben. Sheppard is my name; my age is fifty-four years; am a farmer; and I live at Dr. Ramsey's place, Lawtonville Township, in Hampton County.

Q. How long have you lived there?

A. Was born and raised there.

Q. Where were you at the last election?

A. Was at the Lawtonville precinct.

Q. Was it a quiet election that day?

A. No, sir; they commenced a row there I suppose, near as I can come at it, about eight o'clock a. m.; they kept quiet down for awhile, for about one and one-half hours, then started row again; then things went on until about four o'clock p. m., when they started it again. They threatened to fight the Republican party for voting; they rebuked us by every blaspheming they could think of; they were armed, every Democrat; most that I seen had from one to two pistols; then in the evening, at four o'clock, they rid off a piece and came back and rid right in among the Republican party with swords and clubs; then we tried to get out of the way, and in trying to get out of the way shot among us. I myself got six balls in me at that time, and another man, named Adam Patterson, got shot. He and I were carried home in a wagon together.

Q. Did you see any one cut or struck?

A. Yes; I saw one man get cut with a sword, and two got struck with a club.

Q. When they shot at you what did they say?

A. When they shot me I was getting away.

Q. What did they say when they came up?

A. As they came up they said, "You God damned son of a bitch," and struck a man standing behind me; at that time I got behind a tree; we, the Republican party, were all peaceable and quiet at the time.

Q. Were you all quiet through the day?

A. Yes, we were all quiet through the day.

Q. Did you say you were shot?

A. Yes; I was shot six times; have five balls in me now; one ball went through my left thigh, one lodged in my left leg below the knee, two lodged in my right thigh, one lodged in my back, and one in my left lower arm. I now show you the scar on my left arm which was made by the ball entering there.

Erasmus Black, being sworn, deposes and says:

Question. State your name, age, occupation, and residence.

Answer. Erasmus Black; age, twenty-eight; occupation, laborer; live at Lawtonville; at John Lawton's place, three miles from Lawtonville.

Q. Were you at Lawtonville precinct on the 2d day of last November, the day of the election?

A. Yes.

Q. What did you go there for?

A. To vote the Republican ticket.

Q. Was everything quiet and peaceful there during that day?

A. No.

Q. State, then, what occurred there to prevent it from being peaceful?

A. That morning when we went there the Democrats started a row to keep us from voting by threatening and cursing us for d——d sons of bitches, and said they come to kill us out that day, and that they were going to fill up a ditch with us. The rows continued until four o'clock that evening; and then the shooting began. They cut us with swords and beat us with clubs. One cut me in the head with a sword. Then we ran and they shot us with pistols and guns.

Q. Do you know of any person being shot on that day?

A. Yes. Ben Sheppard, Adam Patterson, Archey Taylor.

Q. About how many men were running from the poll?

A. About one hundred men were running in every direction.

Q. Were there many Republicans at that poll during the day?

A. About two or three hundred.

Lucius Barnes, being duly sworn, deposes and says, to wit:

Question. What is your name, your age, your occupation, and where is your place of residence?

Answer. My name is Lucius Barnes; my age is thirty-three years; I live four miles from Lawtonville, Lawtonville Township, and am a laborer.

Q. How long have you lived in Lawtonville Township?

A. Where I live now I was born and raised.

Q. Where were you the 2d day of last November, the day of last election?

A. I was at Lawtonville.

Q. What did you go to Lawtonville for that day?

A. I went there to vote the Republican ticket.

Q. Was the election at Lawtonville precinct a quiet and peaceful election?

A. No, sir; it was not.

Q. State what occurred at the Lawtonville precinct that day.

A. When we were going to the poll that morning they commenced cursing us, sons of bitches, saying what they were going to do with us that day, and after that the Democrats made a line to be divided; said we must stay on one side and the Democrats on the other, and we done so rather than have any fuss, but the Democrats would keep coming over on our side, and keep cussing us, and knocked some of the men, and told us if we didn't leave there they were going to play hell with us that day; so we never left right off, but made up a little fire and stood around there until about four o'clock, and then—rather the horse cavalry—went up the road and came back, and commenced knocking and shooting and cutting, and stabbed me in the temple with a sword, and then we had to leff. They told us if we did not leff they would kill us. Adam Patterson was one that got shot, and Archie Taylor and Benjamin Sheppard got shot.

Q. About how many men were in this company of cavalry that went up the road?

A. As near as I can come at it, there was about fifty men.

Albert Hunter, being sworn, deposes and says:

Question. State your name, age, occupation, and residence.
Answer. My name is Albert Hunter; age, fifty-two; occupation, farmer; live in Lawtonville Township.
Q. How long have you lived in Lawtonville Township?
A. Thirty years.
Q. Where were you on the 2d day of November last, the day of the last election?
A. At Lawtonville.
Q. How far is Lawtonville from where you live?
A. Three miles.
Q. What did you go to Lawtonville for on that day?
A. To vote the Republican ticket.
Q. Tell us what kind of row it was that was raised at four o'clock in afternoon?
A. We were sitting around a fire. Two men went in the rear of us to a grave yard. About fifty men went down the road on horses. Two came opposite us where we were sitting at the fire. The two that went to the graveyard then commenced shooting. By the time they started to shoot the horsemen came back. When they got back they charged in on us, and tried to run over us with their horses, knocking us with clubs, chopping us with swords, until they got us scattered from around the trees. When they got us scattered from around the trees and we commenced to run they commenced to shoot us.
Q. How many men got shot?
A. Three that I know of.
* * * * * * *
Q. How many Republican clubs in that settlement go to Lawtonville to vote?
A. Two.
Q. Do you know of any threats or any shooting of guns by the Democratic party on the night previous to the election?
A. They said when they passed my house that they were going on to Lawtonville, and that d——d Republicans could come on there; that they were going to fill up a ditch with them.
Q. Was there any shooting of guns?
A. Yes; they were shooting guns and pistols along the road and hollowing all the time.
Q. What time was it they passed your house?
A. On Monday, in the afternoon, about sundown.

This is a strong Republican precinct, but the outrages committed upon the Republican voters and the United States supervisor, shown by the testimony, proves conclusively that no fair and honest election was held and the vote must be rejected.

BARNESVILLE PRECINCT.

The evidence as to this precinct shows that the box contained 811 ballots, an excess over the names upon the poll list of 229. The Republican ticket was printed upon white paper, the Democratic upon red. The Democratic was upon thinner and finer paper, and the difference was so marked that one could be distinguished from the other in the dark. In drawing out the excess of votes above the names on the poll list 160 Republican and 99 Democratic votes were drawn out. There were 80 or 88 Democratic votes with one or more folded in them. This poll is tainted and fraudulent, and it is impossible to ascertain the actual legal vote cast; the official return is unreliable and the vote must be rejected.

With these considerations I will leave Hampton County and enter upon the examination of the political methods in vogue in the county of Aiken.

AIKEN COUNTY.

The corrections and changes made by the committee in this county are as follows:

Corrected vote of Aiken County is stated:			
Tillman's			4,980
Deduct Aiken Court-House		719	
Deduct Silverton		225	
Deduct Creed's Store		231	
Deduct Windsor		396	
			1,571
			3,409
Smalls's		1,467	
Deduct Aiken Court-House	383		
Deduct Silverton			
Deduct Creed's Store	16		
Deduct Windsor	10		
		409	
			1,058
Tillman's majority			2,351

AIKEN COURT-HOUSE.

This poll was properly rejected by the committee. The evidence in regard to the proceedings at this poll is quite voluminous and from the lips of eight or ten persons who witnessed them. A barricade was erected in front of the poll, the north end intended to be the place of entrance and the south end the place of exit. A large number of Republican voters congregated around the north end, but were not permitted to enter, the Democrats holding sticks across the entrance to prevent them; while the whites entered the southern end, intended for the exit, without objection. Colored men attempted to go there, but were driven back. A large number of colored Republicans stood all day long attempting to reach the box to deposit their tickets, and at the close of the polls 400 Republicans went away without voting. A short distance from the north end, where the Republicans were massed, a cannon was in position and trained upon the crowd. The Palmetto Rifles, a military company, armed, was in attendance during the day, and at one time drawn up in line on the opposite side of the street. One of the colored Republicans who were pressing to reach the poll was cut in the breast, another in the thigh, and another in the back; some were blinded by having red pepper thrown in their eyes, others were kicked, and all kinds of indignities and cruelties that the depravity of man can suggest were inflicted upon them. There was not even the semblance of a fair and honest election at this poll.

SILVERTON PRECINCT.

This precinct was near the scene of the Ellenton riots in 1876, and the recollection of the crimes and barbarities which occurred then is fresh in the minds of the colored men, and the Democratic spirit which prompted the commission of those crimes still lives. Saturday before the late election an attempt was made to hold a political meeting. Mr. J. H. Holland, who was a prominent Republican, made the first speech, and Mr. Chatfield followed. Chatfield had not spoken long before the Democrats began to curse and threaten him, and they were compelled to close the meeting for fear of personal injury. When Mr. Holland went to the depot for his ticket a crowd of Democrats rode up, surrounded him, seized him by the lapels of his coat, struck him in the eye, the breast, and upon the head, and ordered him to leave. The only offense Mr. Holland had committed was to make a Republican speech. He was appointed United States supervisor for Miles's Mills, and when attacked at the depot he fled for his personal safety and walked through the woods and swamps forty miles to his home. On the day of election the Democratic red-shirted rifle clubs were on duty, and the Republicans were driven from the polls and not a single Republican vote was cast.

CREED'S STORE.

The treatment which the United States supervisor received at this precinct has already been stated. The Democrats and supporters of the contestee raised a disturbance, rushed into the polling place shouting, "kill the d——d niggers, they have no business here;" and the colored voters fled for their personal safety without voting.

WINDSOR PRECINCT.

Mr. Piper was sent to this precinct with the Republican tickets. When taking down the names of the Republican voters a crowd of Democrats came up, gathered around him and the ticket distributer, struck him in the mouth, jammed him with their pistols, and threatened to kill them both if they did not leave the precinct. They were compelled to flee for safety and no Republican tickets were left to be cast.

These four precincts are all that the committee have rejected in the correction of the vote of this county, and the facts in each case fully justify their rejection. A spirit of lawlessness and disorder prevailed among the Democrats everywhere, more or less, throughout this entire county, and ballot-box stuffing occurred in many of the precincts. At Summerville 61 fraudulent Democratic votes were stuffed into the ballot-box, and 326 at Hankerson Page's Store precinct. At Hankerson Page's Store precinct the same lawless and brutal spirit was manifested that characterized the other polls of the county. The red-shirters were in attendance, firing pistols, threatening and cursing Republicans. They carried E. S. Green, a young colored man of twenty-one years of age—a deputy clerk—to the woods, stripped him, four or five held pistols over him, and he was whipped until the blood followed the strokes.

FOUNTAIN ACADEMY.

Here the Democrats rode among the colored voters, threatening to blow out their brains, and the colored men scattered. After a while they returned toward the polls, and the horsemen, who had dismounted and voted, made an attack upon them and drove some sixty colored Republicans away. One was beaten over the head with a gun, one was hit in the mouth, and knots were hurled after them as they retreated, and they were addressed in the following suggestive language: "You G—d d——d niggers, if you don't leave here we will blow your d——d brains out."

KNEECE'S MILL.

I have called attention to the treatment of the United States supervisor at this precinct. It needs only to be said that the red-shirters were on duty, armed and equipped, and boldly proclaimed, "This is the white man's country, and we intend to rule it;" refusing to allow the colored voters to participate in the election.

EDGEFIELD COUNTY.

The returns from this entire county were rejected. This is one of the counties to which I have alluded where the poll lists, returns, &c., were not on file with the secretary of state. The only rational conclusion is that the election officers of the precincts or county must have suppressed or destroyed them, and thus placed beyond the reach of mortal man the evidence by which their frauds could be detected and their rascalities be exposed and the correct and legal vote of the county ascertained. This alone is an ample justification for the rejection of the vote of this county, but the committee do not stand upon this alone.

A spirit of lawlessness and violence seemed to reign supreme in this entire county, and the grossest election frauds were committed in various election precincts. At Edgefield Court-House the polls were held in the court-room upstairs. The doors were double, each eighteen inches wide; one was open, the other securely fastened. This entrance was under a Democratic guard and a hundred or more Democrats flanked the stairway and approaches thereto, and the colored Republican who had the temerity to pass through was the subject of scoffs and jeers, insults and personal injuries on his way to the poll, finding his clothing cut upon his escape from the crowd. The porch over the outside entrance swarmed with Democrats armed with stones and brickbats. On the opposite side of the street the Edgefield Rifles were on duty, and a large force of red-shirters were

in attendance. A sixteen-shooter was under the porch of the court-house and there were three double-barreled guns inside of the rail, within a foot of the polls, and all of the surroundings were more like those of a hostile camp than the place where a free people assembled in a quiet, orderly way to exercise the most sacred rights of citizenship. A line was drawn in front of the court-house, reminding one of the historic dead-line at Andersonville, the red-shirters upon the inside and the colored Republicans upon the outside. To reach the polls this line must be crossed. When attempts were made by colored men to cross the line as they approached it they were told to stand back and not permitted to pass.

This record shows that there were 2,000 colored Republicans who came there to vote that day. They were denied the privilege, and at the close of the polls the vote as counted and declared was 763 for Mr. Tillman and 11 for Mr. Smalls.

MOUNT WILLING PRECINCT.

I have called attention to the treatment of the supervisor at this poll, and I will only add that at the entrance of the polling place the red-shirters were standing around with clubs and pistols, keeping the colored Republicans back and admitting the Democrats. About two o'clock a crowd of red-shirters came up and began beating the colored Republicans with clubs and sticks; one pistol was fired, and after that a great deal of firing took place, and the colored Republicans to the number of one hundred and eighty or one hundred and ninety fled for their personal safety.

MEETING STREET PRECINCT.

I have already called attention to the indignities offered to the United States supervisor at Meeting Street and Chatham's Store precincts, and have nothing further to add except that at Chatham's Store precinct a colored Republican voter was seized by an armed Democrat who beat him, presented a pistol, and threatened to blow his brains out if he did not vote the Democratic ticket. To save his life he complied with this brutal demand.

At George's Cross Roads the colored Republicans were ordered away and driven back by mounted red-shirted Democrats, who crowded the door with their horses and would not permit the Republicans to pass. They threatened to "frail" them out if they did not go away.

At Talbot's Store the United States supervisor was not permitted to be in the room where the voting took place, and the armed red-shirters prevented 150 Republicans from voting. At Red Hill the United States supervisor's papers were taken from him and destroyed.

At Johnson's precinct a row took place about eleven a. m., in which Anthony Mills, a colored man, was killed and some 800 colored men left the precinct without voting.

This, in part, comprises the barbarous, brutal, and fraudulent record of the Democracy of Edgefield County.

The corrections of the errors and frauds which the committee have made in the returns from this district are fully warranted by the law applicable to the facts proved in this case, and the result is given in the following

RECAPITULATION.

Corrected statement of the vote of the fifth Congressional district of South Carolina.

Counties.	Tillman.	Smalls.
Aiken	3,409	1,058
Hampton	1,019	1,166
Barnwell	4,700	2,431
Colleton	3,388	3,760
Beaufort	391	5,978
	12,904	14,393

Smalls's majority, 1,489.

All the facts and circumstances attending this election disclose a predetermined and well-matured plan by the Democracy to capture this Republican district. To attain that end State and national laws were defied; public officers failed to perform their sworn duties; the right of American citizens to freely cast their votes and have them honestly counted was denied and the exercise of that unquestioned right prevented by armed Democratic desperadoes. At a time and upon an occasion when peace, law, and order should prevail, outrages, anarchy, and disorder ruled supreme. The time will come, and I trust is not far distant, when the perpetrators of such wrongs and outrages upon the colored voters in the South must cease.

Errors may sometimes occur in the administration of our election laws through the carelessness or ignorance of election officers; indiscretions may be committed in times of great excitement when intense party feelings are aroused, but these may be attributed to the imperfections and weakness of our nature. It is a source of profound regret that this charitable view cannot be taken of the striking revelations in this case.

The right of an American citizen to the elective franchise is too sacred to be denied. The purity of our elections is of vital consequence, and the success of our free institutions depends upon its preservation. The man who would obtain official position or the party that would achieve success by its violation should be branded as an enemy of the Republic.

Sundry Civil Appropriation Bill—Removal of Stenographers for Committees.

SPEECH

OF

HON. WILLIAM M. SPRINGER,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, July 12, 1882.

The House being in Committee of the Whole on the state of the Union, and having under consideration the sundry civil appropriation bill—

Mr. SPRINGER said:

Mr. CHAIRMAN: The clause now under consideration proposes an appropriation "to pay James L. Andem for reporting testimony before the Committees on Foreign Affairs and Public Buildings and Grounds, $598." Mr. Andem is not one of the official stenographers of the House, and this appropriation is to pay him for work done while acting in the place of the official stenographers for committees recently appointed by the Speaker, most of it when those officials were not engaged with other committees.

I have already shown by the proceedings of the Committee on Foreign Affairs on the 12th of April last, submitted in connection with my previous remarks on this subject, that one of these gentlemen was found to be entirely incompetent to perform the duties of his office; the other, immediately after his appointment, engaged Mr. Andem to act as a substitute for himself, or for both the new officials, in reporting the proceedings of the most important and for a time the only committee requiring the services of a stenographer; and it is for the services so rendered by Mr. Andem that we are now asked to pay nearly $600, while at the same time the two gentlemen whose duty it was to perform this work were drawing their official salaries. The gentleman from New Jersey [Mr. ROBESON] states that there are precedents for appropriations of this kind. He is mistaken. Appropriations have been made from time to time to pay additional stenographers when the amount of work was greater than could possibly be done by the two officials, but there has never been any appropriation to pay outside stenographers for doing work which the officials failed to do by reason of incompetency.

The gentleman from Michigan [Mr. HORR] and the gentleman from New Jersey [Mr. ROBESON] have intimated that this appropriation has been made necessary by reason of the fact that Mr. Devine, one of the stenographers removed, had engaged Mr. Andem to act as his substitute while he was sick. It is true that Mr. Devine did engage Mr. Andem to act temporarily as his substitute while he was sick; but he asked and obtained the Speaker's leave to engage him, on the express condition that he should be responsible for that substitute's work and compensation. Mr. Andem did act one day for Mr. Devine and Mr. Devine has to pay him for that service. Mr. Andem's skill as a stenographer is freely conceded, and I of course do not object to his being properly remunerated for his services; but I submit that he should be paid by the officers who employed him, and that his compensation for acting as their personal substitute ought not to be made a charge upon the Treasury.

The fact that this appropriation has become necessary, as gentlemen upon the other side allege, involves the question of the removal of the official stenographers for committees who have been for many years in the service of this House.

I propose to recite briefly the facts connected with the Speaker's action in that matter. Mr. Henry G. Hayes was appointed an official stenographer for committees by Mr. Speaker Colfax in 1866, and continued to serve uninterruptedly until removed by the present Speaker on the 23d day of March last. Mr. Andrew Devine was appointed by Mr. Speaker Blaine in the last session of the Forty-third Congress, and continued in the service of the House until the 13th day of April last, when the present Speaker removed him.

On January 5, 1865, the House of Representatives adopted a resolution directing the Speaker to—

Appoint a stenographic reporter, to continue in office until otherwise ordered by the House, whose duty it shall be to report in short-hand, on the order of any of the standing or special committees of the House, such proceedings as they may deem necessary, and, when ordered to be printed, properly index and supervise the publication of the same.—*Journal* 2, 38, pages 79, 80.

On the 18th of January, 1866, this resolution was modified, so as to read that "the Speaker appoint a competent stenographic reporter, to continue in office until otherwise ordered by the House, whose duty it shall be to report in short-hand," &c. (Journal 1, 39, page 162.)

On the 25th of July, 1866, a resolution was adopted authorizing the Speaker to "appoint a competent stenographer as assistant official reporter to the committees of the House, to be paid the same compensation as the official reporter, and whose term of service shall expire March 4, 1867." (Journal 1, 39, page 1117.) Mr. Henry G. Hayes was appointed by Mr. Speaker Colfax to this position; and on March 5, 1867, a resolution was adopted by the House providing that "the assistant stenographer of the last House [Mr. Hayes] be continued as such until otherwise ordered."

On the 3d of March, 1873, the following preamble and resolution were adopted:

Whereas the present contract for publication of the debates expires with this session; and whereas the sundry civil appropriation bill, about to become a law, provides that until a new contract be made the debates shall be printed by the Congressional Printer, but makes no provision for reporting, leaving each House to adopt such arrangements on that subject as it may deem best: Therefore,

Resolved, That the reports of the House proceedings and debates shall be furnished to the Congressional Printer by the present corps of Globe reporters, who shall hereafter, until otherwise ordered, be officers of the House, under the direction of the Speaker, and shall receive the same compensation now allowed to the official reporters of committees.—*Journal* 3, 42, pages 582, 583.

Up to this time the rules of the House had contained no provision in regard to the official reporters of either class. They continued to hold over under resolutions of preceding Congresses, and their tenure of office was "until otherwise ordered." On January 15, 1874, the Committee on Rules reported the rules for the government of that House, and among them, as a part of Rule 165, was the following:

The appointment and removal of the official reporter of the House shall be vested in the Speaker.

Upon the adoption of this rule the Speaker, Mr. Blaine, made the following announcement:

On the 3d of March last (1873) the House adopted a resolution "that the report of the House proceedings and debates shall be furnished by the present corps of Globe reporters, who shall hereafter, until otherwise ordered, be officers of the House under the direction of the Speaker." The rule just adopted vests in the Chair the appointment and removal of these reporters. Whenever there is any point of doubt as to what the rule may be supposed to be, it is the duty of the Chair to give his own construction of it. The Chair, therefore, announces that he will appoint the existing reporters, and will consider that the power of removal is only vested in him for cause, which he will have entered upon the Journal. When the appointment of reporters is announced it will be for this Congress and for subsequent Congresses, until action removing them, for cause, may be taken by the then Speaker. The reporters as now appointed are to continue in office until removed for cause.—*Congressional Record*, 1, 43, page 681.

The rule above cited was amended on June 22, 1874, so as to include the stenographers for committees, giving the Speaker power to appoint and remove them "precisely as he had the appointment and removal of the reporters of debates."

The original stenographer for committees having resigned in the summer of 1874, the appointment of Mr. Devine as his successor was announced by the Speaker, Mr. Blaine, on the 9th of December, 1874, in the following terms:

The SPEAKER. When Mr. Francis H. Smith, stenographer for the committees of the House, resigned, the duty of naming his successor devolved upon the Chair, and he now appoints Mr. Andrew Devine, to date from the beginning of the present session.—*Congressional Record*, volume 2, page 37.

The rule, amended as above set forth, continued in force until the last Congress, and there was no change made in the *personnel* of the stenographic corps of the House until the present Speaker removed Messrs. Hayes and Devine, except that when one of the reporters of debates died during the Forty-fifth Congress Mr. Speaker RANDALL appointed his successor. When Mr. Kerr was elected Speaker of the Forty-fourth Congress the question of the tenure of office of the official reporters of debates and committees was brought to his attention. He carefully examined the precedents on the subject and the then existing rule, which vested the appointment and removal of these officers in the Speaker without limitation except in so far as the construction of the rule by Mr. Speaker Blaine, already cited, might operate as a limitation. It is well known that the Forty-fourth Congress had a large Democratic majority and that it promptly instituted many important investigations which required the services of an efficient and trustworthy corps of stenographers.

Mr. Kerr was strongly urged by some of his partisan friends to make changes in the corps of official reporters, for both debates and committees, upon the ground that the reporters then in office had all been appointed by Republican Speakers and were supposed to be Republicans in politics, and therefore perhaps less likely to serve the House faithfully when it was engaged in these proposed investigations. Mr. Kerr, however, having considered the whole subject carefully, came to the conclusion that the official reporters constituted "a body of trained experts" whose continuous service was necessary to the efficient performance of their duties, that none of the appointments had been made upon partisan grounds, and that it would be at least unwise to make changes upon such grounds.

Thus the first Democratic Speaker for many years, though strongly pressed to use these offices as "patronage," and free to do it so far as the then existing rule was concerned, recognized the expert nature of the duties and, regarding the efficiency of the service a much more important consideration than the partisan advantage of securing a little official patronage, made no changes in the reporting force of the House. There were peculiar reasons at the beginning of the Forty-fourth Congress for the appointment of reporters in political accord with the Democratic majority. The investigations instituted were directed to a great extent against the mismanagement and malfeasance of Republican officials, extending through many years.

It was urged upon the Speaker that the most confidential relations ought to exist between the official reporters, especially those reporting the proceedings of these committees, and the majority on such committees and in the House; but Mr. Kerr, knowing the skill and efficiency of the old force, appreciating the importance of their work, and trusting to their honor and their sense of official duty, disregarded those appeals, and, as I have said, made no changes. Mr. Kerr died before the end of the Forty-fourth Congress, and the gentleman from Pennsylvania [Mr. RANDALL] was elected Speaker of the House. He took the same view of this subject that was taken by his illustrious predecessor, and made no changes whatever in the force, except that when Mr. Hincks, one of the oldest of the reporters of debates, died in office the Speaker appointed his successor.

In the Forty-sixth Congress the House adopted a resolution directing the Committee on Rules to revise the rules of the House, and, for this purpose, to sit during the recess. That Committee on Rules consisted of Mr. RANDALL, (the Speaker,) and Messrs. STEPHENS, BLACKBURN, Garfield, and FRYE, all gentlemen of great experience in the House. At the beginning of the last session of that Congress the committee reported the revised rules, which were considered and adopted by the House and which are now in force substantially as then adopted. The rule in regard to the appointment and removal of the official reporters appeared in the revision as Rule XXXVI, clause 1, and is as follows:

The appointment and removal for cause, of the official reporters of the House, including stenographers of committees, and the manner of the execution of their duties, shall be vested in the Speaker.

This rule received the unanimous approval of the Committee on Rules, the gentleman from Pennsylvania, [Mr. RANDALL,] then Speaker, joining in placing this limitation upon his own power; and it also received the unanimous approval of the House. It embodied in the new rule, in terms, the construction which Speaker Blaine had put upon the old rule, namely, that the power of removal could be exercised only "for cause." When this Congress met the rules of the preceding House of Representatives were adopted as our rules until otherwise ordered. There has been no change made by this House in Rule XXXVI. The stenographers for committees, having been appointed originally to continue in office "until otherwise ordered" by the House, could have been removed by the Speaker only by virtue of his authority under the rule, and the rule gives him authority to remove "for cause" only. But what are the facts? On the 23d day of March last Mr. Hayes, without any previous intimation on the part of the Speaker, received the following letter:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, March 23, 1882.

SIR: You are hereby notified that you have been this day removed for cause as a stenographic reporter of committees of the House of Representatives.

J. WARREN KEIFER,
Speaker House of Representatives.

HENRY G. HAYES, Esq.,
Stenographer, House of Representatives.

Mr. Hayes addressed to the Speaker the following note of inquiry:

WASHINGTON, D. C., *March* 24, 1882.

SIR: I respectfully ask to be informed of the cause for which I am removed, by your notification of yesterday, from my official position as stenographic reporter of committees of the House of Representatives.

Your obedient servant,

HENRY G. HAYES.

Hon. J. WARREN KEIFER,
Speaker of the House of Representatives.

To this the Speaker made the following reply:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, March 24, 1882.

SIR: I am directed by the Speaker to acknowledge the receipt of your note of this date, and to advise you in reply that he does not think that any public or private purpose will be subserved by furnishing a detailed statement of the cause or causes which have led to your removal as stenographic reporter of committees of the House.

He is desirous, however, that you should not be led by the language of the letter of removal to infer that any criticism was intended to be made upon your private character.

Very truly, yours,

C. C. ROYCE,
Private Secretary.

HENRY G. HAYES, Esq.,
Washington, D. C.

Mr. Hayes replied to this as follows:

WASHINGTON, D. C., *March* 28, 1882.

SIR: I have waited for the last five days in the hope that you would, on further consideration of the rules of the House, recall your letter of the 23d instant, notifying me that you had removed me from my office.

As you have not assigned any cause for your action, have refused to assign any, and have (so far as I am aware) none to assign, I beg, respectfully, to inform you that I do not recognize its legality.

Very respectfully,

HENRY G. HAYES.

Hon. J. WARREN KEIFER,
Speaker House of Representatives.

On the 13th of April last, while absent on sick leave, Mr. Andrew Devine, the other official stenographer for committees, received the letter set out below.

To this letter Mr. Devine made no reply; but some days later the gentleman from Kentucky [Mr. CARLISLE] offered on his behalf the following preamble and resolution:

Whereas Mr. Andrew Devine, a member of the official reporting corps, has received the following notification:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, April 13, 1882.

SIR: Your services as acting stenographic reporter for committees of the House of Representatives are dispensed with from and after this date. You are not regarded as holding any continuing valid appointment for this Congress, but assuming that you do, you are removed for good and sufficient cause.

Very truly, yours,

J. WARREN KEIFER,
Speaker House of Representatives.

ANDREW DEVINE, Esq.,
House of Representatives, Washington, D. C.

And whereas it is claimed on behalf of Mr. Devine that, while he, like all the other official reporters, is of course removable by the House at its pleasure, with or without cause, the action of the Speaker in the premises does not constitute removal for cause within the true meaning and intention of the rule: Therefore,

Resolved, That the Committee on the Judiciary be instructed to make full inquiry into the case of Mr. Devine, and the validity of the action of the Speaker therein, and to report without delay and at any time their conclusions, with such recommendations as they may deem proper.

This resolution was adopted by the House unanimously on the 25th day of April last, and a similar one in the case of Mr. Hayes had been previously referred to the Committee on the Judiciary; but that committee has not as yet obeyed the instruction thus given.

The correspondence which I have here presented is, I understand, all that has passed between the Speaker and the officers removed. It will be seen that the Speaker has in none of these letters assigned any cause for his action, and that when Mr. Hayes asked him to state the cause of his removal the Speaker declined to do so.

Was there any real cause for these removals? It is well known to all the older members of the House that Messrs. Hayes and Devine are gentlemen of high character, of unquestioned integrity, and of great intelligence and skill in their profession. During my seven years' service as a member of the House I have had frequent occasion to observe and to test their skill, efficiency, and trustworthiness. I have never heard a single complaint against either of them, and I do not believe that two more intelligent, efficient, or trustworthy stenographers were ever in the employ of any legislative body.

Members generally, it seems to me, have but little knowledge of the character or the extent of the work which these officers have performed in the service of the House; and this is perhaps to be expected, because the attention of gentlemen is generally concentrated upon the work of the committees of which they are themselves members, and as a rule they know little of the labors of others. We all know, however, how busy we keep the five reporters who sit at this desk reporting our debates; yet in several sessions within the past few years the aggregate stenographic work done for the committees of the House has largely exceeded the debates in volume, and in at least one instance it has been nearly equal to the debates of the House and the Senate combined. And, lest some of my friends on the other side should say that this occurred only during the period when the Democratic party was carrying on those investigations of which they so often complain, I will inform them that the last session of the Forty-third Congress, when they still had control of the House, was one of those sessions of which I speak, when the stenographic work done for the committees exceeded the debates in volume. Of course the two official stenographers could not perform all or nearly all this work themselves; that would be impossible; but, as they state in their letter, submitted here by the gentleman from Pennsylvania, [Mr. RANDALL,] and as I know, they have always done the most important and difficult work, and they have had to supervise the reporting and printing of it all—a very onerous part of their official duties.

The character of these officers being such as I have stated, and the Speaker having refused or failed to assign any cause for their removal, the presumption is that no cause existed for his action; and that action was therefore void under the rule. The discussion to-day as to the proper construction of the rule shows that gentlemen have not considered the question carefully, or examined the law governing in the premises. For instance, the gentleman from Maine [Mr. REED] says that "the meaning of the phrase 'for cause' is to notify the Speaker that, although he is acting upon his own honor and conscience, nevertheless it will be his duty to determine deliberately that there is cause for his action. He is the sole judge of the sufficiency of that cause." If this be the meaning of the words "for cause" in the rule, then clearly they are surplusage, and might just as well have been left out; for they do not in any way change the sense of the old rule or limit the authority of the Speaker in the matter, as they were designed to do.

If the Speaker is the sole judge of the existence or the sufficiency of the cause, if he may determine it in his own conscience, (or without his conscience, if you please, for conscience has nothing to do with this matter,) and if he may act upon this determination without informing the officer to be removed, or the House, whose servant he is, of the cause, then he may remove without cause, and his power is unrestricted and absolute. I submit that this is not the law. The words "for cause" mean something, and the chairman of the Committee on the Judiciary has not stated their meaning correctly. The words "for cause," in the sense in which they are used in House Rule XXXVI, are technical and have received judicial interpretation. In the impaneling of petit jurors the plaintiff and the defendant are allowed a certain number of peremptory challenges, and in addition to this each side may challenge a juror "for cause." When a juror is challenged "for cause" it must be for a cause which, under the statute, disqualifies him to sit as a juror in the case; the challenging party must show that the juror challenged "for cause" is by the statute rendered legally incompetent to sit on that jury.

Where the law allows a peremptory challenge the cause rests solely in the discretion of the challenging party, and need not be stated; but where the challenge is "for cause" the cause must be stated. The rules of the House of Representatives do not prescribe what shall be "cause" for the removal of an official stenographer; and the courts have held that in the absence of any provision of law or any rule upon this subject, the cause "must be determined with reference to the nature and character of the office and the qualifications requisite to fill it." (The State *ex rel.* Gill *vs.* The Common Council of Watertown, 9 Wisconsin Reports, 254.) So, in the case of *ex parte* King (35 Texas Reports, 657) the court held that "there must be such incompetency, or such non-feasance, or malfeasance, or corruption, or partiality in his office as will amount to a forfeiture of the right to enjoy it. Such cause only can rightfully call into exercise the power to remove."

This is the common-law rule and is laid down by all the courts so far as I have been able to examine the current of authorities upon this question. In the absence of any provision of rule or law prescribing the cause or causes for which these officers may be removed the common-law rule prevails. The Speaker having no power to remove an official stenographer except "for cause," could only exercise the power of removal for some such cause as the common-law rule requires, that is, a cause disqualifying the officer for the proper performance of the duties of his office. Such cause must be assigned and must exist in order to justify the exercise of this power. As the court say in the case of King, already cited:

It is not enough that the district judge [the removing power] may think that the officer has done something for which he ought to be removed. The fact must be so.

No such cause as the common-law rule requires, nor in fact any cause whatever, having been assigned for the removal of Mr. Devine or Mr. Hayes, the Speaker's action in the matter is void and of no legal effect.

The distinction between the power to remove "for cause" and the power to remove absolutely is clear and unmistakable. If the Speaker were authorized to remove absolutely any of the subordinate officers of this House, he could of course exercise that authority at his own discretion, being responsible, as the gentleman from Maine [Mr. REED] says, only to his own conscience; but in the case of the official stenographers he has no such power. Under the rule he can only remove them "for cause." The "cause" must be such as I have stated, it must be assigned and it must in fact exist. I have said that the words "for cause" in the sense in which they are used in our rule have received judicial interpretation, and I have incidentally mentioned a leading case upon this subject, to which I now more particularly call the attention of the House, the case of The State *ex rel.* Gill *vs.* The Common Council of Watertown, (9 Wisconsin Reports, 254.) Mr. Gill was the superintendent of schools of that city. The common council was authorized to remove the superintendent "for due cause" only.

The chairman of the Committee on the Judiciary tells us that there is a great difference in meaning between the phrases "for cause" and "for cause specified." I should like to hear him state first the distinction between "for cause" and "for due cause," and then the difference between "due cause" and "good and sufficient cause," the words used by the Speaker in removing Mr. Devine. There is none whatever. The word "cause" in such a connection implies a due cause; and the words "for due cause" have no other signification than the words "for cause." The definition of "cause," as given by Webster, is, "that which produces or effects a result;" "that from which anything proceeds and without which it would not exist." This is the meaning of the word "cause" as used in the rule, and as applied to the power of the Speaker in this case it implies the existence of some fact or cause which would disqualify the officer for the proper performance of his duties, and thereby effect or produce the result of his removal.

In this Wisconsin case, as I have said, the common council had power to remove "for due cause," but neither the statute nor the city ordinances had prescribed what should constitute "due cause." The council undertook to remove Mr. Gill, and assigned what they alleged to be "due cause" for their action. They furnished Gill a copy of certain charges which were made against him, and cited him before the council to answer them. He appeared, justified as to some of the charges and denied others. After he had been heard the council passed a resolution, as follows:

Whereas certain charges have been preferred to the common council of the city of Watertown against Charles R. Gill, superintendent of the schools of said city, and due notice and opportunity have been given to said Gill to appear before said council and make his defense to said charges, and the said Gill having appeared and submitted his defense; and

Whereas, in the opinion of this council, due cause exists for the removal of said Gill from said office for official misconduct: Therefore,

Resolved, That the said Charles R. Gill be, and he is hereby, removed from the office of superintendent of schools of the said city of Watertown, and said office of superintendent of schools is hereby declared vacant.

It will be seen that in this action of the council there was no specification of the particular cause for which the removal was made, but merely a general statement that it was made "for due cause," just as the Speaker in his letters of removal to Messrs. Devine and Hayes says that his action is taken "for good and sufficient cause" and "for cause." But Gill had notice of the charges against him and an opportunity to be heard, while our stenographers have had nothing of the kind. The council, however, not merely failed, but (like the Speaker) refused to specify the "cause" for their action in removing the superintendent, and Gill sued out a mandamus to compel them to restore him to his office. The supreme court of Wisconsin declared the action of the common council to be

null and void, and reinstated Gill in the office from which the council had attempted to remove him. In their opinion in the case the court say:

But it is contended by the counsel for the respondent that in removing the relator the council exercised a discretion which the law vests in it and that the court cannot by mandamus review or control that discretion, and if the premises assumed are correct, we think the conclusion of law follows; for, though there are many cases that have gone much further, particularly with reference to the acts of officers other than judicial, yet we think the rule is now well established that where the law vests in any officer or body a discretion with reference to a subject this discretion will not be controlled by mandamus. But we do not think this rule applicable to this case, for the reason that the law does not vest in the council the power to remove the officers of the city at its discretion. It was said on the argument that the council had the absolute power of removal, and if this were true it would undoubtedly be a case of discretion with which we could not interfere. But it seems to us that the council had no such power, for on looking at the source of their authority, in section 6, chapter 327, Private Laws of 1857, it appears that they have the power to remove only "for due cause." This is a clear limitation of the power of removal, and if the council should remove without due cause its action would be entirely unauthorized.

In the course of this opinion the court discuss further and define the true limits of the discretion vested in the removing power in such cases, and lay down the following propositions:

A power to remove for "due cause" is not a power to remove at discretion.

When a party or body having the power to remove for "due cause" do undertake to remove an officer for "due cause" and for "official misconduct," but cannot show for what cause or misconduct the officer was removed, their decision will be reversed.

Where a power to remove "for due cause" is given to inferior officers and tribunals the words "for due cause" operate as a limitation on the power; and yet if the authority to determine finally what is due cause were given to the same body vested with the power of removal the limitation would be entirely defeated.

What is "due cause" for the removal of an officer is a question of law, * * * and, in the absence of any statutory provision as to what shall constitute such cause, it must be determined with reference to the nature and character of the office and the qualifications requisite to fill it.

I again ask the attention of the House to the case of *ex parte* King, reported in 35 Texas Reports, page 657. This case grew out of the removal of the clerk of a district court by the judge of that court. The judge was authorized to remove the clerk "for cause, to be spread upon the minutes of the court." I have already shown that Mr. Speaker Blaine held that even under the old rule, before the words "for cause" were inserted, the Speaker could only remove the official reporters "for cause," to be "entered on the Journal," doubtless having in his mind the principle of law laid down in the cases I have cited. In this Texas case the requirement that the cause should be "spread upon the minutes" was merely directory. All official acts of the court must be made of record.

The essence of the provision limiting the power of removal was that it should be exercised only "for cause;" just as the Speaker's power in the case of the official stenographers is limited by Rule XXXVI. The judge undertook to remove the clerk, and entered the "cause" of record in the following language: "Whereas it appears to the satisfaction of the court that the clerk, William H. King, is entirely incompetent to discharge the duties of said office, and that his habits of life are dissipated to such a degree as to still further unfit him for said office;" and for these reasons or "causes" declared him removed. Mr. King appealed to the supreme court of the State, on the grounds that the "cause" alleged did not exist in fact, and that he had had no opportunity to be heard in self-defense. On appeal the supreme court set aside the order of the judge below and reinstated King in office. The court in deciding the case uses this language:

Another and a vital consideration remains. It cannot be supposed that the framers of the constitution [of the State] intended to clothe the district judge with the power arbitrarily or capriciously to remove from office an officer elected by the people. Yet the judge has the power to remove. What cause, then, authorizes the exercise of the power? The answer to us seems to be plain. * * * It is not enough that the district judge may think that the officer has done something for which he ought to be removed. The fact must be so. There must be such incompetency, or such nonfeasance, or malfeasance, or corruption, or partiality in his office as will amount to a forfeiture of the right to enjoy it. Such cause only can rightfully call into exercise the power to remove. It is quite clear from the record in this case that the court did not extend to the clerk the right of defending himself against the charges preferred against him. * * * It is not shown that any opportunity was afforded him to answer or to question the sufficiency in law or the truth in fact of the charges against him.

It will be seen that in this case the "cause" of the removal was assigned, (but without any specification of particulars,) and the removal was made for the "cause" alleged; yet the supreme court annulled the action of the district judge in removing King, upon the ground that he had not had an opportunity to defend himself against the charges, or to show that they were unfounded, so that the existence of such a "cause" as would justify the action of the removing power had not been established, and therefore the removal was void and of no effect. In the Wisconsin case the "causes" were assigned and the officer against whom the charges were made was given a hearing; but the council, in making the removal, did not specify the particular cause or causes for which the removal was made; and in that case also the action of the removing power was declared null and void.

Apply the rule of law laid down in these cases to the action of the Speaker in removing the official stenographers. In both the Wisconsin case and the Texas case the action of the removing power was much more defensible than the action of the Speaker here; because in both those cases the "cause" was stated, and in one of them the party to be removed was given a hearing; while the Speaker has not only failed to state the "causes" for his removal of the stenographers but has refused to do so, and of course those gentlemen have had no opportunity to be heard in self-defense. Nevertheless, as I have shown in both the cases I have cited, the act of removal was declared null and void. In like manner this House ought to set aside the action of the Speaker in removing two of its official stenographers, because that action was arbitrary, unjust, and without warrant in law or in the practice or the rules of the House.

The gentleman from Maine, [Mr. REED,] the chairman of the committee which is supposed to have had this matter under consideration for the last three or four months, has undertaken to save the House from "confusion of thought" upon the subject, by giving us what he calls an accurate statement of the law. He says:

I do not care what the intention of the Committee on Rules was when they inserted the words "for cause." The words "for cause" have a distinct, positive, technical meaning. The language is precise. It is not "for cause specified, to be placed upon the journal." It is not for "specified cause." It is "for cause," solely and simply. Now, the law is accurately stated in the two hundred and fiftieth paragraph of Dillon on Municipal Corporations and in the case cited in the note. It is there declared that the expression "for specified cause" requires a statement of the cause and notice to the party. But if it be "for cause" only and simply, as it is in our rules, then it is only a question for the conscience of the man vested with the power of removal.

The chairman of the Committee on the Judiciary states his position very clearly. He does not care what the words of our rule were intended to express. He plants himself upon the restricted technical meaning of the words "for cause" simply and solely, and he tells us the very paragraph in which we can find the law on this point "accurately stated." Now, Mr. Chairman the two hundred and fiftieth paragraph of Dillon on Municipal Corporations is in these words:

Where an officer is appointed during pleasure, or where the power of removal is discretionary, the power may be exercised without notice or hearing. But where the appointment is during good behavior, or where the removal can only be for certain specified causes, the power of removal cannot, as will presently be shown, be exercised, unless there is a charge against the officer, notice to him of the accusation and a hearing of the evidence in support of the charge and an opportunity given to the party of making defense.

This is the whole of the paragraph referred to. It will be seen that the first part of the proposition laid down by the gentleman from Maine, that the expression "for specified cause" requires a statement of the cause and notice to the party, is contained in this paragraph; but the second part, the only part of his proposition that has any application here, namely, that "if it be 'for cause' only and simply, as it is in our rules, then it is only a question for the conscience of the man vested with the power of removal," this doctrine which he states so confidently as settling the question of the Speaker's power under the rule, is not found in Dillon at all! The gentleman's language certainly conveys the idea that this doctrine of the technical meaning of the expression "for cause" is explicitly laid down by Dillon, and the doctrine itself is so repugnant to every principle of natural justice that it would require a very explicit statement by very high authority to secure its acceptance as law.

I have shown that no such statement is made in Dillon. But I have heard some strange views announced here, and possibly it may be argued that, though not expressed, this doctrine is implied in the first sentence of this paragraph, which speaks of cases where the power of removal is "discretionary." Now, sir, this paragraph in Dillon is copied, part of it almost verbatim, from the syllabus and the opinion in the leading case cited in the note, the case of Field *vs.* The Commonwealth, 32 Pennsylvania. The first sentence of Dillon's paragraph is taken from a part of the opinion in that case which I shall presently quote, and it will be seen that the doctrine there relates to such a power of appointment and removal as is possessed by the President of the United States, or by such officers as collectors of customs, or the Clerk or the Doorkeeper of this House under Rule II, and has no reference whatever to a power limited by the requirement that it shall be exercised only "for cause."

Therefore I am fully warranted in saying that this doctrine, for which the chairman of the Committee on the Judiciary has referred us to Dillon, is a doctrine which the text of Dillon neither expresses nor implies.

A careful examination of the leading cases cited in the note to this paragraph shows that they also fail to sustain the proposition that where the power of removal is to be exercised for cause, "it is only a question for the conscience of the man vested with the power of removal." That doctrine seems to have emanated solely from the gentleman from Maine. I have said that paragraph 250 of Dillon is copied substantially from the opinion and the syllabus in the case of Field *vs.* The Commonwealth, (32 Pennsylvania Reports, 478,) the leading case cited in the note. That syllabus, so far as it relates to removals from office, is as follows:

The superintendent of common schools [a State officer in Pennsylvania] has no power to remove a county superintendent except for neglect of duty, incompetency, or immorality; and before a removal can take place there must be a charge against the officer, notice to him of the accusation, a hearing of the evidence in support of it, and opportunity given to the party of making his defense.

This case was a *quo warranto* at the suit of the Commonwealth of Pennsylvania, *ex relatione* Jonathan K. Krewson, against William A. Field, to inquire by what authority the defendant claimed to exercise the office of county superintendent of common schools for the county of Schuylkill.

The information set forth that the relator, Jonathan K. Krewson,

was duly elected and commissioned as county superintendent of common schools for the said county of Schuylkill for the term of three years from the first Monday of June, 1857; and that he entered upon and continued to perform the duties of said office until the 2d of November, 1858, when he received the following notice from the superintendent of common schools:

PENNSYLVANIA, DEPARTMENT OF COMMON SCHOOLS,
Harrisburgh, November 2, 1858.

SIR: You are hereby removed from the office of county superintendent for "neglect of duty and incompetency." You will immediately deliver to your successor, W. A. Field, esq., the books of "county certificates" and "provisional certificates" in your hands, and the marginal references or "duplicates" of all certificates of either kind issued by you since the first Monday in June, 1857; together with all other official records or documents in your possession, or under your control, taking his receipt for the same in detail; upon the presentation of which at this department your arrearages of salary and express charges will be adjusted.

Your obedient servant,

H. C. HICKOX,
Superintendent Common Schools.

To J. K. KREWSON, Esq.,
Minersville, Schuylkill County, Pennsylvania.

The information further set forth that the relator had not received any previous notice of any charge against him either of incompetency or neglect of duty, nor, as he averred and believed, had any such been made; nor had he ever received from the superintendent any specification of any fact, mistake, or act of commission or omission whereon any such charge could have been based; but that the attempt so to remove him from his office was wholly without charge, specification, trial, or hearing of any kind whatever. That the superintendent, although subsequently requested, had refused to make known to the relator any specification to sustain the allegations of incompetency and neglect of duty, or to give him a hearing upon both or either of said charges.

The defendant by his answer neither denied nor admitted that part of the information which set forth the removal of the relator without charge, specification, trial, or hearing, but alleged:

First, that the State superintendent of common schools had full power to remove the relator from the office of county superintendent whenever he became satisfied that the said relator was incompetent or that he neglected the duties of his said office; second, that the said State superintendent did become satisfied that the said relator neglected his duty as county superintendent and was incompetent for the proper performance thereof, and did therefore remove the said relator from the said office; third, that there being a vacancy in the office of county superintendent of common schools for the county of Schuylkill, the State superintendent had the power to fill said vacancy, and did fill the same by the appointment of this defendant.

To this answer the relator demurred, and the court below, after argument, gave judgment for the Commonwealth; whereupon the defendant removed the cause to the supreme court of the State. The supreme court of Pennsylvania at that time consisted of the following distinguished jurists: Walter H. Lowrie, chief-justice, and Justices George W. Woodward, James Thompson, William Strong, (afterward a justice of the Supreme Court of the United States,) Gaylord Church, and John M. Read. The opinion of the court in this case was unanimous, with one exception, and no dissenting opinion was filed. The opinion was delivered by Mr. Justice Read, and the doctrine there laid down by this distinguished jurist differs widely from that of his namesake, the gentleman from Maine. After reciting the facts of the case and the statute of Pennsylvania, the court said:

Where an appointment is during pleasure, or the power of removal is entirely discretionary, there the will of the appointing or removing power is without control, and no reason can be asked for nor is it necessary that any cause should be assigned. This branch of the subject has been so fully discussed in the Supreme Court of the United States in *ex parte* Duncan N. Hennen, 13 Peters, 230, that it is only necessary to refer to it; and, by analogy to the power of removal exercised by the President, collectors may remove their subordinates without consulting the Secretary of the Treasury, though the approbation of the latter be necessary to an appointment; and it is not a breach of official duty on the part of the collectors to refuse to report their reasons for removing these subordinate officers.

The same doctrine is laid down by the court in exchequer chamber in the case of the Queen *vs.* The Governors of the Darlington Free Grammar School, 8 Adolphus & Ellis, 682. It was there contended that the governors of the school could not remove a schoolmaster without his being summoned to answer the charge, nor without having a reasonable time to answer, nor, lastly, without proof of the charges brought against him; and the court said that, if he held his office during good behavior, such steps would have been necessary to precede his removal. These views were supported by Baggs's case, 11 Coke's Reports, 98, (6,) and Dr. Gaskin's case, 8 Term Reports, 209. * * *

But the other rule, laid down in Baggs's case and Dr. Gaskin's case, and affirmed in the case just cited, is as clearly the true one, where the appointment is either during good behavior or for a limited or unlimited period, or where the removal can only be for certain specified causes.

Upon this question the authorities in England and in this country are clear, distinct, and emphatic, and in entire accordance with our free institutions.

The court cite the case of Ramshay, an English county court judge, who, upon charges presented by certain inhabitants of the borough of Liverpool, was removed by the chancellor of the duchy of Lancaster, after notice and a full hearing. Ramshay applied to the Court of Queen's Bench for a rule to show cause why an information in the nature of a *quo warranto* should not be filed against Pollock, who had been appointed to succeed him; and the formal instrument of removal, under the hand and seal of the chancellor, was set up as conclusive. This case is fully reported in 18 Queen's Bench Reports, 173, (83 English Common Law.) Lord Campbell, in giving judgment in that case, said:

We are of opinion that this instrument is not absolutely conclusive; that the chancellor, in the exercise of the authority to dismiss from office, is, in the language of the judges in Rex *vs.* Warren, 1 Cowp., 370, subject to the control of this court, and that (as is there said) we may "inquire into the cause and manner of a motion." The instrument being drawn up in the words of the act of Parliament, we may presume that the chancellor has duly exercised his jurisdiction till the contrary is proved. But we think that it would have been open to Mr. Ramshay to show that he was removed without notice of any charges against him; or without an opportunity of being heard in his defense; or that no evidence was adduced to support the charges; or that the complaints against him were not for inability or misbehavior in his office, and were of such a nature that, if proved or admitted, they could not disqualify him for his office, or amount to inability or misbehavior within the meaning of the act of Parliament.

The chancellor has authority to remove a judge of a county court only on the implied condition prescribed by the principles of eternal justice, that he hears the party accused. He cannot legally act upon such an occasion without some evidence being adduced to support the charges, and he has no authority to remove for matters unconnected with inability or misbehavior in the office of county court judge. Where the party complained against has had a fair opportunity of being heard—where the charges, if true, amount to inability or misbehavior, and where the evidence has been given in support of them, we think we cannot inquire into the amount of evidence or the balance of evidence; the chancellor acting within his jurisdiction being the constituted judge upon this subject.

Again, the Pennsylvania court say "We find principles of a kindred character laid down by Chief-Justice Marshall, of Kentucky, in the case of Page *vs.* Hardin, (8 B. Monroe's Reports 648,) where the governor of Kentucky undertook to decide that the secretary of state had abandoned his office, (the tenure of which was good behavior during the term for which he was appointed,) and having thus created a vacancy, appointed another person in his place;" and they quote from the opinion in that case as follows:

We are unwilling to believe that the governor intended without cause to remove an officer appointed for a term of years before the term had expired. That he possessed the power of removal is conceded; but the power is to be exercised upon cause shown. It exists only where the officer fails or neglects faithfully to perform the duties of his office. It is true that the executive is made the judge, and that his "opinion" or judgment is conclusive so far as relates to the question of removal. But that judgment is not to be pronounced without notice, without any charge or specification, and without any opportunity given to the officer to make his defense. The reputation and the right of the incumbent to the office for the term specified in his commission are involved, and he has a right to know the accusation and to be heard in his defense. The present executive understood these rights too well and appreciated them too highly to be guilty of violating them. If he was on his trial before the senate on impeachment for doing so, it would be difficult to convince any one that he intended to commit any such act of oppression.

This is the language of Chief-Justice Marshall, of the Kentucky court of appeals; and the effect of the opinion in that case was to recognize the officer sought to be removed as still continuing in office, notwithstanding the action of the governor.

The supreme court of Pennsylvania, basing its decision upon these cases, used the following language in deciding the case of Field *vs.* The Commonwealth:

This is conclusive of the present question; for it is acknowledged that there was no charge or specification, no notice, no hearing, no evidence produced, nor any opportunity given the county superintendent to defend himself. All these were necessary before a removal could take place; and this appears to have been the construction originally placed by the State superintendent upon the section of the act of 1854 vesting the power of removal for specified causes in him.

The court therefore held that Krewson, the county superintendent of schools for Schuylkill County, had not been removed in accordance with law, and that he was still the legal incumbent of that office.

This case was decided upon "the principles of eternal justice," of which Lord Campbell spoke, which allow no man to be condemned without a hearing; and in concluding an opinion in another case Lord Campbell, referring to the same doctrine, said he "recollected hearing a very aged judge once say, and not irreverently, that the Almighty and Omniscient Being would not condemn our first parents without their being heard. That precedent had been always acted upon."

Applying the doctrines here laid down to the removal of the official stenographers of this House, we find that in their cases none of "the principles of eternal justice" were regarded by the removing power. The distinction which is set up by gentlemen in this debate between the power to remove "for cause" and the power to remove "for specified cause" is a mere quibble. It is not to be found in Dillon, and it is not to be found in the leading cases cited in the note to Dillon's statement of the law. Of the dozen or more cases there cited there are just two in which there is any discussion whatever of the meaning of "for cause." In one of those cases the court does undertake to find a distinction between "for cause" and "for cause shown;" but it says nothing about the "cause" being left to the conscience of the removing power; on the contrary, while holding that the exercise of the power was in that case solely in the discretion of the common council, the court says that it was evidently the intention of the Legislature to make them "responsible to public opinion by requiring them to enter the cause on their journal."

In the other of these two cases a State governor was the removing power, and the court declined to interfere, not on account of any special meaning that might be given to the words "for cause," but for a totally different reason, namely, that "to institute an inquiry as to the correctness of the cause for which the governor removed the defendant would be a direct attack upon the independence of the executive and a usurpation of power subversive of the constitution."

In the case of Page *vs.* Hardin, as we have seen, the court did review even the action of a State governor, where it came up as a

collateral issue, holding that "where individual right is involved, there can be no reasonable ground for denying to the judiciary the power and duty of deciding upon the legal validity or invalidity of any act of the executive department, whether done by an inferior or by the supreme executive officer." But, whatever may be the true rule where the judiciary is called upon to revise the action of a co-ordinate branch of a State government, that rule cannot, of course, have any application to the question of the right of this House to review and revise the action of its Speaker.

There is a distinction between a power to remove for a cause specified and a power to remove "for cause;" but that distinction relates only to the manner of selecting and designating the cause, not at all to the means of ascertaining its existence as a fact. Where, as in this Pennsylvania case of Field *vs.* The Commonwealth, the statute specifies the cause or causes for which a removal may be made, the officer vested with the power must allege and establish the existence of such particular cause or causes before he can work a legal removal, but where there is no specification of causes and the power is to be exercised "for cause," the task of the removing officer instead of being easier (as the gentleman from Maine argues) is really more difficult, and he must act with greater caution and circumspection, because he has nothing in the statute to guide him in determining what constitutes "cause" for the exercise of the power, but must rely upon his own judgment, being governed of course by the common-law rule already stated, that the cause must be one which, if established as a fact, would disqualify the person for the proper performance of the duties of his office.

Where there is no specification in the statute or the rule as to what shall constitute "cause" for removal, the selection and statement of the "cause" in the first instance is of course a matter for the judgment and conscience of the removing power; and in this sense only has the doctrine enunciated by the gentleman from Maine about the cause being a matter for the conscience of the removing power any foundation in law or reason. But when the officer vested with the power to remove has alleged his cause, then all the leading authorities hold and the "eternal principles of justice" require that it shall be such a cause as, if proved, would of necessity disqualify the person to be removed, and the removal cannot take legal effect until the party has received due notice, has been furnished with a specification of the charge or charges against him, has had an opportunity to make his defense, and the "cause" has been found to exist.

The very able opinion of the Kentucky court of appeals in the case of Page *vs.* Hardin (8 B. Monroe, 648) enunciates so clearly the principles governing this general question, that I desire to quote a few sentences from it in addition to the extract already presented in the opinion of the Pennsylvania court in the case of Field *vs.* The Commonwealth.

Hardin was appointed secretary of state by the governor of Kentucky, to hold office until the end of the governor's term, unless sooner removed for a breach of good behaviour—that is, he was removable only for cause. Hardin did not reside at the capital of the State, but undertook to perform his official duties, or most of them, by deputy, and after he had been in office for a year or more the governor by an executive order declared that the secretary of state, "by his failure, willful neglect, and refusal to reside at the seat of government and perform the duties of secretary, has abandoned said office, and said office in the judgment of the governor has become vacant for the causes aforesaid," &c.

The governor commissioned another man, Mr. Kinkead, to fill the vacancy thus created. Hardin filed a petition in the Franklin County court, setting forth the terms and conditions of his appointment, alleging that he had behaved himself well as secretary of state, and praying for a rule against Page, the second auditor, to show cause why a mandamus should not issue requiring him to draw his warrant for the quarter year's salary which Hardin claimed to be due him. Upon this petition a rule to show cause was made. Page responded, setting up the governor's order removing Hardin and appointing Kinkead in his place. The court held the response to be insufficient, and issued a peremptory mandamus. From this judgment of the county court Page appealed, and the court of appeals, after full hearing, affirmed the order of the court below, granting a peremptory mandamus against the auditor to pay Hardin his salary as secretary of state, the court holding him to be still the legal incumbent of the office. After reciting the facts of the case and discussing the undisputed power of the governor to fill a vacancy, the court say:

> The secretary being removable for breach of good behavior only, the ascertainment of the breach must precede removal. In other words, the officer must be convicted of misbehavior in office. And we shall not argue to prove that in a government of laws a conviction whereby an individual may be deprived of valuable rights and interests, and may moreover be seriously affected in his good fame and standing, implies a charge and trial and judgment, with the opportunity of defense and proof. Such a proceeding for the ascertainment of fact and law, involving legal right and resulting in a decision which may terminate the right, is essentially judicial, and has been so considered here and elsewhere. * * * And we do not doubt that every proceeding for the removal of an officer for cause—that is, for official misbehavior—is essentially an exercise of the judicial power of the Commonwealth, and would therefore refer itself to the judicial department of the government, if not otherwise disposed of by the constitution or the laws.

I now ask the attention of the House to the opinion of another judicial tribunal of very high authority, the court of appeals of the State of New York, in the case of The People *ex rel.* Munday *vs.* The Board of Fire Commissioners of the City of New York, (72 New York, 445.) This was an appeal from the judgment of the general term of the supreme court in the first judicial district reversing the proceedings of the board of fire commissioners of the city of New York, which had removed the relator from his position as a clerk in the fire department, and restoring him to said position, which proceedings were brought up for review by *certiorari*. The city charter contained a provision limiting the power of the fire commissioners to remove any of the regular clerks of the department by the requirement that the person proposed to be removed should be informed of the cause of his proposed removal and should have an opportunity to explain.

The commissioners before they undertook to remove Munday did give him a hearing, but instead of informing him of the cause for which they proposed to remove him, they called upon him to show cause why he should not be removed; and proceeded to make the removal. The counsel for the appellants contended before the court of appeals (as the gentleman from Maine contends here in regard to our rule) that this provision of the charter was "shadowy and unsubstantial;" and upon this point the court say:

> We cannot agree with the counsel for the appellants that this restriction is "shadowy and unsubstantial." It was intended as a substantial limitation of the general power of removal conferred by the same section upon the several departments of the city government, and to secure the continuance in office of the persons named until a reasonable cause other than the pleasure of the heads of the departments or a change in the political character of the majority should exist for their removal.

Just as the provision in House Rule XXXVI in relation to the removal of the official reporters was intended to be a substantial limitation of the general power of removal conferred by another rule (No. II, adopted at the same time) upon the heads of certain departments of the service of the House, the Clerk, the Sergeant-at-Arms, the Doorkeeper, and the Postmaster, each of whom has an unrestricted power of appointment and removal in his own department.

> The intent of the provision was to continue in the subordinate but important positions of the city government those who had proved themselves faithful and trustworthy as well as competent to discharge the duties of their stations.

Exactly the object and intent of the provision in our rule in relation to the official stenographers.

> Courts cannot assume that the Legislature intended a vain thing and inserted a clause apparently materially affecting the power of the department, but which is in fact without efficacy.

That is the assumption which the gentleman from Maine asks this House to make in regard to its own action in adopting Rule XXXVI.

> But the clause does effectually separate the regular clerks and heads of bureaus from those who hold their positions at the pleasure of the heads of the departments and gives them a more worthy as being a more secure term of office, and one depending to some extent upon good behavior. The removal must be for cause, and the process for removal is prescribed by the statute and must be pursued.

A later case decided by the same court lays down the same doctrine, the case of The People, *ex rel.* Campbell, *vs.* The Commissioner of Public Works, (82 New York, 247.) This was an appeal from the order of the general term of the supreme court affirming an order of the special term which dismissed a writ of *certiorari* to review the action of the commissioner of public works of New York City in removing the relator from the office of chief engineer of the Croton aqueduct. The commissioner charged that the engineer had been guilty of neglect of duty and of inefficiency "in allowing workmanship and material to be used in the construction of an arch inferior to the requirements of the contract," and called upon him for an explanation. The engineer explained that he was not responsible, for the reason that the work was not under his charge, but was under the charge of an inspector with whose appointment he had nothing to do and over whom he had no authority. The commissioner, not being satisfied with this explanation, declared the engineer removed for neglect, &c. It was contended that the discretion rested with the commissioner of public works, and that his decision upon the merits could not be reviewed by the court. Upon this point the court say:

> Where there is any evidence before the [removing] officer from which an inference of incapacity or unfitness could be drawn we are not to reverse the decision because our own conclusion would perhaps have been different. But there must be some evidence to justify a removal; if there is none the removal is not for cause and the statute is violated.

The gentleman from Maine would probably argue that these cases turned upon the New York statute, but that statute was merely a re-enactment of "the eternal principles of justice," (or rather of some of them, for it did not go far enough,) and in the absence of any such statute the common-law rule would govern. The gentleman from Maine has assured the House that the expression "for cause" in connection with the power of removal from office has "a distinct, positive, technical meaning;" that "it is a legal term, the interpretation of which has been settled by the courts time out of mind;" and that it means something quite different from "for cause specified,' or "for specified cause," or "for cause to be entered upon the Journal," or "for cause shown." (See also the case of The People ex rel. The Mayor, &c., *vs.* Sidney P. Nichols, 79 N. Y. Reports, page 582.)

If this be true is it not somewhat strange, Mr. Chairman, that the judges of two of the highest judicial tribunals in the land, the courts of appeal of the great States of Kentucky and New York, accustomed

to use legal terms with precision, should be ignorant of this peculiar technical meaning of these words "for cause," and should use them in the one case as implying official misbehavior which must be established by judicial process, and in the other as equivalent to the expression "for cause after the party to be removed shall have had notice and hearing," for that is substantially the provision of the New York statute?

The gentleman from New Jersey [Mr. ROBESON] has cited, as settling the question of the Speaker's power to remove an official stenographer, the following provision of the Revised Statutes:

No person shall be employed as a reporter of the House without the approval of the Speaker.

The gentleman could not have used that argument seriously, because he knows very well that that law was passed years ago to apply to an entirely different state of affairs, when the debates were reported and printed by contract and when it was thought desirable by the House to retain some control over the men who should be employed by the contractor to act as reporters upon this floor. But the gentleman says it is no matter what the law was passed for, because it was passed and it is on the statute-book. Well, sir, when he finds it there what does it mean? "No person shall be employed as a reporter"—by whom? If this provision has any application here it must mean either by the House or by the Speaker. Does the gentleman mean to argue that if this House should by resolution order the employment of any particular person as one of its reporters, the Speaker, by virtue of this law, could defeat the will of the House? If he does not then the provision must mean that no person shall be employed as a reporter by the Speaker without the approval of the Speaker; which is nonsense, and therefore, of course, cannot be the true meaning.

Now, although the gentleman from New Jersey thinks it is "no matter what the law was passed for," the Supreme Court of the United States thinks otherwise; for that court has decided in reference to the interpretation of the Revised Statutes (United States *vs.* Bowen, 10 Otto, 513) that—

When there is a substantial doubt as to the meaning of the language used in the revision the old law is a valuable source of information. When the meaning is plain, the court cannot look to the statutes which have been revised to see if Congress erred in that revision, but may do so when necessary to construe doubtful language used in expressing the meaning of Congress.

Therefore, if the gentleman from New Jersey desires to ascertain the true meaning of this ambiguous provision as it stands in the Revised Statutes he will have to go back to the original act from which it was taken by the revisers, (who of course had no authority to alter its meaning,) and when he does he will find that it was passed to prevent the contractors from forcing objectionable persons upon the House as reporters of its debates, and has and can have no application to the present system under which our reporters are officers of the House.

Now, a few additional words about the facts of this matter. The gentleman from New Jersey [Mr. ROBESON] made an insinuation here against Mr. Devine, which was promptly and properly answered by the gentleman from Pennsylvania, [Mr. RANDALL.] The gentleman from New Jersey thought Mr. Devine could not have been sick because he saw him at the Capitol. The gentleman himself is enviably healthy; and probably he does not understand that others less fortunate are sometimes compelled to be here when they are unwell. Still the gentleman ought to be more considerate in his remarks; for on more than one occasion at this session he has spoken with feeling of his own experience of the injustice that may be done by uncharitable judgments based on appearances.

Mr. Devine was at the Capitol on the 12th and the 13th of April. On the evening of the 11th he obtained leave of absence for a few days on account of illness upon condition that he should supply a competent substitute, to be paid by him. About eleven o'clock next day he was called from his sick room by a messenger who announced that the Committee on Foreign Affairs had repudiated Mr. Dawson's report and had declined to accept Mr. Devine's substitute (who had arranged to relieve Mr. Dawson) because he was not an official reporter. Mr. Devine hurried to the committee room, but the committee had already adjourned. He saw the chairman, however, explained that this substitute was employed by permission of the Speaker, and arranged to have him in attendance to report the meeting next day. Accordingly, he came to the Capitol on the 13th and introduced his substitute and had him accepted by the chairman. Early in the afternoon he went home and fell asleep from exhaustion, and from his sleep he was awakened to receive the Speaker's letter announcing his removal for alleged "good and sufficient cause."

I state these facts for the information of the gentleman from New Jersey, who, of course, has given the matter but little attention; though it did happen that his ex-secretary was appointed on that same day to succeed Mr. Devine.

The gentleman from Iowa, [Mr. MCCOID,] in his zeal in behalf of his constituent, Mr. Dawson, has made statements and insinuations which are unwarranted by the facts. He says that the extract which I have presented here from the proceedings of the Committee on Foreign Affairs is not a part of the record of the committee, but is "the report of what occurred by Mr. Hayes, Mr. Dawson's enemy," &c. Now, I am informed by gentlemen who were present that his report of what did occur is more than fair to Mr. Dawson; and if the gentleman will look at the letter of Mr. Andem, the clerk of the committee, with which the extract concludes, he will find that, after waiting three weeks to see whether Mr. Dawson's work could not be corrected so as to be used, the committee called upon Mr. Hayes for his report of the proceedings "from April 5 to April 12, inclusive;" and it is the proceedings of April 12 that I have presented. It is true, I believe, that after standing for a month as a part of the record of the committee, this page was struck out at Mr. Dawson's own request; and it is upon this ground that the gentleman from Iowa speaks of it as a "pretended record." The gentleman tries to throw discredit upon the statement of Messrs. Hayes and Devine presented by the gentleman from Pennsylvania [Mr. RANDALL] by saying that "part of this very item is for work done before their removal." I have inquired into the history of this item, and I find that of the $598 here proposed to be appropriated, about $568 are to pay Mr. Andem for doing work in the Committee on Foreign Affairs, most of which was done when the official stenographers were not engaged with other committees, and which they employed this gentleman to do because they were themselves incompetent to do it. But the person who prepared this paragraph sought to cover up the real nature of the item by including a charge of about $30 for work done by Mr. Andem some time in the winter in the room of the committee of which he was clerk—work done of his own volition and not at the request of the then official stenographers or with their knowledge.

This $30, included here as a blind, is the "part of this very item" of which the gentleman from Iowa speaks, and by means of which he seeks to discredit the statement of two honorable gentlemen.

Again, the gentleman says that Mr. Dawson was "crowded conspicuously forward to the most difficult work." This also is a mistake. The Shipherd examination was far from being the most difficult work, and Mr. Dawson was not "crowded" into it. He went to the Committee on Foreign Affairs because he preferred to report there, for the reason that the work was question and answer, (to which he said he had been accustomed;) but even if he had not expressed this preference, it would have been necessary to send him to the Committee on Foreign Affairs when it resumed the investigation on the 5th of April, because that was the only committee then requiring stenographic work that had not already declined his services after trial. Again, the gentleman intimates that somebody kept Mr. Dawson in ignorance as to his right to revise his work before it went to the Printer. The fact is that he did revise every line of his manuscript before it was sent to be printed, and when, on one occasion, being hurried, he wished to send some pages unrevised, Mr. Devine insisted upon his revising it.

The gentleman from Iowa is unfortunate in his statements. He seems to have been misled by some person who has an interest in distorting and misrepresenting the facts of this matter, and who seems to be sadly lacking in "that candor and truth of statement" which the gentleman tells us is so conspicuous a feature in the character of his stenographic friend.

The gentleman talks about "conferences" between Mr. Shipherd and Mr. Hayes and "the attempt to crush Mr. Dawson," and makes a queer insinuation about a "conspiracy." If there was a conspiracy to make Mr. Dawson appear incompetent, it was one in which three important committees of this House and several members whose remarks before those committees were reported by this stenographer must have been engaged as coconspirators. The idea of a conspiracy to make a man who is competent to act as the official recorder of the proceedings of the committees of the House of Representatives write matter which the witness could characterize as "idiocy" and the members of the committee pronounced "ungrammatical" and "unintelligible!"

All this talk about "a conspiracy" and "conferences" and "attempts to crush" is of course unworthy of serious answer; yet, as Mr. Dawson has tried to help his case by circulating similar insinuations and statements through a periodical published in my own State, I will say here that Mr. Hayes informs me that he has never had any "conferences" or communications of any kind with Mr. Shipherd, except in the room and in the presence of members of the Committee on Foreign Affairs; that he has never had any part in or knowledge of any "conspiracy" or any "attempt to crush Mr. Dawson;" that he has never written or inspired any "Associated Press dispatches" about him; and, in short, that all such statements and insinuations are without foundation in fact. I am sorry that the gentleman from Iowa thought it necessary to make these unfounded statements and insinuations in order to defend Mr. Dawson.

I do not know Mr. Dawson, and I certainly have no prejudice against him. On the contrary, I think he is rather an object of sympathy, in having been appointed to a trying position the duties of which he is incompetent to perform; and my only object in presenting this extract from the proceedings of the Committee on Foreign Affairs was to call the attention of the House to the fact that this appropriation was made necessary by the arbitrary and illegal action of the Speaker in removing Messrs. Hayes and Devine.

I am glad to learn from the gentleman from Wisconsin [Mr. WILLIAMS] that the Speaker has changed his mind since he wrote his letter to Mr. Hayes, and is now "willing and anxious" to state the causes for that action. These gentlemen are entitled to know why they were removed so summarily and with so little consideration for their feelings or their rights. They are entitled to know the charges

against them, if any, and to have an opportunity to answer, and this House is entitled to know the "causes" for which it has been deprived of the services of two of its most faithful and efficient officers.

Mr. Chairman, this is not merely a question of whether this man or that shall be employed in the service of the House. There is an important principle involved. The Republican party, in its national convention held in Chicago in 1880, adopted this resolution:

Resolved, That the Republican party, adhering to the principles affirmed by its last national convention of respect for the constitutional rules covering appointments to office, adopts the declaration of President Hayes: that the reform of the civil service should be thorough, radical, and complete. To this end it demands the co-operation of the legislative with the executive department of the Government, and that Congress shall so legislate that fitness, ascertained by proper practical tests, shall admit to the public service.

The two fundamental essential principles of civil-service reform are: (1) original appointments on the special basis of fitness; and (2) security of tenure during efficiency and good behavior—that is, removals only for cause.

Now it so happens that here in this popular branch of the legislative department of the Government (owing, perhaps, to the peculiar nature of the duties of our reporters requiring special training and skill) both political parties had recognized and enforced practically these two cardinal principles in connection with our official reporting corps for years before the general question of civil-service reform had attracted much public attention. All these reporters were appointed originally by Republican Speakers upon the special ground of fitness, and during the years that we had control of the House their fitness and efficiency were recognized and none of them were disturbed; but, on the contrary, the rule was amended so as to give them greater security of tenure, and that rule, so amended, has been adopted unanimously by the present House.

But, although the House had expressly declared that these officers were removable by the Speaker only for cause, the present Speaker has removed two of them, gentlemen of proved skill, efficiency, and trustworthiness, without cause so far as yet appears, and has appointed to succeed one of them, at least, a person who is shown by the records of a committee of this House to be incompetent to perform the duties of the office; and we are now called upon to appropriate money to pay a stenographer whose employment was rendered necessary by this official incompetency. If this House shall refuse or fail to disavow the action of its Speaker in this matter it will itself become responsible for that action, and will sanction by its indifference a most glaring violation of the principles that should control the civil service of the Government and of the pledges solemnly made in national convention by the party represented by the majority on this floor, and since reiterated in the State platforms of the same party in more emphatic terms.

The Little Kanawha.

REMARKS

OF

HON. BENJAMIN WILSON,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, June 17, 1882.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes—

Mr. WILSON said:

Mr. CHAIRMAN: I am sorry indeed that the Committee on Commerce concluded to drop the Little Kanawha improvement from this bill. As I understand it, they did it upon the ground that there was slack-water navigation under the control of a private corporation for about forty miles on that river. They forgot, however, that there is a very large stretch of country above that improvement which does as much for the commerce of the country as any river of its size and length in the country.

This matter was discussed in the last Congress, and a gallant fight was made against it by the gentleman from Iowa, [Mr. UPDEGRAFF.] But after an extended discussion and mature deliberation of the matter an appropriation was made for this purpose by a large majority of this House. What is the fact to-day? The Engineer has urged the importance of making this appropriation. The total cost of this dam is estimated at about $80,000. Congress has already appropriated $50,000, and that money has been expended on this improvement. If there is to be no further appropriation for the purpose of completing this dam, then I would like very much for the Government to make an appropriation to remove the obstruction from the river, for it is an obstruction in its present condition. The Government is committed to the policy of completing this improvement, as much so as any other improvement in the country.

Let me say to gentlemen here that the timber which comes down this river has found a ready market in Europe. Sawed lumber from that river has gone to Pittsburgh by the millions of feet, and has floated down the Ohio River as far as Cincinnati and even farther.

I repeat, there is no river in the United States of the size and length of this river that yields more to the wealth and commerce of the country than this Little Kanawha. Its oil by the thousand of barrels has found a ready sale in the markets of the world. To the commerce coming down that river the country is indebted to some extent for the balance of trade in our favor and against European countries.

The Government has already given $50,000 for this work, and the money has been about expended; $30,000 more will complete the improvement and add exceedingly to the wealth and the prosperity of the country. The navigation of that river is now practically suspended by reason of the work already done by the Government. If the improvement is not to be completed, if this work is not to be carried out in good faith, when Congress made an indirect pledge to do so by making the last appropriation, we will continue to have the commerce on that river obstructed. We ask this appropriation in good faith.

That district, which I have the honor to represent, pays more taxes into the Federal Treasury than does any one of thirteen different States which I could name. I ask that there shall be no close corporation here. We were told by the gentleman from Michigan [Mr. HORR] the other day that this was not to be one of that kind of schemes described by—

O, tickle me, Toby,
Tickle me, do;
You tickle me
And I'll tickle you.

We have the material here for a large and valuable trade. It is said that there are forty miles of lock and dam navigation. Suppose that those locks and dams are there. I deny the policy proclaimed by gentlemen here that that is a reason why Congress should not complete this work.

Rivers and Harbors.

SPEECH

OF

HON. CHARLES R. SKINNER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 25, 1882,

On the motion to adopt the report of the conference committee on the river and harbor bill.

Mr. SKINNER said:

Mr. SPEAKER: I feel that it is due to myself and my constituents to vote against the adoption of the report and to put upon record my objection to many of its provisions. I have voted against the bill at every stage of its passage, and shall continue to do so at every opportunity. No doubt it contains many provisions which, carried out, would be of lasting benefit to the commerce of the country. It would be surprising if it did not.

There are many works of national importance which should certainly receive national aid, but it is impossible for me to see wherein the interests of the country at large can be benefited by extravagant appropriations for nameless creeks and inlets which the wisest student must fail to find on his atlas. I am willing to vote for liberal appropriations for the improvement of ocean and lake harbors and our large navigable rivers when clearly shown that our commerce or our industries need them and will be proportionately benefited, but I cannot cast my vote in favor of a bill which seems to me to cover so much extravagance and waste.

I am opposed to the methods by which bills of this character are passed. They are given too little consideration, and are passed more through a common interest to secure individual appropriations by means which are degrading than any desire for the true welfare of the country. To put it in mild terms, the bill is in many respects extravagant, wild, and visionary, and I believe covers large appropriations for political and not public purposes. It is to-day rumored that if passed the President will refuse to sign it. I hope he will, and if I could be present I should most cheerfully vote to sustain the veto of the President, should he give the bill his disapproval.

Mr. Speaker, I have only to say that during the past month I have been by the bedside and grave of an only daughter. It is my only absence in all my legislative life. I am only here to arrange my private matters. Continued illness in my family and an anxiety for their welfare which I cannot escape command me to leave this part of my duty for another. I do it reluctantly and sadly, but I have no alternative. Could I remain, and should a veto of this measure be sent to this House, I should regard it a sacred and patriotic duty to cast my vote to sustain the President. On political questions only I am paired with my colleague, [Mr. FLOWER,] who is obliged to leave by advice of his physician. I trust this House will not do so unjust a thing to the Executive and to the country as to insist on this bill. It is wrong, it is wicked, it is extravagant.

Persecution of the Jews in Russia.

"Love thy neighbor as thyself."

SPEECH

OF

HON. SAMUEL S. COX,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

Monday, July 31, 1882.

On the persecution of the Jews in Russia.

Mr. COX, of New York, said:

Mr. SPEAKER: On the 22d of May, 1880, I offered the following resolutions, which passed this House:

Resolved, 1. That the President of the United States be requested to inform the Senate and House of Representatives, if the same can be done without detriment to the public service, whether he is in possession of any information showing that any American citizen or citizens professing the Israelitish religion have been expelled, by any order issued by the government of His Imperial Majesty the Czar of Russia, from the city of St. Petersburg, by reason of any decree expelling foreign and alien Jews from said city.

2. That, if it be not incompatible with the public service, the President be requested to communicate to this House all correspondence in reference to the proscription of Jews by the Russian Government.

The correspondence called for at that time was not forthcoming. It was late in the session. I was permitted, however, to examine the entire archives of the State Department and to make a collation of the facts there recorded. The result is embodied in my remarks during that session. This correspondence related to the Hebrews of Roumania and Morocco as well as of Russia. It developed the anxiety of the American Israelite about his brethren in other lands. It revealed the animus of that terrible persecution which Russia has permitted to go on since that time.

Of some of these persecutions I was last year an eye-witness to a limited extent. I saw the Russian fugitives on their way to their ancient city, Jerusalem, with all the agony of their fate and all the devotion of their faith. Hence my interest was enhanced.

The Department correspondence since that time has been fruitful on this theme; and the public press and people of two hemispheres have chronicled the facts and expressed the indignation of the best part of the world against this Sclavonic outlawry, hatred, and vindictiveness against the ill-starred Hebrew race.

JEWISH PEOPLE AND INTERESTS IN THE UNITED STATES.

It was a part of my duty as a representative of a large Hebrew element in my own Congressional district still to pursue this inquiry.

There are of this ancient race in the United States 273 congregations, and there are 12,546 families, members of the same, representing 230,257 population. In New York City there are 60,000 Hebrews, with 20 congregations of 2,351 families. The value of the real estate which they own is by the census estimated at $4,706,700 in the United States and $1,611,000 in New York City, while of other property in the United States they possess $1,497,878—New York City having $1,042,000 thereof. They have 200 schools for gratuitous instruction in their grand religion, with 735 teachers and 13,386 children attending them—1,998 being in New York City. So that it will appear at once from the thrift, and number, and the family, educational, and religious relations of this race, why a representative of at least one-third of the Hebrews of the great metropolis should, as a duty, interest himself in the well-being of this class of constituents.

But, sir, it requires no economic or statistical reason for my interest in this question. It concerns humanity. It is associated with the most wonderful people who ever lived upon our planet or suffered in the flesh. I make this presentation of their sympathies, sufferings, and condition as a race of splendid lineage, literature, and history, connected with the greatest events and movements in the advancement and regeneration of mankind.

This interest was renewed after a visit to the Holy City, and by a reply to my resolution which passed this House on the 30th of January, 1882.

The President's reply is found in Executive Document No. 192. It is dated May 2, 1882. This document contains some forty letters, running from 1872 to the present time. It reveals the legal, social, and other disabilities of the Russian Jews.

It is said that the imperial government, in its exceptional course toward the Jews, is not governed by grounds of religious intolerance, but on the idea that the Hebrews are harmful to the state, as they have a "natural tendency to *exploiter* the population in the midst of which they are settled." In other words, the Hebrew is regarded by Russia as an alien. He is afflicted with all the burdens and indignities of a subject caste. Few or no privileges are accorded. Certain portions of the country are designated where he may reside. In other portions he is prohibited.

The Hebrews in the Russian Empire number 2,348,000, or 3.06 per cent. of the population. In Poland they constitute 13 per cent., in Augustowo 16 per cent., in the western provinces 9 to 13 per cent., in New Russia 2 to 9, and in Courland nearly 6 per cent.

JEWISH DISABILITIES IN RUSSIA.

It will be seen that where they are permitted to reside they are crowded. Inasmuch as they cannot acquire land without many restrictions, they have few chances for physical or other improvement. A general distribution of them would be of inestimable benefit—I mean the body of them; not the rich and educated, who get certain privileges in certain cities.

We have seen some of the poorer classes of these Hebrews at Castle Garden. Under our law some of these have been returned to Russia, because of their indigent and infirm condition. The Hebrews of the United States have not been backward in assisting this new class of immigation; but a sentiment has been aroused that the Russian Government should be held responsible in the forum of enlightened conscience for the evils connected with their treatment.

Their disabilities as to civil rights, such as liberty to trade and hold real property or live near the border, together with their sudden and capricious removals from place to place and from time to time, have added to the sufferings and disasters. They are prohibited from the employment of Christian servants. There are irritating rules as to costumes, domicile, and labor. The conscription is another form of oppression. Educational facilities and its rewards are denied. Although their religion is tolerated by ukase, they are forbidden to proselyte. Money is paid and taxes relieved where a Jew is proselyted by the orthodox Greek Church. Backsliding into the old faith is punished. The marriage ceremony is strictly regulated as against the Hebrew.

All these regulations foment hatred among the people against this race, and for this the government is responsible. All efforts at reform, however well intended and seconded by liberalists, have failed to elevate, in general, Russian-Hebrew life. Out of the Crimean war the name and hope of a new empire—a free Russia, *Svobodnaya Rossia*—was born. The birth was a failure. The Tartar spirit survives and controls. With pilgrim, monk, and priest, with Calmuck and Cossack, equally with burgher and soldier, the elder forces of this Asiatic element shape and dominate society.

Under this selfish and barbarous rule the Hebrew was cut off from many profitable employments, and under harsh sanitary laws and conditions is it to be wondered that this Hebrew race, so capable of enlightenment and improvement, as every land where they were and are allowed freedom and equality attest, should have degenerated?

Is it not then, sir, a pertinent inquiry such as Dr. Leo Wise, of Cincinnati, addressed to Mr. Secretary Evarts in the Rosenstrauss case, contained in this report of the President:

1. What are the general rights of citizens of the United States in Russia?
2. Are American Israelites by reason of their faith debarred from the enjoyment of the privileges guaranteed by treaty to all American citizens? If so, why?
3. In making treaties with the government of a country where native Israelites are subject to disabilities and are not admitted to the full rights of citizenship, is it necessary that in order to secure to American Israelites the enjoyment of the privileges granted by those treaties to citizens of the United States generally, a clause be inserted in the treaties wherein the right of Israelites to be enumerated among those to be benefited by the treaties is specifically set forth?

ROSENSTRAUSS AND OTHER CASES—PATRIOTISM.

This correspondence develops also some interesting facts as to the grudging exceptions made here and there in favor of an American citizen resident in Russia. The case of Rosenstrauss I have once before referred to. On urgent remonstrance this citizen was allowed as a special favor to merge his Hebraic qualities into that of a citizen of the United States. Kind condescension! Wonderful benignity! But his remonstrance in 1873 develops the espionage and restriction against Hebrews of American birth. He begged our diplomatic representatives to protect him, so that his "religion might not be made a crime." He appealed to our treaty with Russia in 1832, and in some sort that treaty was vindicated from violation. The determination of our Government, announced by Mr. Fish in 1874, to claim for our Hebrew citizens all the privileges in the Russian dominions allowed to Russian Hebrews, has the approval of patriotism.

Other cases appear in this correspondence, but they show that the privileges of Russian Hebrews which we claimed for our own Hebrews are not so general and beneficial that diplomacy should have disputed about them, except for their abolition.

RECIPROCAL RELATIONS.

Hence, if nothing else results from the publication of the correspondence called for in my resolution, this ringing inquiry of Dr. Wise will forever demand answer from those in charge of public matters. When men ask for the guidance of Israelites who may wish to travel or carry on business abroad the American Republic should be the pillar of cloud by day and of fire by night.

If, when we make such inquiries, we are told that we shall endanger our amicable relations with our ancient friend the Czar, let us reply that we want no friendship with a rule so entirely tyrannous. If Russia will not regard the American Hebrew who goes thither to trade under our reciprocal treaties, what regard should we give in return?

Oh, yes, the English Jew obtains privileges in Russia which the American Jew cannot get, and which the native Russian Jew has

not; but we are estopped by municipal authorities in the interior of Russia, against which the central despotism at St. Petersburg will not interfere. (Executive Document No. 192, page 28.)

Mr. Pinkos, an American Jew, can be expelled from the capital of Russia and our Government, through Mr. Evarts, may protest. The pretext of his expulsion is a plot for assassination, as to which there is no proof and none pretended. He was "an orderly and respectable citizen," (page 34.) His family received "unnecessary hardship." It was "no place for one of his creed."

A general order against foreign Jews was issued, and measures for their expulsion taken at Moscow and other cities. Another case of expulsion in 1880 is reported, (page 39.) It is that of a merchant, Mr. Wilczynski. He bore our passport. "What!" exclaims our minister, Mr. Foster (page 41,) "if this had happened to a Russian subject in New York, for the reason that he attended a particular church!"

Mr. Evarts rightly characterized the subject when he said to Mr. Foster, (page 53:)

This Government does not know, or inquire, the religion of the American citizens it protects. It cannot take cognizance of the methods by which the Russian authorities may arrive at the conclusion or conjecture that any given American citizen professes the Israelitish faith. The discussion of the recent cases has not as yet developed any judicial procedure whereby an American citizen, otherwise unoffending against the laws, is to be convicted of Judaism, if that be an offense under the Russian law; and we are indisposed to regard it as a maintainable point that a religious belief is, or can be, a military offense, to be dealt with under the arbitrary methods incident to the existence of a "state of siege."

The year 1881 was a terrible one for these religionists. Our Secretary of State, Mr. Blaine, denounced the indiscriminate pillage. It was the year of rabble, rapes, robberies, and riots. Its excesses are only too faithfully catalogued in the appendix to this speech. The English Parliament denounced the outrages in May of last year, for had not an English Jew, Mr. Lewisjohn, been ordered to quit Russia because he was a Jew?

Why should not the American Congress do at least as much as Mr. Blaine did in his letter of July 19, 1881? In writing to Mr. Foster he said: "Give discreet expression to the feelings of sympathy and gratification with which this Government regard any steps taken in foreign countries in the direction of a liberal tolerance analogous to that which forms the fundamental principles of our national existence."

Whenever our American Hebrews were permitted to remain in Russia it was, as in the case of James G. Moses, a citizen of New York, accorded as a special privilege. (Page 71.) No general right was acknowledged.

NO EXPRESSION IN CONGRESS.

The last letter in the report is that of Mr. Frelinghuysen to our chargé, Mr. Hoffman. It indicates a proper regard for our citizens; and yet, Mr. Speaker, our Foreign Affairs Committee in this House, with a resolution before them for action, failed to make its expression. It reported nothing expressing sympathy or indignation. Why? Perhaps it is because the character of some of the immigration is not up to the standard; or it may be we are deluded with fresh Russian promises like those of 1872 for the betterment of the condition of the Hebrew people in Russia. Or it may be that the new administration in Russia has entered upon remedial measures. This is to be hoped, but I see no signs of it; only a little lull in the unexampled bigotry of 1881.

However, the great facts of 1881 remain for the reprobation of mankind, and although our Congress be dumb, the voice of New York City and of England has been speaking.

Again and again I urged the honorable chairman of Foreign Affairs to report the resolution which I gave him, and which I will hereafter notice. Again, by a resolution last week, I called for the additional correspondence, with a preamble to indicate the thought at the foundation of my action. Here it is:

PERSECUTION OF JEWS.

Mr. COX, of New York, submitted the following resolution; which was referred to the Committee on Foreign Affairs:

"Whereas the Government of the United States should exercise its influence with the Government of Russia to stay the spirit of persecution as directed against the Jews, and protect the citizens of the United States resident in Russia, and seek redress for injuries already inflicted, as well as secure by wise and enlightened administration the Hebrew subjects of Russia and the Hebrew citizens of the United States resident in Russia against the recurrence of wrongs: Therefore,

"*Resolved*, That the President of the United States, if not incompatible with the public service, report to this House any further correspondence in relation to the Jews in Russia not already communicated to this House."

Still, sir, no response. The conduct of the committee is lame and impotent when we consider the atrocities committed in the name of a great Christian power against the religionists of another faith. Perhaps the honorable committee were too much engrossed with the scandals and mercenaries of South American diplomatists!

History records that for 5,000 years this race has preserved its moral worth and physical identity in a remarkable degree. Its faith has made and kept its unity. Any other race less gifted with zeal, virtue, fortitude, tradition, pride, and lineage would long since have succumbed. Its spirit has not been quelled by Moslem, Christian, or pagan despotism. The intrinsic nobility and buoyancy of its nature has lifted it above the chances and changes of time. It now stands forth as a rare exemplar in art, intellect, and humanity, assisting to give laws of toleration, moderation, and honor in the interest of civilization.

It is therefore with much earnestness, and speaking for the Hebrews of the United States, and especially for those of the city of New York, that I urged an expression by this Congress upon this topic. Not alone because of the liberality of our Constitution in its first and primal article as to the liberty of the soul in matters of faith and doctrine; not alone because of the grand history of this "peculiar people" among the nations; but because this country, as an asylum for the persecuted and downtrodden, should give its moral emphasis concerning a topic of such universal fraternity and significance.

In my former speech I quoted from impartial history, such as Wahl's Land of the Czar, Brenner's Excursions into Russia, and Julian Allen's Autocracy in Poland and Russia, to show that the Hebrews were treated as a degraded race by the rulers of Russia. They have been driven like beasts with scourgings into army and navy and from province to province. They have been treated with such contumely as to redden the face of mankind with shame at the barbaric outrages. Taxes without cessation, reason, or limit were followed by personal inflictions, rape, robbery, and murder, from which there was no respite. I venture to say that in the whole circle of mankind never were two and a half million of people so maltreated by intense brutality as the Hebrews of Russia, and none so causelessly maltreated. The treatment of the Jews by the Barbary States and by the Moslem of Arabia and Turkey bears no comparison.

If two years ago these sad Hebrews could appeal to their American brethren to cast their eyes toward their misery, with a hope that these inconceivable cruelties might be mitigated; if they could, in fancy, picture our happy and free homes, and beseech us to come to the rescue, surely we ought to give voice to emphasize the humanity of our land, if we cannot otherwise go to their help, or by reason of the laws of nations and comity intervene between the alien government and its oppressed subjects.

I need not go to our precedents in the case of Greece, Hungary, or Ireland to support a resolution of sympathy and succor. The supine nature of our present administration, if not of the Committees on Foreign Affairs in Congress, seems to forbid our even expressing our detestation of these horrors on horrors. It would offend the Father-Czar. It would destroy the *entente cordiale* which has always existed between the two nations.

Perhaps, in considering the details of these wrongs to this great race by this great Sclav power, we may change our idea of intervention. Let us see!

In making this review I will not requote history. Let me confine myself to the annals of the recent past.

HORRORS OF 1881.

Up to the 1st of January, 1881, the south and west of Russia was a scene of unparalleled horrors. Since that time these enormities have been intensified—men murdered, infants dashed to death or roasted alive, and married women and maidens violated—compared with which the loss of property is nothing. The pillage, firing, and razing of whole streets or Jewish quarters were but incidents in the inhuman work. The consequence has been homelessness and emigration. While this carnage was going on the Russian authorities were either sympathetic with the mob or apathetic of results. Owing to the revolutionary condition of Russia, the Jews, by some peculiar pronunciation of a word, were made the scapegoat of Nihilism. Even ministers of state issued edicts which looked to the imbitterment of this feeling and an addition to the list of murders of the Jews. The German anti-Semitic feeling gave renewed vigor to these calamities.

The Czar Alexander II was assassinated on the 3d of March, 1881. One consequence was that the Panslavist feeling took shape and form. The Jews appealed to the governor at Elisabetgrad. They numbered one-third of its people of 30,000. The governor took no notice of the appeal. On the 27th of April the mob began. The riot was systematic. The attempt of the Jews to protect their dwellings and synagogues inflamed the drunken crew. Thirty Jewesses were outraged. Insanity followed outrage and murder. For two days the pillage went on. Five hundred houses and one hundred shops were destroyed. Two million rubles (a ruble was then worth about forty cents) was the loss in property.

Placards were issued declaring the Czar had turned over the Jewish properties to his pious children. Sundays and saints' days were chosen for the general uprising against the Jews. On the 7th of May, at Smielo, thirteen men were killed and twenty wounded and sixteen hundred left homeless. In the old capital of Russia, at Kiew, a riot, was preordained by the mob, with the same consequences. Kiew is a city of 140,000. It has 20,000 Jews. The Cossacks stood by while infants were thrown from windows. Arson was common. In fact it is a Russian crime. Here 2,000 Jews were left without shelter.

The next day these scenes were renewed at Browry and at Berezowka. Taking advantage of the absence of the men at the synagogue, the women were ravished. Again, near Kiew, on the 10th of May, at Konolop, and Wasilkow, the drunken, throat-cutting miscreants invaded every precinct of domestic sanctity. Whole provinces caught the infection of violence. The inertness of the governor left the

populace free to believe that they were carrying out the will of the Czar.

At Alexandrowsk three hundred out of four hundred families were ruined, and property destroyed amounting to over one hundred millions of dollars. Everywhere these riots were proclaimed in advance.

They were not confined to the cities and towns. The farms in the province of Ekaterinoslav were destroyed. The rioters were dressed up as police!

The geography of Russia has such an extent and so peculiar a terminology that to name is almost to reiterate. Along the Dnieper, in the same month, and down to the seaport of Odessa, where one would suppose precautions might have been taken, a six hours' riot resulted in death and violation. The loss was three million rubles. At other places, and in one month, these horrors spread over Southern Russia. They spread to Astrakhan, and even into Siberia.

Outside of Poland there are nearly 2,000,000 Jews in Russia, and Poland had thus far escaped. The Catholics and Jews lived together in harmony; whereupon General Ignatieff directed the governor to raise a commission to "consider how the Jews should be treated!" Then arose the feeling which led to the Warsaw riots.

During the rest of the year of 1881 these outrages continued. Sometimes they were led by merchants out of commercial jealousy. Women joined, like fiends of the Commune, in the attacks. Horrors too terrible to describe were all too common. These Sclavonic viragoes became parties to the atrocities upon their own sex.

August came, and it was only when the harvesting became urgent that these atrocities ceased.

The day of atonement in the Hebrew calendar was selected by the orthodox Greeks for the destruction of synagogues.

In all these pillaging raids the ukase of the Czar, whether genuine or not, was the trumpet which roused fanaticism and rapacity. Even the accomplished actress, Sarah Bernhardt, was mobbed at Kief and at Odessa in November on suspicion of being a Jewess!

WARSAW!

But Warsaw furnishes the climax to these horrors. Holy time is selected. It is Christmas-tide. Three hundred houses and six hundred shops are devastated. Beggary and destitution follow. Twenty thousand soldiers are here in garrison. Their officers follow the example. The riot begins in a panic in a Christian church. The church is filled with thousands.

The panic, of course, is attributed to the Jews. The cry goes up, "Sacrifice them!" Thirty Jews are dispatched at the door of the church. Houses and shops of watchmakers, booksellers, and other tradesmen are despoiled. The synagogue is attacked. The fury of the mob rages through three days.

Catholics who rush to assist are massacred. The Roman Catholic priests condemn the persecution and endeavor to stay the violence. Nuns are active in relieving the wounded and distressed. Business and pleasure are suspended during the insane saturnalia.

Yet these Jews of Warsaw, thus maltreated and sacrificed, are the most industrious and honest of the population. Their sacrifice was devilish beyond words to express.

In these various scenes of spoliation and death the police were no better than the rioters. All they did was to interfere to prevent the Jews from defending their homes, lives, families, and property.

RECAPITULATION.

Up to the 1st of January, 1882, there were one hundred and sixty towns and villages in which rapine, murder, violation, and spoliation ran riot. There were two hundred and twenty-five cases of outrages upon Jewesses. These statements are corroborated by the correspondents of the London Times. They but feebly picture the consternation and terror of the nine months of 1881. The incendiarism and its baleful results which characterized these malignant and fiendish movements have had but feeble chroniclers. It is estimated that 20,000 Jews were homeless in Southern Russia, $80,000,000 of property destroyed, and 100,000 people reduced to poverty. Many found safety in flight, leaving their all. Refugees fled to the shelterless fields; some escaped across the frontier; 5,000 alone managed to reach Brody, on the Austrian side. Hundreds fled in dismay to the Danube, to Turkey, and some sought the hills round about Jerusalem.

PRETEXTS FOR THE OUTRAGES.

Why was not the indignation of Europe exerted to suppress these outrages? I answer, first, because the sentiment against the Jews was fostered in the neighboring German nations as well as in Turkey to some extent; second, because the news was suppressed. No telegraphs or papers with true accounts were permitted to be sent over the Russian border. Over a vast area of country, from the Black Sea to the Baltic, these scandals upon our century, these outrages whose type is mediæval, have gone to history with scarcely a protest.

In Russia the attempts to investigate them only added fresh fuel to the flame. The experts found no language or code to express their reprobation. They limited their language and methods of redress to the invention of new phrases of excommunication and new penalties for the oppressed Hebrew.

When Count Ignatieff received Dr. Orshansky, a leader of the Hebrews, in St. Petersburg, he assured the doctor that the western border of Russia was open for emigration. One condition was fixed, namely, that the young men who were fitted for the conscription should not go. Besides, it was graciously permitted that on certain impoverished land in Russia, "needing colonization"—aloof from the rest of the population—the Jews might go. This was the repetition of the experiment of the Emperor Nicholas, which, it is unnecessary to say, was a failure and a disaster.

WHO RESPONSIBLE.

Is it said that the Russian peasantry, and not the government, are responsible, I answer: if the peasantry of Russia are too ignorant or debased to understand the nature of this cruel persecution, they have warrant for their conduct in the customs and laws of Russia to which I have referred. These discriminate against Jews. They have reference to their isolation, their separation from Russian protection, their expulsion from certain parts of the empire, and their religion. When a peasant observes such forceful movements and authoritative discrimination in a government against a race, it arouses his ignorance and inflames his fanatical zealotry. Adding this to the jealousy of the Jews as middlemen and business men, and you may account for, but not justify, these horrors. The Hebraic-Russian question has been summed up in a few words: "Extermination of two and one-half millions of mankind because they are—"Jews!"

COMPLAINTS VS. THE JEWS.

Complaints against the Jews were made that the Jew was a monopolist; that in obedience to the Talmud they held to the Khazary. This Khazary was the division of the country into small districts inhabited by Christians, one of which was apportioned to one of the members of the Jewish community. But it would be strange indeed if this custom, even if it existed, should be an excuse for the excesses of lust and rapine. The evil complained of is easily alleviated. The charge of usury has been disposed of by the statements of Dr. Adler. The main complaint against the Jews being middlemen is the same made in every community. It is the process by which consumer and producer are brought in contact. Laws could or should remedy this, if it be an evil.

At last the main complaint comes to this: That the ordained victims are Jews. They are of another faith. True, the law of Russia is apparently tolerant. It reads not unlike the Constitution of the United States in its first four lines. This is article 45, volume 1:

Religious liberty is granted not only to the Christians of various foreign denominations, but also to Hebrews, Mohammedans, and heathen. Let all the nationalities living in Russia glorify God Almighty in their various tongues according to the law and faith of their ancestors, in order to bless the reign of the Russian monarchs, and to pray the Creator of the world to increase the prosperity and strengthen the power of the empire.

Yet when remedies are sought for the grievances, when educated Jews proposed to General Ignatieff schemes to bring about a *rapprochement* between the Jews and the rest of the population, what was the answer? It will be found in the recommendations adopted by the majority of the local commissions appointed to consider the Jewish question.

These recommendations are as follows: 1. The decrees which authorize Jews to erect synagogues and other houses of prayer must be annulled. All their synagogues and public places for prayer are to be closed, and Jews are only to be allowed to perform their religious services in private houses; these, however, may not be specially constructed for religious purposes. 2. Jews shall not be permitted to elect the managers of their prayer meetings nor to appoint any rabbis. 3. The ordinance by which Jews were allowed to give their children an exclusively Jewish education shall be revoked. Some of the commissions are in favor of permission being granted to Jews to send their children to the Christian schools. 4. The registers of births, marriages, and deaths among Jews shall in future be kept by the Christian authorities, as Jews cannot be trusted to keep correct and faithful records. 5. In order to prevent the Jews in future from "exploiting" the rural populations, they will be strictly forbidden to reside in villages or in market districts. 6. Neither in towns nor in villages shall Jews have the right to own houses or landed property. 7. Jews shall not lease mills, estates, or factories, nor may they be employed there. Any proprietor of mills, estates, or factories who shall intrust their management to Jews will render himself liable to a fine of from 500 to 1,000 rubles. 8. Jews will not be allowed to sell spirituous drinks, nor to be in any way engaged in the manufacture of such drinks. 9. No Jew may be employed by the state. 10. Jews may not be contractors or purveyors, and several trades and commercial transactions are to be forbidden them. 11. Local banks are to be formed for the purpose of granting loans to peasants, in order to enable them to purchase land. The banks will be forbidden to make such loans to Jews. Commissions not hostile to the Jews, for the most part, recommended only that Jews be permitted to reside in any part of the country and to purchase a limited area of land. The recommendations of the assemblies of Finland, Cherson, and Volhynia, that Jews shall be excluded from all state employments and forbidden to trade in the bazaars and markets, are likely to be adopted by the minister of the interior, and to receive the sanction of law.

This is the cruel response indicating the sentiment which inspires the mob. It leads to persecution and drives into exile. The truth is now as in the Middle Ages—the caprices of power have set the Jews apart in Russia as the pariahs of the realm. The history of the laws made concerning them is the history of bigotry. One sovereign would not admit them into the empire on the ground that the Russians would cheat them; another encouraged them; a third again excluded them. In one part of Russia they have been forbidden to enter a town in Jewish costume; in another they have been cautioned, under the penalty of fine and imprisonment, against wearing any other. By recent legislation they have been declared incapable of holding land. The Emperor Nicholas, on the other hand, offered them peculiar advantages on condition of their becoming agriculturists. It had struck him that the Jews, producing nothing

themselves, lived on the earnings of their fellow-subjects, and he proposed to remedy this by turning his Hebrew subjects into cultivators of the soil.

For some cause the Emperor Nicholas's Jewish land scheme turned out a failure. The notion entertained by some ethnologists that the Jews as a race have an aversion to agriculture is not tenable. Probably, they have acquired, as the result of long-continued persecution, a reasonable dislike to invest their money in any but the most portable forms of wealth.

The truth is that the gross supineness of the military and police, under the apathy of the supreme authority, permitted these frenzies of savagery to go on in the name of the "good Czar—the father of the Orthodox."

OUTBREAKS NOT LOCAL.

These outbreaks are not local. Whether at Minsk, where eight thousand Jews lost their all, or at Koretz, where thirty Jews were burned; whether the Hebrew was a money-lender or a blacksmith, a mason or a locksmith, a tailor or a shoemaker, a joiner or a plumber, a banker or a farmer, a trader or a tramp, a rabbi or a tinker, an actress or an editor, they were alike the aversion of the Pharisaical Sclav, whose own religion, if he would only recall it, was derived from Judea!

JEW AND TARTAR.

Where except from this despised race came the religion of Russia? Its minsters of gold and altars of gems, its architecture of a thousand five hundred years, its legends of saint and picture of Saviour, all have their antitype in the Semetic civilization that has given them all the glory of church and pomp of state which they possess.

Who girt the thews of your young prime?
Why, who but Moses shaped your course
And bound your fierce, divided force
United down the grooves of time?
Your mighty millions, all, to-day
The hated, homeless Jews obey.
Who taught all histories to you?
The Jew, the hated, homeless Jew.

Who taught you tender Bible tales
Of honey lands, of milk and wine?
Of happy, peaceful Palestine?
Of Jordan's holy harvest vales?
Who gave the patient Christ? I say,
Who gave you Christian creed? Yea, yea,
Who gave your very God to you?
The Jew! The Jew! The hated Jew!

But these horrible revelations are too stern for the thoughtfal phantasy of even the muse of Joaquin Miller.

Dr. Adler has collected, with wonderful skill and emphasis, the details of these blots on our nineteenth-century civilization. His catalogue I append as a commentary upon the improgressiveness and barbarism of our vaunted era!

MYSTERY OF INIQUITY.

It was impossible to gather the detestable details, because of their peculiar brutality. Where names were known, they were omitted in the dispatches. The chief rabbi of England, in order to protect those who were victims from cruel shame and the witnesses from violence, uses the significant —— dash. What a painful commentary is this letter:

Letter from ——, Kiew, dated 14th February, 1882, to Dr. ——, and by him transmitted to Rev. Dr. Adler.

I send you herewith a list of the women who have been violated and of the persons slain by our enemies in this town. There may perhaps be found in this list names that have been mentioned before.

Violated women:—(1) Miril, wife of Reuben Elhart, violated by the cooper Vasil Durin. The case was brought to the knowledge of the judges without any result. (2) The neice of Jacob Feldman,* died a month later; case brought before court, where, in consequence of the death of the complainant, it rests forever. (3) M—— R——, daughter of J—— E——. Her father departed with her and his whole family for America, because he could not bear the disgrace. David Kushnerski was an eye-witness of the crime. (4) F——P——. After the violation she was carried away to be thrown into the fire. The Christian Bielosorow saved her. She refuses to admit that she was really violated, but Elias Altman saw the act. (5) S——,* the widow of the butcher, N—— S——. Stephan Mikolaitzef and his companions beat her cruelly, stripped her, and threw her down. The first-named ruffian violated her, after which Christian Artiem Hubtschak saved her out of the hands of the other miscreants. (6) The unmarried daughter of Mr. ——. Her father, a rich man, denies it, but it was seen by Elias Altman. (7) C——, wife of A—— E——, and (8) his daughter H——. This man begs and entreats that his name should not be made public. This I leave to your discretion. (9) S——, daughter of J—— B——, a girl of fourteen. She denies it, but it is only too certain. (10) S——, wife of T—— W——. Both of them admit and lament the fact. (11) E——, daughter of the same, likewise admitted. (12) L——, daughter of the tailor S—— G——. (13) R——, wife of T—— S——. She denies it, but there are witnesses. (14) S——, daughter of I—— Z——. She is engaged to be married; denies it, but witnesses are willing to come forward if required.

All these outrages have taken place in that part of the town which is called Demievka; in the other parts of the town I can gather no information as to names of the persons violated, for the girls and women deny their shame. They are all modest women, and do not understand the good they are able to do by admitting the outrage. They only think of the love of their husbands and their estimation in the eyes of their friends.

Of course nobody could think beforehand that such outrages would be perpetrated, nor that such a cry of sympathy would arise, otherwise we should have more carefully collected names and dates. As it is, we are of course ignorant of the names of most of the perpetrators of these crimes. Nor are we able, after nine months have passed, to compel our sisters to come forward to trumpet out their shame and to tear open again the wounds which are just beginning to close.

A report from the Russo-Jewish committee not only confirms the statements of the London Times and Dr. Adler, but proves that the half had not been told. The very names of those murdered and violated are given. Eminent rabbis have added their comfirmation in letters to Dr. Adler. The baiting and hounding of the Jews, the details of the sickening horrors at the fires and riots, have transpired in spite of the attempts of the Russian authorities to hide their shame from an inquiring world. So hideous and terrible are those details that Dr. Adler writes that "he dips his hand in his heart's blood to make the record to arouse the hearts of upright men to mercy and to enlighten them to judge rightly." Pillage and plunder, murder and rape, upon the most helpless of mortals, and the officials raging against the violated and the victim!

NO REDRESS.

"Three thousand were arrested for one act of the mob." This is the boast of the Sclav under the burning scorn of mankind. Ah! but the 3,000 were at once set free and the victims declared the guilty! The Warsaw miscreants were applauded. The prevalent insurrectionary spirit was appeased by the blood of the innocent and the bodies of the violated. "Ravening lions strangling the scattered sheep of Israel," and no relief! Children brought forth in the midst of the insurrections, still-born. Thus saith the physician who writes of it. It curdles the blood to read these sanguinary and odious particulars of the great wrong of our time; the foulest and most abominable repetition of barbaric history. Like a lamentation of Jeremiah is the voice coming from Berezowka, and attested by a rabbi of the district:

The Lord hath delivered us into the hands of our enemies, who have not only robbed us of all we possessed and destroyed our houses, but have—oh, horrible to relate—shamefully violated the persons of the wives and daughters of some of us. We are in bitter tribulation and danger, and are left without protection by the government. We are in distress and poverty; our children cry for bread and we have naught to give them.

The horrors of Kiew will remain forever as a bloody stigma upon that city of beauty. No charges ot malevolent misstatement can break the force of these atrocities, abetted and sanctioned by the worst existing government on earth—tyranny tempered with assassination, and autocracy with arson!

As I have said, this was no local outbreak. It was as general as the deviltry which begat it. It had its malign source at St. Petersburg. It is but a chapter in the long history of persecution which the hapless Israelite has undergone since his weary pilgrimage began.

From the grand old capital at Kiew; from the historic streets of Warsaw; from the busy marts of Odessa, to the smallest farm where the humblest descendant of Abraham plowed his field and gathered his harvest; from the splendid synagogues of the great cities where wealthy Jewesses dressed in silks and satins, after their olden fashions, to the squalid huts of the poorest Hebrew peasant, the vengeance of the debased Sclav has been wreaked upon the people of that race whence we derive the grandest of our religions; and simply because the victim was a Jew.

It mattered not how pacific and gentle the man or how kind and beautiful the woman—had it been David or Miriam, Isaiah or Rachel; it mattered not how pure, gentle, beautiful, or industrious the object of obloquy, the malediction and malefaction of the mob was intensified by the sight of thrifty labor and active virtue, which it could not comprehend and did not practice.

HISTORIC NEMESIS.

Not less sad than grand in the pageantry of history is the spectacle of the eternal wanderings of this "remnant" of this oldest and most heroic people. Selected by the Most High to be the depository of His sacred law, they have clung to it and defended it with their lives for thousands of years, from Moses to the Maccabees, and from the Maccabees to our time, always protecting it, always preserving it, to bless mankind with its glorious precepts and defiant probity.

The old Babylonian, the Egyptian, the Medo-Persian, the Assyrian, and the Roman Empire persecuted this race relentlessly. Their atrocities were inflicted because it would not adopt their pagan rites and Pantheistic gods. Its people were slain by the million, sold into bondage, but never exterminated.

Those nations are almost myths. Egypt, the venerable enslaver of Israel—where is she? The palace of the successor of Pharaoh echoes with the ribaldry of the English sailor, and odalisques furtively peep from casements to know when the next shell from the Inflexible of the Saxon shall startle their palatial seclusion. Scarcely a vestige of Egyptian greatness and power is left.

I have wandered amid the monuments and effigies of ancient nations only to reflect that the Bible of the Jew gives permanent law to the world of mind and matter. Russian Neros, Sclavonic Caligulas have and may come. They have gone and will go. The head of Greek Christianity ought to profit by their example, and we should help him to that result. The All-Seeing has selected this American nation to restore life and liberty by precept and example to this much-wronged and afflicted people. We will be recreant to our highest function if we allow any opportunity to pass without an earnest attempt to stigmatize and avert such calamities as those of 1881-'82, which have afflicted this chosen people.

OUR SYMPATHY.

Sir, this country cannot be indifferent to the treatment of this remarkable race. If we can have sympathies with the Teutonic and Celtic people, reaching to the other side of the ocean, there is no reason why along with our Jewish fellow-citizens we should not be touched by the tales of sorrow and suffering which come to them and to us from Russia. They concern millions of their race. They are the themes of talk in synagogues, homes, asylums, lodges, schools, and colleges. What then is the duty of American representatives in such a crisis?

INTERVENTION.

If it be answered that we have no right to intervene in this Russo-Jewish imbroglio, I have abundant answer:

First. From national justice, which recognizes humanity as the capital and illuminated missal in its codes. The old rule that nothing is alien which is human never had such emphatic application. We are recreant to every advanced idea of our age if we do not utter our protest against the vindictive evangel of the Sclav against the Jew.

Second. Our interest is increased from the fact that thousands of these refugees are coming hither to cast their fortunes with our Republic. There are or were the last of June 20,000 starving refugees at Brody, Austria; 10,000 in similar condition at Lenberg, and thousands of others scattered over Europe. These are cared for as well as may be by their coreligionists in Europe. Some 9,000 have been sent to this country. Some of them are so infirm and helpless that they must be returned it not cared for here. This rush of immigration has called forth the best charity and energy of the American Hebrew.

It is the testimony of Mr. Madison that in the days of our Revolutionary trial and in the civism which followed it the Hebrew element had no peer for patriotism and devotion to this land and its institutions. The children of Israel have observed all the relations of loyal and domestic life. Their duty has been done, not only to the state and to their fellow-citizens, but with abundant charity to those of their own creed. Therefore their petition and remonstrance come with double emphasis to our National Legislature when it moderately requests, in the words of my resolution, that "our Government should exercise such influence with the Government of Russia as the ancient and unbroken friendship between the two nations may justify to stay the spirit of persecution and redress the injuries it has already inflicted, as well as to secure, by wise and equal administration, the Hebrew subjects of Russia against their recurrence."

This sentiment has been voiced in public meetings like that of the metropolis which I in part represent, where our foremost citizens, following the example of Cardinal Manning, the archbishop of Canterbury, and other dignitaries of England, entered their demand that we should appeal for mercy and justice to be meted out to the Hebrews of Russia.

Third. But if it be said that our remonstrances will beget entangling alliances abroad and disturb our friendly relations with the autocrat of Russia, I answer by a collation of authorities made by a friend, Judge Myer S. Isaacs, of New York, which, so far as precedents go, abundantly establish our right, if not internationally and legally, yet morally, to protest in the name of God and humanity against these outrages:

With these facts ascertained and not disputed (for the Russian Government at most claims that, owing to local disorders, the power of the imperial authorities is crippled in dealing with these riots) what is the duty of foreign governments—what is the duty of this Republic?

A state of affairs exists at this moment in Russia strikingly analogous to the condition of things in Bulgaria which constituted the sole pretext for the Russo-Turkish war of 1877.

It was then claimed that the Sultan failed to protect his Christian subjects in the European provinces of Turkey from the cruelty of Mohammedan neighbors, from atrocities in which even Turkish soldiers participated. An American consul and a correspondent of a New York newspaper furnished reports of the facts which justified imperial action, and elicited imperial gratitude for the messengers of these tidings.

The circular note of the imperial government says:

"The question was one of humanity and general interest—bringing the Turkish Government to rule the Christian subjects of the Sultan in a just and humane manner."

The Czar, in his note of April 24, 1877, says:

"He had sought, in concert with the great European powers, to ameliorate the condition of the Christians in the East. The Porte finally refusing, he was obliged to proceed to more decisive acts. His desire, shared with the whole Russian people, to improve and assure the lot of the oppressed populations of Turkey, called them to fresh sacrifices for the Christians of the Balkan Peninsula."—*Annual Register*, 1877, page 179.

The law of nations affords many additional precedents for "the intervention of one nation in the affairs of another in order to protect persons subjects of that state from persecution on account of professing a religion not recognized by that state." (Phillimore, Int. Law I., page 434.)

1. Intervention has been claimed by a Christian state in the affairs of another in behalf of a particular body of Christians.

(*a.*) The treaty of Westphalia (1648) established an equality of rights between Roman Catholics and Protestants.

(*b.*) This was confirmed in the treaties respecting the German confederation of 1815.

(*c.*) Elizabeth, Cromwell, and Charles II intervened in behalf of Protestants in Catholic France. Anne, in the negotiations preceding the treaty of Utrecht, (1714,) stipulated with France for the release of French Protestants who had been imprisoned for religion's sake.

(*d.*) In 1690 Great Britain and Holland demanded and obtained from Savoy permission that certain Sardinian subjects should freely exercise their religion.

(*e.*) Sweden intervened (1707) in behalf of the Protestants of Poland.

(*f.*) Many treaties embrace references to the results of such interposition—Velau, (1657,) Nimeguen, (1679,) Ryswick, (1698,) Breslau, (1742,) among others—where Roman Catholic sovereigns effectually intervened on behalf of Catholic subjects in countries ceded to Protestant rulers.

(*g.*) In 1849, the English and French forces near Naples, under direction of their home governments, intervened in the affairs of the Kingdom of Sicily on the ground of humanity, because barbarities committed at Messina revolted the feelings of these spectators. And subsequently, when peace was attained, the two governments undertook to say to the King of Sicily that "they feel convinced that, following the impulse of his humane disposition, he will consider it indispensable to grant a general and complete amnesty to all persons who may have taken part in the political movements of Sicily." (Annual Register, 1849, page 310.)

(*h.*) In 1823 the interference of European powers on behalf of Greece was on the ground of humanity, and a distinguished writer says: "The Christian powers were eminently justified in their interference to rescue a whole nation, not merely from religious persecution, but from the cruel alternative of being transferred from their native land into Egyptian bondage, or exterminated by their merciless oppressors."

(*j.*) The intervention of the French in the Papal dominions was founded on the request and permission of the Pope to protect coreligionists, subjects of another state, (Italy,) contrary to the wish of that state. And Napoleon, in his address of justification, said: "The duty of protecting her coreligionists was France's justification for active intervention." (Annual Register, 1760.)

2. Intervention has been claimed by a Christian state in the affairs of a Mohammedan or an infidel state in behalf of Christian inhabitants of the latter.

(*a.*) The intervention of Russia in behalf of the Greek Christians in the Turkish dominions was the avowed justification for undertaking the Crimean war.

(*b.*) The intervention of Russia in behalf of the Christian subjects of the Sultan was the single pretext for the Russo-Turkish war of 1877.

(*c.*) The wars of the Crusades were largely for the rescue of Christians from the Mohammedan power.

(*d.*) The intervention of England in China, in 1870, was in behalf of Christians (priests, merchants, and others, French or Russians) maltreated in the Chinese Empire. (Ann. Reg., 1870, p. 300.)

(*e.*) As long ago as 1604 a treaty between Henry VI of France and the Sultan Achmet recognized this right of intervention.

(*f.*) Christian worship and certain orders were protected in Turkey under the terms of the treaty of 1740.

3. Intervention has been exercised in behalf of the Jews of another state denied liberty or equal rights, or persecuted, and their wrongs not redressed by their government.

(*a.*) In 1840 Great Britain, France, and the United States interfered in behalf of the Hebrews persecuted at Damascus, because of the alleged sacrifice of a Christian child.

(*b.*) The consuls of all foreign governments, including the United States, intervened to protect the Jews of Roumania when persecuted, (1872,) and the language of the Secretary of State, Hamilton Fish, in his dispatch of approval communicated to the United States consul at Bucharest, is significant: "Whatever caution and reserve may usually direct the policy of this Government in such matters may be regarded as inexpedient when every guarantee and consideration of justice appear to have been set at defiance in the course pursued with reference to the unfortunate people." (Executive Document No. 75, Forty-second Congress, second session.)

The positive course taken by the then United States consul at Bucharest, for several years subsequently, led to the comparative immunity of the Roumanian Jews from ill-treatment.

(*c.*) The solemn declarations of the treaty of Berlin (1878) have given the sanction of international law to the contention that the Jews are entitled to be regarded as men, and as such will be protected by law, notwithstanding bigotry, fanaticism, and ignorance continue to inspire misconception and persecution.

The independence of Roumania, Servia, and Bulgaria was recognized, subject to this condition in the treaty:

(Art. 44.) "The difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights; admission to public employment, franchises, and honors, or exercise of the various professions or industries, freedom, and the outward exercise of all forms of worship are assured to all persons belonging to Roumania as well as to foreigners."

The significance of these provisions will not be weakened by the suggestion that the envoys of Russia signed the treaty, and that this event occurred less than four years ago.

(*d.*) Intervention in behalf of the Jews of Morocco was the subject of the international conference at Madrid, (1880,) whereat the minister of the United States, General Fairchild, attended as representative of our Government.

(*e.*) In December, 1744, an edict was published by Maria Theresa, then Queen of Hungary and Bohemia, afterward Empress of Austria, ordering all Jews to evacuate Bohemia and Moravia before the end of February, 1745. This edict was revoked by reason of the earnest remonstrance of George II of England, the ambassadors of the Netherlands, Sweden, Denmark, and Poland uniting in representations at Vienna. On the 25th of May, 1745, the following decree was published: "Her Majesty the Queen of Hungary, &c., impelled by her natural clemency and by the pressing advocacy of the King of Great Britain and of the States General of the United Netherlands, grants permission to the Jews to dwell in the kingdom of Bohemia and the margravate of Moravia, there to follow their business pursuits."

The instructions to the British embassador are found among the English State Papers. (Germany, volumes 358 to 364.)

The form of intervention has varied; it has taken the shape of a stipulation or condition in a treaty or remonstrance followed by war. Armed intervention has been adopted to prevent the effusion of blood and protracted civil war.

The intervention in the case of Morocco is a notable instance to which I urged attention in my former remarks on this subject. It has brought forth rich fruitage. Never was a case so full of significant phases. Spain, that once persecuted the Jew relentlessly, not only welcomed the Russian Hebrew to her borders last year as penance for her cruel past, but joined with our nation in remonstrance against the outrages by the Moor against the Jew. Much yet remains to be accomplished in Morocco. There the Jew is not allowed to walk out except barefoot, nor to ride on any kind of animal. There Jewish men and women yet suffer every indignity from their lewd and dissolute Moslem enemy. Thanks to Italian intervention, the governor of Fez was compelled this summer to go to Tangier, two hundred miles, to make an apology to the Italian minister for tearing the shoes off and beating an Italian-Jewish courier. Italy commanded the haughty Sultan to dismiss his officer and pay indemnity to the injured and despised Hebrew.

A correspondent of the New York Telegram, writing from Morocco under date of June 20, 1882, rehearses this story, and adds that the day of barbarous cruelty is passing away in Morocco; not because there is any more liberal feeling toward the Jews, but because the

fanatical Moor sees the interest that the Christian powers are taking in the condition of the Jews. He commends the American representative at Tangier for his part in the vindication of the true principles of manhood. Who shall say that intervention hath not its vigorous virtue, whether applied to the powerful arrogance of a Czar or the loathed spite of a Barbary sultan?

AID SUGGESTED.

It has been suggested by an eminent Hebrew that Congress should appropriate public lands for the colonization of Russian Jews who seek our shores as their refuge from persecution and intolerance. The fugitive Hebrew has been supported by his coreligionists in New York and elsewhere until the benevolence of the race has been sorely tested, and it has been complained that the "followers of the Nazarine" have done so little to aid those who needed it pecuniarily. However this may be, it is no ordinary exodus—this from Russia. It is but just to say here that it is the special virtue of the Hebrew that he has contributed to the wants of his own sick and afflicted as well as of those not of his faith.

Scripture states that immediately after the giving of the law on Sinai Moses promulgated this, namely: "The poor shall never cease from out the land; and they shall be an inheritance to thy children forever. And the people answered, 'We will observe to do, we and our children.'" It is the carrying out of this law which obliges them to take care of their own, as well as the sick of those not their own. On this account no public appeal has been made for those unfortunates who have been driven hitherward by the fury of the mob and at the point of the sword. But the exigency of the calamity which has been thrust upon them may render it absolutely necessary to apply for or to receive extraneous assistance.

If, therefore, Congress cannot at this late day in the session give material or landed aid, at least we can give the loving assistance of our sympathy, and make the voice of fifty millions of people heard from St. Petersburg to Odessa in behalf of the downtrodden and persecuted for their faith and nation.

Let it be known from the Polar Sea to the Ural Mountains, from the Vistula to the straits of Yeni Kale, that there is a people in this western world who have a soul above the barbarities of intolerance and the vengeance of ill-used power. Let it penetrate the inmost circle of the palaces and pleasaunces of Peterhoff, where the hunted Czar hides from his loving children, that the Democracy of America demands a new and better evangel than that of blood and bigotry!

By the sacred memories of our own religion and the liberality of our established order, by the associations which cluster like stars around the sacred mountains of Moriah, Hermon, Hor, Pisgah, Horeb, Carmel, Lebanon, Tabor, and Zion—ay, even of Calvary and Olivet—let us remember the children of that Israel whose faith was given for the "healing of the nations," and whose mystic voice spoke from the mount of God in the blue Ægean, where the banished seer beheld the heavenly Jerusalem with its walls of jasper and gates of pearl standing open day and night, and crowned by its temple of beauty and light!

And shall this vision never have realization?

CONCLUSION.

This people is one of the survivors, with Egypt, China, and India, of the infancy of mankind. It is at the mercy of the cruel Despot of the North. With a lineage unrivaled for purity, a religious sentiment and ethics drawn out of the glory and greatness of Mount Sinai—a ceremony as magnificent as the temple of the wise king who enshrined Jehovah within its adytum and prayed as never human spirit prayed for the stranger in the land—with an eternal influence from its lawgivers, prophets, and psalmists never vouchsafed to any language, race, or creed, it outlives the philosophies and myths of Greece and the grandeur and power of Rome. It is this race, broken-hearted and scattered, to which the Czar of all the Russias adds the enormities of his rule upon the victims of the ignorance and slander of the ages. The birthright of this race is thus despoiled; and, sir, have we no word of protest? Struggling against adversities which no other people ever encountered, do they not yet survive—the wine from the crushed grape?

Champions of Jehovah! how have I gazed at ye within your own gates at the very base of your grand house of the Lord and gate of Heaven and heard your wailing because of the destruction of the fair temple of your love! With what pleading for the restoration of your own Jerusalem have not its Cyclopean stones echoed! How long, O Lord, how long shall rapacity and bigotry despoil this people! Let the dawn come to the children of the wandering foot and weary heart, waiting, waiting for that morning which will give them its auroral glory and its cheerful beatitudes.

APPENDIX.

Persecution of the Jews in Russia, 1881.—Tabulated statement of persecutions, with a list of localities alphabetically arranged and approximate dates.

Town.	Government.	Date.	Nature of persecution.
Alexandrowsk	Ekaterinoslav	May 13	Riot by operatives; announced previously; 400,000 rubles lost; appeal to governor in vain; telegram for help stopped 4 hours; 300 out of 400 families left desolate; women rendered lunatic.
Ananiew	Cherson	May 9	Riot; all houses of Jews destroyed.
Apouchtipi	Ekaterinoslav	May 15–20	Riot; agricultural colony pillaged.
Astrakhan	Astrakhan	August 30	Arrest of instigators alleging spoliation ukase.
Augustowo	Suwalki	June	Fire in Jewish quarter.
Balanouska	Podolia	June	Riot; pillage.
Balka	Taurida	May 17	Wife of innkeeper Allowicz outraged, then roasted; house set fire to in presence of daughter.
Balta	Podolia	July	Threats to fire the village sent to Jews.
Balwierzyski	Suwalki	October 3, (Yom Kippur)	Riot; 1 Jew killed, 20 severely wounded; synagogue destroyed.
Bereznom	Czernigow	About May 28	Riot.
Berezowka	Cherson	May 21	Riot; over 100 Jewesses violated, several forced into river; 9 died from exposure, 3 from violation; 2 men killed; boy stoned to death on Sunday, May 22.
Berislaw	Cherson	May	One Jew killed and house burned down; another roasted alive in own house; outrages.
Berizan	Kiew	July 21	Riot; houses destroyed.
Bierdjansk	Taurida	July 1	Municipal council petitioned for expulsion of the Jews.
Blagourechtensk	Ekaterinoslav	About May 15–20	Riot; pillage of agricultural colony.
Bougaifka	Kiew	May–June	Riot; after riot peasants offered 800 rubles compensation.
Bobryki	Poltawa	May 19	Riot; pillage; houses destroyed.
Borispol	Kiew	July 21–24	Riot; Jewish quarter burned down; women helped to pillage and brought out their children to witness the scene; women held down Jewesses to be violated; 30 houses destroyed.
Borzny	Czernigow	August 18–19	Riot; pillage; houses destroyed.
Browry	Czernigow	May 9	Property destroyed, but no personal injury.
Charkow	Charkow	August	Jews expelled.
Chvodom		June	Jewish quarter fired.
Constantino	Wolhynia	November	Jews expelled
Czarekonstantinofka	Ekaterinoslav	May 15–20	Riot; pillage of agricultural colony.
Czarwona	Wolhynia, near Zitomir	November 15	100 rioters attacked Jews, alleging ukase.
Czerbaka	Taurida	May 20–28	Riot; pillage; houses destroyed.
Czergassy	Melitopol, C. Wasiljew Kiew	May–July	Riot.
Czernigow	Czernigow	About June 1	Mob raised by soldier Korotych, but riot prevented by mayor.
Czumaki	Ekaterinoslav	May–July	Riot.
Czykaki	Poltawa	About June 1	Riot.
Dubno	Wolhynia	November	Jews expelled.
Dzemallowtse	Czernigow, near Njezin	About August 27	Riot; 8 arrested.
Dziewica	Czernigow, near Njezin	About August 30	Riot; an elder and a journalist molested for interfering in favor of Jews.
Ekaterinoslav	Ekaterinoslav	May 18–20	Riot prevented by announcement that Jews are Russian subjects.
Elizabethgrad	Cherson	April 27	Riots; previously announced and planned; origin in "blood accusation;" merchandise thrown into street; Cossacks present; one Jew, Zolotwenski, killed; two young girls threw themselves from second story; 500 houses and 100 shops destroyed; military would not interfere; 30 cases of violation. Protecting his daughter, an old man, Pelikoff, thrown from roof and rendered insane; 3 persons killed in the neighboring districts. Soldiers shared in plunder.
Frederikowka	Wolhynia, near Woloczysk	May 15	Riot; pillage.
Gadacza	Czernigow	May	Riot.
Garadisch		June	Jewish quarter burned.
Gaygoula	Ekaterinoslav	May 20	Riot; pillage of agricultural colony.

APPENDIX.

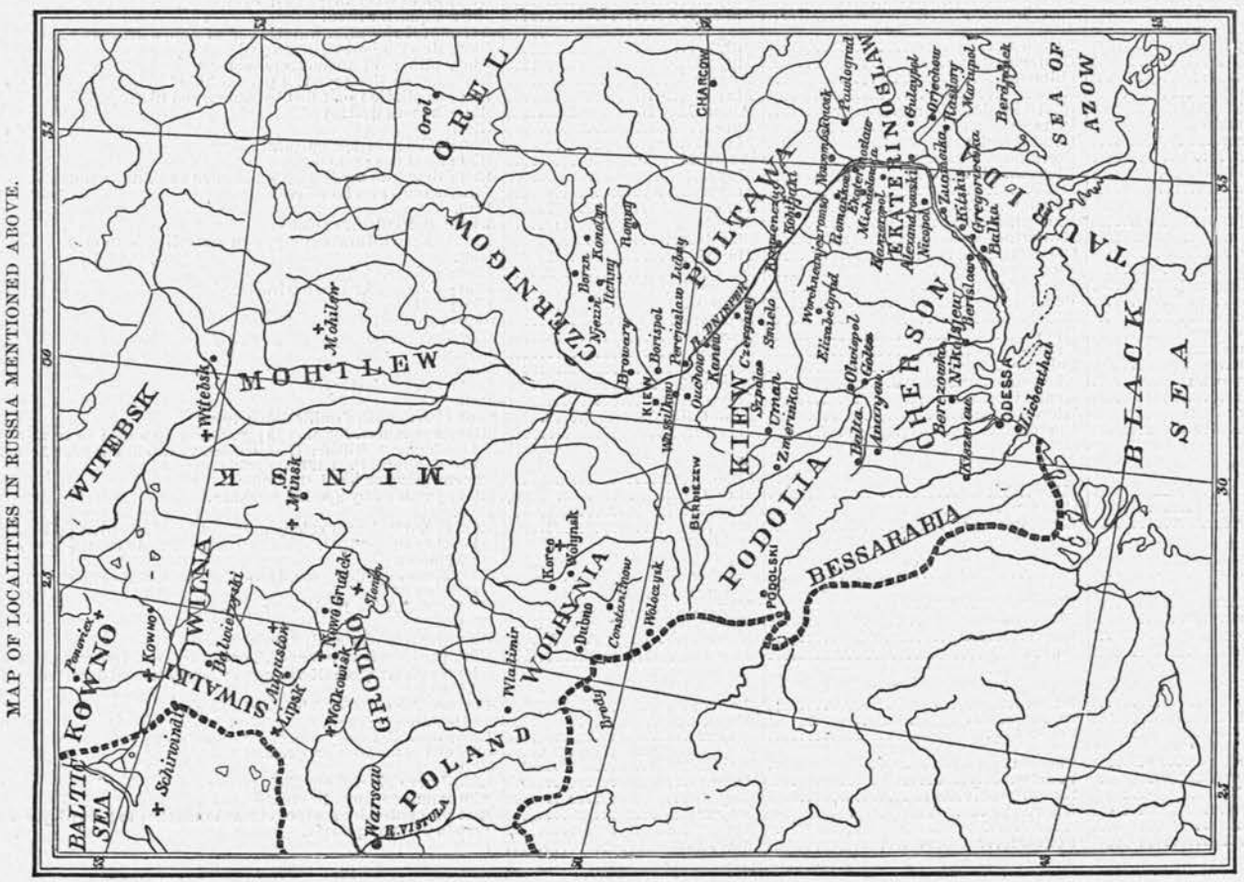
Persecution of the Jews in Russia, &c.—Continued.

Town.	Government.	Date.	Nature of persecution.
Golta	Cherson, near Olwiopol	May 7	Riot; more than 50 arrested; riot foretold.
Gorkaya	Ekaterinoslav	About May 20	Riot; pillage of agricultural colony.
Grafski	Ekaterinoslav	May 17	Riot; pillage; justified by alleged ukase.
Gregoriewk	Taurida	About May 20	Riot; innkeeper Rieffmann placed in one of his own barrels and cast into Dnieper.
Gulaypole	Ekaterinoslav	May 17	Riot; stopped by appeal to elders.
Gusarka	Ekaterinoslav	May 15–20	Riot; pillage of agricultural colony.
Hausarki	Ekaterinoslav	May 15–20	Riot; pillage of agricultural colony.
Hermanowka	Kiew	About June 5	Riot.
Ianchikraka	Taurida	About May 20	Riot; all Jewish houses destroyed.
Itchny	Czernigow	August 28	Riot; further riot, releasing rioters previously arrested.
Jagary	Near Benen	August 23	Jewish quarters fired; 213 houses destroyed.
Jereminka	Cherson	May 10	Riot; houses destroyed.
Kainsk	Tomsk (Siberia)	June	Riot.
Kalaslina	Ekaterinoslav, border of Poltawa	May	Riot.
Kamychewary	Ekaterinoslav	About May 20	Riot; houses dismantled.
Kazienec	Poland	June 15	Riot planned, but prevented by market being changed to Saturday.
Kamishowaka	Ekaterinoslav	May	Jews prevented riot by handing over property on account of suppositious ukase.
Kamychewka	Ekaterinoslav	May 15	Riot; pillage.
Kanew	Kiew	May	Riot.
Kanzeropol	Ekaterinoslav	About May 20	Riot; Jew, Enman, killed; wife violated and killed.
Kiew	Kiew	May 8	Riot; previously announced; governor refused to interfere "for a pack of Jews;" 4 Jews killed; 25 women violated; 5 Jewesses died from outrage; child (3 years old) of Mordecai Wienanki killed by being thrown out of window; 150 Jews arrested; 2,000 Jews left homeless; 3,000,000 rubles lost.
		June	Stricter laws of domicile applied; 4,000 (out of 20,000) Jews expelled.
Kiszenew	Bessarabia	May 14	Riot.
Kitzkis	Taurida	May 16	Riot; Proskoff and 2 little children burnt in own house, in presence of his wife; 25 houses burned to ground.
Kobeljaki	Poltowa	About May 20	Chief rabbi severely wounded.
Konotop	Czernigow	May 10	Riot; wooden crosses placed before Christian doors to distinguish and protect them.
Konski	Ekaterinoslav	May 15–20	Riot; pillage of agricultural colony.
Kopoczar	Kiew	About June 5	Riot; pillage; 9 families ruined.
Kopalchuka	Wolhynia, border Galicia	About September 20	Riot; pillage.
Kopanie	Ekaterinoslav, near Orjechow	About May 20	Riot; houses destroyed.
Koretz	Wolhynia	July 5	Fire; 5,000 Jews homeless, 39 burned; 1,010 houses destroyed.
Korsoon	Kiew	April 28	Riot.
Kowno	Kowno	July	Fire.
Krasnosulka	Ekaterinoslav	May 20	Attempted riot.
Kratanowo		June	Fire.
Kremenczug	Poltowa	May	Riot; 2 Jews killed.
Krinko	Ekaterinoslav, near Poltawa	May	Riot.
Krosnye Kotchin	Czerigow	August	Riot; Jews afterward "Boycotted."
Kromonitz	Podolia	November	Jews expelled.
Liebenthal	Cherson	August 6	Twenty Jewish families expelled; fine of 50 rubles imposed for harboring a Jew.
Liliaki	Poltawa	July 20	Riot; all Jewish shops destroyed.
Lipsk	Suwalki	June	Jewish quarter fired.
Lorew	Minsk	May 20	Attempted riot after publication of supposititious ukase.
Louborzy	Poltawa	July 28	Riot; Jewish houses destroyed.
Lozowy	Ekaterinoslav	May 13	Riot; pillage of agricultural colony.
Lubny	Poltawa	August 8	Riot; houses destroyed; 1 person killed.
Ludwinow	Kiew	May 10	Riot; spoliation justified by the forged ukase.
Mala Tokinaliki	Ekaterinoslav, near Orjechow	About May 20	Riot; houses destroyed.
Maskowtzkye	Poltawa	June	Riot.
Megeretz	Ekaterinoslav	May 15–20	Riot; pillage of agricultural colony.
Menie	Czernigow	About May 20	Riot; 16 shops sacked.
Michaelowka	Ekaterinoslav	May	Riot; Jew killed; Jewish innkeeper and family burnt alive
Minsk	Minsk	July 3	Fire; 6,000 Jews homeless.
Mohilew	Mohilew	June	Fire.
Najednaja	Ekaterinoslav	May 20	Riot in agricultural colony.
Nichaefka	Ekaterinoslav	May 18	Riot in agricultural colony; Jews expelled without notice
Nicholaiew	Cherson	May 15	Riot.
Nikopol	Ekaterinoslav	May	Riot; pillage.
Njezin [Nigyne]	Czernigow	August 2	Riot; pillage; houses destroyed.
Noguenie	Podolia	June 9	Riot; pillage.
Nowoczerkask		September 1	Jews expelled.
Nowogeorgwsk	Kiew	May	Riot.
Nowogrudek	Grodno	June	Fire.
Nowomoskowsk	Poltawa	May	Riot.
Nowopaulowka	Ekaterinoslav	About May 20	Riot; houses destroyed.
Nowosulki	Ekaterinoslav	May 17	Riot.
Obuchow	Kiew	About May 28	Riot; 300 Jewish families homeless.
Odessa	Cherson	May 15	Riot; announced for May 13; governor appealed to in vain; Jew Handelmann killed; 11 Jewesses violated, one of whom died; loss of property, 1,137,800 rubles.
		June	Stricter laws of domicile applied.
Olchana	Kiew	May 9	Riot; justified by spoliation ukase.
Olwiopol	Cherson	May 7	Riot.
Orjechow	Ekaterinoslav	May 7	Riot in agricultural colony; ringleaders dressed as police officers bearing suppositious ukase; 500 cattle, 10,000 sheep driven off by rioters.
Orel	Orel	October 25	5,000 Jews expelled; 400 Jews thrust out into snow on night of October 26.
Ouchow	Kiew	May	Riot; 240 Jewish families homeless.
Pawlezrad	Ekaterinoslav	May	Riot.
Peregonow	Kiew	May 9	Riot; justified by spoliation ukase.
Perejaslaw	Poltawa	July 12	Riot, previously announced, headed by local tradesmen; fire, 176 houses destroyed; 17 villages in neighborhood deserted; 3 Jews killed.
Pinsk	Minsk	August	Petition for anti-Jewish restrictions.
Petrowki	Ekaterinoslav	May	Jewish quarter fired.
Podolsk	Podolia	May 20	Riot; Jewish family murdered.
		July	100 Jewish families expelled.
Podstepni	Taurida	May 15–20	Riot.
Podwoloczyska	Podolia	June	1,500 Jews driven from their homes.
Pokrowsk	Ekaterinoslav	May 15	Riot imminent, but prevented.
Polonnoye	Kiew	May 22	Riot prevented by postponement of market to Saturday.
Polselvi		June	Fire in Jewish quarter.
Poltawa	Poltawa	May	Riot.

APPENDIX.

Persecution of the Jews in Russia, &c.—Continued.

Town.	Government.	Date.	Nature of persecution.
Ponovicz	Kowno	June	Jewish quarter fired.
Potsk	Kiew	May 15	Riot.
Preobajensk	Ekaterinoslav	May 17	Riot; houses dismantled.
Prochorowka	Kiew	May	Riot.
Radsk		June	Jewish quarter fired.
Rasdory	Ekaterinoslav	May	Riot; one Jew murdered; all Jews expelled.
Rowno	Poltawa	About June 9	Riot; pillage; Jewess killed.
Romanowka	Ekaterinoslav	May	Riot; 3 Jewesses violated.
Rzanie	Ekaterinoslav	About July 10	Riot; rioters arrested, but afterward released.
Saratow	Saratow	June 8	Riot; 30 Jews wounded.
Schirwindt	Suwalki	June	Fire in Jewish quarter.
Seminowka	Poltawa	About July 20	Riot; pillage.
Senelmkewo	Ekaterinoslav	June	Riot.
Setel		June	Jewish quarter fired.
Skopetz	Poltawa	May	Riot.
Skopzy	Poltawa	July 28	Riot; Jewish houses destroyed.
Sladkonodnaya	Ekaterinoslav	May 20	Riot.
Slonim	Grodno	June	Fire in Jewish quarter.
Smila	Kiew	May 15	Riot; 13 Jews killed, 20 wounded, 1,600 rendered homeless
Swobodka	Kiew	About May 20	Riot.
Szpola	Kiew	May 9	Riot.
Tarnoruda	Padolia	May 15	Riot; pillage.
Terpienje	Taurida	May 20	Riot; child of Jew Skotloff murdered.
Toskopzy	Poltawa	July 28	Riot; Jewish houses destroyed.
Trondoubolowke	Ekaterinoslav	About May 20	Riot; pillage of agricultural colony.
Uman	Kiew	May 9	Riot.
Warsaw	Poland	December 25	Riot planned; alarm raised in four churches simultaneously; military not called out; 12 Jews killed, 6,000 homeless, 2,000,000 rubles' worth destroyed; outrages; lasted three days.
Wasansk	Ekaterinoslav	June	Riot announced, but prevented by altering market to Saturday.
Wasiljew	Taurida	May	Mayor read the confiscation ukase.
Wasilkow	Kiew	May 10	Riot; previously announced, and justified by the spoliation ukase; 1 Jew killed; wife and 6 children of innkeeper Rykelmann murdered.
Waylowtzye	Poltawa	June	Riot.
Werchednjepromst	Ekaterinoslav	May	Riot; 5 Jews killed.
Wiktorowka	Cherson	May 10	Riot.
Witebsk	Witebsk	June	Fire in Jewish quarter.
Wladimir	Wolhynia	October	Jews expelled.
Wojtowzy	Poltawa	July 28	Riot; Jewish houses destroyed.
Wolatcaisk	Wolhynia	May 14	Riot.
Wolinsk	Wolhynia	October	Jews expelled.
Wolkowisk	Grodno	June	Fire.
Wolwezysk	Podolia	May 15	Riot; previously announced; 30 houses destroyed.
Woskresienka	Ekaterinoslav	May 17	Riot in agricultural colony; Jewish houses destroyed.
Zmerinka	Podolia	May 24	Riot; houses destroyed
Znamenka	Taurida	May 17	Jew Resser killed, his wife outraged, and both thrown into Dnieper.
Zuki	Poltawa	June	Riot.


MAP OF LOCALITIES IN RUSSIA MENTIONED ABOVE.
WITEBSK
MOHILEW
MINSK
WILNA
SUWALKI
GRODNO
KOWNO
POLAND
VOLHYNIA
PODOLIA
BESSARABIA
KIEW
POLTAWA
CZERNIGOW
ORELL
CHERSON
EKATERINOSLAW
TAURIDA
BLACK SEA
SEA OF AZOW
Orel
CHARCOW
Witebsk
Mohilew
Minsk
Grodno
Kowno
Warsaw
Berdiansk
ODESSA
Nikolajew
Cherson
Ekaterinoslaw
Simferopol
Sebastopol
Kertsch
Theodosia
Jalta
Anapa
Kaffa
Taganrog
Mariupol
Berdjansk
Alexandrowsk
Melitopol
Nogaisk
Perekop
Genitschi
Arabat
Kilki
Gregoriewka
Balka
Kiew
Berditschew
Tschigirin
Kremenczug
Poltawa
Konotop
Romny
Borzna
Nyezin
Borispol
Pereiaslaw
Lubny
Krolewetz
Dnieprowsk
Sniewka
Sepolno
Uman
Tultschin
Winnitza
Jampol
Mohilew
Orsha
Rogatschew
Bobruisk
Rzetschitza
Mosyr
Owrutsch
Korosten
Wolgnak
Dubno
Constantinow
Wolocsysk
Brody
Wladimir
Kowel
Pinsk
Slonim
Nowogrudok
Lida
Wilna
Troki
Lutzk
Rowno
Kremenetz
Ostrog
Zaslaw
Proskurow
Starokonstantinow
Latitchew
Zwiahel
Berditschew
Pogolski

Admission of Dakota.

SPEECH

OF

HON. JOHN P. LEEDOM,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, July 17, 1882,

On the bill (H. R. No. 4456) to enable the people of the Territory of Dakota to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States.

Mr. LEEDOM said:

Mr. SPEAKER: The admission of a new State is a matter requiring the most solemn consideration when the House deliberates upon it. The determination of the question calls for the exercise of the wisest discretion, and if the formation of a State from a Territory be not wisely done, we are assailing the integrity of the Republic.

As regards the pending bill, I have made a faithful and laborious examination, as far as was in my power, of the various features involved in the application of Dakota for admission as a State, and the result has been that the proposition meets with my unqualified dissent. The admission of a State in fact as well as in name is in accordance with the genius of our 'nstitutions, but the admission of a Territory in fact, though a State only in name, is a violation of that system on which we must rely if we propose to maintain in the coming century the government of the past.

What constitutes a State under our system of government? In my mind she appears as a political being, clothed with such powers of sovereignty that no Territory should assume its worthiness until it is full-grown, and until its capacity for equally bearing its share of the burdens of sovereignty have so developed that it will have no use for swaddling-clothes.

Go back in our history and look at the thirteen States that met the shock of oppression and drove the oppressors from our soil. Observe what glorious records they have of patriotism, bravery, and endurance recorded of their sons! Observe the love which was implanted in the hearts of the succeeding generations for the honor and fame of these ancient Commonwealths! Mark the energy and grandeur of the character of the men of those times, and when the picture stands out plainly in your minds, when the result of their labors, their devotion to principle, and their heroism surround you in the work which is the product of a century, you will, I feel assured, readily appreciate the nature of the distinction I draw between a State and a Territory.

I wish to say here that I do not propose to detract from the claims which the pioneers of the West have upon us. I have watched their energetic course with delight as they have overcome, step by step, the obstacles in their path. I have seen them scale the mountains and by their endurance and labor level for practical uses their summits with the plains. I have seen the wilderness disappear before them and fertile fields take its place, and the fruits of their soil and the stream of mineral wealth torn from the close embrace of rocky ledges and mountains which has poured unceasingly toward the East, extending our commerce and opening upon our land the horn of plenty. I am aware of the sufferings and bravery of these pioneers, and have recognized in them the capacity to build up States of which we may justly be proud and welcome to a union with us on terms of equality; and therefore I wish to declare that no one can surpass me in the deep interest I feel in the growth and development of these Territories, and no one will more gladly than I extend the hand of fellowship to them when they stand before us seeking admission with the proofs of their capacity for statehood.

The child who assumes too early the duties and responsibilities of manhood generally falters in the race of life and falls far short of the goal which his trained capacities would have enabled him to reach; and in the same way may the destiny of a State be determined if at the very threshold of State existence it is subjected to imperious influences which it is powerless to withstand; and the inability of its citizens to bear up against the untoward events assailing them may become a potent cause of their failure to obtain that high development of their institutions essential to a State. The relation which this great Government bears toward the Territories is parental in its character.

Its moral force must pervade them in order to implant the principles among the people which will make them capable of adopting and observing a State constitution representing Republican principles and of subsequently passing laws in furtherance of these principles; and not until these principles are firmly rooted should a Territory aspire to grasp the scepter of sovereignty which would be conferred by her admission into the Union as an equal and independent State. But the moral effect is not all. These Territories are just entering on civilization, and the views of life entertained by the inhabitants are crude and ill fit them to guard, preserve, and develop their resources in that manner which is vitally necessary to their success as States. It is precisely at this stage that the discretionary power of Congress should be applied.

A State may be nominally created by legislation, but that which constitutes a State cannot by this means be injected into its organism. The people of a Territory must do this work for themselves, and they can do it far better in their Territorial condition, under the parental care of the Government, than as States struggling for existence and burdened with heavy taxation. They must build up an individuality and make such progress in the paths of civilization, show us citizens of such intelligence and manhood, institutions so thoroughly in accord with the principles of our Government, such success in the past as to give a brilliant promise for the future before they should receive the hand of sisterhood and be constituted States equal to those whose work has been already well done, and share with them the honor of their traditions and the benefits of their labor.

The machinery of a State government is most intricate in character, and when defective it is fatal to the progress of the State. Of this fact there have been so many illustrations in the past twenty years that I feel satisfied no one will deny the proposition, or even fail to agree with me that the destruction of values, the decay of all large material interests, and corruption of the political nature of the people must inevitably result from the operations of a defective, ill-regulated, or corrupt government. The Government is powerless to correct the evil, when once the State has been created, which may be inflicted upon it if there be no constitutional power to invoke for that purpose, and I am therefore led irresistibly to conclude that no State should be admitted into this Union until her population is large enough and wise enough to give proper tone and character to the people for centuries to come, and until her interests are such that she needs to exercise her right of self-government I shall insist that she remain where her condition of development places her, and where she cannot by her action as a State impair the integrity of our system.

A State should be the exemplar of the highest condition and most perfect organization of security. Many injuries would result to the Territory and its citizens if prematurely made a State. Legislation would not be free, honest, and untrammeled. The expenses of conducting the State government would be burdensome, and the immaturity to-day would impair its efficiency in the future. I do not believe if the people of Dakota knew what a burden they were preparing for themselves that they would consent to give up the advantages which they enjoy under the paternal care of this Government to acquire those supposed advantages which the politicians have tendered them. The explanation of this movement shows plainly that it is not an appeal from the people of Dakota, but the result of the machinations of a few ambitious members of the Republican party in Dakota and of that party itself, with perhaps an exceptional Democrat who has been promised a judgeship for his disinterestedness.

Our political history is full of illustrations of the correctness of this view of the question. Oregon in 1854, and again in 1855, refused, by a vote of her people, to enter the Union. Mr. Hughes, in the debate on the admission of Oregon, said:

> The people of this infant State preferred to bear the expenses of their Territorial government to be defrayed out of the national Treasury to assuming the burdens of taxation incident to a sovereign State. They remained contented with their Territorial government, engaged in agriculture and trade, developing the resources of Oregon, growing in wealth and numbers, and accumulating steadily all the elements of a prosperous and powerful State.

The first question which I propose to ask this Congress is what proof they have before them that the people of Dakota are seeking admission for their Territory as a State?

I am well aware that persons claiming to be citizens of Dakota have appeared here in Washington urging the passage of this bill. I am aware that some of them appeared before our committee in behalf of this bill, but I ask this House what element of the population of Dakota these gentlemen represent? What proof have we that they were the spokesmen of the larger portion of the citizens of Dakota? This is the first step they should have taken, but they brought us no credentials from the farmers of Dakota. On the other hand I have received numerous letters from prominent agriculturists of that Territory protesting against its admission.

They say that the farmers of Dakota do not wish to change their form of government; that it will prove injurious and burdensome to them; that the movement is exclusively in the interest of certain politicians who are seeking to gratify their personal ambition; that the delegates who went to Washington did not represent the people, and were all from the towns, none from the agricultural classes, and they did not consult anybody aside from politicians as to their wishes. Some of the delegates since their return have said that they could not now say they were in favor of admission; that they went to Washington because they could go cheaply, and they had heard other delegates say the same thing; they say that if Congress could look upon one of our legislative assemblies, such as we had in the past and are likely to have for some time to come, they would unanimously say that such a body of men were not capable of self-government; we believe that if Dakota is admitted as a State now, in less than two years we shall be burdened with debt, county and

State, that will be crushing upon our people. Shall we disregard this protest, Mr. Speaker, and force this people to change their form of government?

I do not propose to cast one word of discredit on those who have urged the passage of this bill, but I say that with this conflicting evidence as to what the wishes of the people of Dakota are, and especially of those who till its lands, that it is our duty before this bill should become a law to satisfy ourselves completely that the agriculturists are in favor of it, and I know nothing before us which would justify such a conclusion, while the presumption that it is not the case is of the strongest character.

This question was ably considered by Mr. Foster, in the Thirty-eighth Congress, in the debate on the admission of Nebraska. He said:

> If twenty-five thousand people in that far-off region are desirous of paying the expenses and bearing the burdens of a State government, it seems to me wonderful. I should like very much to know how many of the population of that Territory have asked to be made a State. For one, I would not wish to impose upon them the burdens of a State government without their asking for it. It will make taxation very heavy to sustain a State government there.
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> It is very easy to conjecture how there may be apparently a desire in a Territory to be made into a State. In the first place, a Territory is not represented in this body, and a State has two Representatives here. Then again there are various offices which are not filled while the Territorial condition continues. Some half dozen influential and ambitious men who aspire to be Senators and members of the House of Representatives and district judges may very easily get up an apparent desire in the population of a Territory to be made into a State. But how far, outside of the men who aspire to these offices, does this desire extend? How far does it extend among the mass of the people? Who is it living in a Territory that would not prefer to have it continue a Territory until it had assumed the size and proportions of a State than to have it made prematurely into a State? Who except the men who expect to hold these important offices?

I approach now, Mr. Speaker, one of the vital questions connected with this proposed measure, and that is whether the Territory of Dakota has such a population as to entitle her to admission as a State. This I term a vital question, because it concerns a principle which has entered into our system of government from the beginning, the observance of which has been productive of good, and the violation of which is fruitful of evil and harm.

We have had some figures submitted to us, and it is my purpose to review them, in order to show that Dakota has not the requisite population.

By the census report of 1880 the population of the entire Territory is set down at 135,000, of which the statement by counties gives to that portion of the Territory lying south of the forty-sixth degree of north latitude 87,059, so that it would require a gain or increase of about 60 per cent. in little more than a year to give to Dakota the requisite population.

It is assumed by the friends of the bill that this increase has taken place; but as I shall later deal with the evidence in support of such a proposition which has come before us, I shall satisfy myself at this point by declaring my belief in the utterly unfounded and unreasonable character of the assertion, and I do not think it will be seriously maintained on this floor. I regard this fact alone as sufficient to determine this question, since it shows conclusively that Dakota cannot now have a population equal to that necessary to secure the return of a Representative from a Congressional district to this House. A comparative statement contained in the census report for Dakota of 1880 gives the number of male adults in the entire Territory as 50,000, and the women and minors as 85,000. From these figures we arrive at the proportion of one voter (assuming all male adults entitled to vote) on a general average to one and seven-tenths of the non-voting population. By making use of this proportion we can throw some light on the question as to the population of Dakota in 1881, and inferentially now. At the poll assessment made in 1881 in Dakota there were listed in the southern part 22,174 names.

This result is arrived at from the poll lists in twenty-one counties and estimates in the remaining eleven of the number of polls listed therein by officials of the Territory. If we apply to this vote the proportion of one and seven-tenths for the non-voting population in the thirty-two organized counties of Southern Dakota, it will show a population of 59,870, and when we add to this sum 2,704, which is the population of the remaining thirty-two unorganized counties, we have a total population in Southern Dakota of 62,574, with 25 per cent. added for the increase in the unorganized counties, amounting to 676, which gives a total of 63,250, or 23,809 less than she is credited with in the census report of 1880, which indicates a reduction in the number of the population by emigration, or inaccuracy in the poll assessment.

The poll list which is the basis of this calculation is shown to be reasonably large by the vote cast for Delegate in 1880, which was 21,042. One year later the poll list referred to in Southern Dakota shows 22,174 as subjects of a poll tax in one-half of the Territory, being 1,132 voters more than were polled in the entire Territory the previous year.

One of the chief causes of the non-voting population being so little larger than the voting population is due to the fact that while the male adults are equally divided in numbers between native whites and those of foreign birth, the children of the latter only amount to 50 per cent. of those of the former. On this line of estimate we have then in Southern Dakota about 2,500 male adults, of which only one-half are native whites, and it is with this element and this population that it is proposed to bring this Territory into the Union as a State.

In presenting this comparison we do not propose to substitute this estimate for the results contained in the census report in 1880, but by showing the poll assessment in 1881 to have been in Southern Dakota but 22,174 in the organized counties, we show the impossibility of any such increase having taken place since 1880 as has been alleged.

It follows from this that whether you go to the census report for information or to the poll lists, and make a reasonable allowance for the increase of population since the date those figures were determined, you still cannot bring up the population to a point which would entitle her to admission, if there be any regard left for a principle which was one of the land-marks of the Government. That Congress has the right to use its discretion, whether a Territory has the requisite population or not, is not open to question. Contingencies might have existed which made it necessary to admit a Territory as a State which did not have the proper amount of population; and, on the other hand, it might not be thought wise or prudent to make a State of a Territory although it had the ample population.

It is precisely at such a stage as this that the discretion of Congress is to be exercised, and for that reason I have examined the question whether there is anything specially demanding action in the case of Dakota which would justify us in admitting her without the requisite population, and I have been unable to find any justification for such proceeding. She is not oppressed, but on the contrary, by the representation of her friends, is enjoying a high degree of prosperity. Nothing imperils her safety or checks her development, and so long as this Government feels able to extend to her the same care and attention, it is certainly to her advantage to continue to receive it. She has choice agricultural lands, and in the Black Hills rich mineral deposits. She has fences and farming implements, but when the whole value of her personal property is summed up it amounts only to seven millions in the entire Territory. The present assessment of the Territory produces a tax of $500,000, being about 2½ per cent. on all the real and personal property of the Territory, with the payment of which, together with the increased expenses of a State government, this property will be chargeable.

The following details from the census report of 1880 give the values of the entire Territory: Her manufacturing interest is but $691,763; material for manufacturing, $1,534,716; the value of the product, $2,442,755. Her live stock is estimated at $6,463,274 and her farms and implements at $24,791,175. What there is is agricultural. The farms, the stock, the produce of the dairy make up what there is of the Territory, and yet none of these men who control this interest are here to ask for the admission of Dakota. Until they come I hope, Mr. Speaker, that no vote will be cast in this House to force them in; for it will oppress them and add additional burdens for them to bear.

There are sixty-four counties in Southern Dakota, and of these thirty-two are organized. These thirty-two counties, in which is almost the entire population of the Territory, have only 25,000 square miles of area, while in the thirty-four unorganized counties, sixteen of which have no population and only two over three hundred, there is an area of 47,160 square miles.

The organized counties cover a little more than one-third of the area of Southern Dakota, and the two localities of population are widely divided. Three counties, Custer, Pennington, and Lawrence, are at the southwest corner of the Territory, while the other twenty-nine are at the southeast, and between these two settlements extends a vast unbroken wilderness, unsettled and unpopulated, and forming an almost impervious barrier to intercourse between the two populated localities.

A glance at the map will show the wide extent of the wilderness between Yankton and the Black Hills. As I looked at this map it was suggested to my mind that a dividing line from north to south could be run with more propriety.

While referring to the extent of the area of Dakota I wish to advert to the claim urged by the friends of the bill, that the number of pre-emptions, homesteads, and cash entries that have been made since the flush days of Dakota show the requisite increase of population since 1880. I have very little to say with reference to this. This evidence is not valuable. The records of our land legislation relating to the Territories and its result have long since deprived this character of evidence of any value. This is really one of the evils which I fear will help to work the ruin of Dakota, and against which I am contending. I assume that the admission of this Territory at this time would be followed by a similar chapter to those which have recounted the spoliation of lands in the other Western Territories.

Therefore I cannot accept these entries as any proof of an increase of population; but even were it capable of substantiation that every one of these entries was a personal one, made in good faith by the head of a family, the conclusion drawn from this would be incorrect, since the estimates are made that there are four members to a family, whereas the census shows but 2.7 on a general average. Why, Mr. Speaker, should it be sought to establish the extent of this population by such evidence as this when we have always the opportunity to enumerate it and so settle all doubtful questions and determine absolutely when the proper population is reached that such is the case?

It is by the report of the census, by the poll lists, or by a general recognition of a large population that this question is capable of determination, but the fact of sufficient population does not *per se* entitle a Territory to become a State and be received into the Union. The course of the Government in regard to Utah has shown this to be true. Utah has made repeated efforts to secure admission, and has always been denied at the entrance. Why was this? Because the power rested in Congress to declare, as they did in effect, that there was an element in Utah not in accordance with the genius of our Government. They felt that harm and injury might result from closer contact with that element if clothed with the powers of a State, and hence exercised their wisdom by refusing to admit a Territory, although her population in point of numbers was sufficient.

Immorality, if I may so call it, is not the only evil which should be kept from fellowship with our States. Immaturity is equally if not more dangerous. It might sap the foundation of our system of government. It might open the way to the entrance of corruption within the body-politic, and, like the entering-wedge in the timber, rive asunder the fibers which knit us together.

Look at the evils which have already come to this country from the violation of the principles I have laid down. I see in a debate on the admission of Oregon a statement to the effect that Florida was admitted with a less population than the ratio of representation at that time. This is true, but also true that at the time Florida made her application for admission she had sufficient population. This rule was adhered to in the admission of the first nineteen States and until the admission of Oregon.

Oregon was entitled to admission by an act of Congress whenever she had a population of 60,000. In the case of Kansas great political questions were being agitated, which for the time being subordinated minor considerations, a question which since that day has made itself felt in every part of our system. In both of these cases it is fair to presume that Congress felt called on to exercise her discretionary power. But however wisely it was done, however pure and patriotic the motive, the effect was undeniably bad, for it was used as a precedent in 1864 to select three petty Territories, so far as population and resources were concerned, and make them States, thereby checking their progress and development, in order to make use of them to maintain a political party in power.

Congress then for the first time violated a principle on which the safety of the Government depends and which had before been held sacred.

We have suffered greatly already for this. The rich and fertile lands of these Territories have passed from our ownership; the rich forests of timber have been made the object of spoliation and the stately trees leveled to the earth. Dishonest transactions in lands and sham railroad and mining enterprises have made the name of our people a by-word in the lands that have governments. All this could have been avoided had the Territories been allowed to work out their own salvation, develop themselves gradually and honestly to that point of maturity where they were capable of becoming States, a point where there would be developed in the hearts of their citizens sentiments of State pride and devotion to the honor of their Commonwealth. But the withering simoom of political destruction swept down upon them and swallowed them up.

Look at Nevada to-day. Twenty years ago her prospects were as bright as those of Dakota are pictured to us to-day; now she is gutted, her timber is gone, her lands deserted, her minerals absorbed, and her population diminished, all the results of the greed, avarice, and partisan political feeling which subjected her to such an ordeal. It is proposed, Mr. Speaker, to repeat this experience with Dakota for the same purposes, and I wish here as an American citizen to offer my most solemn protest against it. When I commenced my remarks, Mr. Speaker, I said that Dakota, not having a population equal to that provided for by the apportionment law for a district entitled to a Representative, was not entitled to admission. I have in the course of my remarks distinctly stated that I recognized the discretionary power of Congress to admit a Territory as a State if she saw fit, provided an emergency existed which made it necessary, as either the accomplishment of great good to the Government or Territory, or the prevention of great injury to either. I stated further that I saw no such exigencies presented in the case of Dakota, and in that connection desire to say that I think this Congress could take no more valuable steps than by reaffirming this principle with regard to the extent of the population. I desire to call the attention of the House to some of the views expressed here when a similar question was under discussion.

Mr. Grow, in the Oregon debate, referring to the causes which would justify a departure from the rule of population, said:

> Have they any unredressed wrongs too grievous to be borne under the Territorial government under which they live? And is it for that reason that we are asked to change it? They have a Territorial government, so far as I know, entirely satisfactory to them.

Continuing, he says:

> Show me the people in any of the Territories toward whom the Executive of the Republic fails to perform his duty, and who are left in a state of civil war, with no arm of the Federal Government raised to protect them in their rights or shield their firesides and hearth-stones from violence and wrong, and I will vote to admit them as a State, with a constitution not inconsistent with the guarantees of the Constitution of the United States, and thus relieve them from the despotism of the Federal Government, whatever their population, whether twenty or one hundred thousand.

This serves to illustrate very clearly the high character of the exigency which would justify a departure from the accepted principle of population. What authority President Buchanan attached to this principle may be gathered from his annual message. He declares "that any attempt by the people of Kansas to form a State constitution before the number of their people reaches the required amount would be in express violation of the provisions of an act of Congress," and in the judgment of the President therefore could not lawfully be made. Mr. Clark, of Missouri, in the course of the same debate, said:

> So long as I am a member on this floor I will never vote to admit any Territory as a State after this which has not the population equal to that required for a Representative from my State. It is the true doctrine, the doctrine of the Constitution and the doctrine of representative government.

General Zollicoffer said:

> I was adverting to the fact, Mr. Speaker, that the habit of requiring that a State should have a population equal to the ratio of representation is the general usage of the country.

And on what principles of right and propriety is it founded? It is founded in great wisdom, and is in my judgment essential to the safety and durability of the Government itself. It is founded on the idea that it is wrong to give to States having no population power to control States having great populations; wrong, for example, to give to a little community having one-thirty-fifth part of the population of the State of Ohio a power in the Senate of the United States and in the House in Presidential elections equal to that of such a State.

Mr. Seward made a declaration during the Oregon debate which very directly applies to the condition of Dakota. The rule he thought was "that where the interests of both the Government and the Territory would be best subserved by the admission, that the question of population would not be a positive factor if it could be shown that the area of the Territory is not unduly proportionate to that population." In the case of Dakota there is presented the most marked example of disparity between the population and the area to be found in our country, and one which would have fully met the case suggested by Mr. Seward.

The proposition enunciated by Mr. Nicholls in the same debate referred to was that "if population be no test as to the right to exclude a State from admission, it follows conclusively that the requisite ratio does not entitle it to admission." Mr. Boyce, of South Carolina, said:

> The most important principle in reference to the admission of a State is that it shall have the proper number of inhabitants. Where is this thing to end if a mere handful of men here and there can form States for admission into this Union? It is a mockery of our system of government that thirty, forty, or fifty thousand men here or there, or anywhere within our limits should be allowed to send two Senators to the other House of Congress. Why, sir, it brings our whole system into disrepute. What I insist on is that no new State shall be admitted until she has a population equal to that now necessary to entitle her to a member of the House.

There is much food for reflection, Mr. Speaker, in the suggestion of Mr. Nicholls in the course of the above debate, that if a less population than the ratio was not a bar to admission, then its possession would not entitle the Territory to admission. The force of this is to show the necessity for some rule applicable in all cases where a Territory seeks admission as a State, and in the absence of any improvement on that limitation which was observed for so many years it is to be hoped that this Congress will reaffirm that principle not only by its action in the present case but by so affirming that it will, as far as possible, exert its influence on the next Congress which shall have similar bills to consider. Believing as I do that nothing could prove more detrimental to the interests of Dakota than to be burdened with an expensive State government, to be exposed to the effects of party politics, and believing further that the bone and sinew, the farmers, do not want the change made, I have endeavored to show the evils which the passage of this bill would inflict upon this Territory. And in doing this I have been actuated only by the kindliest feelings for that Territory and for its people.

But having devoted so much of my time to this branch of the subject, I desire in conclusion to call your attention to what I regard as a matter of far greater importance. I refer to the injury that the admission of immature States would inflict on the Federal Government. The grand character of our system has been illustrated by our achievements and progress. The devotion felt for our Constitution and for that well-regulated system which seemed to have provided for almost every emergency which could occur for centuries to come was the great secret of the devotion of the people to law and order. It is the preservation of this condition of things which will perpetuate this Republic. It is holding as sacred the ancient landmarks and practices of the patriotic fathers of the earlier days which will prevent our system from becoming impaired through the effects of the vicious assaults constantly made against it. It is for this reason that I urge upon this House what I hold to be a duty, the reaffirmation of a principle which belongs to our past, and the departure from which must be productive of the greatest harm.

This injury is referred to in the extracts which I have read from the Oregon debates. They picture a party which, selecting a small community, confers on it statehood, and enables it to send two Senators to Congress and have an equal vote in the House with the largest State in the Union in a Presidential election, solely with a view to perpetuate its power. I have already referred to some of the evils

we have suffered from the admission of immature States, but those are slight compared to those which confront us in the future, if this practice is permitted to grow as it will do as the necessities of one party or another suggest such a step as expedient for their permanency of power. You gentlemen on the other side of the House have no right to demand of us greater political honesty than you yourselves display; and you can readily see how, if you add Dakota to the column of petty States, we might be led in a moment of power, which is already visible on the political horizon, to favor the division of Texas, which has area and population sufficient on that basis to make five States with an area of over fifty thousand square miles each, which would have within itself in its resources everything requisite for statehood.

But I regret to look at such a picture, for in such acts, done for party supremacy, I fancy that I see the gradual destruction of our Constitution, the tottering of our magnificent system of government, and failure and ruin taking the place of prosperity and happiness. I see the purity of our judiciary vanishing at the touch of partisanship, and our legislative bodies subjected to charges of corruption.

That no such calamities may ever befall us, we must halt at the beginning and make no encroachment on the palladium of our liberties, and in behalf of the preservation of our governmental system intact I appeal to this House not to ignore a principle which grows out of the Constitution, for party purposes. I appeal to them in behalf of Dakota, that her farmers may not be impoverished and despoiled by having a burden imposed on them which they do not seek; and finally to that sense of justice and honor which must control this House, not to permit a law to be enacted which is unjust to a people and dangerous to the Government.

Mr. Speaker, I desire to add as a part of my remarks the views expressed by Hon. G. G. VEST, a Senator from the State of Missouri, in dissenting from the report of the majority of the Committee on Territories:

Mr. VEST, from the Committee on Territories, submitted the following views of the minority, to accompany bill S. No. 1514:

The undersigned, a member of the Committee on Territories, begs leave to dissent from the report of the majority of said committee recommending the passage of Senate bill No. 1514, entitled "An act to enable the people of the Territory of Dakota to form a constitution and State government, and for the admission of the state into the Union on an equal footing with the original States."

It is certainly the theory and object of our Constitution that representation should be equal, so far as possible, between the citizens of the United States. In section 2 of the Constitution it is provided that "Representatives and direct taxes shall be apportioned among the several States which may be included within the Union according to their respective numbers," &c.; and in section 2 of article 14 of the amendments to the Constitution it is provided that "Representatives shall be apportioned among the several States according to their respective numbers," &c. These provisions manifestly apply to representation in the House of Representatives and to States after they are admitted into the Union.

Section 3 of article 4 of the Constitution provides that "New States may be admitted by the Congress into the Union," and this enactment leaves to the absolute and unlimited discretion of Congress the decision when the people within a certain Territory shall receive, not only their equal representation with other citizens of the Union in the House of Representatives, and coequal representation with the other States in the Senate, but also the right to appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

While no other provision is found in the Constitution as to the admission of new States than that before quoted, and no law or rule binds or limits the action of Congress, it would be a manifest violation of the spirit and intendment of the Constitution to admit a State into the Union without at least the population requisite under the existing law of apportionment for a Representative in the lower House of Congress. To give to a smaller number of people than that fixed by the general law of apportionment a representation in the House would be to establish unequal representation; nor is the number of people in a Territory applying for admission as a State the only question to be considered by Congress. While there should be at least the population required by the general apportionment, and this without question, justice to the other States and other citizens of the United States requires that Congress should consider the necessity for creating a new State, the character of the population, and its probable future.

To ignore these considerations would be simply an abdication by Congress of its high constitutional discretion and the placing in its stead the enumeration of a census. In our representative Government, based upon universal suffrage, every State and every citizen is directly interested in the question of admitting a new State into the Union—not only as to the simple inquiry in regard to the aggregate of population so admitted but as to its character and probable influence upon the common destiny of all the States; for it is manifest that the danger to free institutions lies after all in vicious suffrage and its corollary of vicious representation. Besides, if Congress should look only to the amount of population, it is evident how shamefully party greed and ambition could, by filling up the sparsely settled Territories, swell the vote of the electoral college to any number required for party purposes.

In the earlier days of our history, when the great necessity seemed to be population, and when a continent offered its vast domain for settlement, precedents in Congressional action as to the admission of new States can be found at variance with the principles here stated.

Out of the twenty-five States admitted into the Union since the adoption of the Constitution, six have been admitted without the ratio of population demanded by the existing apportionment for a member in the House of Representatives, but it must be remembered that the generally accepted proverb that "in numbers there is strength" then governed the action of Congress over and above all other considerations. Our vast domain seemed illimitable in its capacity for population, and it was only natural that Congress should regard with favor every proposition looking to the increase of the number of those who could develop the resources of the immense territory only awaiting the enterprise and toil of the pioneer. The tide of immigration now pouring upon us from all portions of the world has made the matter of population simply one of conjecture, and we must regard it only as a question of time when every foot of our vast possessions will be occupied and utilized.

There is no necessity now for rushing new States into the Union, unless that necessity is one of party. The welfare of the country does not require it, and unless there are exceptional reasons for admitting into the Union a sparsely settled Territory, the number of its population a matter of surmise, Congress should at least look with suspicion upon the hot haste with which the measure is being urged.

The area of the proposed State is 80,000 square miles, or 320,000 quarter sections of 160 acres each, or 51,200,000 acres; and upon this immense territory the friends of the measure claim that there is now a population of 175,000.

In 1880 the census enumeration showed within the limits of the proposed State a population of 100,500, including Indians, and as there has been no enumeration since, the increase to "175,000" is simply a matter of computation based upon land-office entries and the assessed value of property.

It is urged, however, that the amendment to the bill providing for a new enumeration of population, and making the admission as a State contingent upon that enumeration, meets any objection as to population: but it is enough to say that, anxious as the friends of this measure in the Territory are to secure its passage, the requisite number of people to reach the ratio of the present apportionment for Representatives in Congress will as certainly be developed by the proposed census as that the enumeration is had. Without at all reflecting upon the motive of the majority of the committee in proposing this amendment, it is my deliberate opinion that it can only result, if adopted, in a fraudulent enumeration, showing upon its face in any event a sufficent number of people in the proposed State to insure its admission into the Union.

There are too many personal ambitions to be gratified, too many private interests to be subserved, leaving out of view the partisan aspect of the question, to make it a matter of the slightest doubt that the proposed enumeration will meet every requirement in the way of population. Two seats in the United States Senate, one in the House of Representatives, the various State officers—executive, legislative, and judicial—and more than all, three votes in the electoral college, constitute a mass of temptation which the history of men and parties in the past should deter Congress from offering to the people of Dakota in the shape of the proposed amendment. Even the accuracy of arithmetical enumeration will yield to prizes so near and so alluring.

Nor is there any exceptional reason or necessity shown for the immediate admission of the new State into the Union. If the statements of the advocates and friends of the pending measure are to be received even with great allowance, the proposed State is now a Territorial elysium and the people in the enjoyment of every possible blessing to be obtained from religion, education, or benign and just laws.

By reference to a pamphlet submitted to our committee by the advocates of the bill, entitled "Dakota's claims for admission," it will be seen that in the proposed State in 1881 there were 128 church buildings; 850 school districts, with 937 teachers; 4 national and 44 private banks; 70 weekly and 5 daily newspapers; a fleet of steamboats, and 756 miles of railroad completed and in operation. We are further informed by this pamphlet that—

"The financial condition of the proposed State is most excellent; * * * the financial condition of the various counties is good, only two counties having any indebtedness that is likely to inconvenience them. One of those two incurred the debt by granting aid to a railroad company, under an act of Congress."

It is to be regretted that the friends of the pending bill have deemed it proper to drop this financial history with a statement so abrupt, thereby leaving the impression that Congress by authorizing aid to a railroad company became to some extent or in some degree responsible for the subsequent history of the indebtedness so authorized.

And this is the more to be regretted for the reason that a protest against the admission of the proposed State of Dakota has been presented to the Senate and referred to this committee, which creates the painful suspicion that the people of the proposed State have neglected the religious and moral advantages so conspicuously set forth in their pamphlet, and have been guilty of such naked and palpable repudiation of the indebtedness alluded to as to render them especially anxious to say as little upon the subject as possible. Unwilling to adopt hastily a conclusion so damaging to the fair name of a young and ambitious community already aspiring to membership in the Union, and also believing that no "State" should be so admitted whose people have been guilty of repudiating an honest and lawful indebtedness, I have carefully examined the charges made in the protest and the prayers offered and now lay before the Senate the result of my examination.

In the spring of 1871 the counties of Yankton, Clay, and Union, which then embraced the most thickly settled portion of Southern Dakota, were exceedingly anxious to obtain a railroad which would give them communication with the outer world. With this end in view, the acting governor of Dakota Territory called a special session of the Territorial Legislature, which convened at the capital, in the city of Yankton, on the 18th of April, 1871, and continued in session for several days. At this special session an act was passed entitled "An act to enable organized counties and townships to vote aid to any railroad, and to provide for the payment of the same," which was approved April 21, 1871. (See side pages 14 to 17, inclusive, of the printed record on file in the clerk's office of the Supreme Court of the United States, in the case of the First National Bank of Brunswick *vs.* The County of Yankton.)

After this act had been passed the Dakota Southern Railroad Company was incorporated under the general laws of Dakota Territory. (See side pages from 19 to 21, inclusive, of the same record.) Its incorporators embraced some of the most prominent men in the Territory, such as ex-Governors A. J. Faulk and Newton Edmunds, United States Judge W. W. Brookins, Hon. G. C. Moody, George W. Kingsbury, J. M. Stone, Dr. J. A. Potter, J. R. Sanborn, James S. Foster, C. S. Eiseman, F. J. DeWitt, and others. (See side page 21 of said record.)

The charter of the company stated the purpose of the company to be to construct and operate "a line of railroad from the city of Yankton, on the Missouri River, eastward through the counties of Yankton, Clay, and Union, to a point on the Big Sioux River, between townships Nos. 88 and 93, both inclusive." (See side page 20 of said record.)

Afterward, and in pursuance of the act passed at this special session of the Territorial Legislature, a petition was presented to the board of county commissioners of Yankton County asking that body to submit to the qualified voters of said Yankton County a proposition to extend aid by donating $200,000 in county bonds of said county to the Dakota Southern Railroad; said bonds to run twenty years, with coupons attached, bearing interest at the rate of 8 per cent. per annum, and to be given to said company in payment for grading, tieing, building, and other necessary work on said railroad proposed to be built by said company. (A copy of this petition may be found on side pages 22 and 23 of said printed record, and a copy of this petition is also attached as Schedule A to the protest introduced in the Senate March 21, 1882, by Senator HALE.) The petition, it will be noticed, is signed by the most prominent men in the Territory, and among the names may be found those who are to-day the strongest advocates of repudiation in the Territory.

In pursuance of this petition and in accordance with the terms and provisions of said act of April 21, 1871, an election was held on the 2d of September, 1871, in Yankton County, at which the proposition to issue said bonds as specified in said petition was carried by a very large majority. (See side pages 24 and 25 of said record.)

Subsequently the board of county commissioners entered into an agreement with the said Dakota Southern Railroad Company by which it was agreed to issue to said railroad company said $200,000 in bonds to aid in the construction of its road, and the railroad company on its part agreed in case said bonds should be delivered to it before the road was fully constructed and completed that it would execute a bond to the county in the penal sum of $400,000, conditioned that said railroad should be completed "from the terminus or some station of some railroad leading into the city of Chicago, Illinois, to and within the limits of the city of Yankton,

as such limits existed on the 5th of August, 1871, by virtue of the charter of said city, and in running order, constructed as well as the average of Western roads, and trains of cars actually run thereon and with its track connected with some road running to Chicago of the same gauge, so as to give direct railroad communication between said city of Yankton and the city of Chicago without necessitating the transfer of freight at any such point of connection," on or before the 1st day of January, 1873, or in case of a general overflow of the Missouri River bottoms, then on or before the 1st day of July, 1873; and in case of failure to comply with all the conditions of said bond within the time aforesaid, the bond was to provide that the damages should be liquidated at the face amount of the bonds actually issued, with all interest that should have accrued thereon up to the recovery of judgment upon such bond, and $10,000 additional to cover expenses of engraving and issuing the said bonds and all other expenses the county should be put to by reason of such extension of aid. (See side pages 24 to 29, inclusive, of said record.)

Not long after this, and before any of the bonds had been issued by the county, a question arose as to the right of the Territorial Legislature to convene in extra session, and as to the validity of a railroad charter granted by a Territorial Legislature in view of the implied inhibition of a Territorial Legislature to grant a railroad charter found in the act of Congress passed March 2, 1867. (See 14 Stats. at L., page 426; also section 1889 of the Revised Statutes of the United States.)

In consequence of this doubt as to the validity of the railroad charter and as to the validity of the act passed at this special session, Congress was asked to recognize said act as a valid act and said railroad charter as a valid charter. But Congress, deeming the act which applied to all railroads and all counties in the Territories unwise in principle, annulled the act except so far as it related to this particular railroad and the bonds voted thereto. (The township of Elk Point, in Union County, had also voted $15,000 in bonds to aid the same railroad; see side page 59 of said printed record; and that township has during the last five years been following the example of Yankton County in repudiating its bonds.) But as to this particular railroad and the bonds voted thereto, Congress validated said act and recognized said railroad company as a "legal and valid corporation." (That act is entitled "An act in relation to the Dakota Southern Railroad," and was approved May 27, 1872, and can be found in 17 U. S. Stats. at L., page 162; also on side pages 17 and 18 of said printed record; also in 101 U. S. Reports, page 129, case of First National Bank of Brunswick *vs.* The County of Yankton.)

Up to the time this validating act of Congress became a law, none of the bonds had been issued by Yankton County. The first $100,000 of the bonds were issued on or after the 11th day of June, 1872, and after the county commissioners had found that the railroad company was under the agreement entitled to the same; and after the county had taken from the railroad company a $400,000 bond conditioned as herintofore mentioned with approved sureties, and also secured by real-estate mortgage. (See side pages 30 to 34, inclusive, of said record.) The last $100,000 of said bonds were issued on or after January, 1873. (See side page 35 of said record.)

It will be noticed that the county did not expect to receive any stock in exchange for these bonds at the time the vote was taken, but the act of Congress required the railroad company to issue stock to the county of the par value of the bonds received; and in pursuance of this requirement the railroad company did issue to the county $200,000 in full-paid stock. (See side page 59 of said record.) And one of the county commissioners was elected a director of the railroad company by virtue of the stock held by the county, and attended meetings of the railroad company as such director. (See side pages 42 and 55 of said report.)

After the bonds were issued the board of county commissioners released the mortgage and canceled the bond given by the railroad company to secure a performance of the agreement on its part, with reference to the construction of said road, on the ground that the agreement had been fully complied with on the part of the railroad company. (See side pages 42 and 54 of said record.)

But when the railroad company were about to put a mortgage on the railroad, Yankton County, as the holder of the $200,000 of stock in the company, filed a bill against the railroad company to interfere with this plan, and the railroad company, in this dilemma, with the prospect of bankruptcy before it if the litigation proceeded and this hinderance to the disposal of its mortgage bonds was not immediately removed, agreed to and did execute to Yankton County a bond in the penal sum of $50,000 with approved securities, (who are to-day amply able to respond in damages for any breach of said bond,) conditioned that the railroad company would run a passenger train from Yankton to Sioux City every forenoon, returning every afternoon, and lying over at Yankton, and that it would keep and maintain its general offices at the city of Yankton, and would expend there the sum of $50,000 in the erection of passenger and freight depots and machine shops. (See side pages 43 to 57, inclusive, of said record.)

It must be borne in mind that this agreement with reference to the manner of running trains and the expenditure of money in improvements at Yankton was a new agreement that was made and entered into in the fall of 1873, (the agreement is dated October 31, 1873,) and was in addition to the agreement under which the railroad was constructed and the bonds issued, and was extorted by said Yankton County from the railroad company through the instrumentality of the stock held by said Yankton County; and long before this litigation was started, which resulted in the making of said agreement, these bonds had all been issued and disposed of to innocent purchasers.

The bonds were taken by the firm of Wicker, Meckling & Co. from the railroad company, under their construction contract with the railroad company, at par, (see side page 59 of said record,) and Wicker, Meckling & Co. sold the bonds to W. N. Coler & Co., a firm of bankers and dealers in municipal bonds in New York City, for the sum of $140,000 in cash, to wit: $75,000 for the first $100,000, and $65,000 for the second $100,000. (See side page 59 of said record.)

Subsequently W. N. Coler & Co. retailed the bonds out in small lots to the present holders at about ninety cents on the dollar.

In order to facilitate the sale of the bonds, W. N. Coler & Co. procured from nearly all the prominent officials and citizens of Yankton County letters and certificates stating that the bonds had been issued in good faith; that there were no safer investments in the market; that there was no disposition on the part of any portion of the people of the county to repudiate the bonds; that they had received what they paid for; that the citizens of the county were well satisfied, and that the county was abundantly able to pay the bonds, having no other indebtedness.

These letters and certificates were incorporated into a pamphlet by W. N. Coler & Co., and in this pamphlet Coler & Co. lay special stress upon the fact that these bonds had a very desirable feature, not common to ordinary municipal bonds, and that was this: that the act of the Territorial Legislature had been confirmed by a special act of Congress, thus, as they said, "effectually shutting out every question as to the authority of the county to issue the bonds, and any possibility of the county avoiding payment of the same." (A copy of these letters and certificates will be found attached to the protest introduced in the Senate by Senator HALE.)

The price these bonds were sold for in 1872 and the early part of 1873 of itself clearly shows the falsity of the statement now made, that the bondholders purchased the bonds as illegal securities, and demonstrates beyond all question that these bonds must have been considered a first-class investment, as other 8 per cent. western county bonds were not selling in the market at that time, to wit, 1872 and the early part of 1873, for as high a figure as these bonds brought. Indeed, up to the year 1876, when the county entered upon this scheme of repudiation, the interest upon these bonds had always been promptly paid, and the bonds had always been recognized as valid obligations, not only by the county, but also by the Dakota Territory Legislature, as will be seen by reference to the act entitled "An act to authorize Yankton County to borrow money in certain cases." Approved December 21, 1872, found on page 130 of the Dakota Territorial session laws of 1872 and 1873; and also found on side page 57 of said printed record on file in the supreme court clerk's office.

No taxes have been levied for the purpose of paying interest on these bonds, and no interest has been paid upon them since the year 1876. In that year Hon. G. C. Moody (one of the parties who lately appeared before our committee to advocate the bill for the admission of the Territory as a State) filed a bill and obtained a decision from the Territorial courts that said bonds were illegal and void. Judge A. H. Barnes (who also lately appeared before our committee to advocate the bills for division and admission) was at that time one of the judges of the supreme court of the Territory, and he said at the conclusion of his opinion, holding these bonds invalid:

"I come to the conclusion that neither Congress nor the Territorial Legislature, nor both combined, could authorize or empower the county of Yankton to make a donation or subscription to the capital stock of a railroad." (See 1 Dakota Reports, page 267.)

Judge G. G. Bennett, (late Delegate to Congress from Dakota,) who also concurred with Judge Barnes in holding that the bonds were illegal and void, stated in his opinion, as an independent reason why the bonds should be held void, that the act of Congress required the railroad company to issue to, and impliedly required the town to accept, $200,000 in stock of the railroad company, which was not bargained for by the county, and for this reason, if for no other, he held the bonds ought not to be paid, because the county thereby became subjected to the liability of a stockholder in the railroad company without the sanction and consent of its voters. (See pages 253 and 254 of 1 Dakota Reports.)

Since the delivery of these opinions by the Territorial judges the county of Yankton has realized the sum of $16,666.66 from the sale of the stock received by it from the Southern Dakota Railroad Company, and the legal opinion of Judge Bennett is now considered hardly tenable.

The Supreme Court of the United States, as will be seen by reference to the decision in the Yankton County bond matter, (reported in 101 United States Reports, page 129,) did not agree with Judge Barnes as to the powers of Congress over the Territories of the United States. That court said in its opinion:

"All territory within the jurisdiction of the United States, not included in any State, must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the General Government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations.

* * * * * * *

"Congress may not only abrogate laws of the Territorial Legislatures, but it may itself legislate directly for the local government. It may make a void act of the Territorial Legislature valid and a valid act void. In other words it has full and complete legislative authority over the people of the Territories, and all the departments of the Territorial government. It may do for the Territories what the people under the Constitution of the United States may do for the States.

* * * * * * *

"No complaint is made of any irregularity in the proceedings under the law. The question in the case is one of power only, and we think the vote of the people of the county was validated by Congress, and express authority given to issue the bonds for the purpose originally intended. The only change which Congress saw fit to make was to require the company to give stock in return for the donation voted.

"The judgment of the supreme court of the Territory will be reversed, and the cause remanded with instructions to reverse the judgment of the district court, and direct a judgment for the plaintiff on the facts found, for such amount as shall appear to be due on the coupons sued for."

Such was the judgment of the tribunal of last resort under the Constitution, and an honest, law-abiding community should have received this decision as conclusive and proceeded to obey it. Not so with the defendants. Determined to avoid the payment of the bonds at all hazards, and in any event, the people of Yankton appealed to the Territorial Legislature to assist them in defeating the judgment of the Supreme Court of the United States, and accordingly the people of the entire Territory made themselves parties to the scheme of repudiation by first repealing the law authorizing a levy upon the property of the county for the payment of any judgment obtained against it. (See Session Laws of Dakota for 1881, page 63.)

Another act was also passed enabling the county commissioners to effect an immediate determination of their official powers by filing a resignation with the county clerk. (See Session Laws of Dakota of 1881, page 219.)

Another act was passed authorizing Yankton County to sell the $200,000 of stock which it had received from the railroad company at the time said bonds were issued, and to enable the county to coerce the bondholders into a settlement at 50 cents on the dollar. The act further provided that the money obtained on said stock should be constituted a special fund to be used only in the payment of the indebtedness of Yankton County at the rate of 50 cents on the dollar. (See Session Laws of Dakota for 1881, page 305.)

As I have before stated, Yankton County did effect a sale of the stock for the sum of $16,666.66, which was deposited with the county treasurer, and has remained in his hands for more than a year, drawing no interest because the county was unwilling to use the same in payment of this indebtedness, unless the bondholders would agree to compromise at 50 cents on the dollar.

Judgments having been rendered against the county in pursuance of the decision of the Supreme Court of the United States, there being no further defense available in law or in equity, the plaintiffs finally applied to the district court for writs of mandamus to compel the county commissioners to levy a tax for the payment of said judgments, and the county commissioners, or those within the jurisdiction of the court, availing themselves of the act of the Legislature passed for that purpose, hereinbefore referred to, immediately filed their resignations with the county clerk before the writs could be served upon them, and thus evaded the process of the court.

Subsequently, on Monday, the 5th day of September, 1881, when it became necessary for the county commissioners to levy a tax for ordinary county purposes, the remaining county commissioner, (who had not before resigned,) having come secretly within the jurisdiction of the court, met, with two new commissioners who were secretly appointed to fill the vacancies on the board, at about the hour of sunrise, and these three, after levying a tax for ordinary county purposes and transacting other ordinary business of the county, immediately resigned before the writs of mandamus could be served upon them.

In November last the action of the county commissioners was heartily indorsed by the people of Yankton in the re-election of the same persons to the offices of county commissioners, and finally, on the 28th of December, 1881, two of the commissioners so re-elected secretly qualified and held a secret meeting, at which they transacted the accumulated business of the county without taking any steps toward meeting the judgments rendered against the county, and then resigned, leaving the county practically disorganized, in which condition it has ever since remained.

In presenting the majority report the chairman of the committee used the following language:

"As to the protest which was referred to the committee, the majority of the committee are of the opinion that the case is one for the courts to settle rather than Congress. Indeed, they are so fully impressed with the belief that such matters

belong properly to the courts that they deem it impolitic if not unwise for Congress to legislate or express an opinion on the subject."

From this position of the majority of the committee I beg leave most earnestly to dissent. In the first place I deny that there is any question now before the courts as to the indebtedness of Yankton on the bonds voted by them to the Southern Dakota Railroad Company. The Supreme Court of the United States decided the question of power to issue the bonds against the county, and there being no other defense even pretended, final judgment was rendered against the county. The only question now pending is whether the defendants can nullify the judgment of the Supreme Court by means of the legislation enacted for that purpose by the Territorial Legislature of Dakota.

There are questions involved in the consideration of the pending measure far more important than the amount in dollars and cents honestly due to the holders of these bonds. The principles of good faith and fair-dealing apply to communities and commonwealths as well as to individuals, and while the man who repudiates his legal obligations and seeks by trickery to avoid them is justly refused the society and countenance of honest men, there is no reason why a community guilty of the same conduct should not be refused the highest privilege and greatest honor upon earth—membership of the American Union.

This is no case of repudiation by an isolated county or township. It is the case of an entire Territory, now aspiring to become a State, which has deliberately attempted to nullify and defeat the judgment of the highest judicial tribunal created by the Constitution.

To say that Congress can, upon the question of admitting this Territory as a State, ignore its illegal and outrageous defiance of the law, as declared by the Supreme Court of the United States, is to trample under foot the dictates alike of self-respect and constitutional requirement.

The admission of Dakota as a State upon the record and history presented is the indorsement by Congress of repudiation so shameless and unquestioned that it can find no plausible defense in this body, or even in the community where it was perpetrated.

For these reasons I dissent from the majority report, and am of the opinion that the pending measure for the admission of Dakota as a State should be rejected.

G. G. VEST.

Hennepin Canal.

SPEECH

OF

HON. CYRUS C. CARPENTER,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, July 25, 1882,

On the conference report on the river and harbor bill.

Mr. CARPENTER said:

Mr. SPEAKER: The purpose of the Senate amendment, comprising in part the conference report now under consideration, is to provide for the survey and a report upon the projected canal between the Mississippi River at Rock Island and the Illinois River at Hennepin. The proposed canal would be sixty-five miles long and would connect the waters of the Mississippi with those of the Illinois River, forming in connection with the Illinois and Michigan Canal a direct, available, and continuous through water-line between the Mississippi and the great lakes at Chicago; making the entire length of the connecting water-way one hundred and eighty miles.

It is objected to this project that it is not a national or interstate enterprise, and that canals are a thing of the past and are unavailable in the modern system of transportation.

I desire to state only two or three reasons which, in my judgment, show the fallacy of these objections.

As computed by the gentleman from Michigan [Mr. HORR] in his very able speech on the river and harbor bill, the Mississippi River and all its tributaries receive in this bill appropriations amounting to $8,705,000, and the great lakes from Duluth to the Saint Lawrence River receive appropriations amounting to $2,151,000.

Here are two great systems of water navigation upon which the Government, and wisely as I think, is expending annually millions of dollars; and yet there is no practicable, available, and direct water communication between these two great systems of water transportation.

This project contemplates the construction of a canal across an isthmus sixty-five miles in width at a cost of $4,500,000, which Colonel Hodnett, a civil engineer who surveyed the proposed route, affirms "would be the cheapest canal ever constructed in the United States." This canal would afford a direct water communication between the great system of water-ways constituted of the Mississippi River and its tributaries and that of the great lakes, extending from Chicago to the markets of the East.

This enterprise will prove, in my judgment, of inestimable value to the States of the Northwest, and it will prove of equal value to the States of the Atlantic seaboard, where the surplus of the Northwest is consumed, and which furnish the iron, salt, hard coal, and other heavy and bulky products of the mine and factory consumed in the States west of the Mississippi. The river and harbor bill appropriates over $4,000,000 for the improvement of the Lower Mississippi River, and contemplates the appropriation of many millions in addition to complete the elaborate designs of the Mississippi River commission. And to these expenditures we must add the $5,000,000 expended on the jetties to secure an outlet into the Gulf of Mexico. The expenditure of all these millions (and I do not say it in the way of criticism) is for the mere purpose of facilitating the carrying of the heavy surplus of the Mississippi Valley which seeks a foreign market. And yet the statistics of trade prove that while one-fourth of the surplus which the West sells goes abroad, the other three-fourths is sold and consumed in the cities, the mines, and the factories of our own States east of the Alleghany Mountains.

It seems strange to me that men will vote with complacent satisfaction to expend $5,000,000 on the jetties at the mouth of the Mississippi, and over $4,000,000 for other improvements of the river, to be followed by from $25,000,000 to $30,000,000 more in carrying out the projected improvements, and all this to facilitate the transportation of one-fourth the surplus products of the Mississippi Valley, while the same men will higgle and wriggle and question and cavil about the expenditure of $4,500,000 to facilitate and cheapen the transportation of the other three-fourths to the home market east of the Alleghanies.

But it is said there is no warrant in the Constitution to enter upon this work, as it lies entirely within the border of a single State and is in no sense a national enterprise. I have already said cutting a ditch for sixty-five miles across a narrow isthmus connects in a direct way the great system of improvements in the Mississippi Valley with the commerce of the lakes and the Hudson River. We have cut a canal around the Muscle Shoals in Tennessee and the Des Moines Rapids in Iowa and the Sault Sainte Marie in Michigan, and have entered upon the construction of the reservoir system in Minnesota. If warrant was found for these improvements in the Constitution, I think we may find authority to construct a work like the Hennepin Canal, an enterprise so beneficent in its designs and which promises to be so far-reaching in its effects for good to the people of this whole continent.

In reply to the suggestion that canals are obsolete it is sufficient for me to say that Mr. Albert Fink, whose knowledge of railroad construction and operation is unsurpassed among the great men which railway enterprise has produced upon this continent, when before the Committee on Commerce frankly assigned as the great difference between railway freights on roads running parallel with water-ways and those running at right angles with the same water-ways, that it was largely and generally due to the effect of water competition. He also frankly admitted that the change in freight prices in summer and winter months, while in some measure affected by increased cost of operating railways in winter, was largely due to the absence of water competition in the winter months. In face of these facts it does not do to say that canal transportation in this faster commercial age is a thing of the past, and that the Hennepin Canal would not immensely profit both producer and consumer if constructed and in operation.

I now come to the main point which I intended to make on taking the floor. This is merely a provision appropriating money to survey and locate the Hennepin Canal. Even the enemies of the canal should concede this and support it. If, as they allege, the whole scheme will prove to be impracticable, then upon the report of a competent engineer to this effect agitation respecting the Hennepin Canal will cease. But if upon such survey the enterprise should seem practicable, its enemies should have the magnanimity to allow its friends "a day in court," when all the constitutional objections raised by them and all questions respecting the utility of the enterprise can be discussed, considered, and determined. This is all there is of the provision relative to the Hennepin Canal in this bill; and this is a small concession to those States west of the Mississippi River, whose Legislatures have memorialized Congress in its behalf, and whose people believe it will afford them relief in the means of transporting their surplus to the markets of the world.

General Subjects.

SPEECH

OF

HON. JAMES K. JONES,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, July 28, 1882,

On general subjects.

Mr. JONES, of Arkansas, said:

Mr. SPEAKER: On the 8th of June, 1878, Mr. KENNA, of West Virginia, in a speech in this House, made a succinct statement of the record of the Democratic and Republican parties on many of the financial and political questions occurring before that time. Following in the same line, I wish to bring up that statement to this date, and avoiding as far as possible all argument or illustration to present the facts simply as they have occurred and leave others to arrive at their own conclusion.

As the Greenback party, according to Mr. McPherson's very reliable Hand-Book of Politics, had fifteen members of the House of Representatives in the Forty-sixth Congress and as it has had nine members of this House up to the date of the admission of Mr. LOWE, and ten since that time, it is proper that the votes of that party shall also be given, as by their fruits we are to know them.

Much of the time and best thought of this House has been given to the examination and discussion of the tariff question, and just now the thinking people of the country are examining and considering this great question in a way that clearly indicates that we now see the "beginning of the end of this great iniquity;" that those who have had their hands upon the throats of those who eat their bread in the sweat of their faces will be forced to relax their hold. Hence I will begin what I now have to say by taking up the record upon this question.

On March 26, 1878, Mr. Wood moved that the bill reported from the Committee on Ways and Means entitled "An act to impose duties upon foreign imports, to promote trade and commerce, to reduce taxation, and for other purposes," be made the special order for Thursday, April 4, after the morning hour, and to continue from day to day until disposed of.

This motion was agreed to—yeas 137, nays 114. The yeas were—121 Democrats, 16 Republicans; the nays were—104 Republicans, 10 Democrats.

On June 5, the bill having been considered in the Committee of the Whole House, the question was, "Will the House agree to the recommendation of the Committee of the Whole that the enacting clause be struck out?" The yeas were 134, nays 120. Of the yeas 115 were Republicans and 19 Democrats; the nays were—113 Democrats and 7 Republicans. So the bill was defeated.

MILLS'S RESOLUTION.

December 1, 1877, Mr. MILLS moved to suspend the rules to submit the following:

Resolved, That the Committee on Ways and Means be instructed to revise the tariff so as to make it purely and solely a tariff for revenue and not for protecting one class of citizens by plundering another.

Which motion did not prevail—yeas 67, nays 76. The yeas were—60 Democrats and 7 Republicans; nays were—64 Republicans and 12 Democrats.

FREE QUININE.

June 30, 1879, Mr. Covert moved to suspend the rules and pass a bill to put quinine on the free list; which was carried—yeas 125, nays 33. The yeas were—96 Democrats, 22 Republicans, and 7 Greenbackers; nays were—31 Republicans, 2 Democrats, Greenbackers, not voting, 8.

FREE SALT.

January 12, 1880, Mr. HATCH moved to suspend the rules and pass a bill to provide for the free importation of salt; which motion was lost—yeas 115, nays 116. The yeas were—99 Democrats, 11 Republicans, and 5 Greenbackers; nays were—99 Republicans, 13 Democrats, and 4 Greenbackers.

On March 8 this bill was referred to the Committee on Ways and Means—yeas 129, nays 93. The yeas were—97 Republicans, 25 Democrats, and 7 Greenbackers. Nays were—84 Democrats, 2 Republicans, and 7 Greenbackers.

TARIFF REFORM.

March 8, 1880, Mr. Samford offered a bill to reduce the tariff on certain articles—50 per cent. on merchandise mainly made of hemp, metals, wood, wool, and cotton—and also one to repeal the tariff on printing-paper, type, and materials, &c., and moved their reference to the Committee on Revision of the Laws. A motion was made to refer them to the Committee on Ways and Means; which was agreed to—yeas 144, nays 87. The yeas were—102 Republicans, 34 Democrats, and 8 Greenbackers. The nays were—81 Democrats, 1 Republican, and 5 Greenbackers.

TOWNSHEND'S BILL.

March 22, 1880, Mr. TOWNSHEND, of Illinois, introduced a bill to so amend sections 2503, 2504, 2505 of the Revised Statutes of the United States as to make salt, printing-type, printing-paper, and chemicals and materials used in making paper, free and to place them on the free list; which was committed to the Committee on the Revision of the Laws.

On March 23, Mr. CONGER called attention to this, and claimed that the bill should go to the Committee on Ways and Means. Mr. Garfield moved to amend the Journal so as to send it to that committee.

Mr. Nichols moved to table that motion; which was carried—yeas 118, nays 117. The yeas were—110 Democrats, 3 Republicans, and 5 Greenbackers; nays were—100 Republicans, 12 Democrats, and 5 Greenbackers; 5 Greenbackers not voting.

This bill finally went to the Committee on Ways and Means, the motion being first to discharge the Committee on the Revision of the Laws from further consideration of the bill, which (March 25) was carried—yeas 143, nays 100. The yeas were—108 Republicans, 27 Democrats, and 8 Greenbackers; nays were—94 Democrats, 1 Republican, and 5 Greenbackers.

The vote occurring on the motion to refer to the Committee on Ways and Means, the yeas were 142, nays 90; as follows: yeas—105 Republicans, 30 Democrats, and 7 Greenbackers; nays—84 Democrats, 6 Greenbackers.

THE TARIFF COMMISSION.

March 20, 1882, Mr. KELLEY moved to suspend the rules and pass a resolution that when the House next went into Committee of the Whole House on the state of the Union the tariff-commission bill should be taken up—yeas 154, nays 58. The yeas were—113 Republicans, 36 Democrats, and 4 Greenbackers; nays were—55 Democrats, no Republicans, and 3 Greenbackers.

May 6, Mr. MILLS moved to recommit the bill to the Committee on Ways and Means with the following instructions:

First. That no more money shall be collected than is necessary for the wants of the Government, economically administered.

Second. That no duty be imposed on any article above the lowest rate that will yield the largest amount of revenue.

Third. That below such rate discrimination may be made, descending in the scale of duties, or for imperative reasons the articles may be placed on the list of those free from all duty.

Fourth. That the maximum revenue duty should be imposed on all luxuries.

Fifth. That all specific duties should be abolished and "ad valorem" duties substituted in their place, care being taken to guard against fraudulent invoices and undervaluation, and to assess the duty upon the actual market value.

Sixth. That the duty should be so imposed as to operate as equally as possible throughout the Union, discriminating neither for nor against any class or section.

Lost—yeas 75, nays 152. The yeas were—74 Democrats, no Republicans, and 1 Greenbacker; nays—124 Republicans, 22 Democrats, and 6 Greenbackers.

The bill then passed—yeas 151, nays 83. The yeas were—116 Republicans, 28 Democrats, and 7 Greenbackers; nays were—75 Democrats, 8 Republicans.

A number of advocates of tariff reform among the Democrats voted for this bill on the ground that any positive action on this great question must of necessity result in some degree of relief; that agitation and discussion must result in lightening the present tariff burdens.

Senate, May 9, bill passed—yeas 35, nays 19. The yeas were—28 Republicans, 6 Democrats, and 1 Independent; nays were—16 Democrats, 2 Republicans, and 1 Independent.

SENATE.

March 28, 1882, pending a bill to provide for a commission to consist of nine members from civil life to revise the tariff, Mr. VANCE moved to add a new section, as follows:

That in the selection of said commissioners the President shall give representation to each of the industries of agriculture and manufactures in proportion to the capital invested and the number of persons engaged therein.

Which was lost—yeas 22, nays 39. The yeas were—21 Democrats and 1 Republican; nays were—30 Republicans, 8 Democrats, and 1 Independent.

Mr. ALLISON moved to strike out of section 3 these words: "and the existing system of internal-revenue laws." Yeas—20 Republicans, 1 Democrat, and 1 Independent; nays—26 Democrats, and 10 Republicans.

Mr. MORGAN moved to insert in section 3, after the words "judicious tariff," the following:

For the purpose of raising revenue with incidental protection to American industry and American products.

Mr. HARRIS moved to amend the above by inserting after the words "judicious tariff" the following:

Based upon the principle of the lowest rate of duties that will when added to the revenue derived from internal taxes and other sources raise revenue sufficient for the legitimate and necessary purposes of the Government.

Which was lost—yeas 11, nays 41. The yeas were—10 Democrats, 1 Republican; nays were—26 Republicans, 13 Democrats, and 1 Independent.

Mr. MORGAN'S amendment was then lost—yeas 15, nays 38. Yeas were—11 Democrats, 3 Republicans, and 1 Independent; nays were—24 Republicans and 12 Democrats.

Mr. GARLAND moved to strike from section 1 "nine members," and insert:

Three Senators, to be appointed by the Senate; three members of the House of Representatives, to be appointed by the Speaker of the House, and three others not members of either House, to be selected by and associated with them, with authority to determine the times and places of meeting, and to employ a stenographer, and to take evidence, and whose duty it shall be to take into consideration and to thoroughly investigate.

Lost—yeas 19, nays 34. Yeas were—16 Democrats, 1 Republican, and 1 Independent; nays—25 Republicans, 8 Democrats, and 1 Independent.

Mr. WILLIAMS moved to strike out all after the enacting clause and insert a provision for a commission, to be composed of four Senators and five members of the House; which was lost—yeas 15, nays 37. Yeas were—14 Democrats and 1 Republican; nays, 25 Republicans, 10 Democrats, and 2 Independents. The bill then passed—yeas 38, nays 15. Yeas were—26 Republicans, 11 Democrats, and 1 Independent; nays, 14 Democrats and 1 Independent. This bill was never taken up in the House.

TRACE CHAINS.

House, June 6, 1882, Mr. TURNER moved to suspend the rules and pass a bill to abolish the duty on trace chains; which was lost—yeas 73, nays 109. Yeas were—67 Democrats, 3 Republicans, and 3 Greenbackers; nays were—99 Republicans, 5 Democrats, and 5 Greenbackers.

INTERSTATE COMMERCE.

Forty-sixth Congress, February 2, 1881, Mr. REAGAN'S interstate-commerce bill being the regular order, Mr. COX, of New York, raised

the question of consideration, and the House refused to consider the bill—yeas 98, nays 150. The yeas were—62 Democrats, 28 Republicans, and 8 Greenbackers; nays were—83 Republicans, 64 Democrats, and 3 Greenbackers; 4 Greenbackers not voting.

Forty-seventh Congress, June 5, 1882, Mr. REAGAN moved to suspend the rules and set December 12, 1882, for the consideration of his interstate-commerce bill, (H. R. No. 1655,) not to interfere with appropriation bills or bills raising revenue; which motion was not agreed to, two-thirds not voting in the affirmative. The yeas were 121, nays 78. The yeas were—81 Democrats, 33 Republicans, and 7 Greenbackers; nays were—67 Republicans and 11 Democrats.

On June 12, 1882, Mr. TOWNSEND reported a bill as a substitute for the above, which provided for a board of railroad commissioners, upon which there has been no action.

EXTENDING CHARTERS OF NATIONAL BANKS.

April 3, 1882, Mr. CRAPO moved to suspend the rules and make the bill (H. R. 4167) a special order for April 15; which motion was lost, two-thirds not voting therefor—yeas 122, nays 78. The yeas were—102 Republicans, 20 Democrats; nays were—70 Democrats, 1 Republican, and 7 Greenbackers; 2 Greenbackers not voting.

April 17, 1882, Mr. CRAPO moved to make same bill a special order for 25th of April; which was carried—yeas 149, nays 89. The yeas were—122 Republicans, 27 Democrats; nays were—80 Democrats and 9 Greenbackers.

A number of Democrats voting yea on this proposition claimed that while they opposed the present national-bank system they did so because they feared that unless some action was had with relation to the banks a great contraction of the paper currency would necessarily follow and a panic would be inevitable.

May 1, Mr. CRAPO moved to make same bill (H. R. No. 4167) a special order for May 9; which motion was adopted—yeas 150, nays 65. The yeas were—112 Republicans and 38 Democrats; nays were—57 Democrats, 1 Republican, and 7 Greenbackers.

May 12, this bill having been called up, Mr. RANDALL raised the question of consideration, on which the yeas were 116, nays 16; no quorum voting. The remainder of this day was spent in ineffectual efforts to secure a quorum. Subsequently the right to offer amendments and debate having been secured, the consideration of the special order was proceeded with.

March 17, Mr. MURCH moved to strike out twenty years as the term of extension and insert three years; which was lost—yeas 61, nays 117. The yeas were—52 Democrats, 2 Republicans, and 7 Greenbackers; the nays were—95 Republicans, 22 Democrats.

Mr. BUCKNER moved to strike out twenty years and insert ten years; which was lost—yeas 91, nays 116. The yeas were—73 Democrats, 12 Republicans, and 6 Greenbackers. The nays were—98 Republicans and 18 Democrats.

Mr. BLAND offered a substitute for the bill, which provided in effect for the issue by the Government of Treasury notes in all respects similar to the national-bank notes, and to be substituted for the national-bank currency; which was lost—yeas 71, nays 138. The yeas were—66 Democrats, 3 Republicans, and 2 Greenbackers; the nays were—114 Republicans, 19 Democrats, and 5 Greenbackers.

Mr. CANNON moved, as section 8:

That national banks now organized, or hereafter organized, having a capital of $150,000 or less shall not be required to keep or deposit with the Treasurer of the United States bonds in excess of $10,000 as security for their circulating notes, and such of those banks having on deposit bonds in excess of that amount are authorized to reduce their circulation by the deposit of lawful money as provided by law.

Which was adopted—yeas 102, nays 101. The yeas were—99 Republicans, 1 Democrat, and 2 Greenbackers; the nays were—86 Democrats, 11 Republicans, and 4 Greenbackers.

Mr. CANNON moved to reconsider this vote, and to table the motion to reconsider. Carried—yeas 111, nays 97. The yeas were—105 Republicans, 2 Democrats, and 4 Greenbackers; the nays were—87 Democrats, 7 Republicans, and 3 Greenbackers.

Mr. RANDALL offered the following as a new section to the bill:

SEC. —. That section 4 of the act of June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," is hereby amended to the effect that national banks intending to withdraw the whole or any part of the bonds, interest upon which has not ceased, held by the Treasurer of the United States in trust to secure their circulating notes and to deposit lawful money in lieu thereof for the purpose of retiring or redeeming their circulation, shall be required in case of each separate intended withdrawal to give ninety days' notice of such intention in writing to the Secretary of the Treasury. And sections 5159 and 5160 of the Revised Statutes of the United States are hereby re-enacted.

Mr. CRAPO offered as a substitute for the above the following:

That any national banking association now organized or hereafter organized desiring to withdraw its circulating notes upon a deposit of lawful money of the United States as provided in section 4 of the act of June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of national-bank currency, and for other purposes," shall be required to give ninety days' notice to the Secretary of the Treasury of its intention to deposit lawful money and withdraw its circulating notes: *Provided*, That not more than $5,000,000 of lawful money shall be deposited during any calendar month for this purpose: *And provided further*, That the provisions of this section shall not apply to bonds called for redemption, but when bonds are called for redemption the banks so holding such called bonds shall surrender them within thirty days after the maturity of their call.

Mr. RANDALL accepted the substitute.

Mr. CULBERSON moved to strike out "$5,000,000 per month" and insert—

And no bank shall surrender for such purpose more than one-tenth of its circulation in any one year unless the bank surrenders its franchise or charter."

Which was lost; yeas—77 Democrats, 4 Republicans, and 7 Greenbackers; nays—105 Republicans, 11 Democrats.

Mr. JONES, of Arkansas, moved to strike out "$5,000,000" and insert "$3,000,000;" which was lost—yeas 92, nays 104. The yeas were—78 Democrats, 7 Republicans, and 7 Greenbackers; the nays were—94 Republicans and 10 Democrats.

Mr. BAYNE then offered an amendment to Mr. RANDALL'S amendment as modified by Mr. CRAPO, as follows:

Provided, however, That said banks may withhold such bonds in whole or in part for one year upon notifying the Secretary of the Treasury of their intention so to do, in which event such bonds shall not be redeemable until the expiration of the year, nor shall they bear interest.

Which was lost—yeas 42, nays 168. The yeas were—36 Republicans and 6 Democrats; the nays were—86 Democrats, 75 Republicans, and 7 Greenbackers.

Mr. RANDALL'S amendment then passed without a division.

Mr. CRAPO then moved as a new section:

That upon a deposit of bonds as described in sections 5159 and 5160, the association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations in blank, registered and countersigned as hereinafter provided, equal in amount to 90 per cent. of the current market value not exceeding par of the United States bonds so transferred and delivered, and at no time shall the total amount of such notes issued to any such association exceed 90 per cent. of the amount at such time actually paid in of its capital stock; and the provisions of sections 5171 and 5176 of the Revised Statutes are hereby repealed.

Mr. HOLMAN moved to strike out "5176;" which was lost—yeas 87, nays 108. Yeas were—73 Democrats, 6 Republicans, and 8 Greenbackers; nays were—101 Republicans and 7 Democrats.

The motion of Mr. CRAPO was then agreed to—yeas 109, nays 81. The yeas were—103 Republicans and 6 Democrats; nays were—71 Democrats, 3 Republicans, and 7 Greenbackers.

Mr. BUCKNER moved to so amend section 5191 as to require the banks in the large cities therein named to keep a reserve of 30 per cent. instead of 25, as now required, and also to require three-fifths of the reserve to be in specie, and also to forbid the counting of balances in the small cities as a part of the reserve; which was lost—yeas 57, nays 127. The yeas were—56 Democrats, 1 Republican; nays were—105 Republicans, 14 Democrats, and 8 Greenbackers.

Mr. T. M. RICE moved a new section providing that hereafter all redemption of national-bank notes be made in a new issue of legal-tender notes to be issued in excess of the present legal-tenders and equal in amount to the national-bank circulation; which failed—yeas 44, nays 147. The yeas were—34 Democrats, 2 Republicans, and 8 Greenbackers; nays were—104 Republicans and 43 Democrats.

The bill was then passed—yeas 125, nays 67. The yeas were—103 Republicans, 22 Democrats; nays were—57 Democrats, 2 Republicans, 8 Greenbackers.

This bill being under consideration in the Senate June 16, the following amendment was offered:

And provided further, That no attachment or execution shall be issued against such national banking association or its property before final judgment in any suit, action, or proceeding in any State, county, or municipal court.

Which was lost—yeas 24, nays 27. The yeas were—22 Republicans, 2 Independents; nays were—24 Democrats and 3 Republicans.

Mr. BECK offered an amendment providing that national banks shall receive silver certificates and pay them out upon the same terms as gold, and that if any officers of any bank engage directly or indirectly in making any discrimination in favor of gold over other issues of money, then the bank charter shall be forfeited; which was not adopted—yeas 20, nays 29. The yeas were—20 Democrats; the nays were—28 Republicans and 1 Independent.

Mr. MORGAN offered an amendment, to compel national banks to receive all legal-tender coin and certificates, and pay them out or forfeit their charters; which failed to pass—yeas 17, nays 28. The yeas were—16 Democrats and 1 Republican; the nays were—25 Republicans, 1 Democrat, and 2 Independents. The bill then passed the Senate with some verbal amendments.

Bill passed the House July 10—yeas 110, nays 79. The yeas were—99 Republicans and 11 Democrats; nays were—70 Democrats, 3 Republicans, and 6 Greenbackers.

INTERNAL REVENUE.

June 6, 1878, Mr. Covert moved a new section to the then pending internal-revenue bill, which reduced the tax on tobacco to 20 cents per pound; tax on cigars to $5 per thousand; on cigarettes weighing not exceeding 3¼ pounds per thousand, $1.25 per thousand.

Mr. TUCKER moved to make the tax 16 cents per pound; which was carried—yeas 126, nays 80. The yeas were—108 Democrats and 18 Republicans; the nays—73 Republicans and 7 Democrats. The amendment as amended was agreed to—yeas 137, nays 103. The yeas were—120 Democrats and 17 Republicans; nays—92 Republicans and 11 Democrats.

Forty-seventh Congress, June 27, 1882, the House had under consideration the bill (H. R. 5538) "to reduce internal taxation" by repealing the stamp tax on bank checks, drafts, orders, and vouchers; the tax on the capital and deposits under section 3408, Revised Statutes; the tax on capital and deposits of national banks, matches, perfumery, medicinal preparations, &c., all of which, according to Mr. KELLEY, yield a revenue of $16,892,880; of which $11,387,797 is derived from the tax on capital and deposits of banks and stamp checks, $3,278,580 from tax on matches, and $2,226,503 from proprietary medicines.

June 28, Mr. SPRINGER moved to recommit the bill, with instructions to report a bill repealing all internal taxation except section 3413 of the Revised Statutes of the United States and amendments thereto, and except distilled spirits, &c.; which was lost. The yeas were 56, nays 125. Yeas—55 Democrats, Republicans 0, Greenbackers 1; nays—Republicans 112, Democrats 13, Greenbackers 0. The bill then passed—yeas 127, nays 79. The yeas were—105 Republicans, 22 Democrats, Greenbackers 0; nays—65 Democrats, 10 Republicans, 4 Greenbackers; 5 Greenbackers not voting.

SENATE.

Senate committee reported the bill with amendments to reduce the tariff on sugar to 25 per cent., on steel rails to $20 per ton, and to raise the tariff on articles made of hoop-iron, (cotton-ties, &c.)

July 19, Mr. BECK offered to amend the committee's amendment by fixing the tax on manufactured tobacco at 12 cents per pound, which was adopted—yeas 29, nays 26. The yeas were—27 Democrats, 2 Republicans; nays—24 Republicans, 2 Independents.

Mr. GEORGE moved to limit the repeal of the stamp tax on checks, &c., to amounts under $100. Rejected—yeas 19, nays 39. The yeas were—19 Democrats; nays were—23 Republicans, 5 Democrats, 2 Independents.

Mr. GEORGE moved to strike out "and on capital and deposits of banks and bankers, except such taxes as are now due and payable, and on and after the 1st day of October, 1882, the stamp tax on bank checks, drafts, orders, and vouchers;" which was lost—yeas 15, nays 41. The yeas were—15 Democrats; nays were—32 Republicans, 8 Democrats, and 2 Independents.

Mr. SAULSBURY moved to strike out the words "and deposits." Lost—yeas 5, nays 45. The yeas were—5 Democrats; nays were—31 Republicans, 12 Democrats, 2 Independents.

The amendment of the committee, as amended on motion of Mr. BECK, was then adopted—yeas 39, nays 10. The yeas were—26 Republicans, 11 Democrats, 2 Independents; nays were—9 Democrats, 1 Republican.

Mr. BAYARD moved to strike "matches" from the repealing clause of the bill. Rejected—yeas 8, nays 44. The yeas were—8 Democrats; nays were—28 Republicans, 14 Democrats, 2 Independents.

Mr. BECK moved to strike from the repealing clause "perfumery, medicinal preparations, and other articles." Lost—yeas 26, nays 29. Yeas were—26 Democrats; nays—27 Republicans, 2 Independents.

Mr. VANCE moved to except "playing-cards" after the words "Schedule A;" so as to retain the stamp tax on playing-cards. Lost—yeas 28, nays 28. The yeas were—28 Democrats; nays—27 Republicans, 1 Independent.

Mr. VEST moved to add to section 2 a proviso that farmers could sell their own tobacco, grown by themselves or paid them as rent, but not to peddle it. Lost—yeas 23, nays 28. The yeas were—23 Democrats; nays—27 Republicans, 1 Democrat.

Mr. BECK moved to strike out the section and insert "from and after the 1st day of May, 1883, all dealers in leaf tobacco or manufactured tobacco, and all manufacturers of tobacco and cigars, and all retail dealers in leaf tobacco, and all peddlers of every class shall pay a tax of $2 each per annum." Lost—yeas 20, nays 31. The yeas were—20 Democrats; the nays were—27 Republicans, 2 Democrats, 2 Independents.

Mr. HARRIS moved to amend the last sentence of section 2, making it read: "Retail dealers in leaf tobacco shall pay $10 per annum." Lost—yeas 21, nays 26. The yeas were—21 Democrats; the nays—24 Republicans, 1 Democrat, 1 Independent.

Mr. BECK moved to add the following to section 2:

Provided, That farmers and producers of tobacco may sell at the place of production tobacco of their own growth and raising, at retail, directly to the consumer, to an amount not exceeding $100 annually.

Passed—yeas 24, nays 23. The yeas were—23 Democrats, 1 Independent; nays—22 Republicans, 1 Democrat.

July 24, Mr. MAHONE moved to add, after the word "thousand," in line 10 of section 3, a provision for a tax of 8 cents per pound on all tobacco, snuff, &c., prepared for sale and consumption in any manner; which was lost—yeas 18, nays 38. The yeas were—17 Democrats, 1 Independent; nays were—28 Republicans, 9 Democrats, 1 Independent.

On motion of Mr. MAHONE, a provision for a rebate for the full amount of the reduction in favor of parties having taxed stocks on hand unsold was passed—yeas 27, nays 25. The yeas were—16 Democrats, 9 Republicans, and 2 Independents; the nays were—19 Republicans, 6 Democrats.

APPORTIONMENT.

March 3, 1881, pending a bill to fix the number of members of the House under the census of 1880, 322 was proposed as the number. This was considered favorable to the Republican side of the House, and was lost—yeas 119, nays 132. The yeas were—110 Republicans, 3 Democrats, and 6 Greenbackers; the nays were—127 Democrats, 1 Republican, and 4 Greenbackers; 5 Greenbackers not voting.

The vote to adopt 319, which was also considered favorable to the Republican side, was—yeas 137, nays 123. The yeas were—116 Republicans, 10 Democrats, and 11 Greenbackers; nays were—120 Democrats, 1 Republican, and 2 Greenbackers.

Upon the passage of the bill the yeas were 145, nays 113. The yeas were—114 Republicans, 18 Democrats, and 13 Greenbackers; nays were 113 Democrats.

Forty-seventh Congress, pending the proposition to fix the number of members at 320, Mr. ANDERSON moved to make it 325; which was adopted—yeas 162, nays 104. The yeas were—136 Republicans, 20 Democrats, and 6 Greenbackers; nays were—100 Democrats, 1 Republican, and 3 Greenbackers.

Mr. BELTZHOOVER offered the following:

It shall be unlawful to divide any county or parish in the formation of any district which shall consist of more than one county or parish, and in all districts consisting of more than one county or parish the counties or parishes which are most nearly contiguous to each other and which have the number of inhabitants nearest to the ratio fixed by law shall be made a representative district.

Which was defeated—yeas 116, nays 135. The yeas were—109 Democrats, 2 Republicans, and 5 Greenbackers; nays were—129 Republicans, 3 Democrats, and 3 Greenbackers.

Mr. COLERICK offered a substitute fixing the number at 316, a number more favorable to the Democrats; which did not pass—yeas 94, nays 154. The yeas were—94 Democrats; the nays were—128 Republicans, 20 Democrats, and 6 Greenbackers.

Mr. COLERICK moved to reconsider; which was lost—yeas 103, nays 142. The yeas were—99 Democrats and 4 Greenbackers; nays—124 Republicans, 14 Democrats, 4 Greenbackers.

REFUNDING.

1881, Mr. Wood reported a bill to authorize the issue of $400,000,000 of 3 per cent. bonds, payable at the pleasure of the United States after five years and payable in ten years, and $300,000,000 certificates in tens, twenties, and fifties bearing interest at 3 per cent. and redeemable at the pleasure of the United States after one year and payable in ten, and providing that the public debt should not be increased; these to be issued for bonds bearing a higher rate of interest; that after May 1, 1881, these bonds alone would be received from banks to secure circulation or as security for deposits; which was passed—yeas 135, nays 125. The yeas were—124 Democrats, 9 Republicans, and 2 Greenbackers; nays—104 Republicans, 10 Democrats, 11 Greenbackers.

An effort to amend in the Senate by making the rate of interest 3½ per cent. failed—yeas 21, nays 34. The yeas were—17 Republicans, 4 Democrats, and 1 Independent; nays were—29 Democrats and 5 Republicans. The Senate then passed the bill—yeas 43, nays 20. The yeas were—39 Democrats, 3 Republicans, and 1 Independent; nays were—20 Republicans.

Upon the return of the bill to the House the vote was—yeas 121, nays 91. The yeas were—113 Democrats, 5 Republicans, and 3 Greenbackers; nays were—86 Republicans and 7 Greenbackers; 5 Greenbackers not voting.

DEPUTY MARSHALS AT THE POLLS.

June 10, 1879, the bill to make appropriations for certain judicial expenses, providing that no part of the appropriations should go to the salaries, compensation, fees, or expenses, under title 26 of the Revised Statutes, passed—yeas 102, nays 84. The yeas were—100 Democrats and 2 Greenbackers; nays—84 Republicans; 13 Greenbackers not voting.

June 16, Senate amended and passed this bill—yeas 27, nays 15. The yeas were—26 Democrats and 1 Independent; nays, 15 Republicans.

June 18, House concurred in second and third amendments and non-concurred in first—yeas 102, nays 81. The yeas were—100 Democrats, 2 Greenbackers; nays were—80 Republicans; 13 Greenbackers not voting.

Senate concurred, and June 23 the bill was vetoed.

The question coming up on the same day the yeas were 102, nays 78—not two-thirds. The yeas were—101 Democrats, and 1 Greenbacker; nays were—78 Republicans; 14 Greenbackers not voting.

June 26, Mr. COBB reported a bill from the Committee on Appropriations (H. R. No. 2382) making appropriations to pay United States marshals and their general deputies. This bill also provided that no part of the money was to be paid out under title 26 of the Revised Statutes, which relates to deputy marshals, &c., at the polls. This bill passed—yeas 90, nays 69.

The yeas were—88 Democrats and 2 Greenbackers; nays were—69 Republicans; 13 Greenbackers not voting.

Senate, June 28, efforts to amend having failed the bill passed—yeas 26, nays 15. Yeas, 26 Democrats; nays, 15 Republicans.

June 30, this bill was vetoed, and on the same day the vote in the House stood—yeas 85, nays 63; not two-thirds. The yeas were—84 Democrats, 1 Greenbacker; the nays—63 Republicans; 14 Greenbackers not voting.

CHINESE QUESTION.

January 14, 1879, Mr. WILLIS reported a bill providing in substance that no ship should be allowed to bring more than fifteen Chinese passengers, upon which, on January 29, a vote was had—yeas 155, nays 72. The yeas were—104 Democrats, 51 Republicans; nays were—56 Republicans and 16 Democrats.

February 14, 1879, this bill passed the Senate with some verbal amendments—yeas 39, nays 27. The yeas were—21 Democrats, 18 Republicans; nays—17 Republicans, 9 Democrats, and 1 Independent.

February 22 the House concurred.

March 1 the bill was vetoed. After the veto the vote in the House was—yeas 110, nays 96. The yeas were—89 Democrats and 21 Republicans; nays—81 Republicans and 15 Democrats.

Forty-seventh Congress, January 26, 1882, a bill to suspend the importation of Chinese for twenty years was introduced in the Senate by Mr. MILLER, (S. 71.)

March 8, Mr. INGALLS moved to strike out "twenty" and insert "ten;" which was lost—yeas 23, nays 23.

The yeas were—18 Republicans, 4 Democrats, and 1 Independent; nays—17 Democrats and 6 Republicans.

Mr. HOAR moved a proviso that this shall not apply to skilled laborers who came to work on their own account; their labor not being the property of another person. Lost—yeas 17, nays 27. The yeas were—14 Republicans, 1 Democrat, and 2 Independents; nays were—21 Democrats and 6 Republicans.

Mr. HOAR moved an amendment similar to the preceding. Lost—yeas 19, nays 24. The yeas were—15 Republicans, 2 Democrats, and 2 Independents; nays—20 Democrats and 4 Republicans.

May 9, Mr. FARLEY moved to amend by forbidding courts to naturalize Chinese hereafter—yeas 26, nays 22. The yeas were—22 Democrats, 4 Republicans; nays—20 Republicans, 1 Democrat, and 1 Independent.

Mr. GROVER moved to amend by declaring the words "Chinese laborers" to mean skilled, unskilled, and miners—yeas 25, nays 22. The yeas were—22 Democrats and 3 Republicans; nays—20 Republicans, 1 Democrat, and 1 Independent.

Mr. INGALLS moved to make the period ten instead of twenty years and the act to begin ninety days instead of sixty after passage. Lost—yeas 20, nays 21. The yeas were—17 Republicans, 1 Democrat, and 2 Independents; nays—17 Democrats and 4 Republicans. The bill as amended then passed—yeas 29, nays 15. The yeas were—21 Democrats and 8 Republicans; nays—13 Republicans, 1 Democrat, and 1 Independent.

HOUSE.

House of Representatives, March 23, Mr. KASSON moved to strike out "twenty" and insert "ten"—yeas 100, nays 131. The yeas were—94 Republicans, 3 Democrats, and 3 Greenbackers; the nays were—96 Democrats, 30 Republicans, 5 Greenbackers. The bill then passed—167 to 66. The yeas were—99 Democrats, 60 Republicans, 8 Greenbackers; nays—62 Republicans, 4 Democrats.

April 4, the bill was vetoed.

Senate, April 5, Mr. SHERMAN moved to refer the bill, message, and accompanying papers to the Committee on Foreign Relations; which was lost—yeas 18, nays 32. The yeas were—18 Republicans; the nays were—24 Democrats, 7 Republicans, and 1 Independent.

The vote upon the passage of the bill over the veto in the Senate was—yeas 29, nays 21; not two-thirds. The yeas were—23 Democrats and 6 Republicans; the nays were—20 Republicans and 1 Independent.

So the bill was lost.

THE NEW BILL.

April 17, 1882, Mr. PAGE, of the House, moved to suspend the rules and pass a bill for the suspension of the importation of Chinese for ten years; which was adopted—yeas 202, nays 37. The yeas were—104 Democrats, 90 Republicans, and 8 Greenbackers; nays were—34 Republicans and 3 Democrats.

In the Senate, April 25, on motion to strike out the section forbidding the naturalization of Chinese, yeas were 26, nays 32. The yeas were—25 Republicans and 1 Independent; nays were—27 Democrats and 5 Republicans.

A motion to amend by striking out the words "that the words 'Chinese laborers,' wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining," was carried—yeas 29, nays 28. The yeas were—28 Republicans, 1 Independent; the nays were—26 Democrats, 2 Republicans.

The above vote was in the Senate as in Committee of the Whole, and on April 28 the Senate rejected the above amendment—yeas 20, nays 25. The yeas were—19 Republicans, 1 Independent; the nays were—22 Democrats, 3 Republicans. This vote retained the original section.

Mr. EDMUNDS moved to amend section 15 by striking out all after the word "that," and inserting:

The words Chinese laborers wherever used in this act shall be construed to mean persons usually engaged in manual labor.

Lost—yeas 17, nays 25. The yeas were—16 Republicans, 1 Independent; the nays were—21 Democrats, 4 Republicans.

Mr. EDMUNDS moved to amend section 14 by striking out all after the word "that" and inserting, "nothing in this act shall be construed to change the existing naturalization laws so as to admit Chinese persons to citizenship. Lost—yeas 16, nays 25. The yeas were—15 Republicans, 1 Independent; the nays were—21 Democrats, 4 Republicans. The bill then passed—yeas 32, nays 15. The yeas were—22 Democrats, 9 Republicans, and 1 Independent; the nays were—15 Republicans.

In the House of Representatives, May 2, the bill passed without division.

GREENBACKS FOR CUSTOMS DUTIES.

January 21, 1878, Mr. Southard moved to suspend the rules and pass a bill to make greenbacks receivable for customs duties after January 1, 1879. Lost—154 yeas, 96 nays; not two-thirds. The yeas were—111 Democrats, 43 Republicans; nays—73 Republicans, 23 Democrats.

January 15, 1879, Mr. Wood reported a bill to make greenbacks receivable for duties on imports.

Mr. Garfield moved to amend by inserting "so long as said notes shall be exchangeable at par in coin." Lost—yeas 77, nays 122. The yeas were—66 Republicans, 11 Democrats; the nays were—93 Democrats, 29 Republicans. Mr. Garfield then moved to table the bill. Lost—yeas 41, nays 155. The bill then passed—yeas 155, nays 43. The yeas were—91 Democrats, 64 Republicans; the nays were—32 Republicans, 11 Democrats. No action was had in the Senate upon this bill.

INTERCHANGE OF GOLD AND SILVER.

February 3, 1879, Mr. WHITTHORNE moved to pass a bill providing for the interchange of gold and silver at the mints, and to forbid any discrimination for or against gold or silver. Lost—yeas 101, nays 136. The yeas were—86 Democrats, 15 Republicans; the nays were—100 Republicans, 36 Democrats.

May 12, 1879, Mr. DIBRELL moved to suspend the rules and pass a bill to restore the income tax. Lost—yeas 111, nays 94. The yeas were—97 Democrats, 5 Republicans, 10 Greenbackers; nays were—83 Republicans, 10 Democrats, and 1 Greenbacker.

WEAVER RESOLUTIONS.

April 5, 1880, Mr. Weaver moved to suspend the rules and pass the following:

Resolved, That it is the sense of this House that all currency, whether metallic or paper, necessary for the use and convenience of the people should be issued and its volume controlled by the Government and not by or through the bank corporations of the country; and when so issued should be a full legal tender in payment of all debts, public and private.

Resolved, That in the judgment of this House that portion of the interest-bearing debt of the United States which shall become redeemable in 1881, or prior thereto, being in amount about $782,000,000, should not be refunded beyond the power of the Government to call in said obligations and pay them at any time, but should be paid as rapidly as possible, according to contract. To enable the Government to meet these obligations the mints of the United States should be operated to their full capacity in the coinage of standard silver dollars and such other coinage as the business interests of the country may require.

Lost—yeas 85, nays 117. The yeas were—72 Democrats, 1 Republican, 12 Greenbackers; nays were—87 Republicans, 29 Democrats, and 1 Greenbacker.

Yet the first national convention of the Greenback party held at Indianapolis, Indiana, May 18, 1876, in announcing its principles to the country adopted as the second and principal section of its platform the following:

Second. We believe that a United States note, issued directly by the Government and convertible on demand into United States obligations bearing a rate of interest not exceeding one cent a day on each $100 and exchangeable for United States notes at par, will afford the best circulating medium ever devised. Such United States notes should be full legal-tenders for all purposes except for the payment of such obligations as are by existing contracts especially made payable in coin, and we hold that it is the duty of the Government to provide such circulating medium and insist, in the language of Thomas Jefferson, that "bank paper must be suppressed and the circulation restored to the nation, to whom it belongs.

Which means, if language adopted by a national Greenback convention is intended to mean anything, that a system involving a perpetual national debt and the absolute and entire control of the volume of paper money by the money-owners of the country and not by the Government is the best financial system "ever devised" in the opinion of the Greenback party.

CIVIL-SERVICE REFORM.

December 16, 1878, Mr. Chalmers moved to suspend the rules and pass a bill to prevent officers of the Government from intermeddling in elections by threats and menaces, or contributions of money, or the use of official privilege; which was lost—yeas 132, nays 102; not two-thirds. The yeas were—126 Democrats, 4 Republicans, 2 Greenbackers; nays—102 Republicans; 13 Greenbackers not voting.

1882, on the adoption of a new rule, clause 8, Rule XVI, which enabled a bare majority to override all rights of a minority, and was especially to seat certain partisan contestants, there were—yeas 150, nays 2. The yeas were—144 Republicans, Greenbackers 6; nays were—2 Democrats. The Democrats refrained from voting to defeat action, if possible, for want of a quorum, this being absolutely their only hope under the circumstances.

CONTESTS—LYNCH VS. CHALMERS.

The vote to unseat Chalmers was—yeas 125, nays 95. The yeas were—120 Republicans, 5 Greenbackers; nays were—93 Democrats, 2 Greenbackers.

In this case a Mississippi election law, which had been construed by the supreme court of that State, was disregarded by the House.

MACKEY VS. DIBBLE.

Resistance was made in this case by the Democrats on the ground that Hogarth, the stenographer employed to take all the evidence in this case, after writing out the testimony delivered to Mackey, the contestant, the evidence taken on his part; that he (Mackey) interlined and otherwise altered the same in material points, and as altered had it copied by Smith, and that Hogarth afterward signed without reading or comparing it with the original; that an attempt

was made to verify this evidence by affidavits taken without notice to contestee, the originals having been destroyed. Democrats tried to defeat a quorum. The vote in this case was—yeas 147, nays 3. The yeas were—141 Republicans and 6 Greenbackers; nays were—3 Democrats. The quorum was 146.

In the contest of Bisbee *vs.* Finley the vote was—yeas 141, nays 9. The yeas were—141 Republicans; the nays were—2 Democrats, 2 Independents, and 5 Greenbackers.

Lowe *vs.* Wheeler—yeas 148, nays 3. The yeas were—142 Republicans, 6 Greenbackers; the nays were—3 Democrats.

SMALLS VS. TILLMAN.

The question being divided upon the first proposition, that Tillman was not elected, the yeas were 144, nay 1. The yeas were—140 Republicans, 4 Greenbackers; nay, 1 Democrat. On the proposition that Smalls was elected the yeas were 141, nays 4. The yeas were—139 Republicans, 2 Greenbackers; nays—1 Democrat, 3 Greenbackers.

SMITH VS. SHELLEY.

The previous question was moved by Mr. CALKINS. The yeas were 143, nays 1. No quorum. The yeas were—138 Republicans and 5 Greenbackers; nay, 1 Democrat.

Afterward the previous question was ordered. On the vote to unseat Shelley the yeas were 145, nay 1. The yeas were—140 Republicans, 5 Greenbackers; nay—1 Democrat.

In all these cases, except the first, a negative vote had the same practical effect as an affirmative vote, the efforts of the minority being to break a quorum.

KNIT GOODS.

June 6, Mr. KELLEY reported back from Committee on Ways and Means "a bill (H. R. No. 3570) to correct an error in section 2404 of the Revised Statutes." The "correction" proposed raised the tariff on woolen knit goods from 35 per cent. to 85 to 100 per cent.

July 3, Mr. KELLEY moved to suspend the rules and pass the bill.

Mr. MORRISON and Mr. CARLISLE opposed the passage of the bill, and denied that there was any error in the revision. The vote being taken, the bill was passed—yeas 134, nays 49. Of the yeas were—108 Republicans, 22 Democrats, and 4 Greenbackers. The nays were—46 Democrats, 2 Republicans, and 1 Greenbacker; 5 Greenbackers not voting.

ELECTION OF OFFICERS.

December 6, 1881, Mr. ROBESON offered the following:

Resolved, That George W. Hooker, of the State of Vermont, be, and he is hereby, elected Sergeant-at-Arms of the House of Representatives of the Forty-seventh Congress; that Walter P. Brownlow, of the State of Tennessee, be, and he is hereby, elected Doorkeeper of the House of Representatives of the Forty-seventh Congress; that Henry Sherwood, of the State of Michigan, be, and he is hereby, elected Postmaster of the House of Representatives of the Forty-seventh Congress; and that Rev. Fred D. Power, of the State of Virginia, be, and he is hereby, elected Chaplain of the House of Representatives of the Forty-seventh Congress.

Mr. HOUSE moved to amend by striking out the name of "George W. Hooker" and inserting "John G. Thompson;" to strike out "Walter P. Brownlow" and insert "C. W. Field;" to strike out "Henry Sherwood" and insert "A. W. C. Nowlin." Subsequently a vote was taken on the motion of Mr. HOUSE, which was lost—yeas 122, nays 157. The yeas were—121 Democrats, 1 Greenbacker. The nays were—147 Republicans, 2 Readjusters, 8 Greenbackers.

The point in this vote was that it was a simple choice between the old Democratic officers and the proposed Republican nominees, all the Greenbackers except one voting for the Republicans, and that one, SOLON CHACE, with "them steers" is now trying to "plow under."

GENERAL J. B. WEAVER'S RECORD.

The following I find in a speech of Hon. R. P. BLAND, delivered in the State of Missouri in 1880:

General Weaver, in a speech in the House of Representatives on April 5, 1880, said: "We do not seek to compel the bondholder to receive the greenback in payment of his bond. The people once had the right so to pay them, but that right was ruthlessly taken away by a change of contract in 1869, which took from the toiling tax-payers six hundred millions, more than half of which went to enrich foreign bondholders and usurers." The Democratic platform of 1868 declared the United States bonds payable in lawful money. The Republican party platform in 1868 declared the debt a loyal debt, and payable in coin. On this issue was Grant elected President; and one of the first acts that Grant signed as President was the act mentioned by General Weaver as carrying out the pledges of the Republican party. Now, my friends, where was he who is now your candidate for President then? Where was he? At that time he was a Federal office-holder in Iowa, a Republican United States assessor for a district in Iowa from 1867 till 1873. He supported Grant in h's first administration; he supported Grant in his second administration; he voted for Hayes, and in 1872 he was a Republican candidate for Congress in Iowa, and defeated by Judge Lockridge.

In 1874 he was again a Republican candidate and defeated in convention by Judge Sampson. In 1877 he was a Republican candidate for governor of Iowa and was defeated by Senator Kirkwood. He was a Republican till 1878 when he left that party and joined the Greenback party and was elected to Congress. Now, my friends, look at his record. He declared in his platform in 1868 that the debt was a loyal one and payable in coin and he supported the Republican party in declaring it payable in coin.

* * * * * * *

And in the change of contract he supported the Republican party in all their legislation from 1868 till 1877. During this time all the legislation that was vicious in currency legislation was done, and General Weaver supported his Republican party. During all this time did he by his influence, his voice, and in his speeches and his acts support and maintain this legislation foisted upon the country and hung to his party and defended it till 1878, two years ago. After having accomplished all this stealing, as he calls it, of $600,000,000 from the people of this country, after having helped filch that amount of money—and I say it is true—from this toiling millions of this nation, he pretends to be a repentant sinner in 1878, and joins the Greenback party.

As a further indication of the "affinities" of the Greenbackers, I subjoin the following, extracted from the prospectus of the National Republican, a stalwart Republican paper published in this city. I take this extract from the weekly issue of that paper, dated June 15, 1882:

The Daily National Republican is one of the best newspapers published in the country. It contains all the news, local, general, and political. It is sent by mail, postage paid, at the low price of $6 per year, or less time at fifty cents per month, invariably in advance.

Address NATIONAL REPUBLICAN,
Washington, D. C.

HALLET KILBOURN, *Manager.*

UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., January 4, 1882.

To the anti-Bourbon voters of the Southern States:

The undersigned, members of Congress from Southern States, desirous of promoting the union and cordial co-operation of all the anti-Bourbon elements in our section in the good work of breaking up what has been a solid Bourbon South, heartily recommend that our constituents and friends do all in their power to extend the circulation of the Weekly National Republican.

Its political editor, George C. Gorham, has shown such power and judgment in his advocacy of liberalism in Virginia that we want the benefit of his work in other Southern States. He has the true idea of the political situation at the South, and we are confident that his liberal counsels will do great good in producing good understandings between the Northern and Southern people and friends of the Administration.

We hope to see The National Republican widely circulated throughout the entire South.

L. C. HOUK, *Second District, Tennessee.*.
A. H. PETTIBONE, *First District, Tennessee.*
WM. R. MOORE, *Tenth District, Tennessee.*
JOHN PAUL, *Seventh District, Virginia.*
R. T. VAN HORN, *Eighth District, Missouri.*
O. HUBBS, *Second District, North Carolina.*
NICHOLAS FORD, *Ninth District, Missouri.*
JOHN F. DEZENDORF, *Second District, Virginia.*
JOSEPH JORGENSEN, *Fourth District, Virginia.*
M. G. URNER, *Sixth District, Maryland.*

PETERSBURGH, VA., *January* 4, 1882.

DEAR MR. KILBOURN: It gives me pleasure to commend the National Republican, so well and ably edited, to the earnest friendship of those who would uphold the Constitution and the laws, discourage sectional lines and class legislation, foster public education, and respect the rights and care for the proper interests of all the people of a common country.

Yours, truly,
WILLIAM MAHONE.

The Weekly National Republican is just what is needed in the South. Independent Democrats who refuse to act with the Bourbon organization will find it, as the Virginia Readjusters have, a fearless, outspoken, and judicious promoter of harmony and co-operation of all the anti-Bourbon elements at the South. I wish it success.

H. H. RIDDLEBERGER.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 4, 1882.

I recognize in the recent views and spirited tone of the National Republican in its treatment of Southern politics a broad, comprehensive, and patriotic statesmanship, and I believe that its circulation in Texas would materially aid liberal and progressive forces.

G. W. JONES,
M. C., Fifth District, Texas.

July 23, Mr. KASSON, by direction of the Committee on Ways and Means, moved to take up House bill No. 3902 for consideration. This bill provides for a rebate on foreign materials imported into this country and used in connection with domestic materials in building ships on foreign account.

Mr. TUCKER moved to amend by inserting "domestic" after "foreign," so that our own citizens could build or buy ships in our own ship-yards on as favorable terms as foreigners. The vote being taken on Mr. TUCKER'S amendment, the yeas were 95, nays 12. The yeas were—72 Democrats, 20 Republicans, and 3 Greenbackers; the nays were 12 Republicans.

Mr. WARD made the point there was no quorum. The opponents of the amendment refrained from voting to defeat the same for want of a quorum.

July 26, Mr. TUCKER moved to recommit the bill with instructions that a bill be brought in to provide for a rebate on materials used in building any ship in our ship-yards for any citizen or foreigner, &c., giving our citizens the same chance as foreigners. Lost—yeas 84, nays 96. The yeas were—76 Democrats, 6 Republicans, and 2 Greenbackers; the nays were—94 Republicans, 1 Democrat, and 1 Greenbacker. On a motion to recommit without instructions the vote was—yeas 100, nays 71. The yeas were—96 Republicans, 1 Democrat, and 3 Greenbackers; nays, 71 Democrats.

As a specimen of what the Greenbackers would do if in the majority it is perhaps proper to subjoin the following bills and parts of bills introduced by leading members of that party in Congress:

Mr. Weaver, in the Forty-sixth Congress, second session, introduced the following:

A bill for the relief of soldiers and sailors who served in the Army and Navy of the United States in the late war for the suppression of the rebellion.

Be it enacted, &c., That there shall be paid to each private soldier, non-commissioned officer, sailor, teamster, or musician regularly mustered into the service of the United States during the late war for the suppression of the rebellion, or to his or their legal representatives in case of death, as soon as his or their claim shall be examined and audited by the Second Auditor of the Treasury, the sum due him or them, the amount thereof to be ascertained as follows. * * * Said soldier or sailor or his legal representatives shall be allowed and paid the difference in value

between the currency which he received and the standard gold coin of the United States in which he should have been paid, together with 6 per cent. interest thereon per annum from the date said soldier or sailor was mustered out of the service of the United States up to the date of the payment of the sum found due him by the provisions of this act.

* * * * * * *

SEC. 3. The sum of $500,000,000, or so much thereof as shall be necessary to make the payments required by this act, is hereby appropriated out of the money by this act authorized to be issued.

May 5, 1879, Mr. De La Matyr introduced the following:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and required to have prepared at the earliest practicable period notes or obligations of the United States of America to the aggregate amount of $10,000,000, to be known as "greenback currency," for general circulation, in such amounts and in such form as is hereinafter provided for in this act.

Sections 2, 3, 4, and 5 provide for the way of keeping accounts, printing notes, denominations, &c.

SEC. 6. The Secretary of the Treasury is hereby authorized and directed to loan from the greenback currency account to the corporations hereinafter named the amounts herein specified, upon application of the properly authorized officers or representatives of the same, upon the following terms and conditions:

SEC. 7. Each and every corporation or company applying for said loan shall file with the Secretary of the Treasury the bond or bonds of said corporation or company, signed by its legally authorized representatives or agent and attested by its corporate seal, for such amounts as each may desire, not exceeding the total amount herein specified, and to be advanced from time to time as the progress of the works may demand. Said bond or bonds shall be payable fifty years from the date of the same, and shall bear no interest for five years from said date, but at the expiration of five years from said date they shall bear interest at the rate of 3 per cent. per annum, legal money of the United States, until paid; the interest to be paid semi-annually at the Treasury of the United States.

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SEC. 10. The Secretary of the Treasury is authorized and directed to loan the following amounts or any less sum, should they desire it, namely: the James River and Kanawha Canal Company, $60,000,000; the Atlantic and Great Western Canal Company, $50,000,000; the Florida Coast Canal Company, $12,000,000; the Fort Saint Philip Canal Company, $10,000,000; the —— Railroad Company, (connecting the waters of the Mississippi with the Pacific coast,) $——; the Rock Island, Hennepin, and Chicago Canal Company, $13,000,000; the Oswego Canal Company, $25,000,000; the Lexington and Big Sandy Railroad Company, $5,000,000; the Niagara Ship-Canal Company, $14,000,000.

May 5, 1879, Mr. De La Matyr introduced the following bill:

Be it enacted, &c., That whenever any municipal corporation duly chartered and organized under the laws of any State or Territory of the United States shall apply to the Secretary of the Treasury of the United States to exchange the bonds of said corporation for legal-tender paper money of the United States, the said Secretary shall issue to said corporation at par value of said bonds a sum equal to the outstanding debts of such corporation which shall have accrued before the passage of this act, at a rate of interest to be paid annually not exceeding 2 per cent.: *Provided*, That said bonds shall not run less than fifty years.

This bill alone would have authorized the issue of over $700,000,000 of Treasury notes to municipal corporations, with no guarantee that any part of it would ever be repaid.